IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

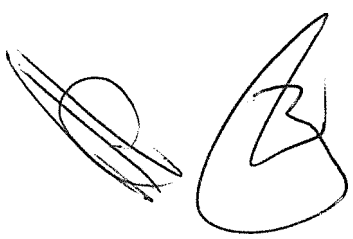
Case no: UM192/22

In the matter between:

SAKELIGA NPC	**First applicant**
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	**Second applicant**
BAREND LOURENS SNYMAN	**Third applicant**

and

DITSOBOTLA LOCAL MUNICIPALITY	**First respondent**
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	**Second respondent**
PREMIER OF THE NORTH WEST PROVINCE	**Third respondent**
PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE	**Fourth respondent**
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	**Fifth respondent**
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	**Sixth respondent**



PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	**Seventh respondent**
MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	**Eighth respondent**
MINISTER: NATIONAL DEPARTMENT OF FINANCE	**Ninth respondent**
MINISTER: WATER AND SANITATION	**Tenth respondent**
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	**Eleventh respondent**
ESKOM SOC LTD	**Twelfth respondent**
MAGALIES WATER BOARD	**Thirteenth respondent**
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	**Fourteenth respondent**

APPLICANTS' REPLY TO THE ELEVENTH RESPONDENT'S PROGRESS REPORT DATED 17 MARCH 2023

I, the undersigned,

CHRISTO BESTER

hereby state under oath as follows:

1 I am an adult male non-practising attorney with further particulars as set out in the founding affidavit in this application. I am the deponent to the founding affidavit.

2 The facts set out herein are true and correct, and such facts fall within my personal knowledge unless the contrary is indicated by the context. I shall obtain supporting and confirmatory affidavits as soon as reasonably possible and shall request the court to admit such further evidence.

3 On 2 March 2023, the matter was heard before the Honourable Deputy Judge President, Her Ladyship Justice Djaje DJP ("**Djaje DJP**"). By agreement, the following order was granted:

1. *THAT: The matter be and is hereby declared to be urgent.*
2. *THAT: Pending the outcome and final determination of Part B of this application, and the successful implementation of the provision of the basic service of providing water to the community of Ditsobotla, it is ordered:*
    - 2.1. *That the Eleventh Respondent, the Nagaka (sic) Modiri Molema District Municipality (the "Ngaka District Municipality"), be ordered and directed forthwith to take all such steps necessary and required, and as a matter of urgency, to supply and ensure the provision of sufficient potable bulk water to Ditsobotla.*
    - 2.2. *That Ngaka District Municipality be ordered and directed to forthwith take all such steps as are necessary and required to ensure the sustainable provision of potable water to the community of Ditsobotla.*
    - 2.3. *That Ngaka District Municipality is ordered and directed to restore the sustainable provision of potable water to the community of Ditsobotla on or before 17th day of MARCH 2023, and to report back to this court on affidavit on or before 17th day of MARCH 2023 regarding (a) its detailed plan of all steps necessary to restore the sustainable provision of potable water to the community of Ditsobotla, including but not limited to who will take such steps, how the restoration will be achieved, and when the steps shall be taken; (b) all steps that have been taken to restore the sustainable provision of potable water to the community of Ditsobotla; (c) whether the sustainable provision of potable water to the community of Ditsobotla has been achieved or not; (d) further steps that still need to be taken to restore the sustainable provision of potable water to the community of Ditsobotla.*
3. *THAT: The matter remain under case management for purpose of inter alia any subsequent re-enrolment of the application in terms of Part A of this application, and further directives if, necessary,*
4. *THAT: The remainder of the relief sought in the application be postpone sine die.*



5. *THAT: The costs of Part A are reserved for purposes of determination at the hearing of Part B of the application.*

6. *THAT: The case management meeting will be on 20th day of MARCH 2023 for progress report*

4 A copy of the order is attached hereto as AR1.

5 The eleventh respondent ("**Ngaka**") on 17 March 2023 filed an affidavit "*ELEVENTH RESPONDENT'S PROGRESS REPORT*" ("the "**progress report**").

6 As directed by court and as per the 2 March 2023 court order a further case management was held before Djaje DJP on 20 March 2023. After hearing submissions from all parties, Djaje DJP issued further directives. Seeing that the directives were only given on 20 March 2023, the applicants have yet to receive a typed copy. The essence of the directives is as follows:

6.1 The matter will remain under case management with the court monitoring the situation.

6.2 The applicants are to file a response to Ngaka's progress report, if any, by no later than the end of business on 29 March 2023.

6.3 Ngaka is to file their reply thereto, if any, by no later than 5 April 2023.

6.4 The case management is postponed to 17 April 2023.

7 The purpose of this affidavit is to respond to the 'progress report' as filed by Ngaka on 17 March 2023.

8 At the outset I state: the water crisis experienced by the community of the municipality has not been resolved, and the fundamental rights of the members of the community of Ditsobotla continue to be breached. I deal with these facts in more detail supported by evidence in the body of the affidavit.

9 Prior to answering the most recent 'progress report' *ad seriatim*, I briefly draw the court's attention to the conduct of the state respondents in dealing with the water crisis. These facts ought to be considered when considering the allegations of Ngaka regarding purported 'progress', 'plans' and steps that have allegedly been taken. These facts are also relevant to the order granted on 2 March 2023 ("**AR1**" hereto):

9.1 In response to the initial urgent application dealing with the dire situation regarding the water crisis: the first respondent (page 431 – 432), and the third respondent to the sixth respondent (page 608 – 610), filed notice to oppose, the third respondent to the sixth respondent alleging that the matter was not urgent and seeking costs on a punitive attorney and client scale. The aforesaid respondents acted vexatiously in opposing the application in circumstances where they knew that there was no water and the community was suffering terribly.

9.2 Despite the vexatious opposition, Her Ladyship Acting Justice Mahlangu granted an order in favour of the applicants. (Order of Mahlangu AJ, p 684 - 685; see also "**R2**" p 790) The applicants were substantially successful in their urgent application.

9.3 It is relevant that the state respondents assured the court then already (October 2022) that they could and would ensure the restoration of water

to the community of Ditsobotla. In breach of the assurances given to this court on 13 October 2022, and in breach and contempt of the aforesaid order of this court, the relevant state respondents failed to ensure the restoration of water to the community of Ditsobotla. (see p 771 – 826)

9.4 Despite clear evidence that the water crisis persisted (see p 771 – 826), to the knowledge of the state respondents, the third to the eighth respondents alleged that: "*the provisions (sic) of basic services, in particular water, has been resolved in Ditsobotla...*" (see p 861), that the crisis "*in relation to water has been resolved*" (see p 883), and that "*[w]ater has been restored to Ditsobotla*" (see p 894). These allegations under oath were false to the knowledge of the state respondents. The state respondents cannot be taken at their word. They are prepared to lie under oath. There is a need for judicial oversight and intervention.

9.5 In its report to court dated 3 February 2023, Ngaka assured the court *inter alia* that "*Lichtenburg currently receives constant flow of high-quality bulk water...*" (p 1263) (a copy and paste from p 516) and "*... Ditsobotla has an excess of 1 mega litre of bulk water each day.*" (p1266) The allegations under oath to the court were demonstrably false, as proven by the applicants with concrete evidence. (see p 1335 – 1467) The applicants were granted leave to file an amended notice of motion in respect of Part A (p 1477 – 1488)

9.6 Inexplicably, Ngaka opposed the relief sought alleging *inter alia* that "*... there is sufficient bulk water*" (p 1525), when this allegation was entirely false to the knowledge of Ngaka. The applicants once again were

compelled to furnish evidence to demonstrate that the state respondents had misled the court, and that the water crisis persisted. (p 1590 – 1656) The conduct of the state respondents is fundamentally at odds with their obligations, both in respect of the Constitution and the rule of law, and their obligations to the court. On 1 March 2023, on the eve of the hearing, Ditsobotla itself filed an affidavit with the sole purpose of derailing the hearing of the matter regarding the water crisis which had been set down for 2 March 2023. (p 1661 - 1701) Ironically, Ditsobotla confirms the extreme crisis in its financial affairs under oath in this affidavit and confirms that it does not have sufficient funds to even employ legal representation to compile an affidavit. (p 1696) Ngaka had to pay for legal representation for Ditsobotla. Due to the crisis in its financial affairs that renders Ditsobotla unable to meet its financial obligations and provide basic services, Ngaka was forced to take over the responsibilities of Ditsobotla regarding the provision of potable water.

9.7 Despite the opposition of Ngaka and Ditsobotla, an order was granted by agreement between the parties on 2 March 2023. (p 1712 – 1715) The version regarding the water situation presented by Ngaka in opposing the application was demonstrably false to the knowledge of the state respondents. The court order demonstrates this further. The applicants were substantially successful.

9.8 Despite the aforesaid order, Ngaka failed to comply with such order and has failed *inter alia* to restore the sustainable provision of potable water to the community of Ditsobotla by 17 March 2023 or at all. The water

crisis experienced by the community of the municipality has not been resolved, and the fundamental rights of the members of the community of Ditsobotla continue to be breached.

9.9 Unsurprisingly (when one has regard to the *modus operandi* of the state respondents as briefly sketched above), Ngaka has filed its most recent so-called 'progress report' which is misleading and false to the knowledge of Ngaka. I shall deal with the aforesaid fact in more detail in the body of this affidavit.

10 This affidavit is also to inform the above Honourable court of the current situation in the Ditsobotla community and to share feedback received from the community regarding the water crisis.

11 I will now respond to the affidavit filed by Ngaka, the "*ELEVENTH RESPONDENT'S PROGRESS REPORT*" dated 17 March 2023 (the "**17/3 progress report**"), *ad seriatim*.

12 Where I do not specifically respond to any particular allegation in the 17/3 progress report, I request the court to read such allegation as denied except insofar as such allegation specifically accords with the facts set out by me herein.

13 I shall employ the same terms which I employed in the founding affidavit herein. I will also attempt to keep the response brief and concise in order not to burden the already voluminous record.



AD PARAGRAPH 1 THEREOF:

14 I deny that all of the allegations in the progress report are true and correct, and I deny that all such allegations fall within the personal knowledge of the deponent.

AD PARAGRAPH 2 - 4 THEREOF:

15 The applicants have already replied to the progress report filed by Ngaka on 3 February 2023[1] and stand by it.

16 Regardless of the so-called "*intervention measures*" that Ngaka alleges that it has undertaken, which I deny based on the facts set out in previous affidavits and in this affidavit, the water crisis in Ditsobotla has not been resolved.

AD PARAGRAPH 5 THEREOF:

17 The "*intervention measures*" purportedly "proposed" by Ngaka are so vague that it is impossible to determine what interventions Ngaka alleges that it has put in place and what it has not. So-called "proposed" measures/plans and "need" identification without action will not solve the water crisis in Ditsbotla.

18 Ngaka makes mention of the installation of a backup generator for boreholes, but in paragraph 22 of the 17/3 progress report confirms that 3 of the 5 generators have been stolen. Further, the reference to a "need" for more employees and for new pipes demonstrates that Ngaka has not taken these measures.

19 I deny that Ngaka has taken a single effective measure to address the water crisis, and I put Ngaka to the proof thereof. The proof is in the evidence – the fact

[1] See Applicants' Reply to the Eleventh Respondent's Report of the Water Crisis page 1335 – 1363.

of the matter is that the community is without water. Ngaka is in truth and in fact in contempt of an order that it agreed to.

AD PARAGRAPH 6 THEREOF:

20 The applicants continue to dispute that the bulk water crisis has been resolved. On Ngaka's own version, they are not providing sufficient bulk water to Ditsobotla.

21 The facts speak for themselves. Ditsobotla itself on 13 March 2023 issued a public notice informing the community of unplanned interruptions in water supply. In the notice, Ditsbotla stated that:

> *"Community members are hereby notified that Ditsobotla local municipality and the Ngaka Modiri Molema District municipality are both aware about the current problem that has affected the local water reticulations system in the Klipveld area, whereby water from boreholes cannot reach different storage sites (reservoirs)."*

22 On 17 March 2023, Mr Chris Breedt inspected the main reservoir at Waterworks in Lichtenburg. Mr Breedt took a video of the water level inside the reservoir showing that the reservoir is almost empty. I attach hereto screenshots of the video showing the extremely low water level in the reservoir as AR2. Mr Breedt on 27 March 2023 again inspected the main reservoir at Waterworks as well as reservoir 3 at Klipveld and discovered that the main reservoir was at approximately 25% capacity and reservoir 3 was at 5% capacity which is the lowest it has been, to the best of his knowledge, in the last 3 months. I attach hereto the photos taken by Mr Breedt as AR3. To confirm this, I also attach hereto a confirmatory affidavit of Mr Breedt as AR4.

23 As has already been canvassed in various affidavits, the bulk water is supplied to the reservoirs in Klipveld which then gravitates to different reservoirs among which are the reservoirs situated at Waterworks in Lichtenburg Town. The problems have not been dealt with. I further attach hereto screenshots taken of public notices issued by Ditsobotla on their Facebook page dated 15, 17 and 19 March 2023 regarding what they acknowledge to be a water crisis and their failure to release water supply. The screenshots are attached as AR5.

24 The applicants do not simply deny the version of Ngaka – they are compelled to place the facts before the court due to the fact that the state respondents have repeatedly attempted to mislead the court in order to avoid their Constitutional and court ordered obligations.

AD PARAGRAPH 8 THEREOF:

25 Ditsobotla and the administrator stated and indicated under oath that Ngaka was in material breach of its obligations. The applicants were granted leave to amend their notice of motion by this court, which they did in order to seek relief against Ngaka.

26 The amended notice of motion speaks for itself and there is no point in reciting the content thereof in the affidavit.[2]

AD PARAGRAPH 9 THEREOF:

27 The allegations herein relating to the water readings have been dealt with in the applicants' replying affidavit to the eleventh respondent's "Answering Affidavit to

[2] See Amended Notice of Motion pages 1477 – 1488.

the Applicant's Part A Amended Relief". The facts set out by the applicants are not and cannot be denied by Ngaka.[3] I incorporate such facts herein.

28 I pause to point out that Ngaka has previously indicated that the water demand is 12ML (see p 706) and has stated under oath that Ditsobotla has an excess of 1 ML/day.[4] Ngaka has once again changed its version under oath, and now indicates in paragraph 20.6 of the 17/3 progress report that the need is 19ML/day.

AD PARAGRAPH 10 THEREOF:

29 Ditsobotla has been in the 'fray' since October 2022. The Administrator filed a notice of intention to oppose as far back as 12 October 2022.[5] The Administrator further filed an explanatory affidavit on 13 October 2022[6] and a further explanatory affidavit on 4 November 2022.[7]

30 After the applicants had filed a reply to his explanatory, the Administrator further filed a response thereto on 18 November 2022.[8]

31 After this, and on the version of both Ditsobotla and Ngaka, a by-election was held in December 2022 and a new council was elected. As I understand it, the new council first met in early January 2023. The council was however in disarray

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[3] See Applicants' Replying Affidavit to the Eleventh Respondent's "Answering Affidavit to the Applicant's Part A Amended Relief" pages 1609 – 1612.
[4] See Eleventh Respondent's Progress Report page 1265.
[5] See Notice of intention to oppose pages 495 – 502.
[6] See Explanatory affidavit pages 663 – 670.
[7] See Explanatory affidavit pages 698 – 705.
[8] See Fourteenth Respondent's Response to Applicants' Replying Affidavit to his Explanatory Affidavit pages 1209 -1222.

due to the newly elected mayor having resigned. This has been dealt with in reply to the first progress report.[9]

32 The point is that Ditsobotla has been represented and in the fray from 12 October 2022. The duties, obligations and responsibilities of the municipality continue.

AD PARAGRAPH 11 THEREOF:

33 While it is true that the applicants' amended notice of motion could not be found in the court file on the day, Ngaka knows very well that the applicants had filed its amended notice of motion. I attach the court stamped page of the amended notice of motion hereto marked "AR6".

34 The applicants were substantially successful in their application, and the court granted an order by agreement between the parties ("**AR1**" hereto).

AD PARAGRAPH 12 THEREOF:

35 The content of this paragraph is admitted only insofar as it specifically accords with the court order dated 2 March 2023.[10]

36 Ngaka has failed to comply with the order in that *inter alia* sufficient potable bulk water has not been supplied to Ditsobotla to date.

AD PARAGRAPH 13 THEREOF:

37 I deny that Ngaka has complied with the court order dated 2 March 2023 ("**AR1**" hereto). I deny that the so-called 'progress report' filed constitutes compliance with the order.

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[9] See Applicants' Reply to the Eleventh Respondent's Report of the Water Crisis page 1335 – 1363.
[10] See Court Order dated 2 March 2023 pages 1708 – 1715.

38 Without derogating from the aforesaid, Ngaka, in breach of the order of 2 March 2023:

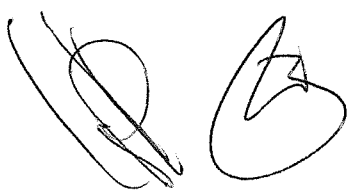
38.1 has failed "*forthwith to take all such steps necessary and required, and as a matter of urgency, to supply and ensure the provision of sufficient potable bulk water to Ditsobotla.*"

38.2 has failed to "*forthwith take all such steps as are necessary and required to ensure the sustainable provision of potable water to the community of Ditsobotla.*"

38.3 has failed "*to restore the sustainable provision of potable water to the community of Ditsobotla on or before 17 March 2023*"

38.4 has failed to furnish a "*detailed plan of all steps necessary to restore the sustainable provision of potable water to the community of Ditsobotla, including but not limited to who will take such steps, how the restoration will be achieved, and when the steps shall be taken*". Ngaka has not provided a detailed plan of all necessary steps. Ngaka has listed challenges that it is faced with concerning the supply of bulk water and the supply of water to the community. Most of the challenges listed were either already mentioned by the applicants or admitted by the fourteenth respondent and Ngaka.

38.5 has failed to set out "*all steps that have been taken to restore the sustainable provision of potable water to the community of Ditsobotla*". It is entirely unclear what steps have been taken to restore the sustainable provision of potable water to the community of Ditsobotla. The fact is that



the situation has not changed and that the community of Ditsobotla is not being supplied with potable water.

39 Various community members have provided feedback and videos have been taken of taps being opened with little to no water being supplied. Businesses are providing water to the community and residents are forced to rely on the charity of others who have boreholes at their property to provide water for basic needs such as flushing of toilets, washing clothes, showering and drinking water.

40 Various community members have provided videos showing no water situations - of them opening and closing their taps on their properties showing little to no water being supplied. The videos were taken over a period of 15 – 22 March 2023 and 27 March 2023 at different times of day. I attach hereto a photo album as AR7 of the various community members opening taps showing that no water is being supplied.

41 According to the community, no water is being supplied to them. There is no water in their taps and community members rely on other residents who have their own boreholes to obtain water. Some businesses provide water to the community through water tanks while other members of the community are forced to buy water.

42 The situation in Coligny is no different. In this regard, I attach the supporting affidavit of Mr MH Pieters hereto as **AR14**. Mr Pieters reports that on 21 -23 March he has had no municipal water supply on his property and that the situation is not unusual. For the past two months, he and his neighbour would enjoy municipal water supply for 1 day a week with little to no water for the remaining days. He has been forced to obtain five 20-litre cans to store water.

The situation has not been improved since the new municipal council was elected in December 2022.

43 In a WhatsApp message sent by the Executive Mayor Khumalo Molefe ("**Molefe**") of Ngaka to the Municipal Manager and Mr Rasool, Molefe indicates that the area of Lichtenburg and Boikhutso is in a crisis of water. It is further indicated that the Klipveld area is without security and assets may be lost. A copy of this message is attached hereto as AR8.

44 Ngaka lists some steps that need to be taken but also indicates that due to the lack of funding most of these steps will not be attainable. Ditsobotla has stated under oath that it does not even have enough funding to pay a legal representative to draft an affidavit. Ngaka admits that it does not have the funding to do that which is required. The situation is dire – local government does not have the necessary financial means to provide basic services to the Ditsobotla community.

45 The dire situation and collapse of government in Ditsobotla Municipality has also been reported on by news outlets. In this regard I attach hereto as AR9 a news article by the Daily Maverick dated 21 March 2023 titled "*No water, no way out: Ditsobotla's downfall and the collapse of government*".

AD PARAGRAPH 14 THEREOF:

46 Whilst I note that there was a strike, I deny that this is the root cause of the failure of Ditsobotla and Ngaka to comply with their Constitutional obligations to provide basic services. The state respondents have made various excuses, which have

changed over time. The present 'strike' does not explain the ongoing water crisis that has persisted for months in Ditsobotla.

47 The fact of the matter is that the community has no water. The situation is so dire that the community itself has resorted to protest action. For example, such protest action took place on 15 March 2023, organised by the residents of the Ditsobotla community. The community set to the streets once again due to the lack of service delivery by Ditsobotla and specifically regarding the lack of water being supplied.

48 I attach hereto photos and extracts from videos as AR10 which were taken during the protests showing the protestors setting fire to tyres and rolling JoJo water tanks in the streets of Lichtenburg. The photos also show protestors standing on top of the JoJo tanks shaking 25 litres water cans in the air.

49 The community and people of Ditsobotla are in dire need of water and the situation has only become worse since October 2022.

50 To illustrate the dire situation the supporting affidavit of Mrs H Von Moltke and Mrs J Marumo will be attached as AR11 and **AR12** respectively.

51 Mrs Von Moltke is the co-owner of Chick Man Hyper Butchery ("**Chick Man**") situated in 26 Lang Street, Lichtenburg. She explains that since September 2022 Chick Man at most times has not received any municipal water supply. This has only worsened in 2023 and, as of the date of her affidavit, Chick Man has had no municipal water supply for two weeks. Chick Man has as a result experienced significant loss of income and profit due to the additional expenditure to secure alternative water and is currently receiving water from the borehole at Laerskool

Lichtenburg as are many other members of the community. The company operates with food and needs to regularly and thoroughly clean which is difficult without water.

52 Mrs Marumo is a female administrative clerk employed by the North West Provincial Government and a resident of Lichtenburg. Her household consists of 8 people. She has had little to no access to municipal water supply in February and March 2023. Her taps are dry and her solar geyser has broken down due to the lack of water supplied to it. Her household needs to walk around in town with a 25 litre can to find water at various locations including local businesses. When no water is available she needs to pay other businesses to deliver a tank of water. The situation is dire for her and her household.

AD PARAGRAPH 15 THEREOF:

53 I deny that the alleged unprotected strike is the root cause of the water crisis and the inability of Ngaka to comply with the court order. Ditsobotla and Ngaka have acted in breach of their obligations for months and have failed to provide sufficient potable water to the community of Ditsobotla. There is no strike presently, and, as is evidenced by the photographs attached, there is still a serious water crisis.

54 This is yet another excuse provided by Ngaka as to why it and Ditsobotla Local Municipality are not providing potable water to the community.

55 I accordingly deny the content hereof.

AD PARAGRAPH 16 THEREOF:

56 I deny the content hereof. Ngaka is not able to and has not been providing water to Ditsobotla. I refer to the evidence set out in this affidavit read together with the supporting evidence attached hereto. I refer to the feedback provided by the community and the various photos and videos provided.

57 Ditsobotla's community has little to no potable water.

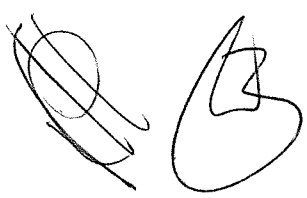
AD PARAGRAPH 20 THEREOF:

58 The so-called 'action plan' is so deficient as to be no real plan at all. It is not detailed, does not identify who is to take steps, nor what steps will be taken. Ngaka is in contempt of the order of this court.

AD PARAGRAPH 20.1 – 20.6 THEREOF:

59 Ngaka states that there are currently 17 boreholes supplying water with 4 boreholes that are dysfunctional as of 16 March 2023. The bulk water supply to Ditsobotla would then drastically reduce. If the previous calculation of 154 litres per second from the 17 boreholes is accepted, which the applicants deny, that would leave the pumping capacity at approximately 118 litres per second amounting to 10,2ML/day. This is about half of what Ngaka alleges is needed (19ML).

60 The applicants deny that Ngaka with the help of Ditsobotla have repaired 70 leaks. Ngaka provides no proof of this. If this version is accepted, which I deny, then the question arises why there is no water being supplied to the community? Considering the plethora of challenges Ngaka and Ditsobotla are facing, the



approach of fixing problems and leaks as they arise will not be sufficient to deal with the larger problem of bulk water supply and the reticulation system. As is clear from the feedback received from the community the situation has only worsened in 2023.

61 The applicants bear no knowledge of the ring feeder and whether it has been installed or not. Whilst such installation would solve one of the many problems relating to water supply that Ngaka has presented to court (namely loadshedding) much more needs to be done. According to Ngaka, neither it nor Ditsobotla have the financial means, capacity or the man power to ensure sustainable supply of potable water to the community.[11]

62 The applicant has no knowledge of whether the electrical issues and damaged control valves have been attended to. No evidence to this effect is provided by Ngaka. This is therefore denied.

63 The applicants deny that the required quantity of bulk water is supplied. This is clear from Ngaka's own version which sets out that the demand is 19ML/day. This together with the reduced pumping capacity as result of 4 boreholes being dysfunctional shows that not enough water is being supplied. Both Ngaka and Ditsobotla have been unable to supply sufficient water for years.

64 The applicants also do not have any knowledge of illegal connections and/or diversions. This is also the first time any of the respondents have made mention of illegal connections and/or diversions. It seems that Ngaka's mention of illegal

[11] See Progress report paras 5

connections is yet another attempt by the state respondents to shift the blame for their failure to supply water.

65 This is not an 'action plan'. Fixing 70 leaks and providing a ring feeder is not an action plan to address the problem. It is clear that neither Ngaka nor Ditsobotla have the capacity to solve the serious problem.

AD PARAGRAPH 20.7 – 20.8 THEREOF:

66 Ngaka does not take the court into its confidence with regard to the Burgersdorp area. Ngaka fails to mention the date from which the area has been experiencing these problems nor the date from which the mini substation has been non-operational. The purported solution will also only be delivered and installed by 30 June 2023 (according to Ngaka). No mention is made on how Ngaka or Ditsobotla intends to prevent the new substation from suffering the same fate as the old one.

67 Mr Breedt also inspected the Burgersdorp reservoir and specifically the substation. The substation remains are in a bad condition and no work has been done since the appointment of the new municipal council of Ditsobotla. I attach photos taken by Mr Breedt as AR13.

68 Vandalism is only part of the problem. Wasteful and fruitless spending on contractors and bad quality of work is another part. This can be seen in badly planned projects and the replacement of pipelines with pipes that are too small.

69 The proposed substation which is to be installed will not solve the bulk water supply problem if the main reservoir which feeds it is empty. If the supply line is not linked to the pumps the problem will not be solved. As in the past, vandalism

will ensue again if nothing is done to secure the sub-station. No such plan has been mentioned by Ngaka other than mentioning that it is a challenge.

70 The ordering of a 'mini sub' is not a plan to solve the water crisis. No particularity is provided, no indication of whether this can be funded or not, and most importantly this does not solve the root cause. It is not a proper plan, and does not comply with the court order.

AD PARAGRAPH 20.9 – 20.13 THEREOF:

71 The applicants are not aware of this and Ngaka is put to the proof thereof. No evidence to this effect has been provided. No detail has been provided. This does not constitute compliance with the court order.

72 The applicants have no knowledge of this leakage or the appointment of a "*Service provider*" to replace the pipeline. Ngaka does not attach any feasibility study, contract administration or close out of the project.

73 Ngaka has not provided any proof regarding the drilling of 4 additional boreholes and the installation on an elevated 1ML steel tank.

AD PARAGRAPH 21 – 22 THEREOF:

74 I deny that Ngaka has restored the sustainable provision of potable water. I refer to the facts that I have addressed already. The water crisis persists.

75 It is important to note that while the generators were stolen during 31 January 2023, Ngaka failed to take the court into its confidence regarding this fact in its previous progress report dated and signed on 3 February 2023. Only after the applicants had made mention that these had been stolen did Ngaka mention this.

76 The dates are also not correct seeing that during the meeting of 30 January 2023, Mr Abram Senwedi reported to Ngaka that the Generators had been stolen.[12]

AD PARAGRAPH 23 - 25 THEREOF:

77 I deny the content hereof. On Ngaka's own version, the challenges which Ngaka has stated are causing the lack of water supply have nothing to do with the unprotected strike. The installation of backup generators for boreholes (and the security of those generators), the need to employ more operators and skilled workers, the need to replace the old AC pipeline, aiding Ditsobotla by providing 8 additional ground staff and the deployment of an 18 000 litres water truck on a daily basis has nothing to do with the unprotected strike.

78 The fact of the matter is that the water crisis has persisted for months. This had nothing to do with a strike. There has been no strike for some time now – yet the water crisis persists. Ngaka does not take the court into its confidence.

79 The statement that provision of potable water is not at "*optimal capacity*" is an extreme understatement. The community has shown to the court that no water is being supplied. Taps are dry and people without water. The community is relying on others in the community to obtain water.

80 When one considers the challenges which Ngaka has indicated, it cannot be said that it is within "*reasonable means*" to obtain the goal of the sustainable provision of potable water.

81 I deny the content hereof.

---

[12] See Applicants' Reply to the Eleventh Respondent's Report of the Water Crisis page 1358 para 95.

AD PARAGRAPH 26 THEREOF:

82 Ngaka and Ditsobotla ought to have known for years that the capacity of the reservoirs is not sufficient to meet the demand of the growing population. In the explanatory affidavit dated 12 October 2022, Ngaka mentions that the demand is increasing in Ditsobotla. Ngaka refers to the Themak report dated 5 October 2022 in which assessments were done. Yet, almost six months later nothing has been done to ensure sustainable bulk water supply let alone increasing storage capacity.

83 The more serious problem is that these insufficient water reservoirs are practically empty. Storage is not the only problem. Bulk supply is not being provided. Neither Ngaka nor Ditsobotla have the capacity, including the financial capacity, to address these serious problems.

AD PARAGRAPH 27 THEREOF:

84 This assessment has always been necessary and is the responsibility of Ditsobotla and Ngaka. The responsibility has been neglected. Ngaka and Ditsobotla have no plan and no budget to address the reality that the demand for water far exceeds the supply and the storage requirements.

AD PARAGRAPH 28 THEREOF:

85 Ngaka refers to data but does not attach the available data. It is accordingly denied. Ngaka is invited to provide such proof in reply to this affidavit. I am not aware of the drilling of any further boreholes – Ngaka is required to furnish detailed evidence and proof of this.

AD PARAGRAPH 29 THEREOF:

86 Ngaka confirms that the infrastructure is damaged and has not been maintained. Ngaka further confirms that there are missing flow meters, pressure gauges and monitoring devices. It is clear that Ngaka cannot present any accurate readings to the court, on its own version.

87 Ngaka presents problems but no proper solutions, with no time frame and with no persons detailed as the responsible persons. It is not possible to hold Ngaka to account due to the fact that Ngaka has chosen to ignore the order of this court.

AD PARAGRAPH 30 THEREOF:

88 Ngaka once again provides no detail. The applicants are not aware of a team which has allegedly been deployed to assess the network. No proof to this effect has been provided. I accordingly deny the content hereof and put Ngaka to the proof thereof.

AD PARAGRAPH 31 THEREOF:

89 Once again Ngaka concedes that it does not have the financial resources to address this problem. Ngaka fails to provide any detail of what security is in place currently nor any detail of what security has been in place in the past. As already mentioned by the applicants, and confirmed now by Ngaka, 3 generators which were supposed to relieve the effects of loadshedding have been stolen. The infrastructure is in shambles and the community is suffering as a result on Ditsobotla's and Ngaka's inability to protect and secure assets.



90 Ngaka mentions that Ditsobotla and Ngaka will need more funding to ensure the security of assets such as the substation but also tells the court that funding is one of the major challenges regarding the water crisis.

91 As a result of the crisis in the financial affairs, neither Ngaka nor Ditsobotla are able to provide basic services to the community.

AD PARAGRAPH 32 THEREOF:

92 On Ngaka's own version the water crisis will persist if no funding is received. Ditsobotla is in a dire financial crisis and cannot provide basic services. Approximately R34 million is required according to Ngaka for just this part of the problem. Ditsobotla has stated that it does not even have enough money to pay a lawyer to draft an affidavit and is unable to appoint their own legal representatives.

AD PARAGRAPH 33 THEREOF:

93 This is one of the parts of the report that Ngaka has deliberately failed to draw to the court's attention previously. Ngaka confirms that Ditsobotla does not meet the standards and guidelines set for human settlement, planning and design.

AD PARAGRAPH 34 THEREOF:

94 Ngaka contradicts what is stated in paragraph 23 of the progress report. Ngaka alleges there that 80 – 90% of the intended objectives (which remain entirely unclear) would have been met, but for the organised labour strike. Now Ngaka tells the court that the lack of experienced and qualified personnel is the cause of the delay.

AD PARAGRAPH 35 THEREOF:

95 I admit that as a result of the crisis in the financial affairs of Ditsobotla, Ditsobotla is unable to meet its financial commitments and has breached its duty to provide basic services to the community. With Ditsobotla insolvent to the tune of approximately R1 billion, this situation will persist absent urgent intervention.

AD PARAGRAPH 36 THEREOF:

96 Ngaka is required in terms of rule 35(12) to provide the "Draft SLA" referred to in the 'action plan' (item 1 p 6).

97 Whilst I do not bear knowledge of the ring feed referred to in the document referred to as the 'action plan', as far as I am aware, none of the further actions referred to therein have been commenced with, carried out or completed. This is in conflict with the order of this court. The document itself confirms the elephant in the room – there is insufficient funding to resolve the crisis. The 'action plan' repeatedly refers to 'funding dependent'. The crisis in the financial affairs of Ditsobotla is such that it is unable to comply with its obligations to meet its financial obligations and to provide basic services. That is why Ngaka had to step in. The problem is that Ngaka does not have sufficient funding either.

CONCLUSION

98 I respectfully state that neither the crisis with bulk water supply nor the crisis with water supply to the community of Ditsobotla has been resolved.

99 The situation is dire and must be resolved urgently.



100 According to reports from the community the situation has not changed. There is little to no water supply in Ditsobotla and those without their own boreholes do not have access to water, but for the help provided by others. The limited supply is not safe for human consumption.

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED:

a. he knows and understands the contents of this affidavit;

b. he has no objection to taking an oath;

c. he considers the oath to be binding on his conscience.

THUS signed and sworn before me, at PRETORIA on this the 29th day of **MARCH 2023**, the Regulations contained in Government Notice No. R1648 of 19 August 1977 (as amended) having been fully complied with.

COMMISSIONER OF OATHS

FULL NAMES:

BUSINESS ADDRESS:

DESIGNATION:

PHILIPPUS HELENUS CILLIERS
Commissioner of Oaths
HB Forum
13 Stamvrug Street
Val De Grace
Ex Officio Practising Attorney
Republic of South Africa

Lauens

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IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

CASE NO: UM 192/2022

Held at MMABATHO on this the 2nd day of MARCH 2023
BEFORE the Honourable Madam Justice DJAJE DJP

In the matter between:

SAKELIGA NPC	1st Applicant
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	2nd Applicant
BAREND LOURENS SNYMAN	3rd Applicant
And	
DITSOBOTLA LOCAL MUNICIPALITY	1st Respondent
THE MUNICIPAL MANAGER/ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	2nd Respondent
PREMIER OF THE NORTH WEST PROVINCE	3rd Respondent
PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE	4th Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	5th Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	6th Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	7th Respondent
MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	8th Respondent

MINISTER: NATIONAL DEPARTMENT OF FINANCE	9th Respondent
MINISTER: WATER AND SANITATION	10th Respondent
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	11th Respondent
ESKOM SOC LTD	12th Respondent
MAGALIES WATER BOARD	13th Respondent
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	14th Respondent

HAVING HEARD ADV WOODROW SC on behalf of the Applicants, ADV MAKOLA on behalf of the First Respondent, ADV MOKADIWA SC with ADV DUBE and ADV MAJOKO on behalf of the Third to Eighth Respondents, Ms ZENANI on behalf of the Ninth Respondent and ADV MAKGATHE on behalf of the Eleventh Respondent and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED
(By agreement)

1. THAT: The matter be and is hereby declared to be urgent.

2. THAT: Pending the outcome and final determination of Part B of this application, and the successful implementation of the provision of the basic service of providing water to the community of Ditsobotla, it is ordered:

   2.1 That the Eleventh Respondent, the Nagaka Modiri Molema District Municipality (the "**Ngaka District Municipality**"), be ordered and directed forthwith to take all such steps necessary and required, and as a matter of urgency, to supply and ensure the provision of sufficient potable bulk water to Ditsobotla.

   2.2 That Ngaka District Municipality be ordered and directed to forthwith take all such steps as are necessary and required to ensure the sustainable provision of potable water to the community of Ditsobotla.

   2.3 That Ngaka District Municipality is ordered and directed to restore the sustainable provision of potable water to the community of Ditsobotla on or before 17th day of MARCH 2023, and to report back to this court on affidavit on or before 17th day of MARCH 2023 regarding (**a**) its detailed plan of all steps necessary to restore the sustainable provision of potable water to the community of Ditsobotla, including but not limited to who will take such steps, how the restoration will be achieved, and when the steps shall be taken; (**b**) all steps that have been taken to restore the sustainable provision of potable water to the community of Ditsobotla; (**c**) whether the sustainable provision of potable water to the community of Ditsobotla has been achieved or not;

(**d**) further steps that still need to be taken to restore the sustainable provision of potable water to the community of Ditsobotla.

3. THAT: The matter remain under case management for purpose of *inter alia* any subsequent re-enrolment of the application in terms of Part A of this application, and further directives if necessary.

4. THAT: The remainder of the relief sought in the application be postpone *sine die.*

5. THAT: The costs of Part A are reserved for purposes of determination at the hearing of Part B of the application.

6. THAT: The case management meeting will be on 20th day of MARCH 2023 for progress report

BY THE COURT
REGISTRAR OF HIGH COURT
NORTH-WEST HIGH COURT
MAFIKENG
REGISTRAR

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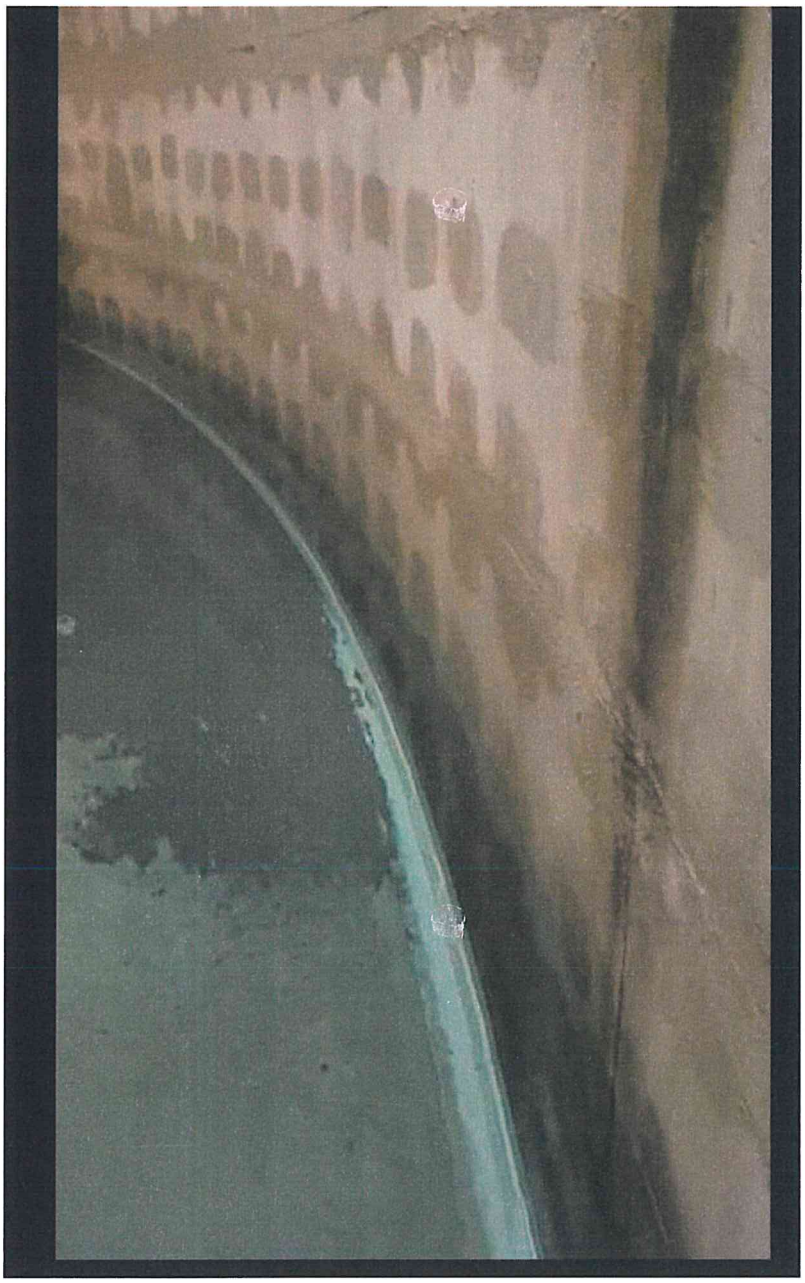


PHOTO 1
TAKEN 17 MARCH 2023
MAIN RESERVOIR
LICHTENBURG WATER WORKS

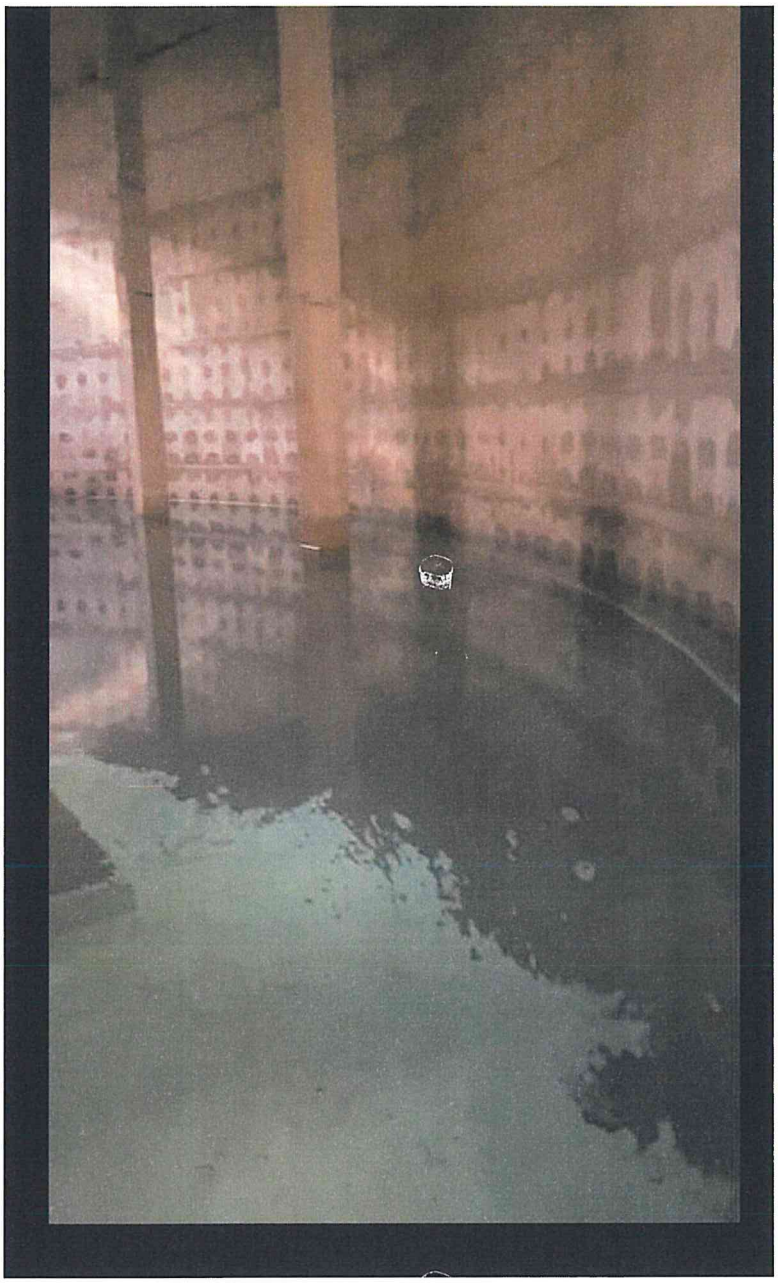


PHOTO 2
TAKEN 17 MARCH 2023
MAIN RESERVOIR
LICHTENBURG WATER WORKS

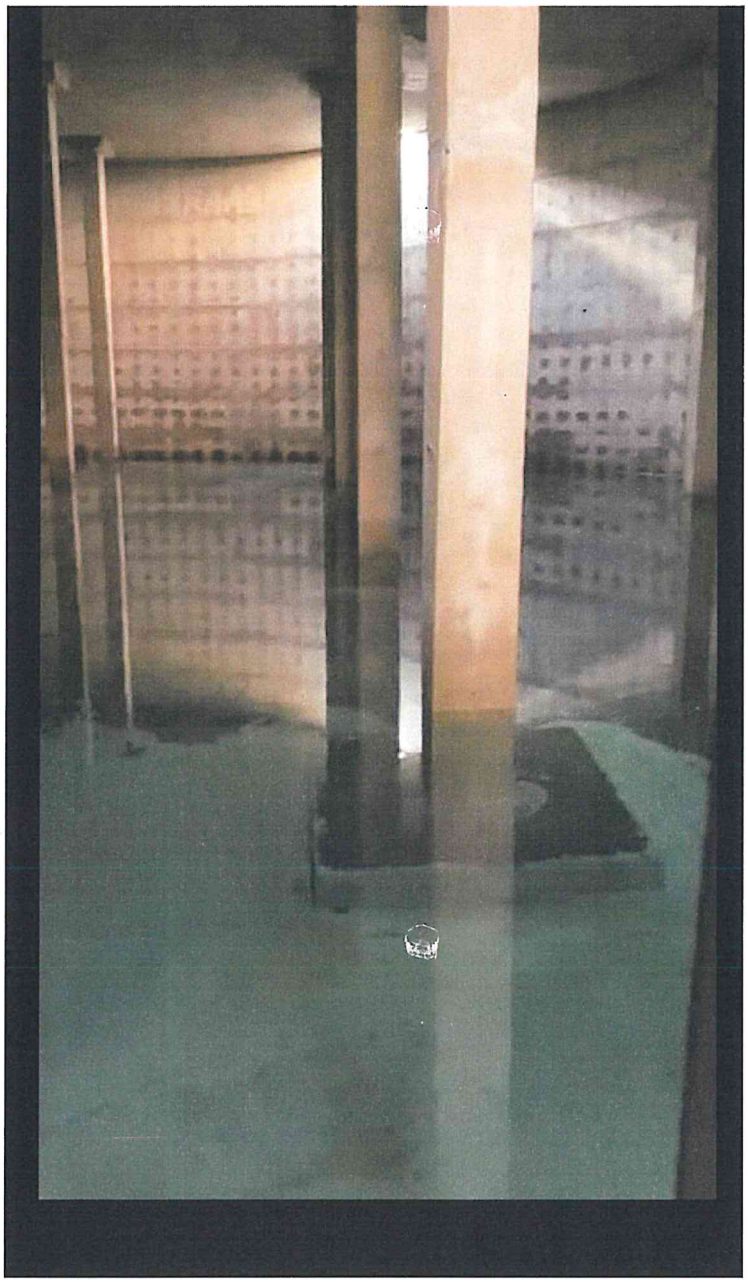


PHOTO 3
TAKEN 17 MARCH 2023
MAIN RESERVOIR
LICHTENBURG WATER WORKS

AR3

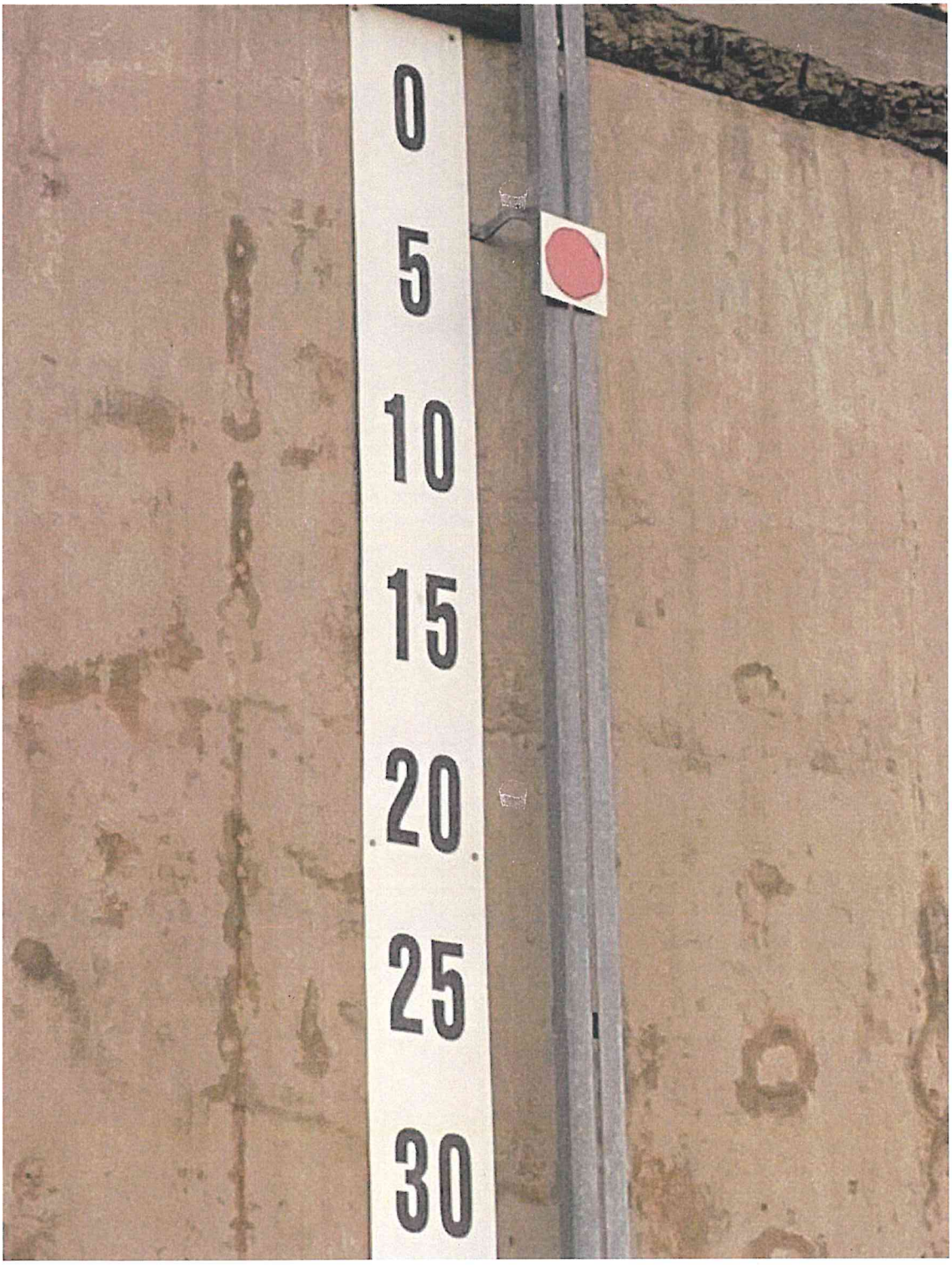


PHOTO 1
TAKEN 27 MARCH 2023
RESERVOIRS 3 – KLIPVELD AT 5%

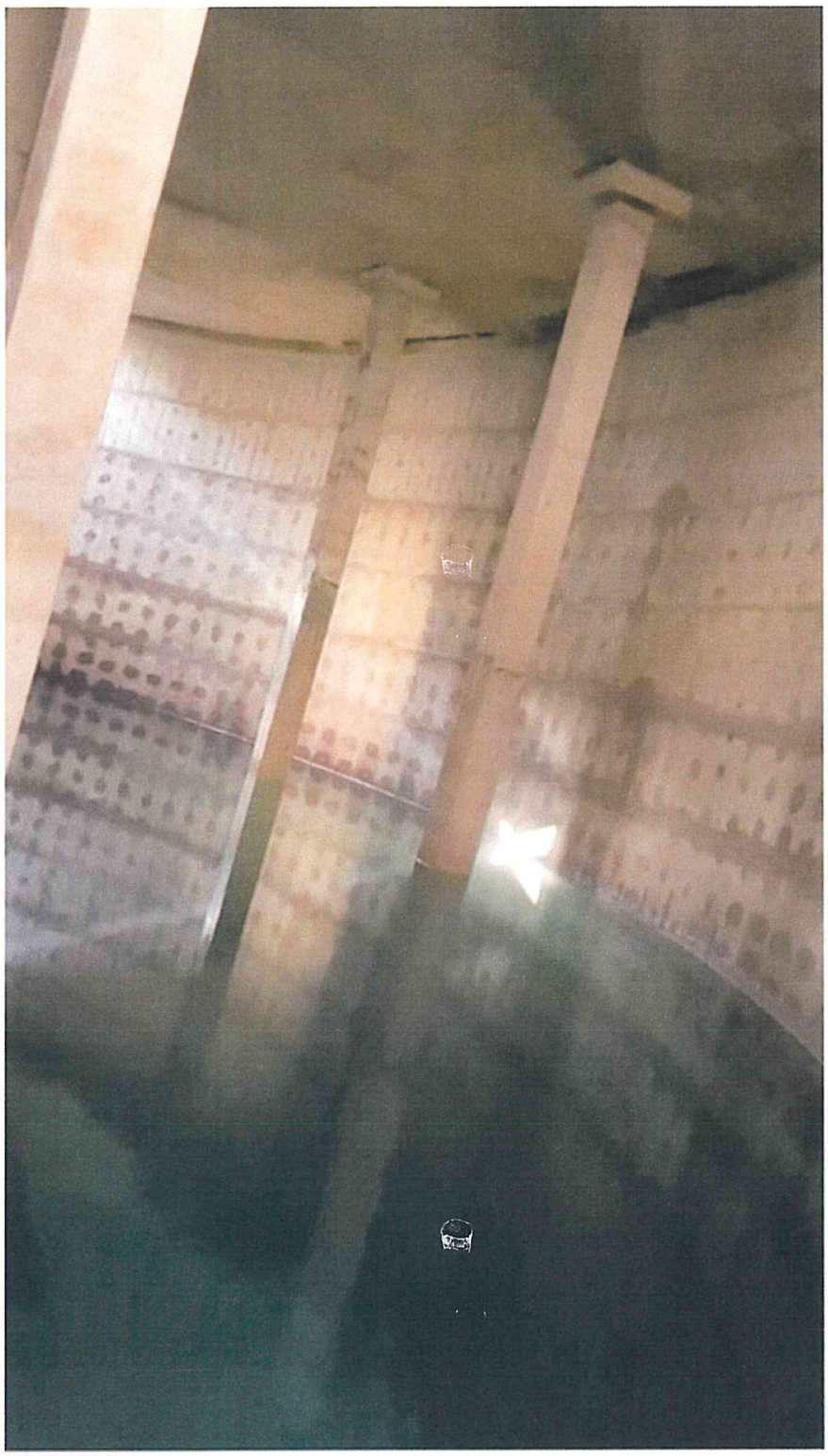


PHOTO 2
TAKEN 27 MARCH 2023
MAIN RESERVOIR AT APPROXIMATELY 25%
LICHTENBURG WATER WORKS

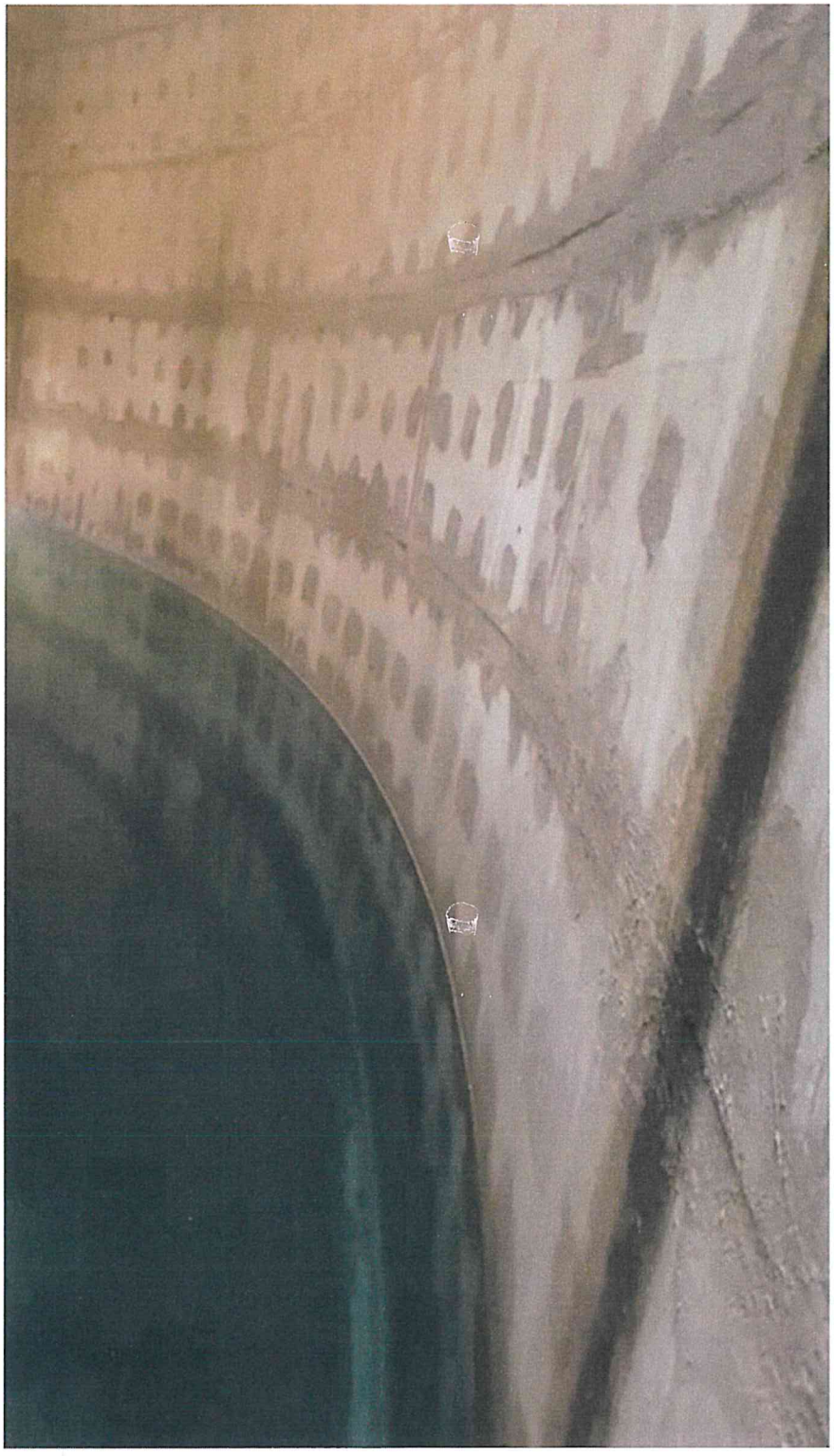


PHOTO 3
TAKEN 27 MARCH 2023
MAIN RESERVOIR AT APPROXIMATELY 25%
LICHTENBURG WATER WORKS

AR4

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM192/22

In the matter between:

SAKELIGA NPC	**First applicant**
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	**Second applicant**
BAREND LOURENS SNYMAN	**Third applicant**
and	
DITSOBOTLA LOCAL MUNICIPALITY	**First respondent**
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	**Second respondent**
PREMIER OF THE NORTH WEST PROVINCE	**Third respondent**
AND ELEVEN OTHER RESPONDENTS (AS PER NOTICE OF MOTION)	**Fourth – Fourteenth respondents**

CONFIRMATORY AFFIDAVIT

I, the undersigned,

CHRIS BREEDT

Do hereby confirm under oath that:

1 I am a major male businessman residing at 113 Church street, Lichtenburg, North West Province.

2 The facts deposed to herein fall within my personal knowledge, unless the context indicates otherwise, and are to the best of my belief both true and correct.

3 I have read the applicants' affidavit titled "*Applicants' reply to the Eleventh Respondent's Progress Report dated 17 March 2023*" affidavit by Christo Bester. I confirm the correctness of the contents thereof in as far as it relates to me.

_____

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED:

(a) he knows and understands the contents of this affidavit;

(b) he has no objection to taking an oath;

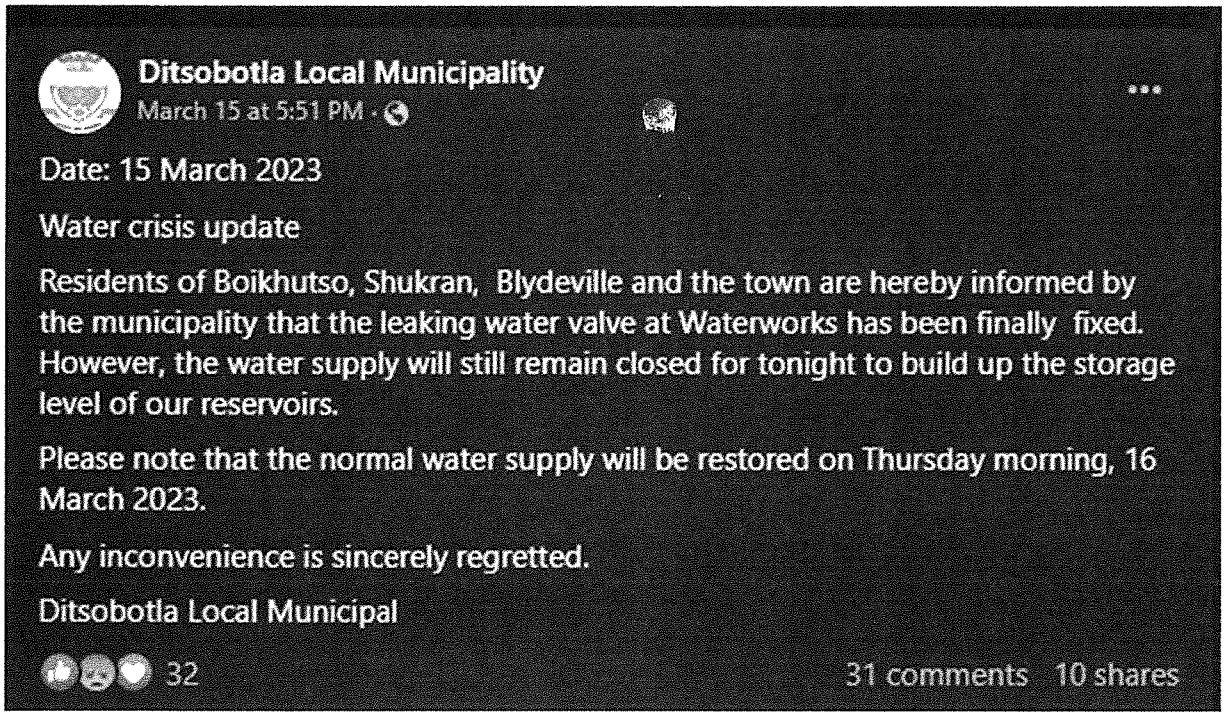
(c) he considers the oath to be binding on his conscience.

THUS signed and sworn before me, at _____ on this the _____ day of _____ **2023**, the Regulations contained in Government Notice No. R1648 of 19 August 1977 (as amended) having been fully complied with.

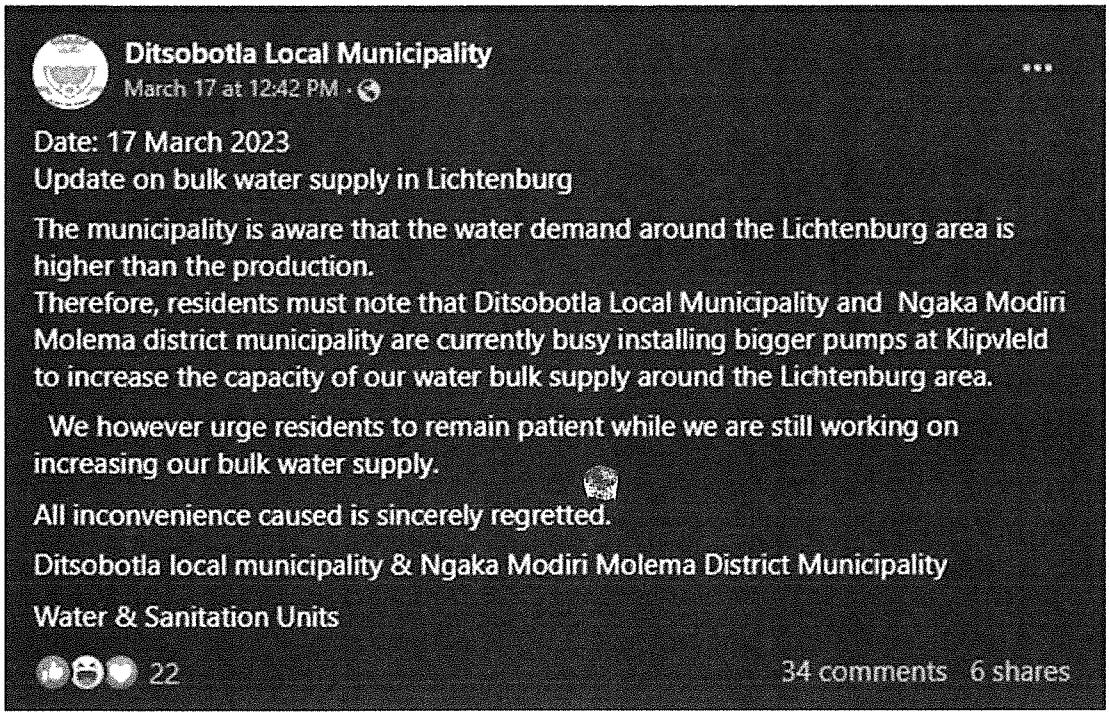
_____

COMMISSIONER OF OATHS
FULL NAMES:
BUSINESS ADDRESS:
DESIGNATION:

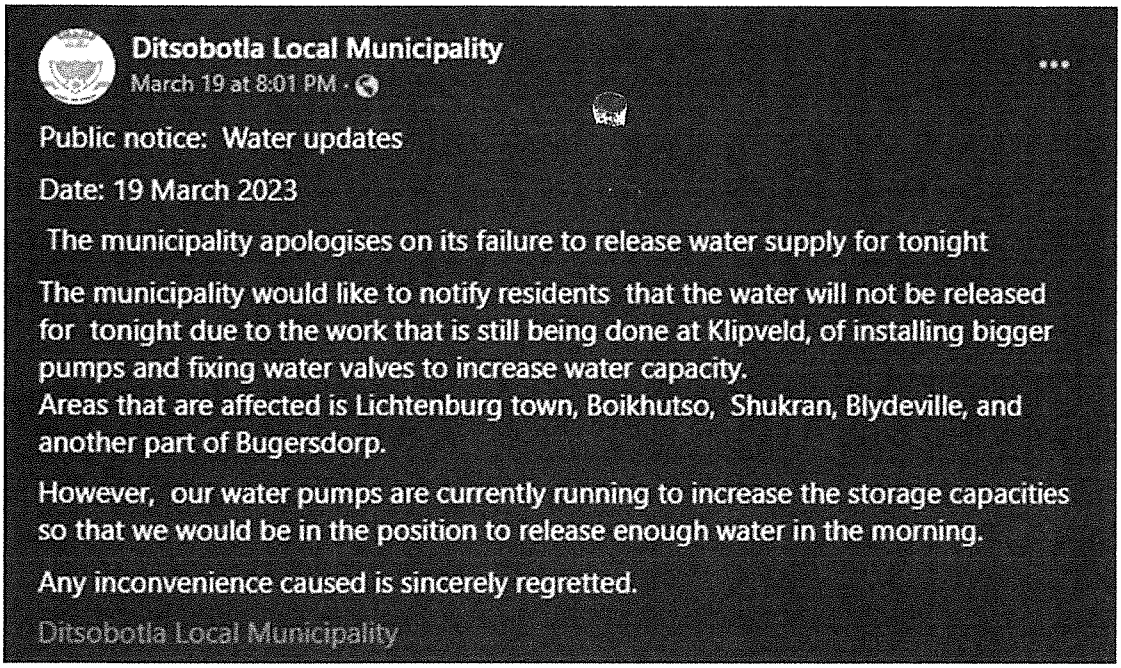
AR5



SCREENSHOT 1
TAKEN 27 MARCH 2023
DITSOBOTLA LOCAL MUNICIPALITY FACEBOOK PAGE



SCREENSHOT 2
TAKEN 27 MARCH 2023
DITSOBOTLA LOCAL MUNICIPALITY FACEBOOK PAGE



SCREENSHOT 3
TAKEN 27 MARCH 2023
DITSOBOTLA LOCAL MUNICIPALITY FACEBOOK PAGE

AR6
1477

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM 192 / 2022

In the matter between:

SAKELIGA NPC **First applicant**

CENTRE FOR GOOD GOVERNANCE

AND SOCIAL JUSTICE NPC **Second applicant**

RECORDS OFFICE
NORTH WEST HIGH COURT
PRIVATE BAG X2010 MMABATHO 2735
2023 -02- 15
COUNTER NO.7
REPUBLIC OF SOUTH AFRICA

BAREND LOURENS SNYMAN **Third applicant**

and

DITSOBOTLA LOCAL MUNICIPALITY **First respondent**

THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER

OF THE DITSOBOTLA LOCAL MUNICIPALITY **Second respondent**

PREMIER OF THE NORTH WEST PROVINCE **Third respondent**

PROVINCIAL EXECUTIVE OF THE

NORTH WEST PROVINCE **Fourth respondent**

MEMBER OF THE EXECUTIVE COUNCIL:

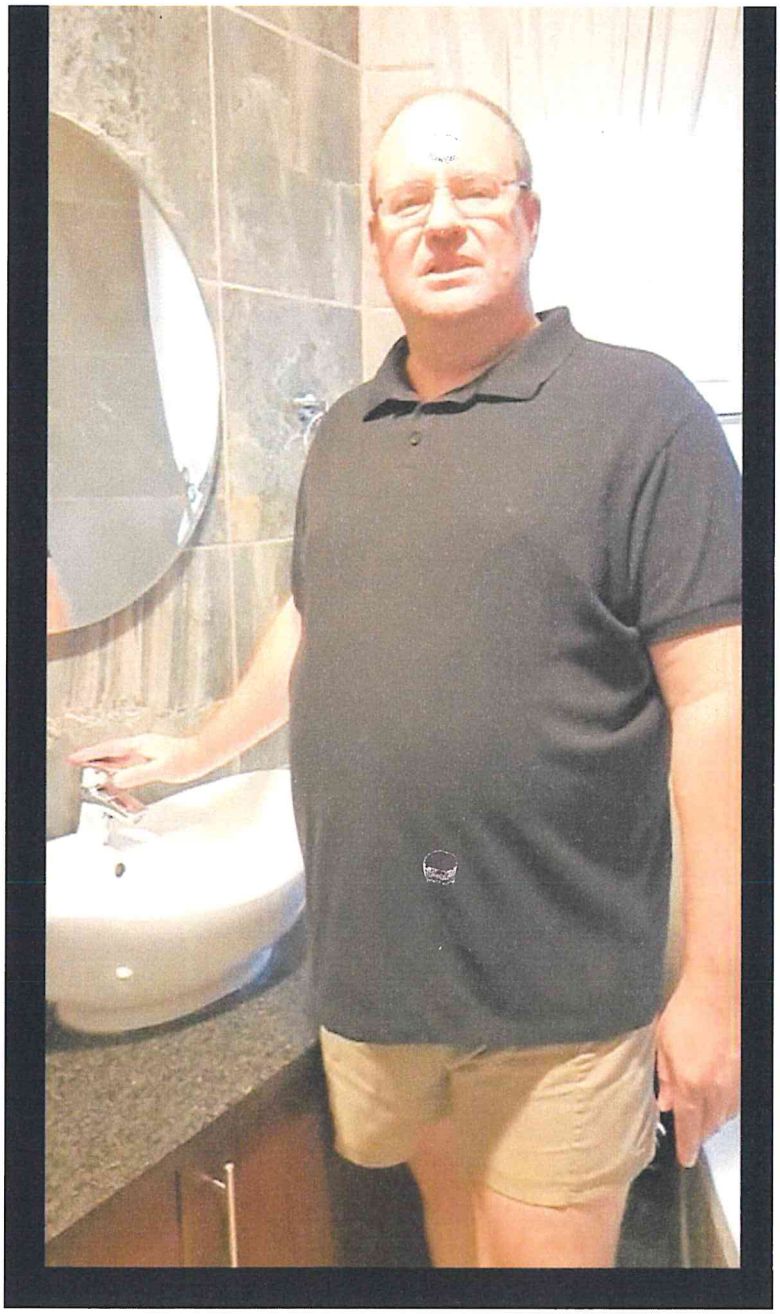
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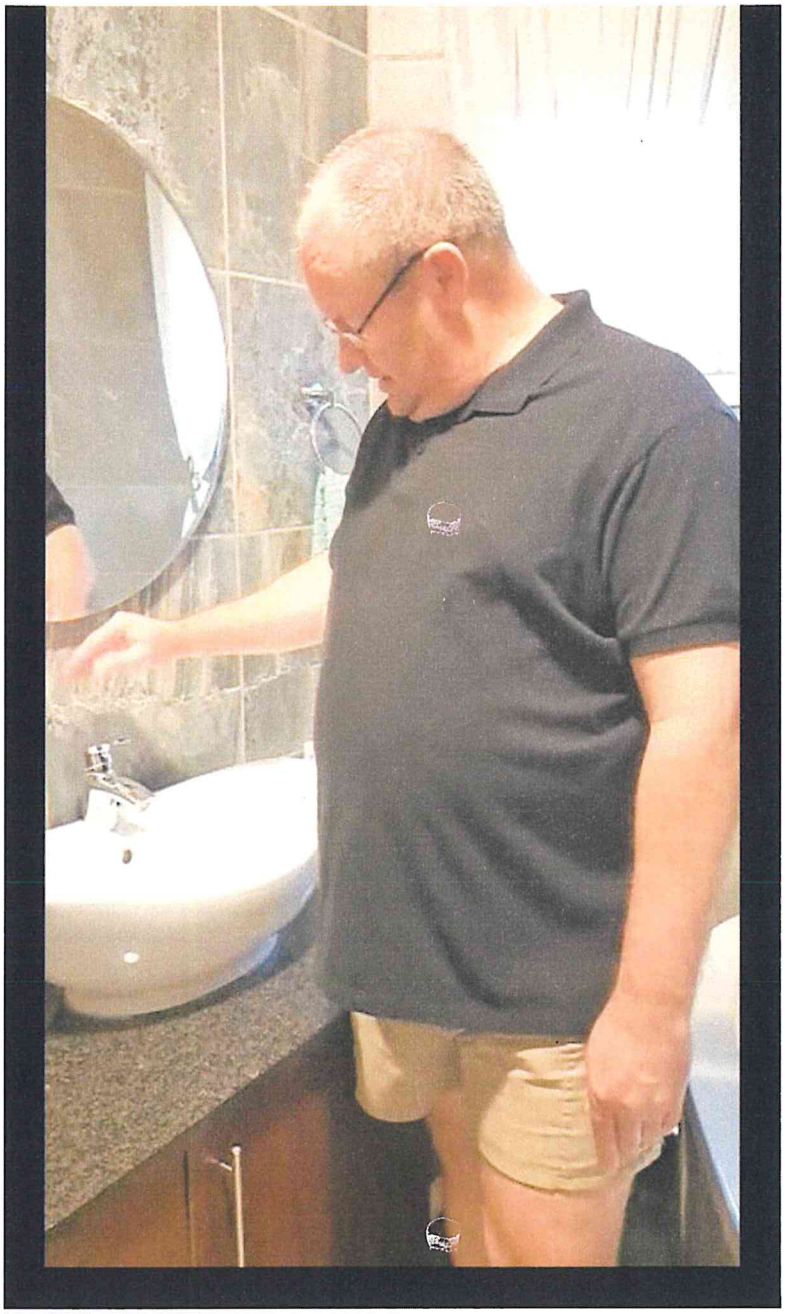
SCREENSHOT 1
RESIDENTS IN BLYDEVILLE, LICHTENBURG FETCHING WATER
VIDEO TAKEN ON 15 MARCH 2023 BY MR X BUSBY
LICHTENBERG



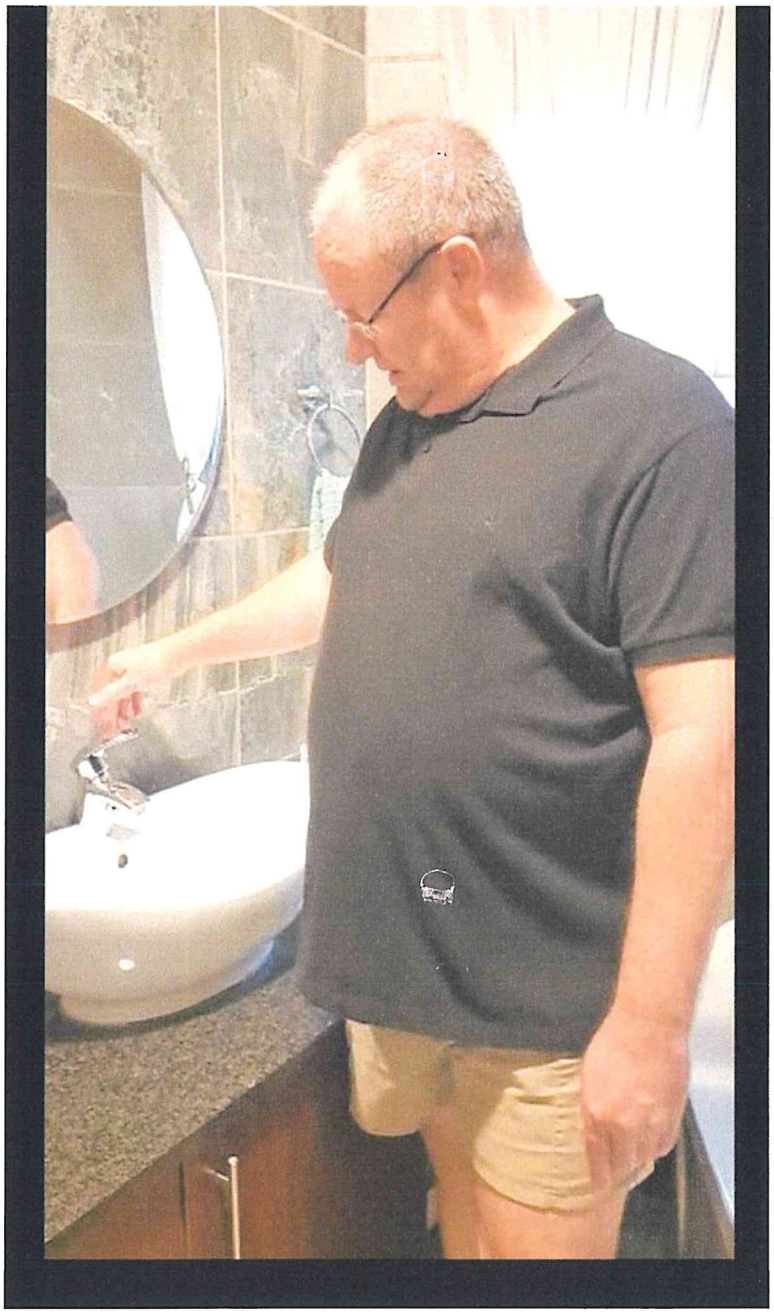
SCREENSHOT 2
RESIDENTS IN BLYDEVILLE, LICHTENBURG FETCHING WATER
VIDEO TAKEN ON 15 MARCH 2023 BY MR X BUSBY
LICHTENBERG



SCREENSHOT 3
NO WATER IN TAPS
VIDEO TAKEN ON 16 MARCH 2023 BY MR J DU PLESSIS
5TH AVENUE, LICHTENBERG



SCREENSHOT 4
NO WATER IN TAPS
VIDEO TAKEN ON 16 MARCH 2023 BY MR J DU PLESSIS
5TH AVENUE, LICHTENBERG



SCREENSHOT 5
NO WATER IN TAPS
VIDEO TAKEN ON 16 MARCH 2023 BY MR J DU PLESSIS
5TH AVENUE, LICHTENBERG



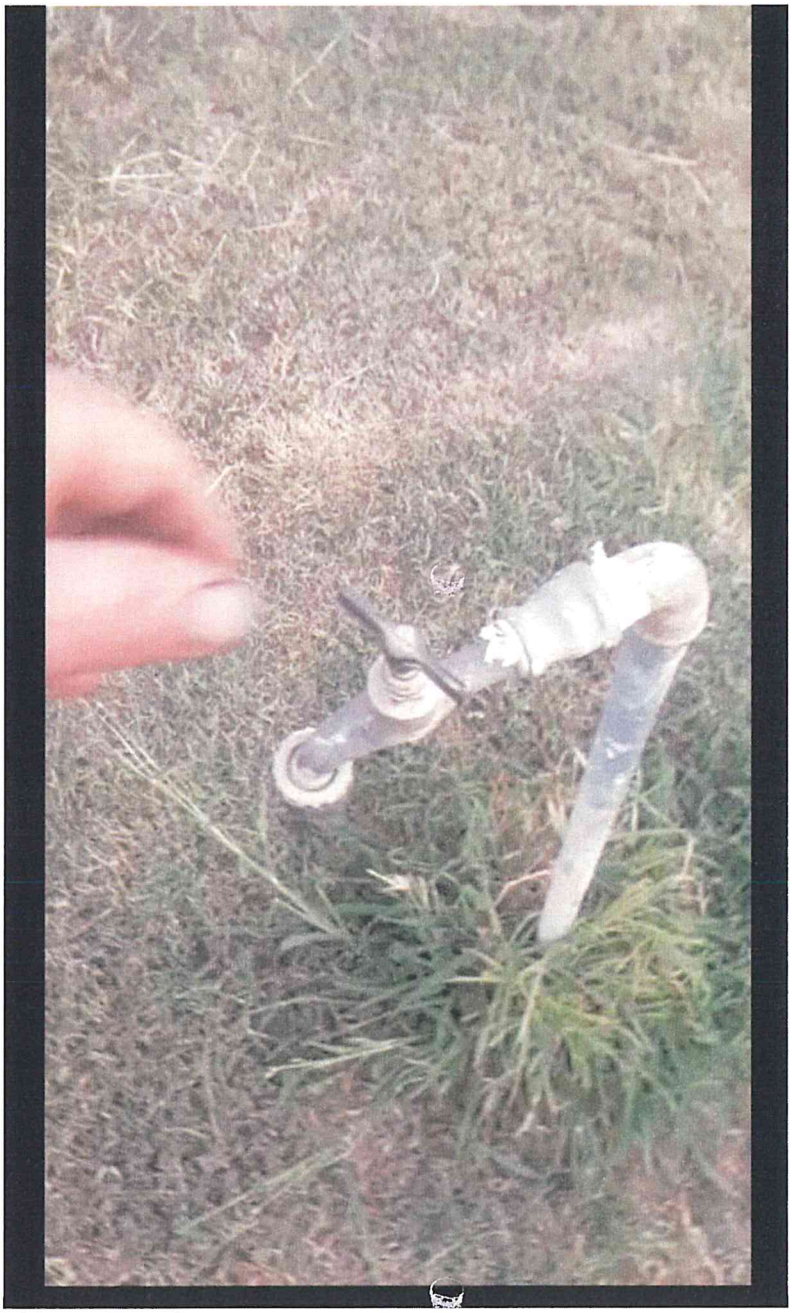
SCREENSHOT 6
NO WATER IN TAPS
VIDEO TAKEN ON 16 MARCH 2023 BY MR J PEENS
4TH AVENUE, LICHTENBERG



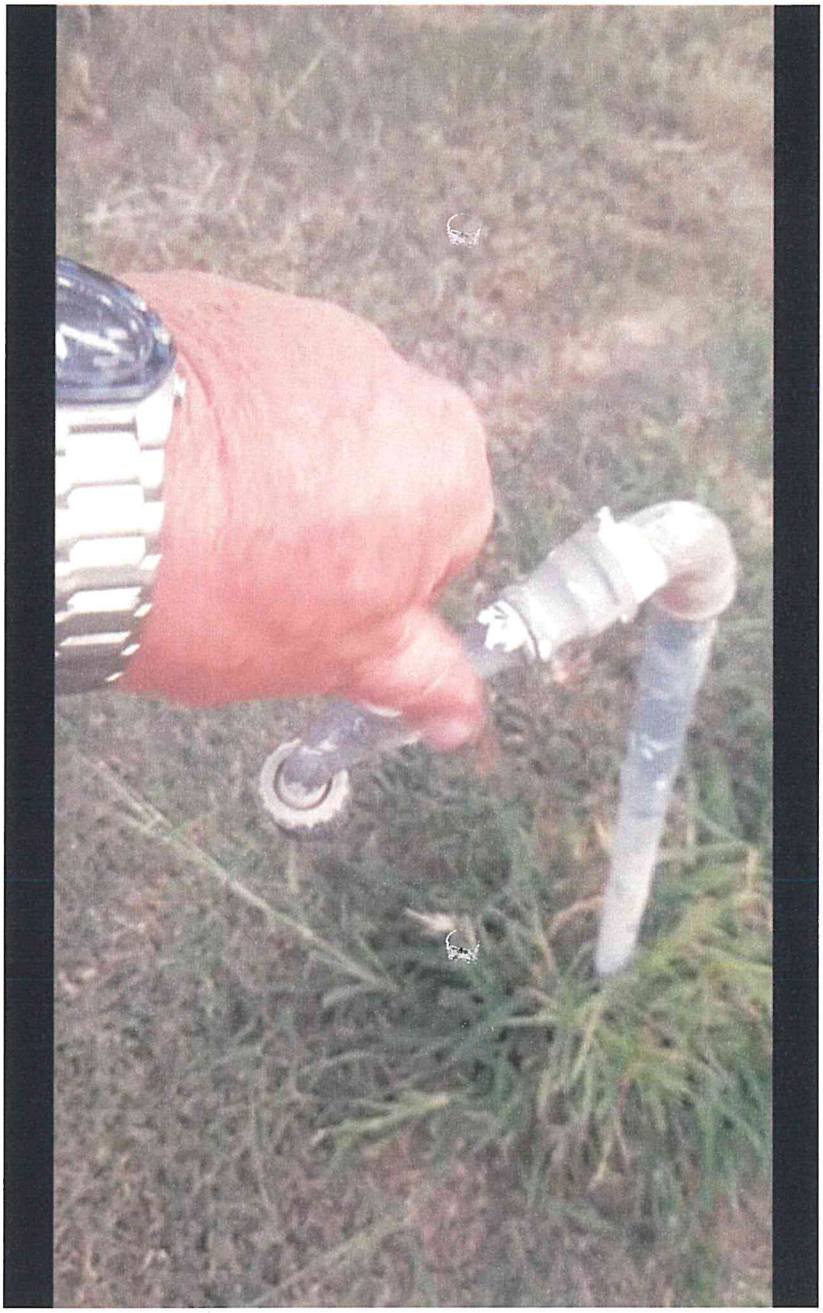
SCREENSHOT 7
NO WATER IN TAPS
VIDEO TAKEN ON 16 MARCH 2023 BY MR J PEENS
4TH AVENUE, LICHTENBERG



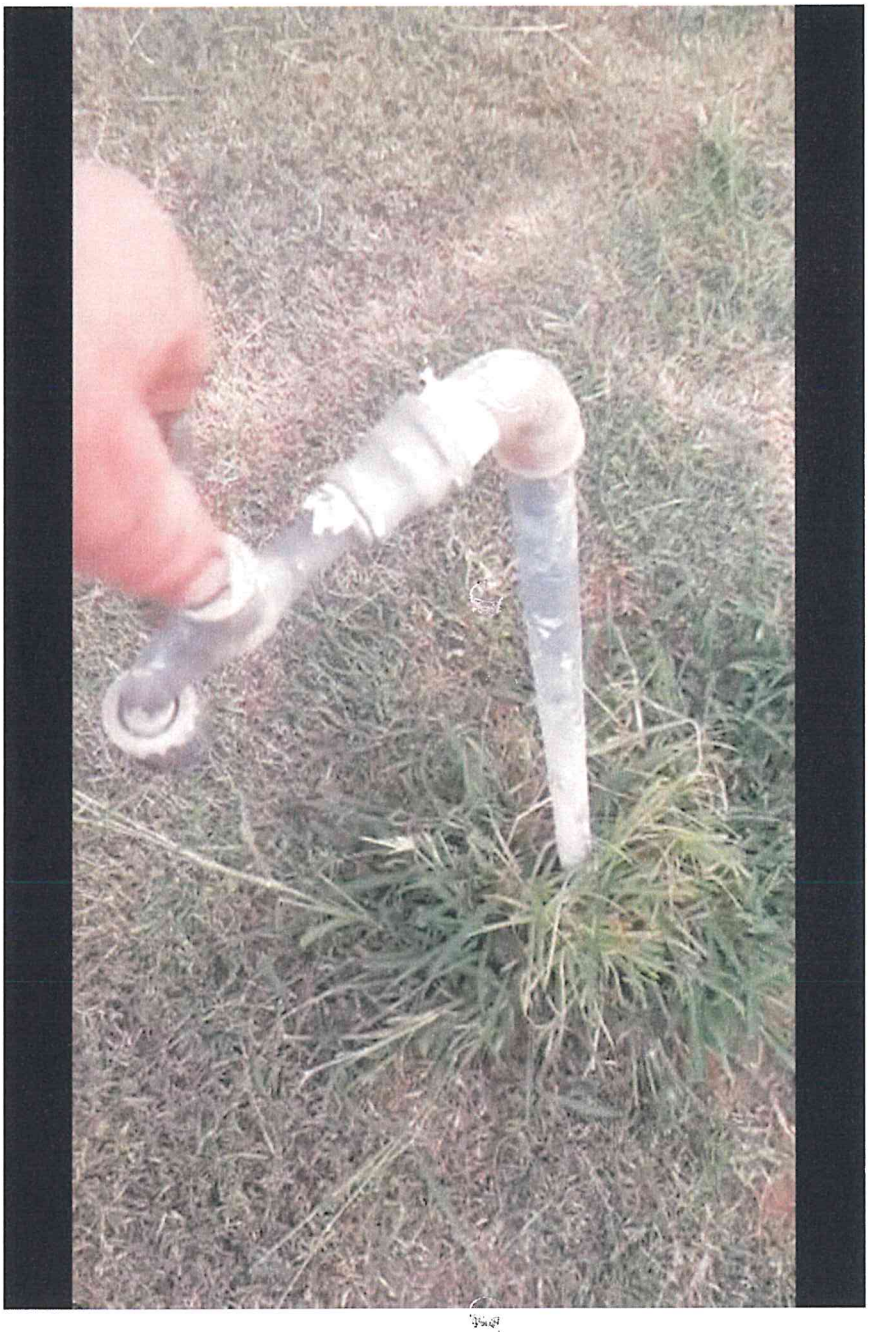
SCREENSHOT 8
NO WATER IN TAPS
VIDEO TAKEN ON 16 MARCH 2023 BY MR J PEENS
4TH AVENUE, LICHTENBERG



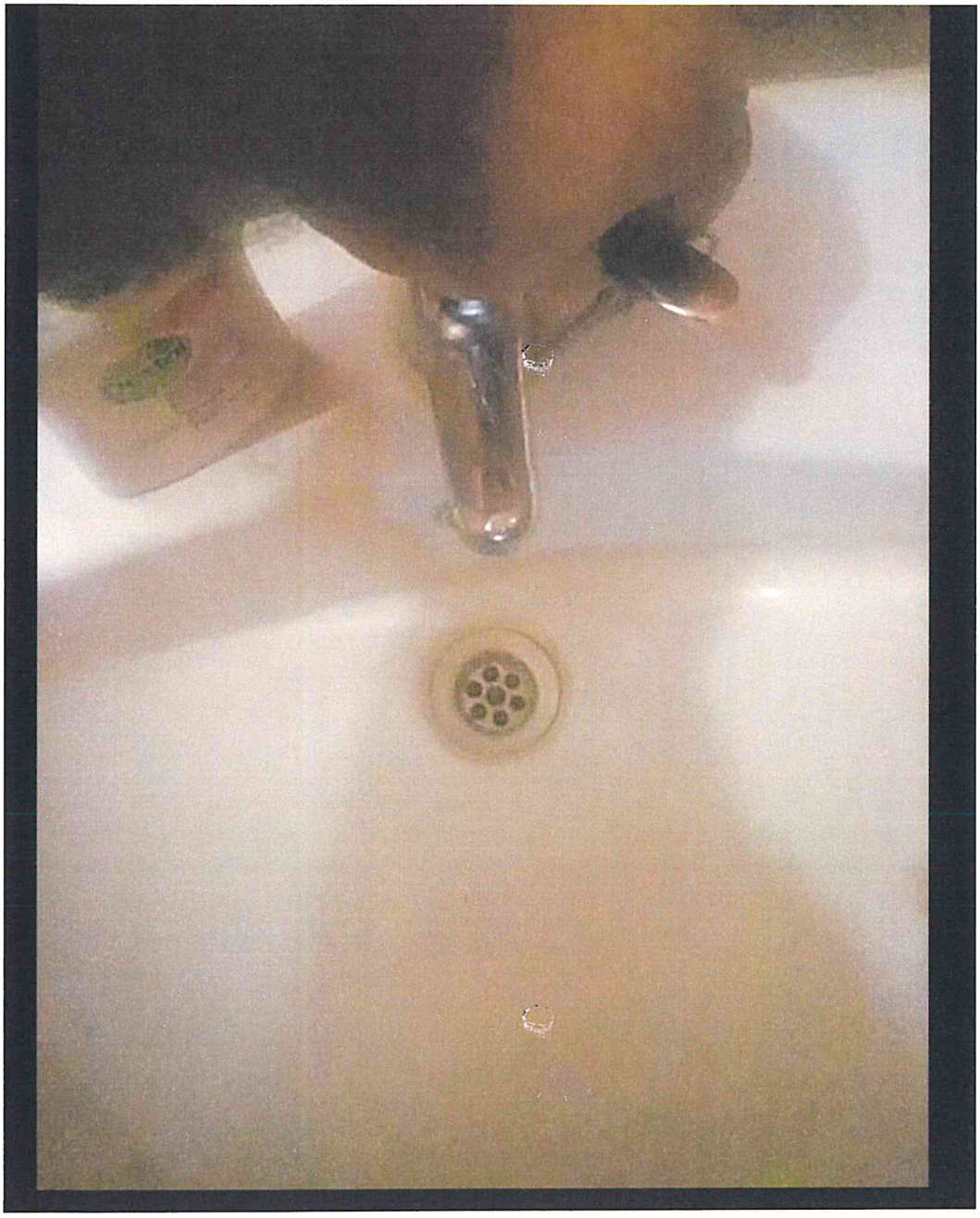
SCREENSHOT 10
NO WATER IN TAPS
VIDEO TAKEN ON 17 MARCH 2023 BY MR C BREEDT
ANITA STREET, LICHTENBERG



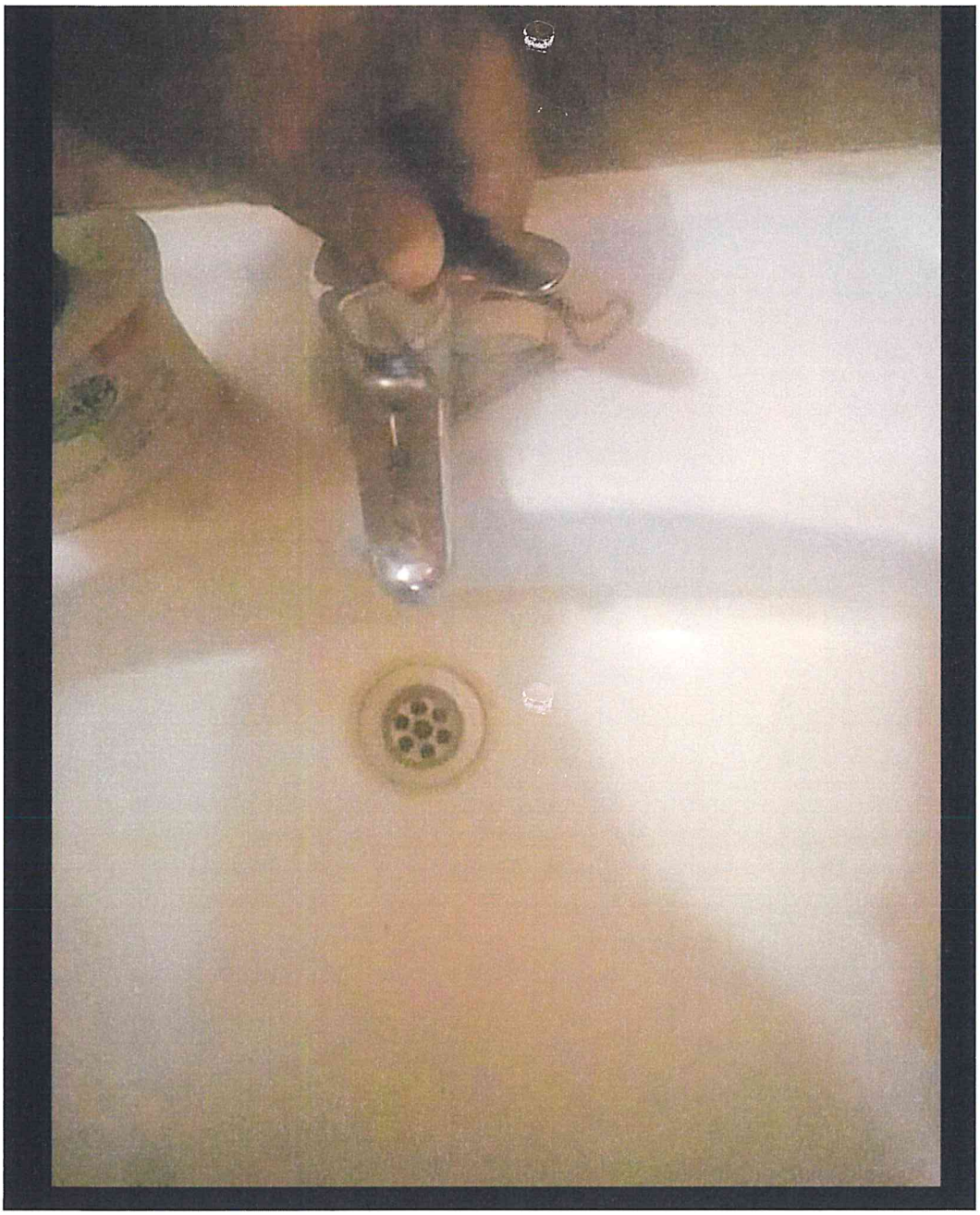
SCREENSHOT 11
NO WATER IN TAPS
VIDEO TAKEN ON 17 MARCH 2023 BY MR C BREEDT
ANITA STREET, LICHTENBERG



SCREENSHOT 12
NO WATER IN TAPS
VIDEO TAKEN ON 17 MARCH 2023 BY MR C BREEDT
ANITA STREET, LICHTENBERG



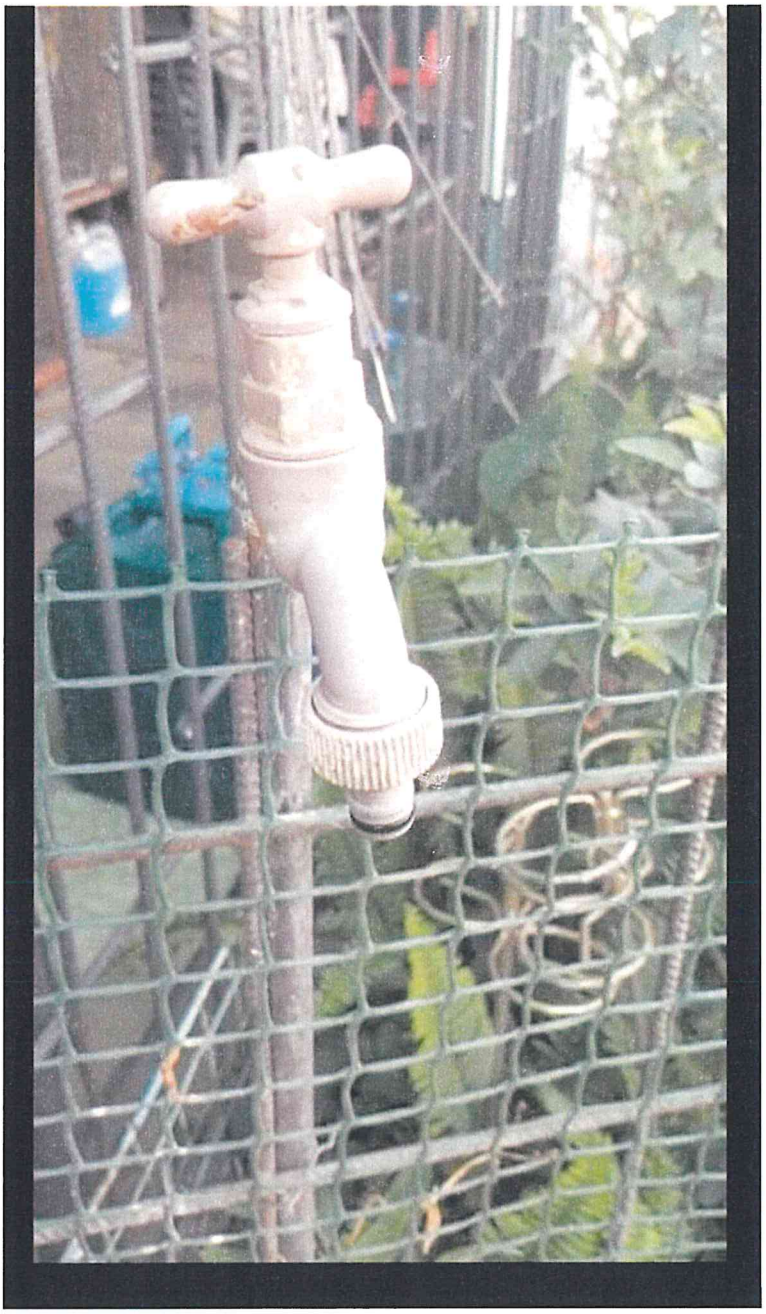
SCREENSHOT 13
NO WATER IN TAPS
VIDEO TAKEN ON 17 MARCH 2023 BY MR SLIPPERS
9TH STREET, LICHTENBERG



SCREENSHOT 14
NO WATER IN TAPS
VIDEO TAKEN ON 17 MARCH 2023 BY MR SLIPPERS
9TH STREET, LICHTENBERG



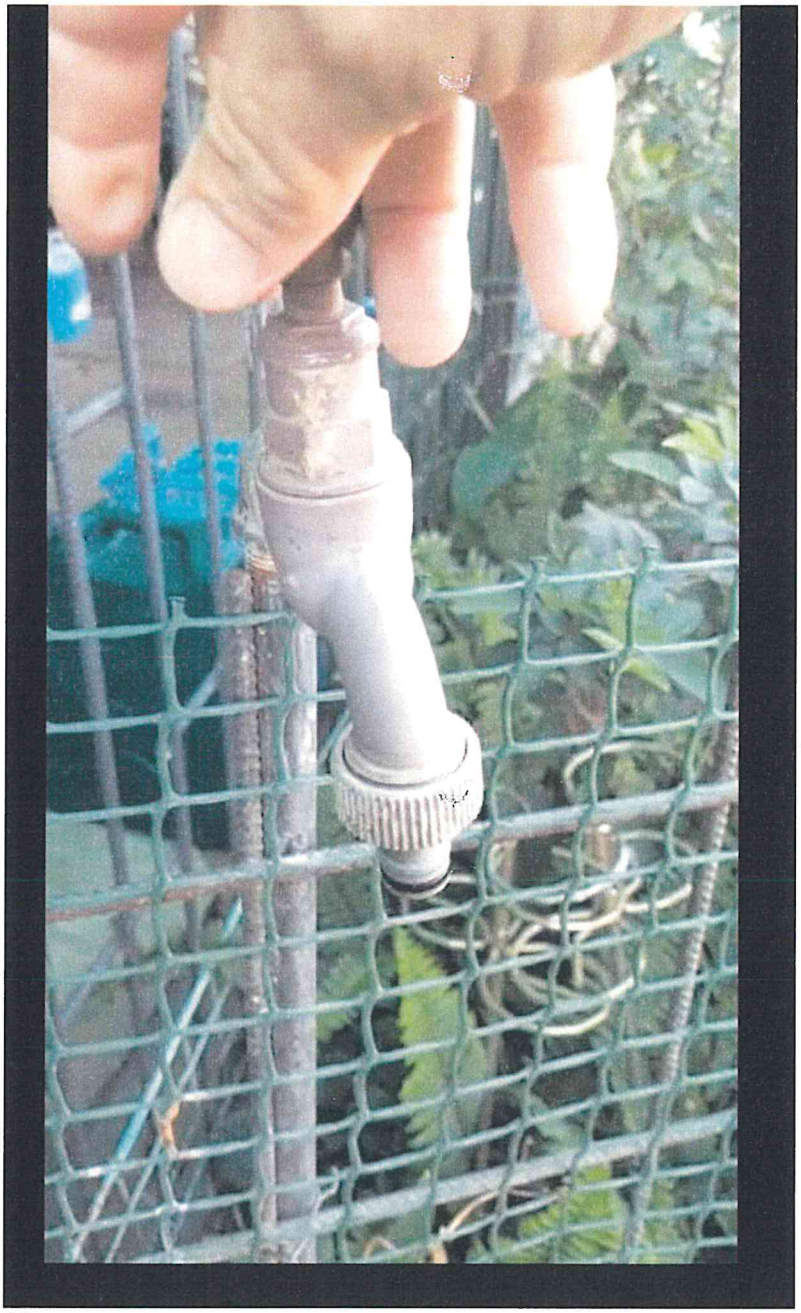
SCREENSHOT 15
WATER TRUCK OUTSIDE OF NWK'S OFFICES FOR RESIDENTS
17 MARCH 2023
BUCHANAN STREET, LICHTENBERG



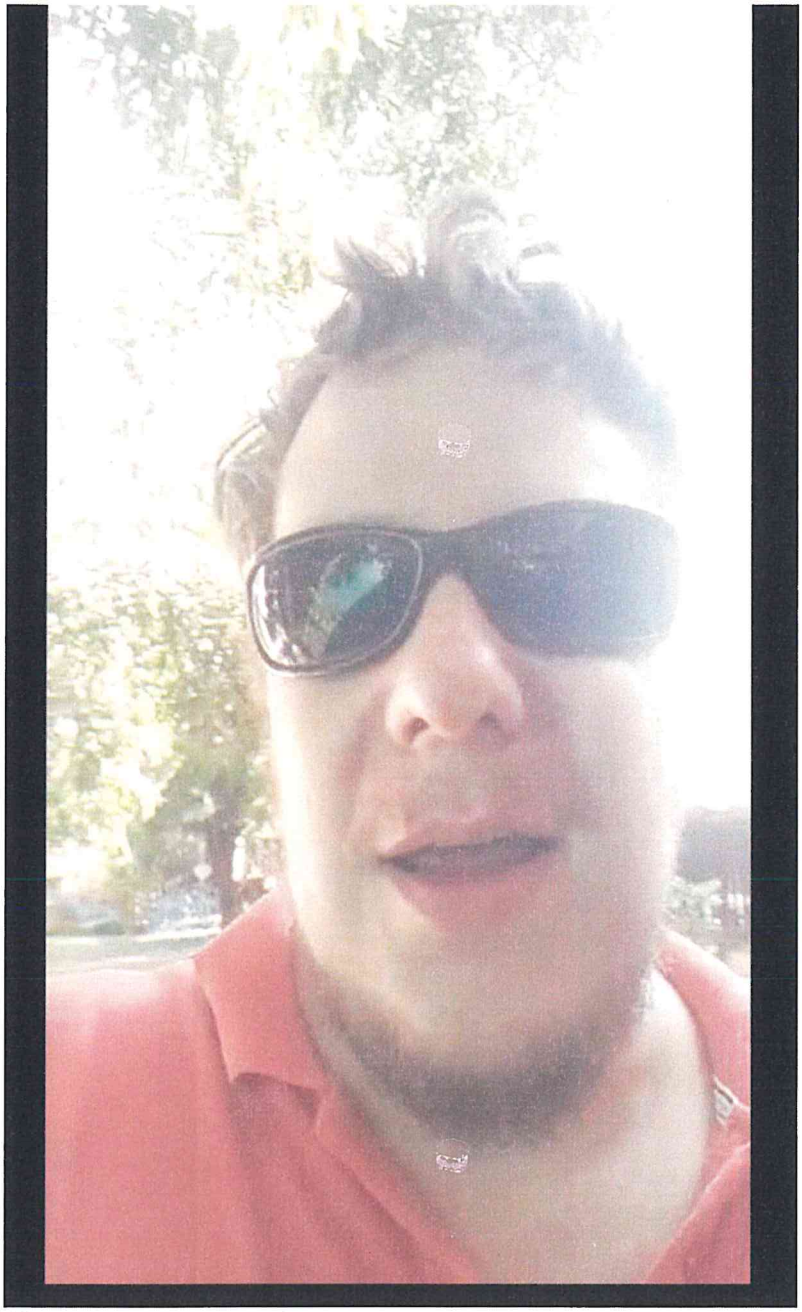
SCREENSHOT 16
NO WATER IN TAPS
VIDEO TAKEN ON 19 MARCH 2023 BY MR MH PIETERS
ANITA STREET, COLIGNY



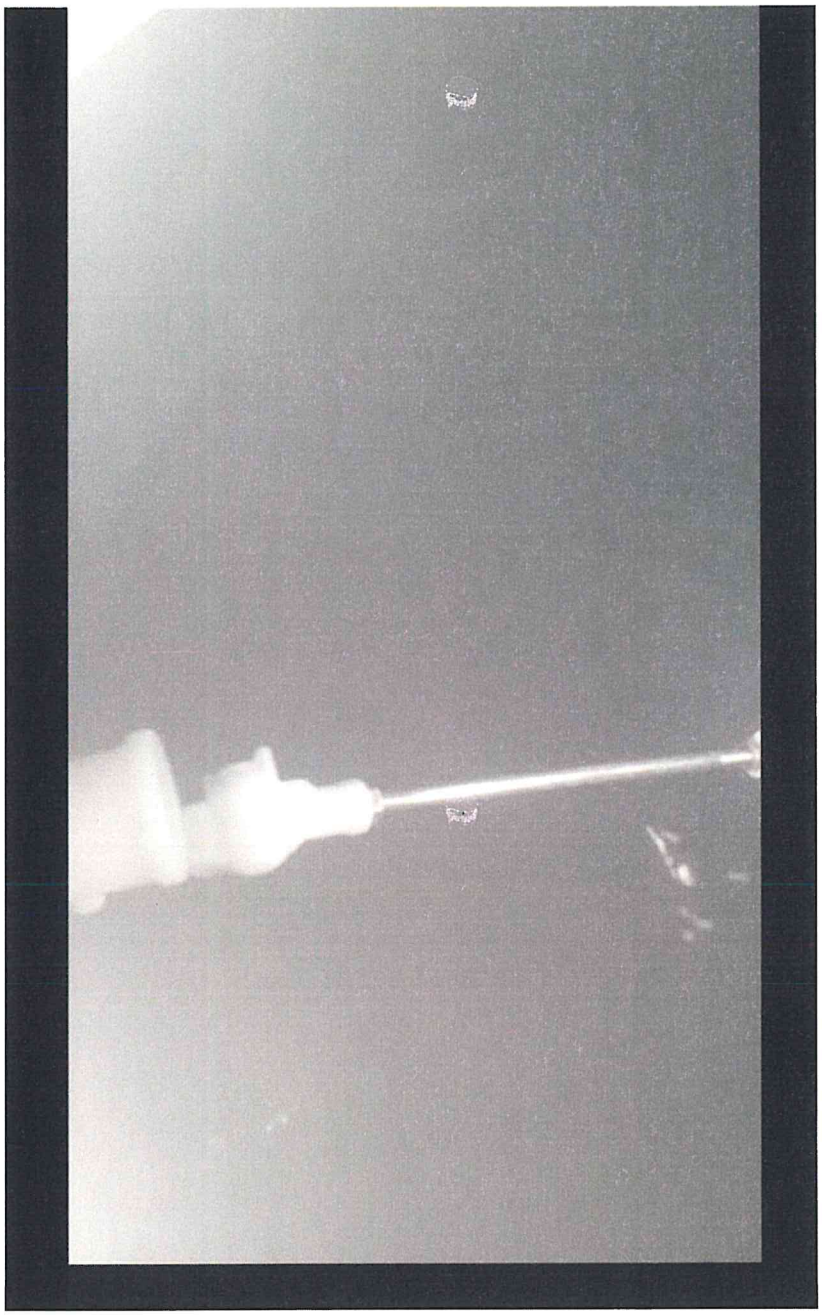
SCREENSHOT 17
NO WATER IN TAPS
VIDEO TAKEN ON 19 MARCH 2023 BY MR MH PIETERS
ANITA STREET, COLIGNY



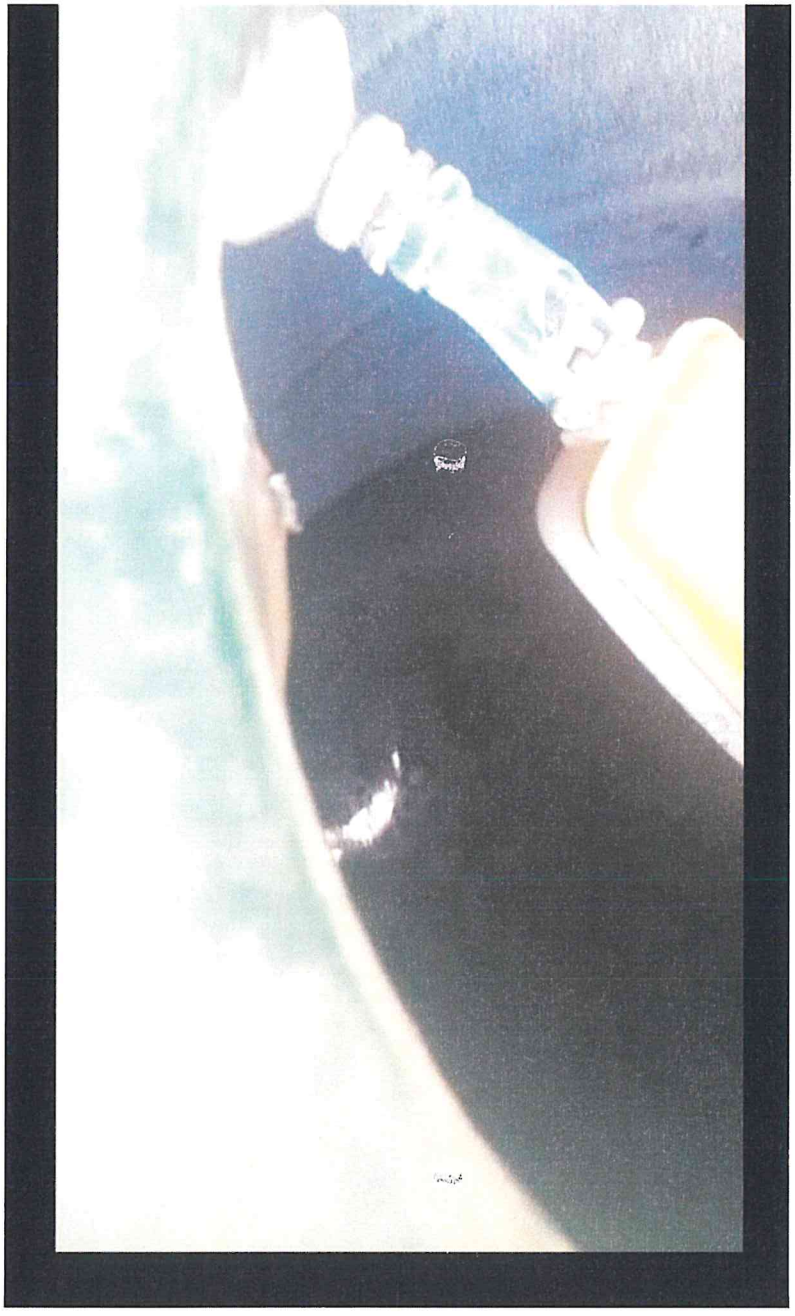
SCREENSHOT 18
NO WATER IN TAPS
VIDEO TAKEN ON 19 MARCH 2023 BY MR MH PIETERS
ANITA STREET, COLIGNY



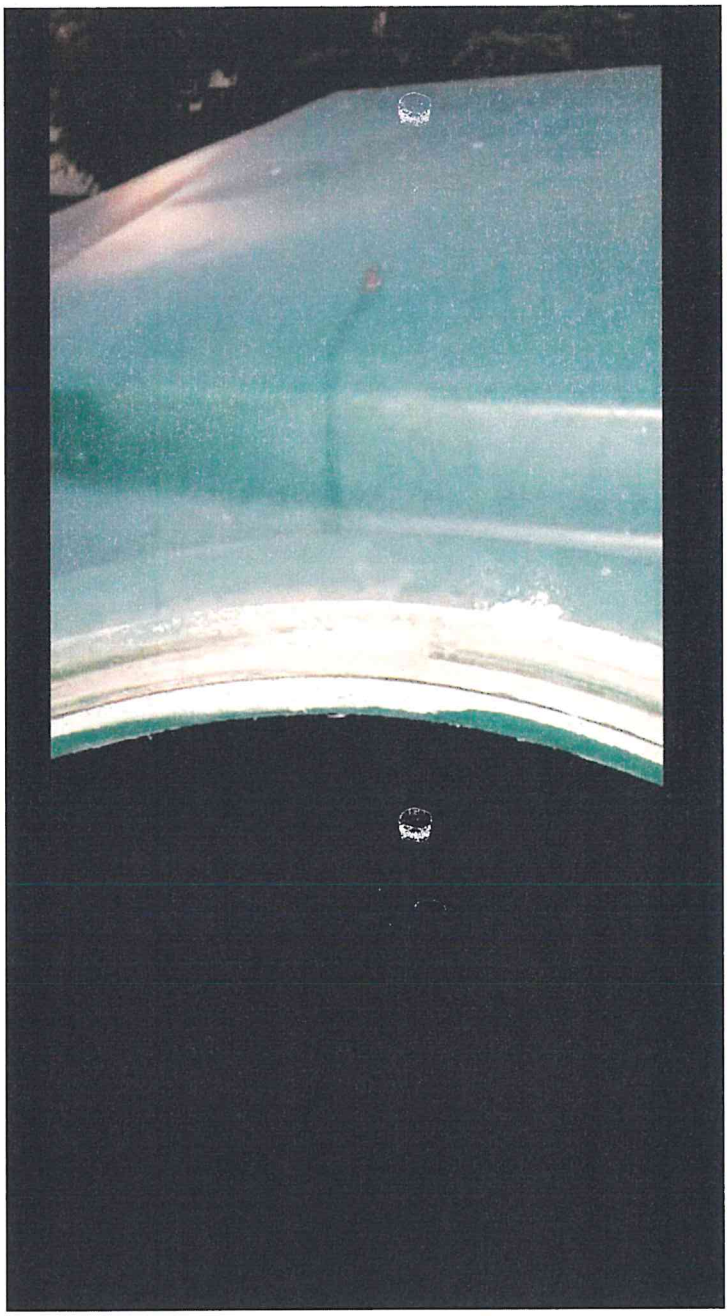
SCREENSHOT 19
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 19 MARCH 2023 BY MR V RENIERI
SCHOLTZ STREET, LICHTENBURG



SCREENSHOT 20
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 19 MARCH 2023 BY MR V RENIERI
SCHOLTZ STREET, LICHTENBURG



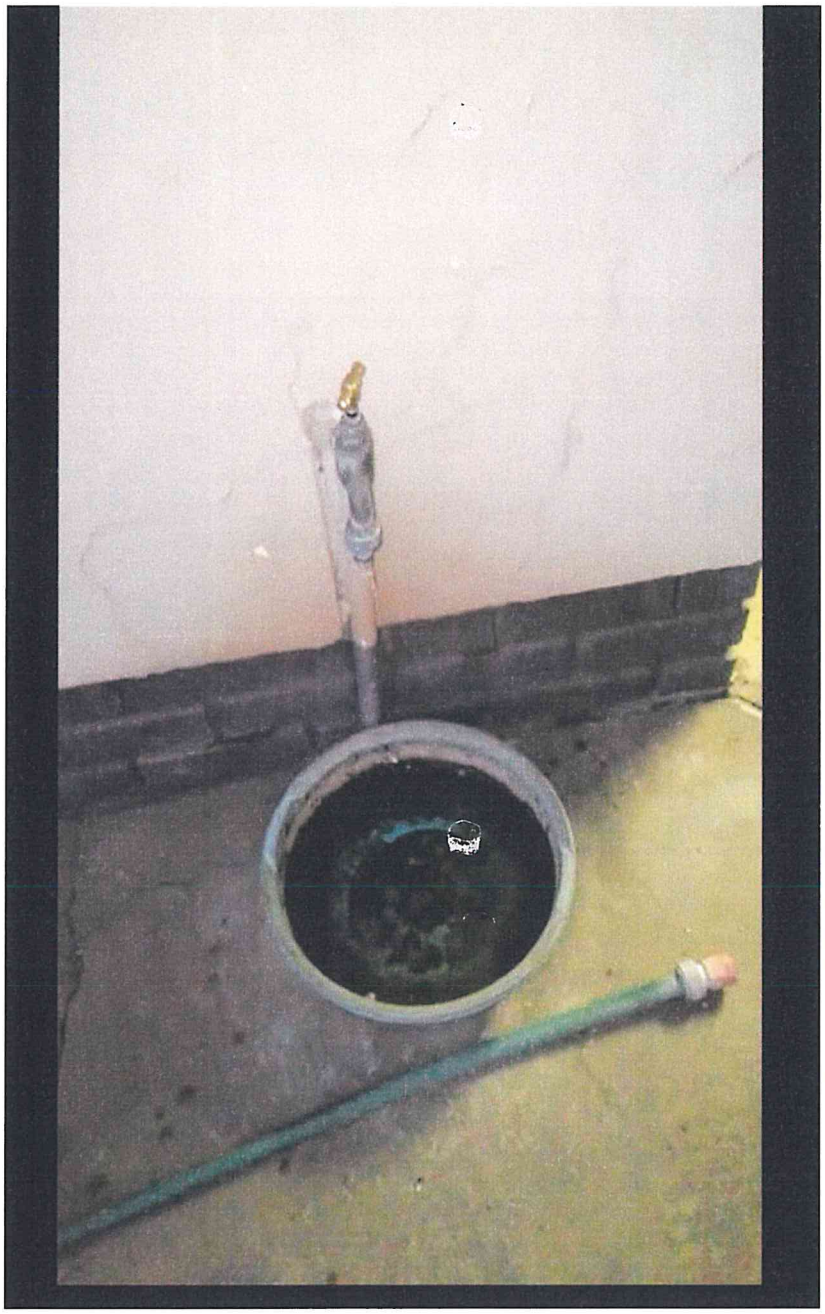
SCREENSHOT 21
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 19 MARCH 2023 BY MR V RENIERI
SCHOLTZ STREET, LICHTENBURG



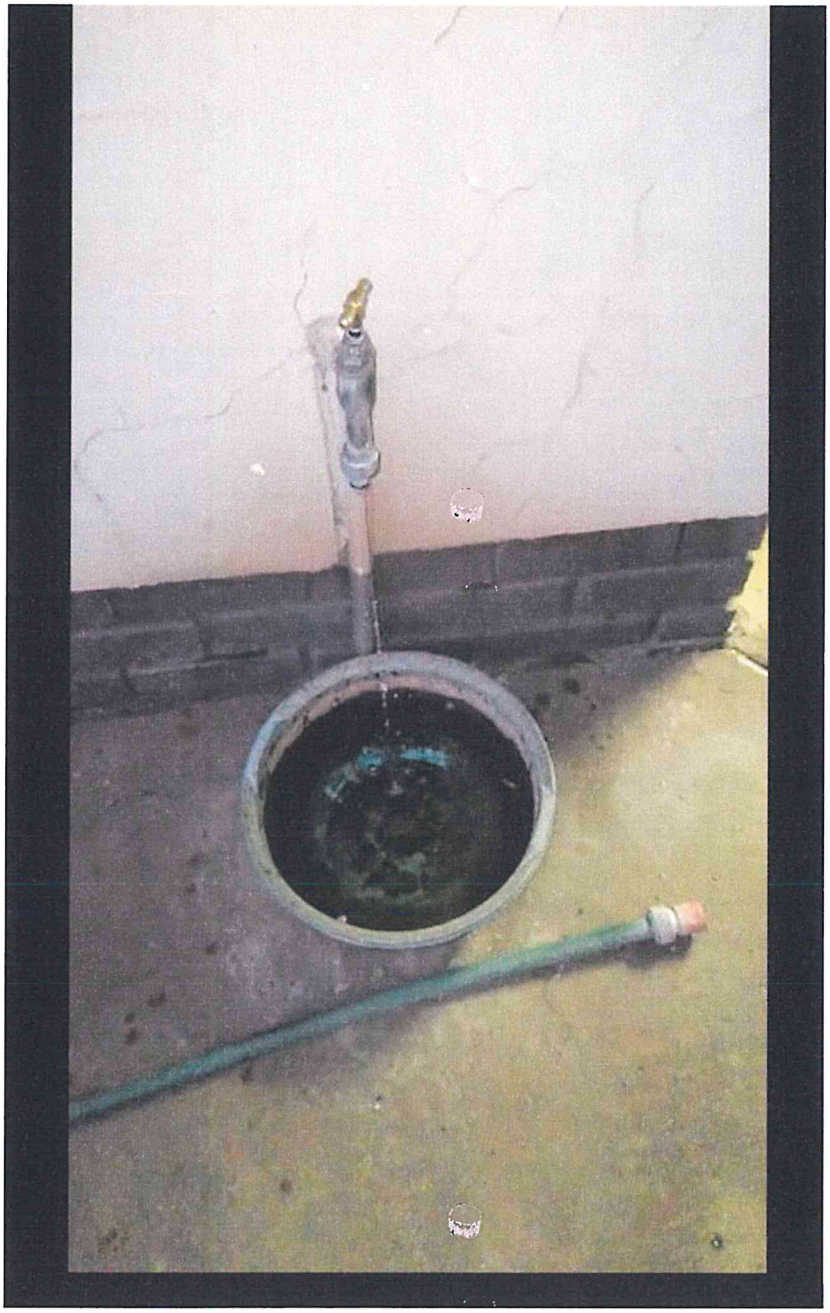
SCREENSHOT 22
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 18H45 BY MR F JONES
3RD STREET, LICHTENBURG



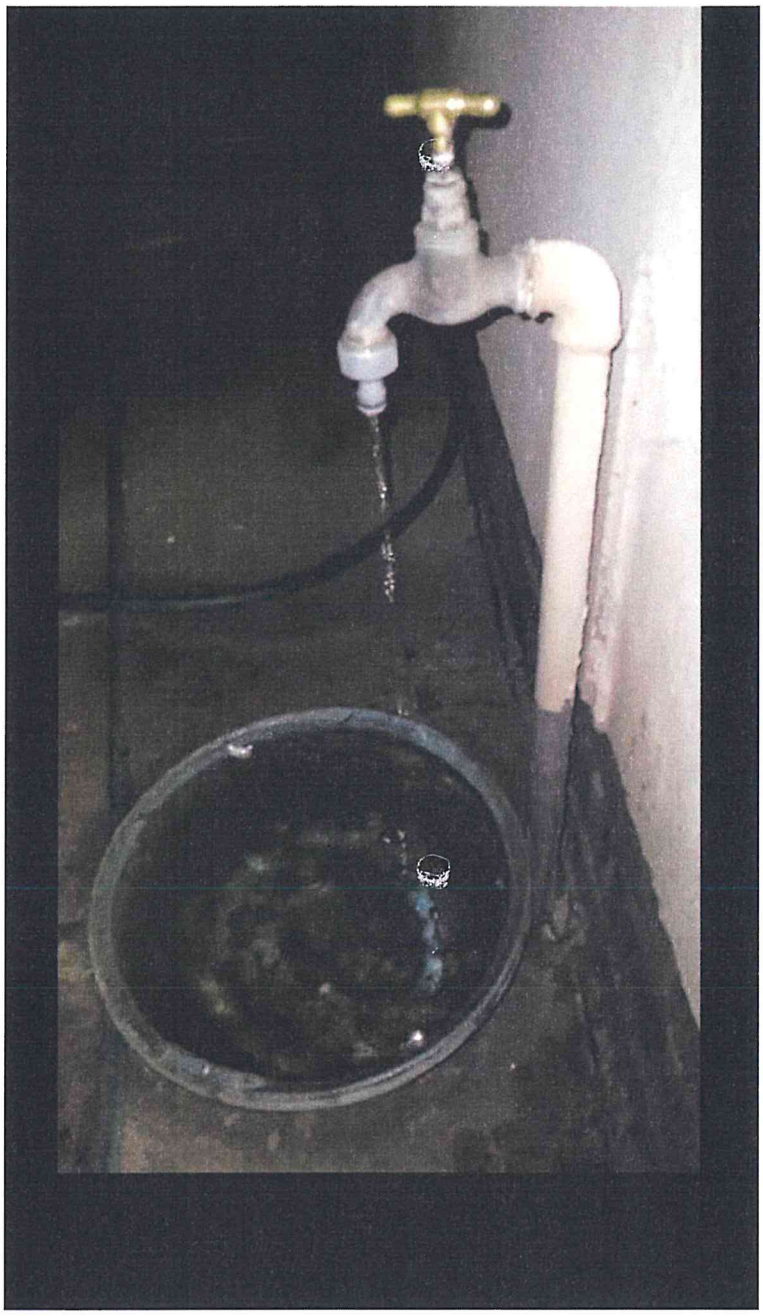
SCREENSHOT 23
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 18H45 BY MR F JONES
3RD STREET, LICHTENBURG



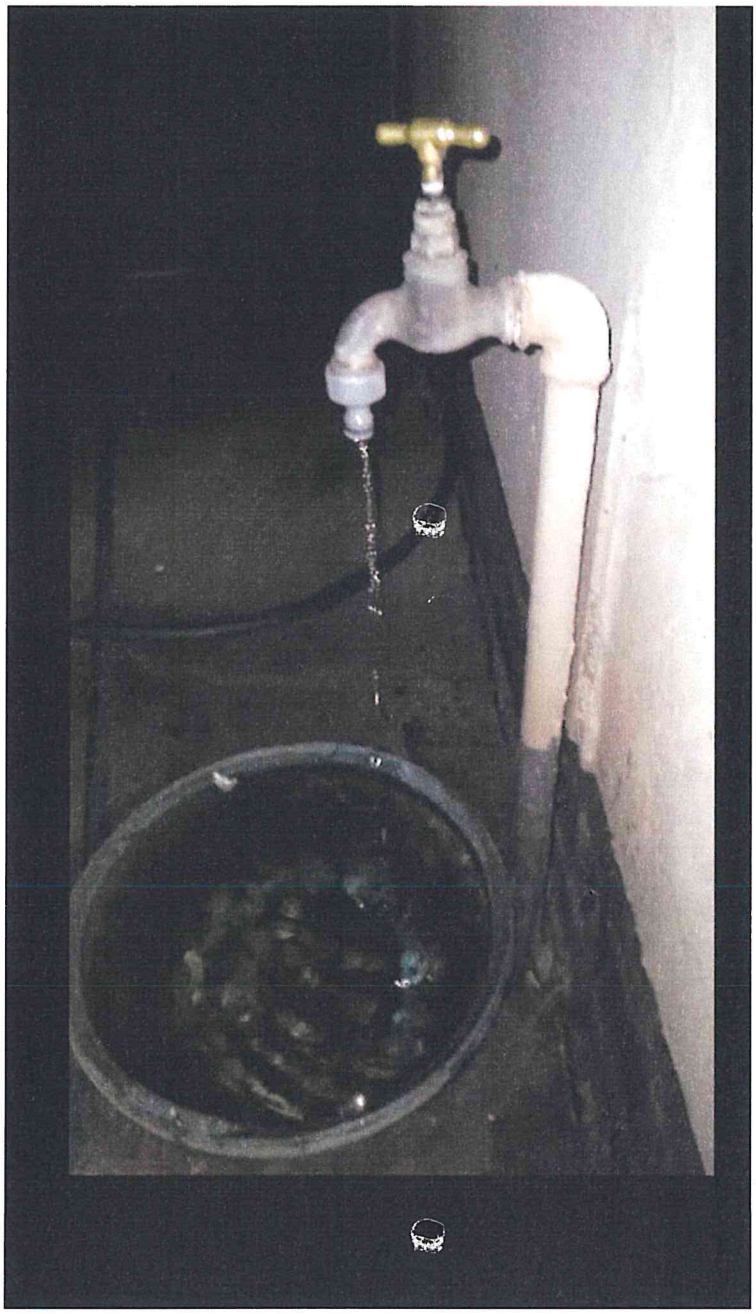
SCREENSHOT 24
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 18H45 BY MR F JONES
3RD STREET, LICHTENBURG



SCREENSHOT 25
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 18H45 BY MR F JONES
3RD STREET, LICHTENBURG



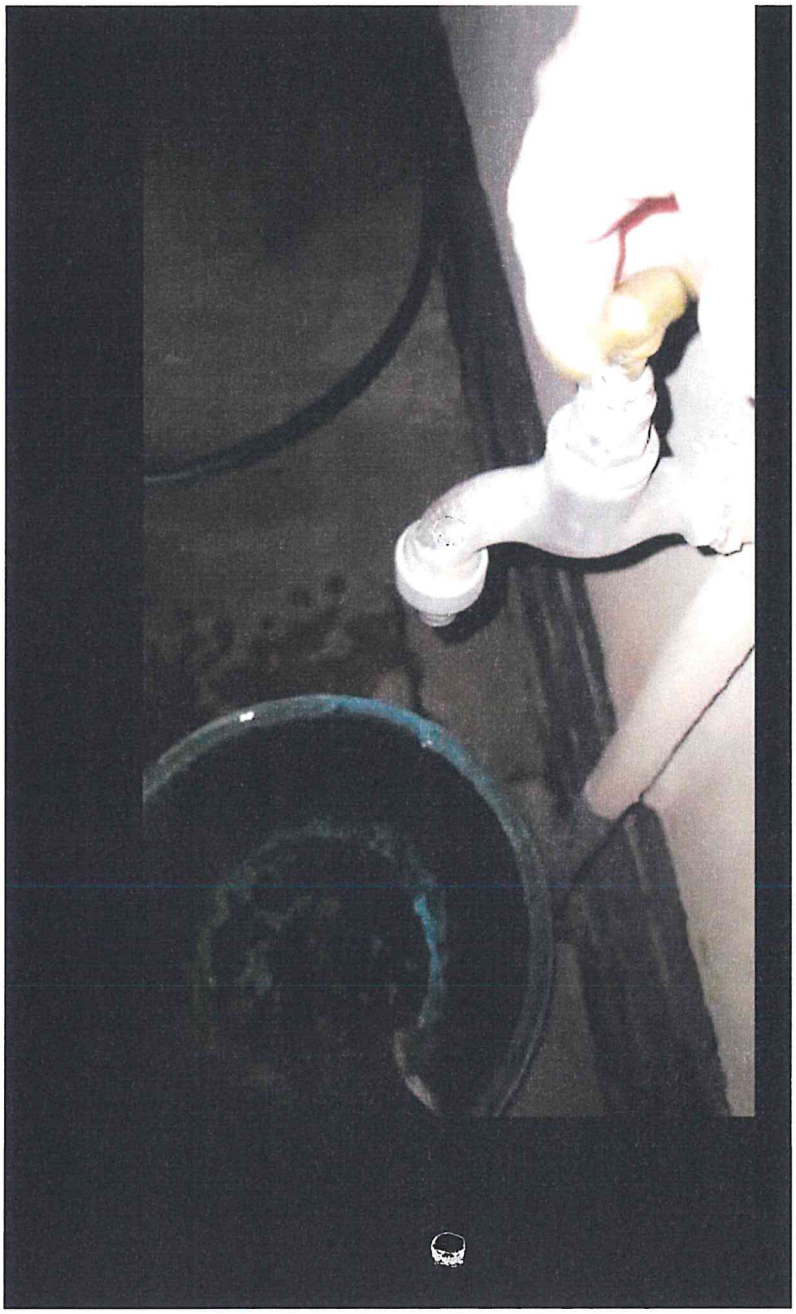
SCREENSHOT 26
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 19H15 BY MR F JONES
3RD STREET, LICHTENBURG



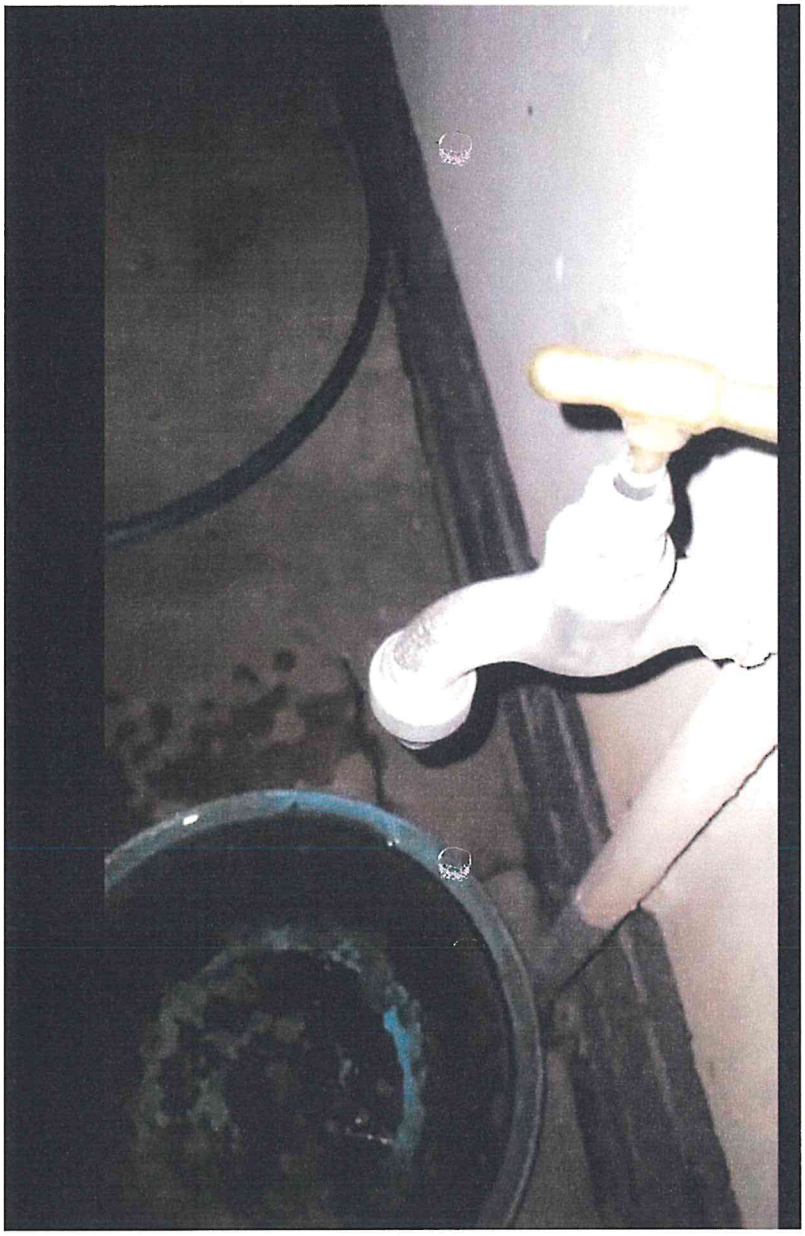
SCREENSHOT 27
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 19H15 BY MR F JONES
3RD STREET, LICHTENBURG



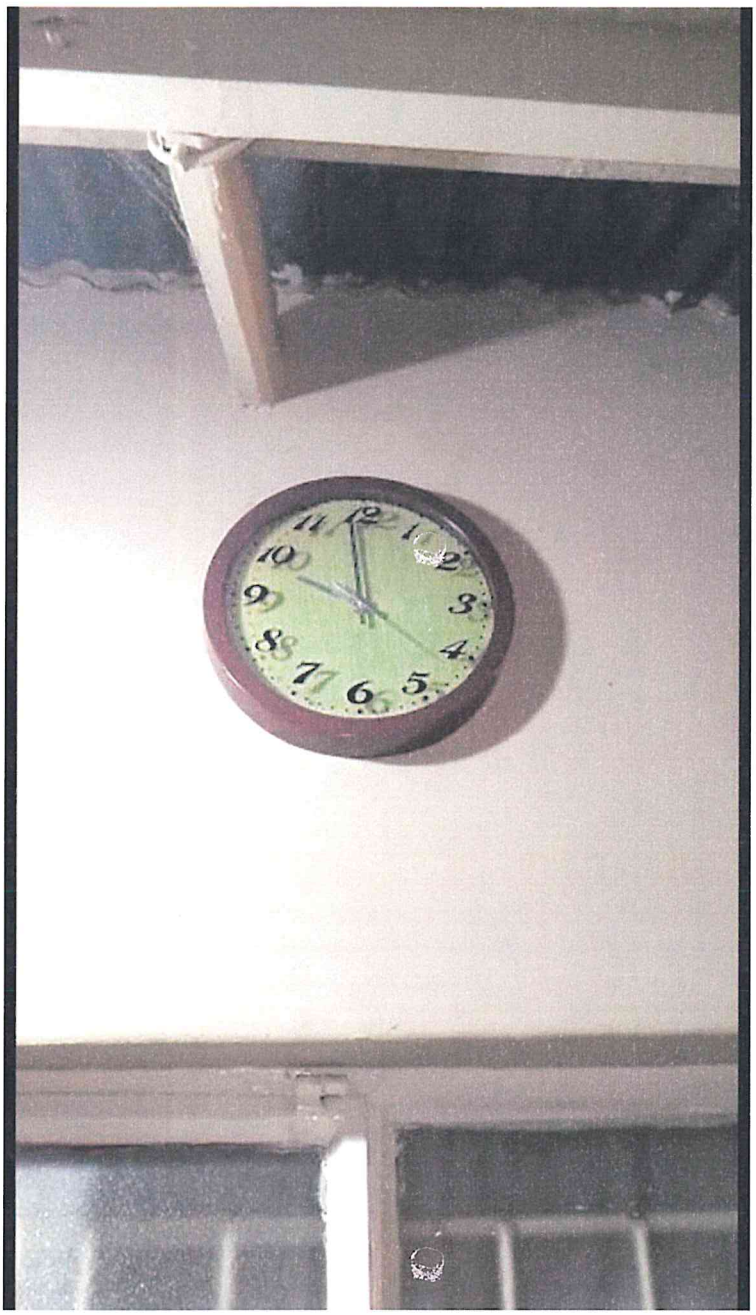
SCREENSHOT 28
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 22h00 BY MR F JONES
3RD STREET, LICHTENBURG



SCREENSHOT 29
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 22h00 BY MR F JONES
3RD STREET, LICHTENBURG



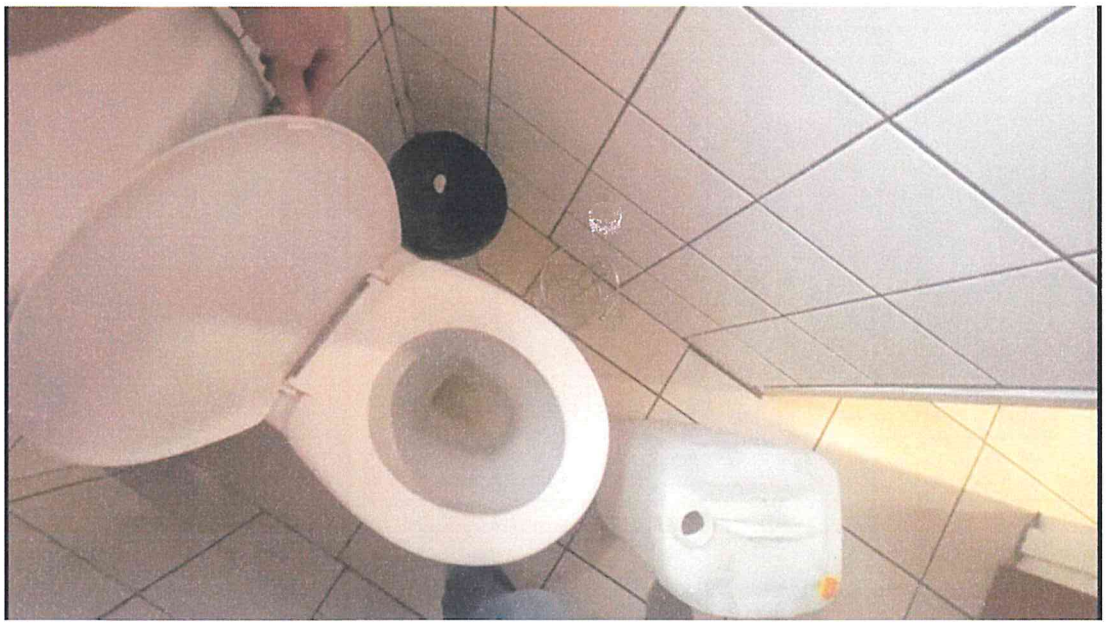
SCREENSHOT 30
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 22h00 BY MR F JONES
3RD STREET, LICHTENBURG



SCREENSHOT 31
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 21 MARCH 2023 AT 22h00 BY MR F JONES
3RD STREET, LICHTENBURG



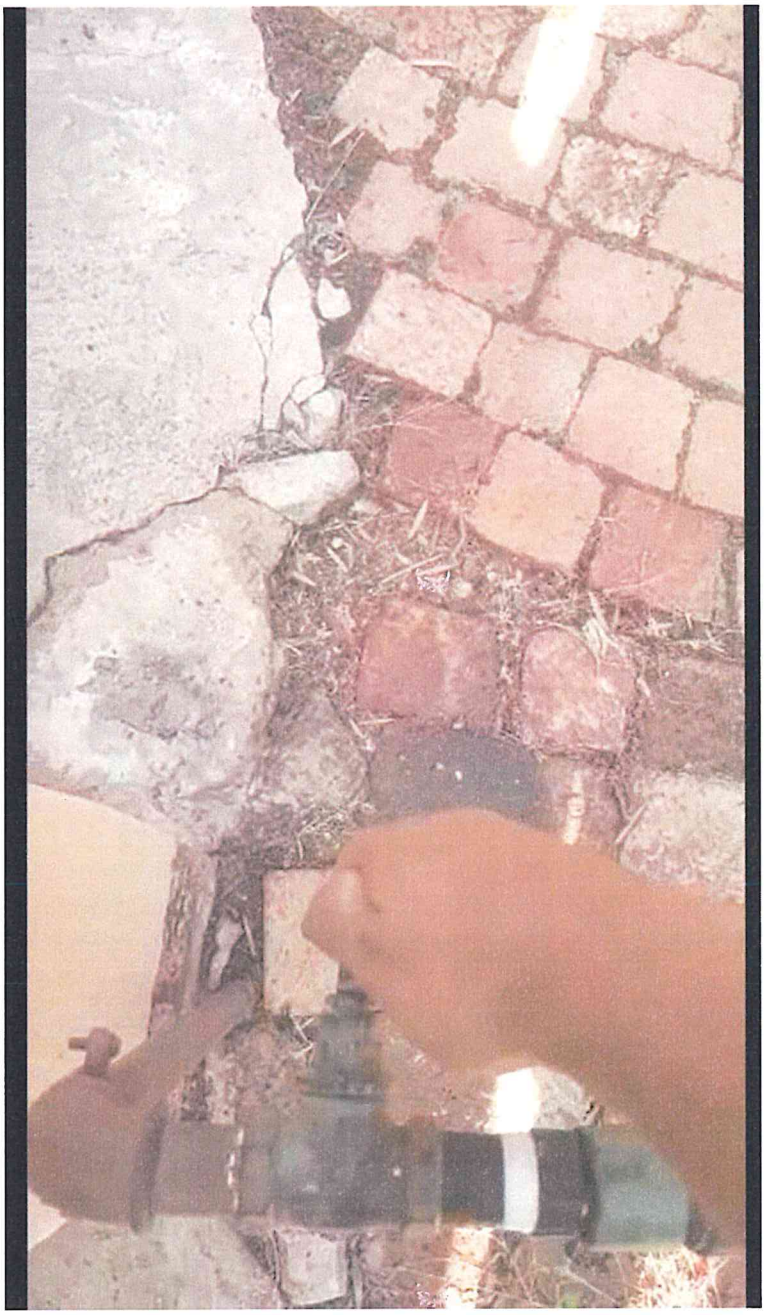
SCREENSHOT 32
NO WATER IN TAPS AND TOILETS – HAVE TO FLUSH USING 25 LITRE CAN
VIDEO TAKEN ON 21 MARCH 2023 BY MR B VON MOLTKE AT 12H50
LONG STREET, LICHTENBURG



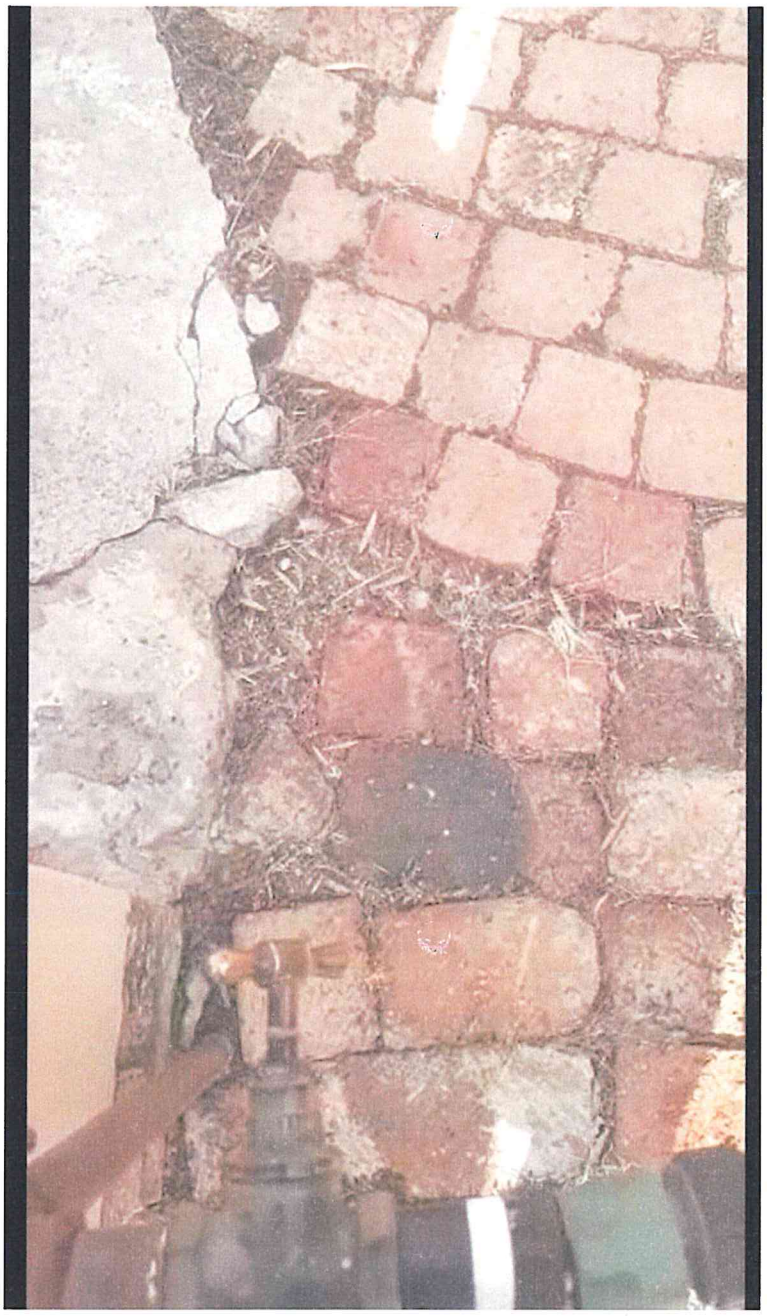
SCREENSHOT 33
NO WATER IN TAPS AND TOILETS – HAVE TO FLUSH USING 25 LITRE CAN
VIDEO TAKEN ON 21 MARCH 2023 BY MR B VON MOLTKE AT 12H50
LONG STREET, LICHTENBURG



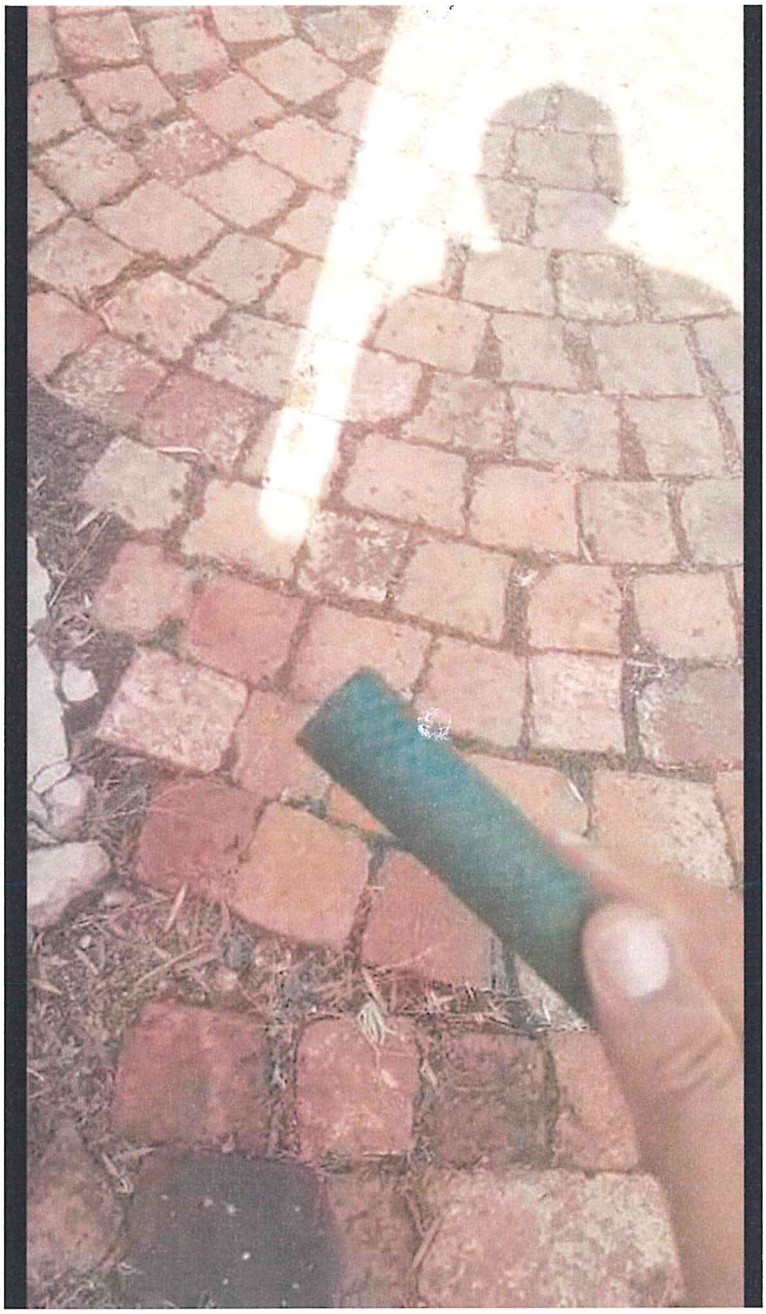
SCREENSHOT 34
NO WATER IN TAPS
VIDEO TAKEN ON 22 MARCH 2023 BY MR E ADLAM AT 15H10
3RD STREET, LICHTENBURG



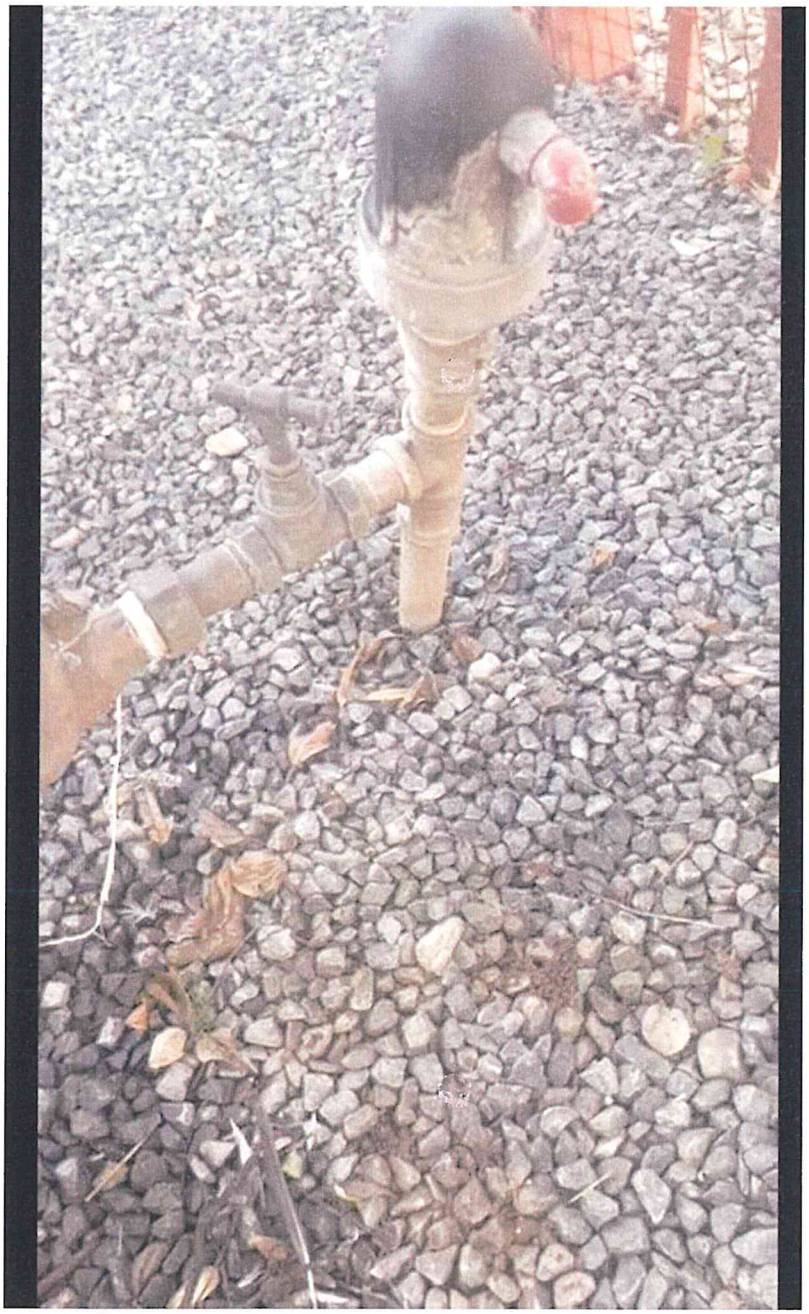
SCREENSHOT 35
NO WATER IN TAPS
VIDEO TAKEN ON 22 MARCH 2023 BY MR E ADLAM AT 15H10
3RD STREET, LICHTENBURG



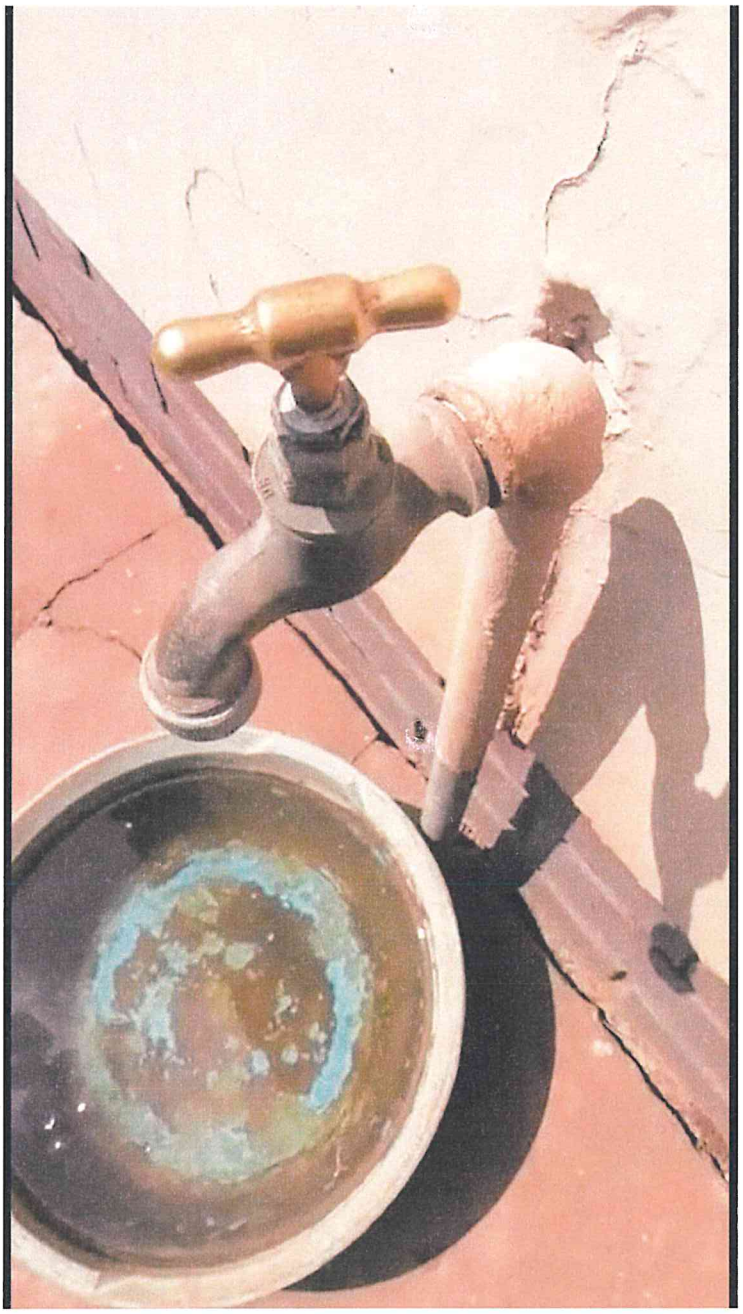
SCREENSHOT 36
NO WATER IN TAPS
VIDEO TAKEN ON 22 MARCH 2023 BY MR E ADLAM AT 15H10
3RD STREET, LICHTENBURG



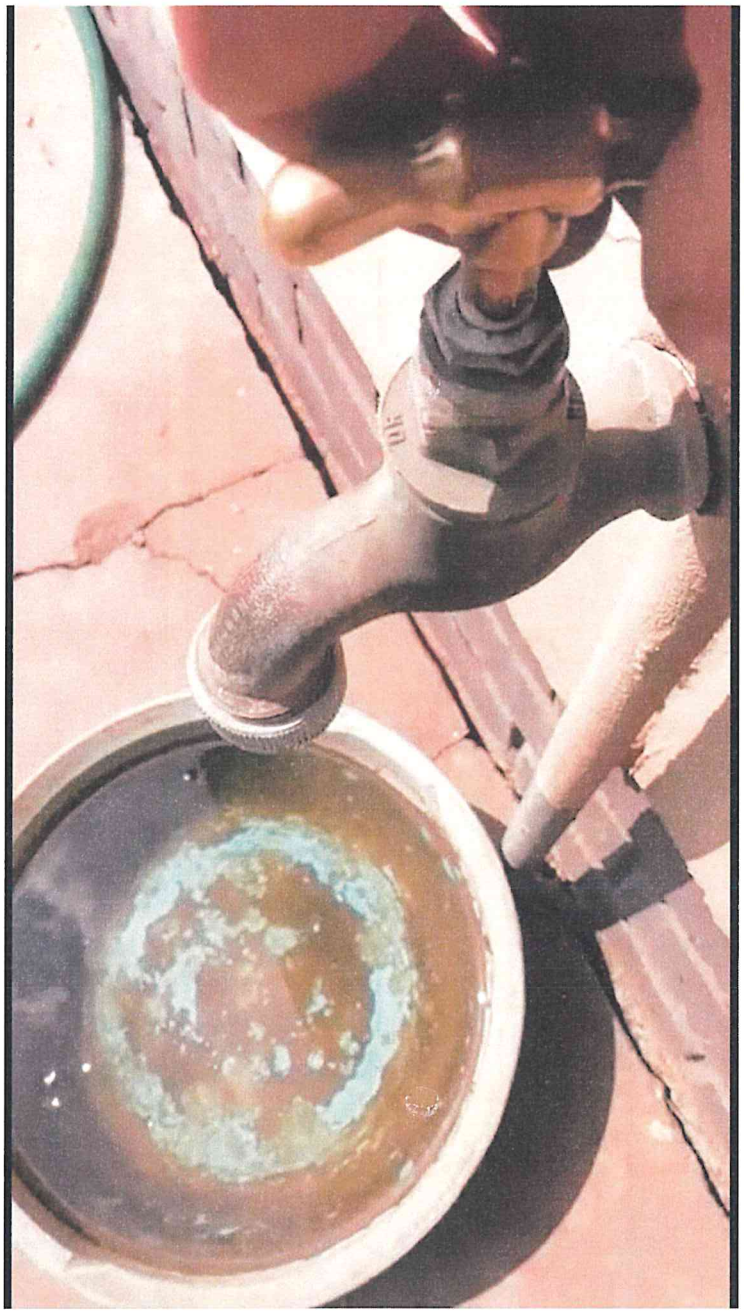
SCREENSHOT 37
NO WATER IN TAPS
VIDEO TAKEN ON 22 MARCH 2023 BY MR E ADLAM AT 15H10
3RD STREET, LICHTENBURG



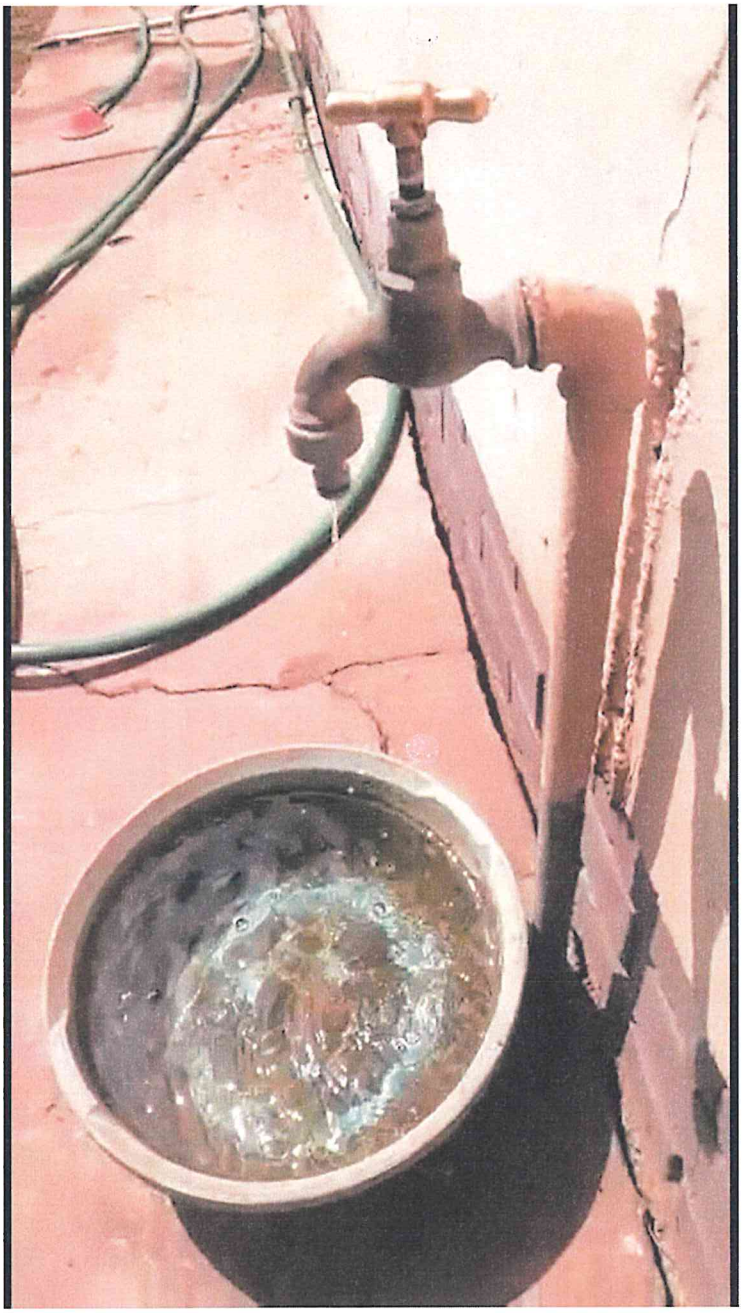
SCREENSHOT 38
NO WATER IN TAPS
VIDEO TAKEN ON 22 MARCH 2023 BY MR D COETZEE
LETTIE STREET, LICHTENBURG



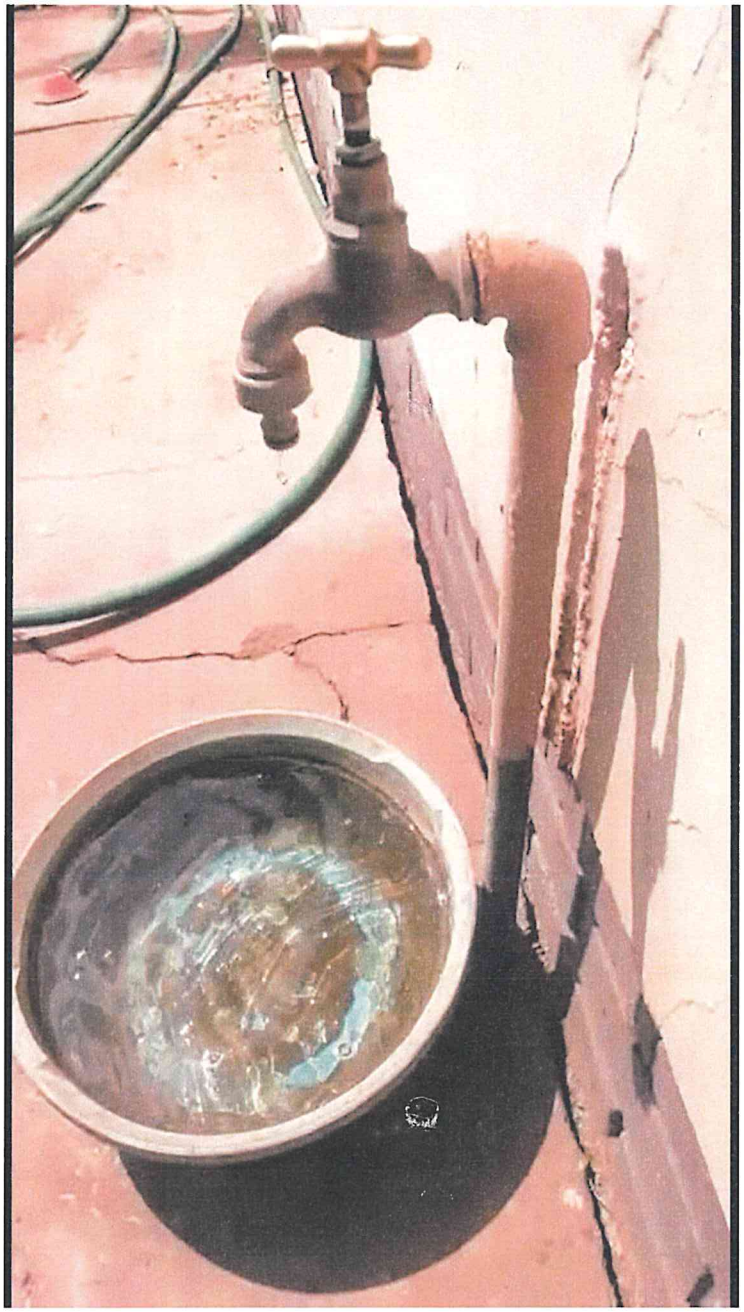
SCREENSHOT 39
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 22 MARCH 2023 AT 13H30 BY MR F JONES
3RD STREET, LICHTENBURG



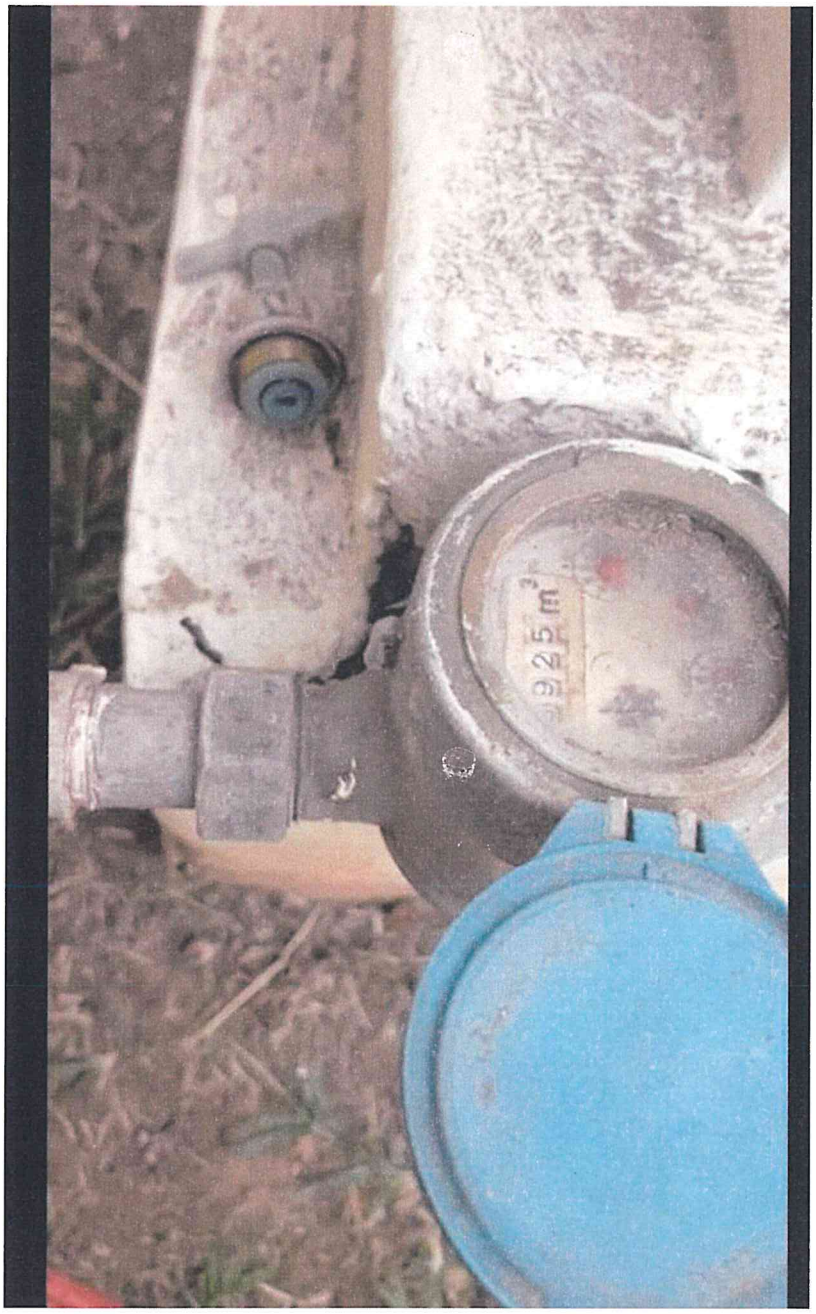
SCREENSHOT 40
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 22 MARCH 2023 AT 13H30 BY MR F JONES
3RD STREET, LICHTENBURG



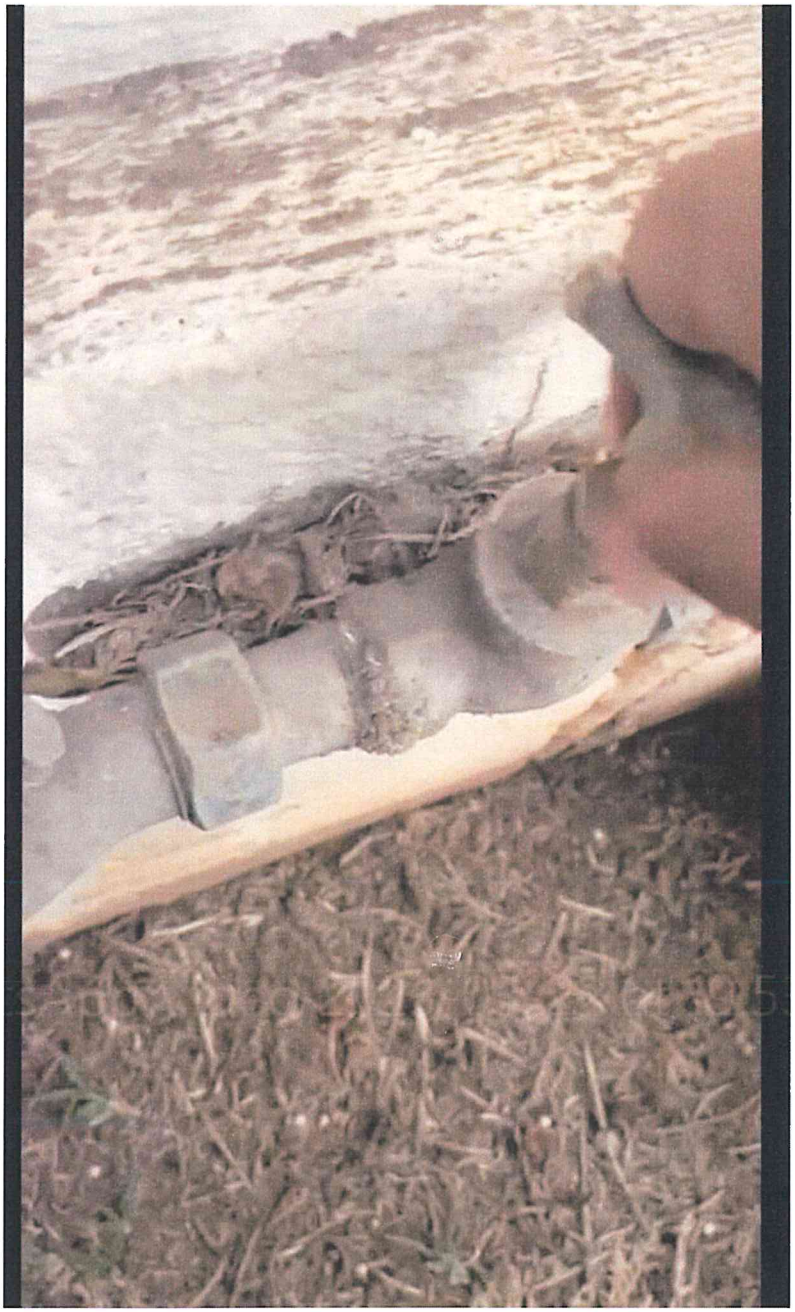
SCREENSHOT 41
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 22 MARCH 2023 AT 13H30 BY MR F JONES
3RD STREET, LICHTENBURG



SCREENSHOT 42
NO WATER IN TAPS AND NO WATER IN JOJO TANKS
VIDEO TAKEN ON 22 MARCH 2023 AT 13H30 BY MR F JONES
3RD STREET, LICHTENBURG



SCREENSHOT 43
NO WATER IN TAPS AND METER NOT RUNNING
VIDEO TAKEN ON 22 MARCH 2023 BY MR N MEYER
HAZEL STREET, LICHTENBURG



SCREENSHOT 44
NO WATER IN TAPS AND METER NOT RUNNING
VIDEO TAKEN ON 22 MARCH 2023 BY MR N MEYER
HAZEL STREET, LICHTENBURG



SCREENSHOT 45
NO WATER IN TAPS
VIDEO TAKEN ON 27 MARCH 2023 BY MR C SCHULENBURG AT 14H33
REPUBLIEK STREET, LICHTENBURG

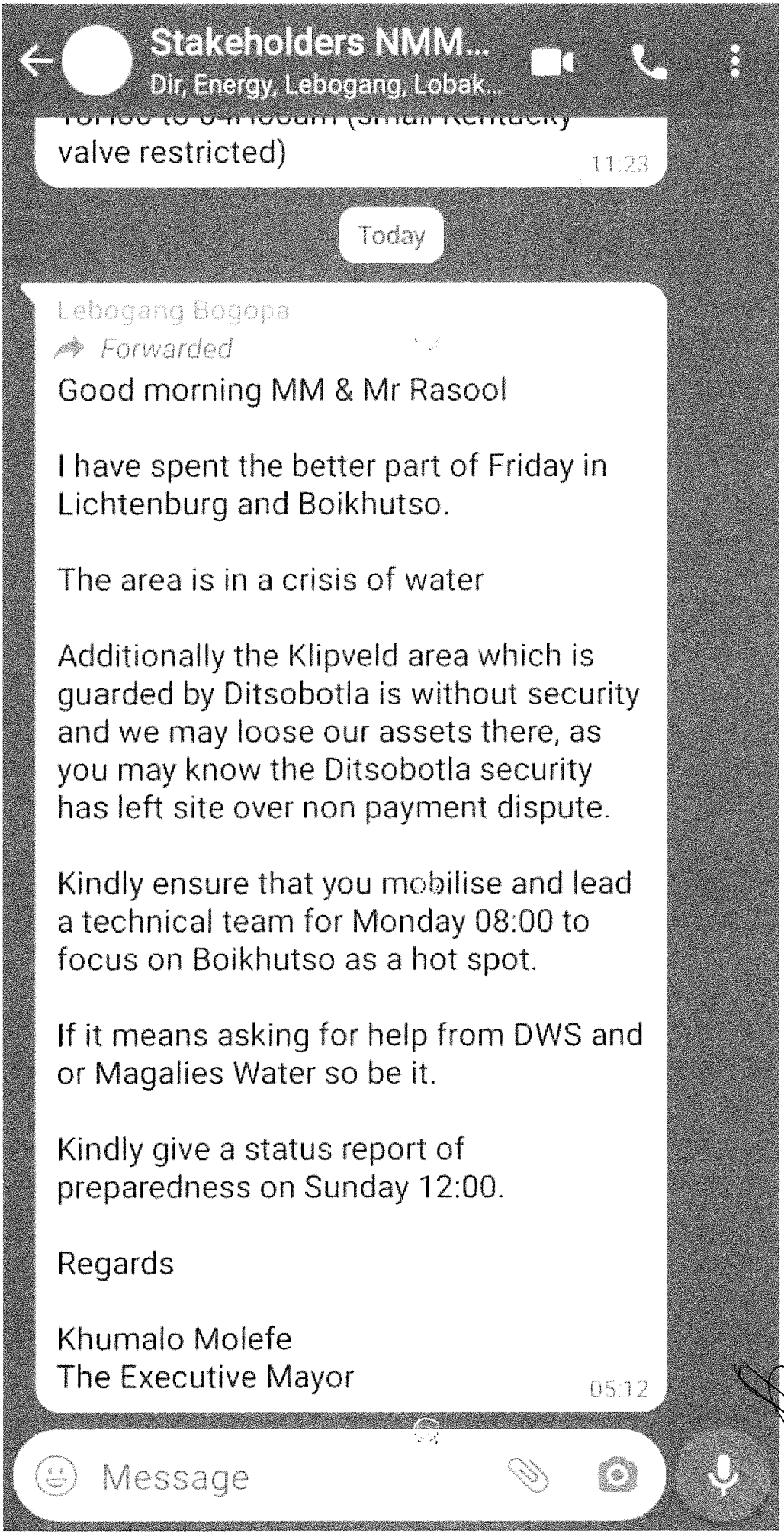


SCREENSHOT 46
NO WATER IN TAPS
VIDEO TAKEN ON 27 MARCH 2023 BY MR C SCHULENBURG AT 14H33
REPUBLIEK STREET, LICHTENBURG



SCREENSHOT 47
NO WATER IN TAPS
VIDEO TAKEN ON 27 MARCH 2023 BY MR C SCHULENBURG AT 14H33
REPUBLIEK STREET, LICHTENBURG

AR 8


Stakeholders NMM...
Dir, Energy, Lebogang, Lobak...
valve restricted)
11:23
Today
Lebogang Bogopa
Forwarded
Good morning MM & Mr Rasool
I have spent the better part of Friday in Lichtenburg and Boikhutso.
The area is in a crisis of water
Additionally the Klipveld area which is guarded by Ditsobotla is without security and we may loose our assets there, as you may know the Ditsobotla security has left site over non payment dispute.
Kindly ensure that you mobilise and lead a technical team for Monday 08:00 to focus on Boikhutso as a hot spot.
If it means asking for help from DWS and or Magalies Water so be it.
Kindly give a status report of preparedness on Sunday 12:00.
Regards
Khumalo Molefe
The Executive Mayor
05:12
Message

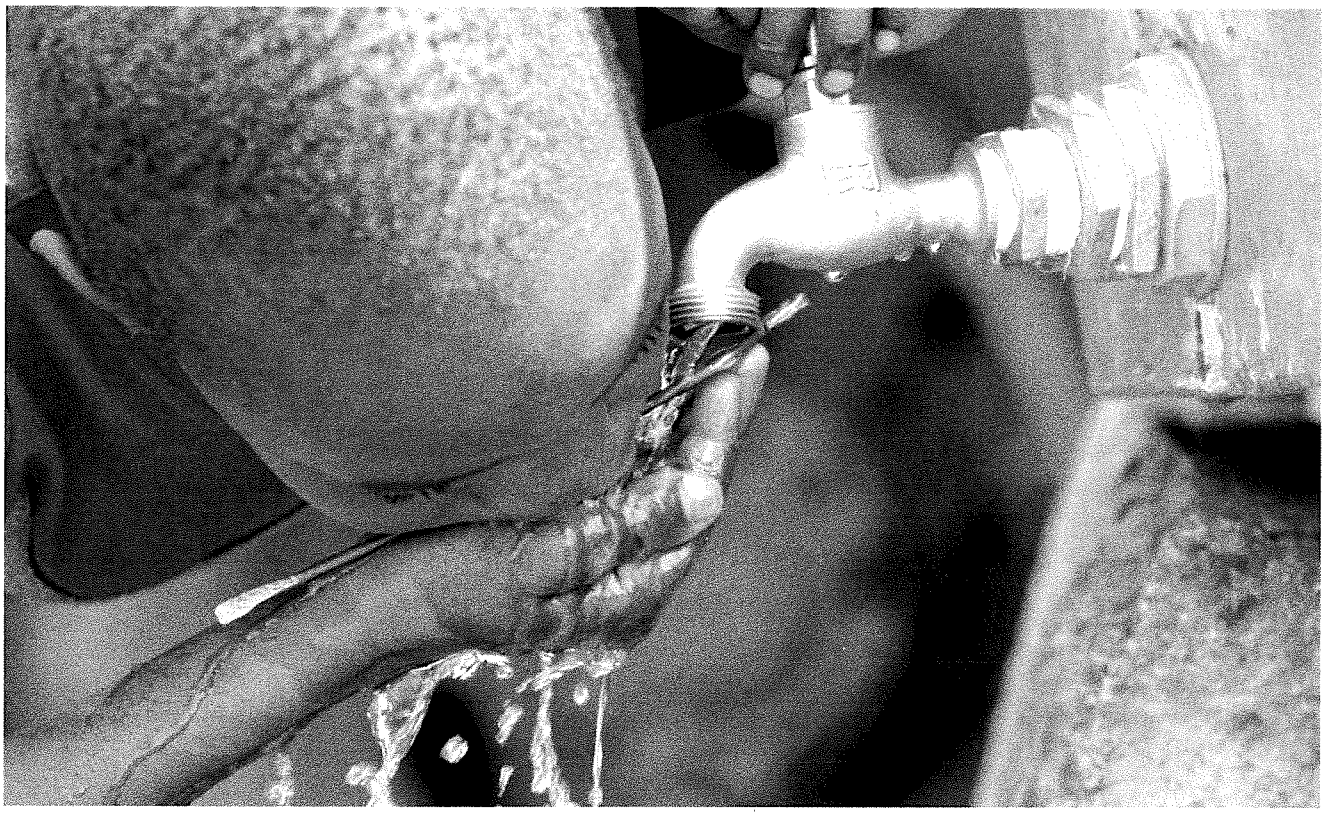
AR9

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SOUTH AFRICA

AMABHUNGANE'S #EARTHCRIMES

No water, no way out: Ditsobotla's downfall and the collapse of government



While it would be a hard task to find something that works in the Ditsobotla municipality, perhaps one of the biggest issues has been the failure to provide water. (Photo: James Oatway / Gallo Images)

By Aisha Abdool Karim for amaBhungane (https://www.dailymaverick.co.za/author/aisha-abdool-karim-for-amabhungane/)

21 Mar 2023

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3

When the lights go out, failure can usually be traced back to our national utility. But when taps run dry, it is often due to local dysfunction. Ditsobotla shows what happens if government fails to intervene when municipalities are infested by corruption: communities pay the price.

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0:00 / 23:07 1X

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profit, produced this story. Like it? Be
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At the heart of the North West province, roughly an hour's drive from Mahikeng, lies one of the country's worst-run municipalities.

Ditsobotla provides the perfect illustration of what happens when municipalities are allowed to run amok with little to no oversight from provincial or national executive structures.

Often interventions come far too late or are ineffective, as was the case with Ditsobotla, which has been under some form of administration or directive on at least seven occasions since 2008.

By the time the decision to dissolve the municipality came in October 2022, the local government was in a state of total collapse.

In towns where refuse piles up, sewage covers streets and taps run dry, it is the residents and communities that pay the ultimate price for this lack of oversight.

The problems within the Ditsobotla municipality didn't happen overnight, but are the end result of a steady breakdown in basic services over the past decade. Without proper maintenance coupled with the lack of oversight, the municipality deteriorated to a state of complete crisis.

"This place is broken," says a source from within the municipality, who requested they remain anonymous because they had been receiving death threats. "There is nothing left to break in Ditsobotla. You don't break a place in a year or even three years, this has been a long time coming and it's basically a ripple effect from council to council."

A portrait of dysfunction

Underscoring the general decay of the municipality was a rotten core sustained through political instability and infighting – all of which went largely unchecked until it had spiralled out of control.

"Fraud and corrupt activities are being nurtured within the system," explains Carin Visser, a member of the National Council of Provinces select committee on Cooperative Governance and Traditional Affairs, Water and Sanitation and Human Settlements.

She adds, "It starts becoming like a cancer growing and growing to such an extent that you start getting the implosion of services."

Visser was part of the team that visited Ditsobotla in September 2022 to take a closer look at the issues within the municipality.

Visser notes that this is not a problem unique to Ditsobotla, however: "I've visited all the municipalities in the North West, all over the same disease and condition is too prevalent in every single one of these municipalities."

A total of 64 dysfunctional municipalities were identified across the country, in an August 2021 presentation (https://pmg.org.za/committee-meeting/33432/)to the Portfolio Committee on Cooperative Governance and Traditional Affairs (Cogta). This means one in four municipalities was dysfunctional. Additionally, 163 out of South Africa's 257 municipalities were noted as being under financial distress.

Of the 64 dysfunctional municipalities, less than half had been placed under administration – with no word on why the remaining 36 had been left without a plan. At the time of the presentation, Ditsobotla had been identified as a dysfunctional municipality but was not under any form of intervention.

Debts exceeded assets by nearly R1-bn

Over time, while its services were crumbling due to lack of maintenance, the municipality had also managed to rack up an extraordinary amount of debt to the extent that its debts – mainly to Eskom – exceeded its assets by nearly R1-billion by 2019.

In a ten-year period of audits (https://tools.theoutlier.co.za/municipal-audits) from 2010/11 to 2020/21, Ditsobotla had a disclaimer on their report for nine years, meaning there wasn't enough paperwork to verify the accuracy of the municipality's finances.

Despite having already achieved its dysfunctional status, it took the emergence of duplicate rival councils and thugs taking control of the municipal offices to prompt the council's dissolution (https://pmg.org.za/committee-meeting/35673/) in October 2022.

But when problems have existed for so long within a municipality, sometimes even starting from scratch may not be enough.

"Ditsobotla was in trouble for more than 10 years," says Visser. "When I'm in these meetings, I always say we have to identify the elephant in the room.



You cannot go into a municipality and decide we're going to remove all the councillors and then the same thing goes on."

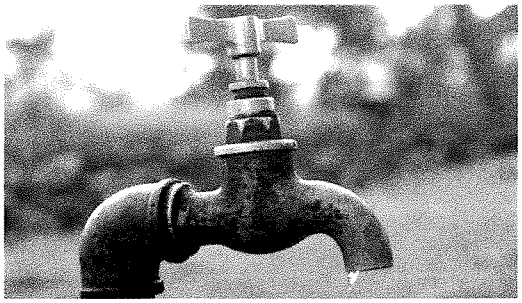
Drips and drops: Ditsobotla's ongoing water crisis

While it would be a hard task to find something that works within the municipality, perhaps one of the biggest issues has been the failure to provide water.

Even now, residents have a limited water supply, which according to the source, is split into three to four hours in the morning and then two to three hours of water in the evening.

The source says: "In essence, we have water for about six hours a day, at most. It boils down to non-maintenance, and no provision for jobs and projects that are in the pipeline that have never been implemented."

Water supply to the area has been irregular for years. This is in part due to droughts limiting the amount of water available, but became acute due to the mismanagement of water infrastructure.



One of the biggest issues has been the failure to provide water, with residents resorting to sourcing water from farms in the district. (Photo: Gallo Images)

Ditsobotla falls within the Ngaka Modiri Molema district municipality, which is in charge of ensuring that adequate water is being supplied to towns through boreholes or a reservoir.

It is then up to the local municipality, in this case Ditsobotla, to take charge of distributing the water from the source to households or taps.

A 2020 investigation (https://www.facebook.com/PublicProtectorSouthAfrica/photos/a.446191595442530/2830961440298855/?type=3) by the Public Protector's office found that the district municipality had "failed to ensure that water service equipment [was] regularly maintained and that old infrastructure was refurbished".

The report also noted that the municipality "failed to prepare a Water Service Development Plan during the periods 2012 to 2019", a requirement (https://wisa.org.za/wp-content/uploads/2018/12/WISA1998-P116.pdf)in

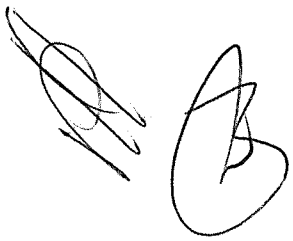
the Water Services Act that should serve as a planning roadmap for a municipality to create a long-term sustainable water supply.

The Protector's report cited nine overdue water supply projects in the local municipalities Ramotshere Moiloa, Ratlou, Ditsobotla and Mahikeng. These projects included: "the replacement of pumps, installation of electric cables, configuration of reticulation networks, augmentation of storage facilities, fixing nonfunctional boreholes, construction of reservoirs and pump housing".

Despite two years having passed since the investigation results were released, areas continue to struggle with getting adequate water. In August 2022, residents in Lichtenburg experienced a six-week blackout during which little to no water was provided and they had become entirely reliant on private boreholes or alternative suppliers.

Following this, Sakeliga filed an urgent case (https://sakeliga.co.za/wp-content/uploads/2022/10/Notice-of-motion-and-Founding-affidavit-20221006-Final.pdf) at the Mahikeng High Court in October 2022 to address the litany of failures at the municipality.

Sakeliga (previously known as Afribusiness and historically affiliated with Afriforum (https://afriforum.co.za/en/tag/afribusiness/)) identifies itself as a non-profit business interest organisation.



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IN THE HIGH COURT OF S
(NORTH WEST DIVISION

In the matter between:



SAKELIGA NPC

CENTRE FOR GOOD GOVERNANCE
AND SOCIAL JUSTICE NPC

BAREND LOURENS SNYMAN

and

DITSOBOTLA LOCAL MUNICIPALITY

THE MUNICIPAL MANAGER / ACTING MUNICIPA
OF THE DITSOBOTLA LOCAL MUNICIPALITY

PREMIER OF THE NORTH WEST PROVINCE

PROVINCIAL EXECUTIVE OF THE
NORTH WEST PROVINCE
MEMBER OF THE EXECUTIVE COUNCIL:

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The papers provide a window into the drama leading Sakeliga to seek "an urgent and effective interim remedy" in respect of what they termed "a serious constitutional crisis" in Ditsobotla.

Sakeliga's Christo Bester noted, "At date of deposing to this affidavit: The offices of the municipality are locked and closed; municipal employees have not been fully paid and refuse to work due to non-payment... there is no individual (not to speak of any leadership) in control of the municipality... anarchy reigns... and the provision of the most basic municipal services has ground to a halt... The failure is also a serious public health, safety and environmental concern."

Bester informed the court, "The towns of Lichtenburg and Coligny are receiving little to no water due to water not being pumped and reservoirs running dry. There are no municipal staff available to attend to breakdowns in the

water and electricity reticulation networks. Many residents have been without water and/or electricity due to breakdowns in the network for weeks."

He added, "For Ditsobotla to have water, the municipal pumps must keep running. Currently, the lower-lying areas of town receive about an hour of low pressure and limited water in the afternoons... There are further large sections of the community that do not have direct access to any water at all."

He said residents had turned to "trucking in water from farms and other areas with private boreholes".

Businesses were also affected, with OK Foods in Lichtenberg having to install its own water system that required refills up to four times a day. The store owner said that drivers made an 80km trip to collect water from nearby farms in order to ensure the supermarket could keep its doors open.

Those hit hardest by the shortages were informal settlements and other residential areas.

The systematic destruction of a municipality

Sakeliga's court papers describe the situation in Ditsobotla as "a complete collapse of the municipality, with devastating consequences to the community".

Aside from a lack of water, there was a breakdown of nearly all basic services to the area – and private suppliers were stepping up in the municipality's place.

One such instance was refuse collection for the towns. When trash began piling up, some community members began trying to take care of it themselves but didn't have access to dump sites. Instead, the garbage started piling up at the site's entrance, which made it more difficult to properly dispose of the waste.

It wasn't merely trash clogging up streets, however, as blocked pipes led to wastewater flooding the streets and illegal dumping sites began popping up next to roads.

Residents in Coligny spend so much of their time trying to deal with sewage removal that they've created their own roster and have organised and paid for sucker trucks to help deal with major blocks in the pipes.

The problems are not limited to just one town, with raw sewage seeping into the Harts River (which flows into the Vaal river) and polluting the



water that supplies the neighbouring town Schweizer-Reneke in the Kgetlengrivier municipality.

Municipal employees had also gone about three months (starting in August 2022) without receiving their salaries and the municipality offices had been locked up, leaving no one to deliver maintenance or services.

Rogue employees holding residents to ransom

Some rogue employees then set about finding other ways to make money during this period. The court papers detail a choice "between clearing their own sewage or paying an additional 'fee' (bribe) to municipal employees", with services not being provided unless residents provided private payments.

The court filing goes on to say: "Worse still, certain of such employees have organised themselves into vigilante units, apparently terminating the power of community members and businesses and thereafter demanding cash payments to reconnect such power. It is not an exaggeration to describe the situation in Lichtenburg and Coligny as anarchy."

In replying papers filed after government had attempted to appoint an administrator, Bester notes, "As the respondents have admitted, 'gangsterism' now reigns in Ditsobotla. It is this total collapse that renders the matter urgent.

"Insofar as the opposing respondents imply that the appointment of the administrator has lessened the urgency of the situation, I deny that this is correct... The administrator himself confirmed that on 11 October 2022 he was prevented from accessing the municipality's premises by bouncers employed by the company that is rendering security services to the municipality... the administrator was not only prevented from accessing the municipal offices, but was physically assaulted together with his bodyguard who was stabbed in his head, and the office of the administrator was destroyed in violence."

Ditsobotla has rejected its administrator on three separate occasions, refusing them access to the municipality, according to Dineo Thapelo, Cogta spokesperson for North West. Security was provided for the administrators and they worked remotely from the Mmabatho offices.

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cle_link&utm_campaign=homepage) for more news, analysis and investigations

Sakeliga's challenge

The case has exposed the inadequacy of government's response, practically and legally.

Instead of addressing the core governance issues, government has put up weak legal points to try to divert the litigation, such as arguing the matter is not urgent – an approach batted away by the court.

In addition to practical steps, Sakeliga has asked the court to declare national government's failure to intervene in terms of section 139(7) of the Constitution a Constitutional violation – a ruling that will put pressure on national government to intervene in other municipalities.

Section 139 provides for various provincial interventions in local government, where a municipality is failing.

Section 139(5) provides that if a municipality is in serious or persistent material breach of its obligations to provide basic services or to meet its financial commitments, the relevant provincial executive *must*, depending on the severity of the situation, impose a recovery plan; or dissolve the Municipal Council and appoint an administrator; or assume responsibility for the implementation of the recovery plan to the extent that the municipality does not or cannot.

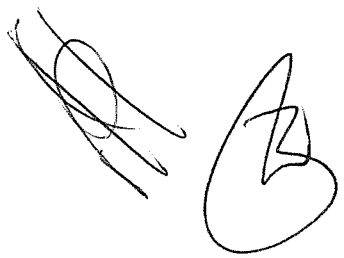
A section 139(5) intervention was belatedly imposed on Ditsobotla on 21 November 2022 and it is still in the process of being implemented.

Section 139(7) provides that if a provincial executive cannot or does not or does not adequately exercise the powers referred to in subsection 5, the national executive must intervene in the stead of the relevant provincial executive.

According to the state's own papers, in May 2021, following a Gauteng High Court judgment on S139(7), President Cyril Ramaphosa instructed that a list be compiled of all municipalities in the country in a financial and service delivery crisis.

National Treasury and the Department of Corporate Governance developed a matrix that showed 43 municipalities in the country were in a crisis that required urgent intervention in terms of S139.

In a letter dated 26 October 2021, the Minister of Finance even wrote to the Premier of North West Province to remind him of these obligations,



noting that when a municipality was already in crisis, then the correct action would be to invoke a mandatory intervention in terms of section 139(5).

'We call it Hollywood; everyone's in an acting position'

A well-run municipality requires good management, a component sorely lacking in Ditsobotla's case.

Every single senior management position in the municipality was vacant, according to responding court papers (https://sakeliga.co.za/wp-content/uploads/2022/11/Filing-Sheet-Third-Fourth-Sixth-Seventh-and-Eighth-Respondents-Answering-Affidavit-2022-11-09.pdf) filed by the provincial and national Cogta in November 2022.

Six key leadership roles in the municipality – including municipal manager and chief financial officer – were left to be filled in an acting capacity.

"We call it Hollywood, everyone's in an acting position," jokes Visser.

Ditsobotla cycled through 14 municipal managers in a six-year period.

The local administrations, at different times both councillors and managers, have fought rear-guard actions to stave off various attempts at intervention by the province.

The most recent court papers, which sketch the timeline for Ditsobotla's deterioration from March to June 2022, describe a worsening situation within the municipality "leading to [a] downwards spiral of regression and collapse of governance and administration".

By mid-2022, the council had become completely fractured with a motion of no confidence tabled against the mayor and speaker. The split caused the creation of two simultaneously sitting councils, each with their own appointed mayor, speaker and municipal manager.

The resulting confusion over which of the two municipal managers was in charge of the municipal bank accounts led to National Treasury withholding Ditsobotla's equitable share on 4 July 2021. This is a share from nationally raised revenue (https://www.treasury.gov.za/documents/mtbps/1998/5.pdf) that is meant to go towards the provision of basic services.

At the same time this was happening, the manager appointed by one council, Tsietsi Shema, "installed bouncers on the municipal premises with guns and



live ammunition to control access and deny all opposed to him", according to Cogta's 2022 court filing.

When the council-appointed acting municipal manager Mali Josephine Ledwaba was refused access to the offices, she tried to place a new security company on the property. This resulted in a violent fight, which the court papers describe as involving "gunfire and assaults with pangas".

In September 2022, at the request of the mayor, Mokotedi Bole was seconded by Cogta to serve as acting municipal manager. The council then reversed this decision and chose to reappoint Shema in the role.

Later that month, the provincial Cogta had to once again intervene after they received calls that "the mayor, speaker and councillors were held hostage by workers of the municipality", according to the court papers.

In between the council chaos, Cogta says it had several engagements with the local government to try and resolve the issues at play. Yet, according to their timeline, it took seven months to reach the point where the council was dissolved.

The misinterpretation of section 139

"There is complete confusion about when which part of section 139 is implemented," explains Tracy Ledger, a senior researcher at the Public Affairs Research Institute. "It's because section 139.1 has become the Cogta provincial intervention and 139.4 and 139.5 has become the national treasury intervention, which is complete nonsense. We need one framework."

In any case, the interventions are coming too little, too late.

"The entire purpose of section 139 was to prevent a municipality from ever reaching the state that Ditsobotla is in," says Ledger. "It can't fix a completely collapsed municipality."

The problem, according to Ledger, is that Section 139 is not being used in the right way. Ideally, the interventions that it enables should be used pre-emptively.

"The problem is we're waiting until everything is broken," says Ledger. "And then it doesn't really matter which of the things you whip out of the box because none of them are going to work."

She also points out that the law doesn't actually allow for an administrator to be put into a municipality while there is still an active, sitting council. However, this is often the solution implemented by provincial governments where

external people are deployed on a temporary basis to municipalities in the hope that they can rectify the numerous and prolific problems that necessitated their arrival.

"There is an assumption that municipalities are independent and autonomous and, essentially, they must be allowed to run the municipality into the ground if they like," says Ledger. "That imaginary autonomy is somehow more important than the constitutional rights of the people who live in a municipality to things like water and sanitation and basic services."

Communities are paying the price

Simply changing who's in charge is insufficient when it comes to dealing with highly dysfunctional and bankrupt municipalities. Yet, even in the most extreme cases like Ditsobotla, this seems to be the final solution put forward by higher levels of government.

While municipal governments thrive off appointing friends and family members to positions and creating a culture that promotes thuggery and gangsterism, it is residents who are left holding the bill when the clean-up crew arrives.

"A collapsing municipality isn't like when Eskom is in trouble," explains Ledger. "There's no bailout for a municipality from national government."

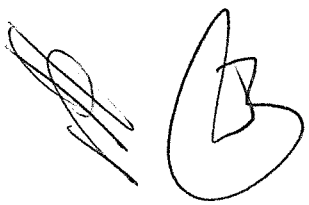
Instead, the money is expected to come from the very residents who have been suffering for years without services in the deteriorating municipality. While some funds come from municipal grants, the primary goal is to get the area generating its own revenue from people who live there.

Ledger says: "When you have a municipality that is completely and utterly bankrupt, that has had most of its assets repossessed, has a high household poverty rate, and you have no intention of giving it an external financial boost to fix itself, how is that supposed to work and who it going to pay for it?"

In the end, it is residents who are supposed to cover the cost of a municipality that has dug itself into millions, if not billions, of rands' worth of debt.

It is unfair to have that burden fall to people who have no say in the matter and force communities to try to address deep-rooted problems that higher levels of government have failed to fix as part of their own legislated mandate.

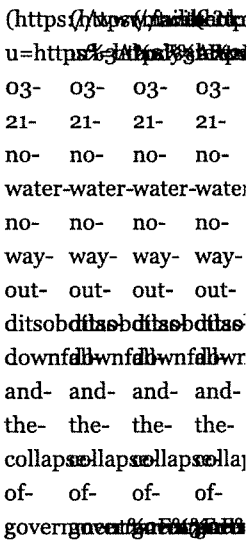
No sense of urgency for government to intervene



There is no sense of urgency from national or provincial government to intervene. Instead, the preoccupation is on preserving the so-called autonomy or independence of municipalities. Even when interventions come, they are ineffectual or improperly implemented.

After seven attempts to impose an intervention in Ditsobotla, the provincial government couldn't succeed. So why should intervention number eight be the magic fix for which they've been waiting?

Ledger concludes: "The bottom line is that municipalities wouldn't need financial bailout, if you hadn't let them get to a state of total collapse. It's only a question that we have to ask because we're in a situation that we shouldn't be in. It is because of national and provincial governments' complete failure to implement section 139 properly that we now have all these disastrous, failing municipalities that can never recover. Now, we have to make a new plan." **DM**



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VISA | EFT

AR 10



PHOTO 1 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG



PHOTO 2 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG



PHOTO 3 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG



PHOTO 4 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG



PHOTO 5 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG

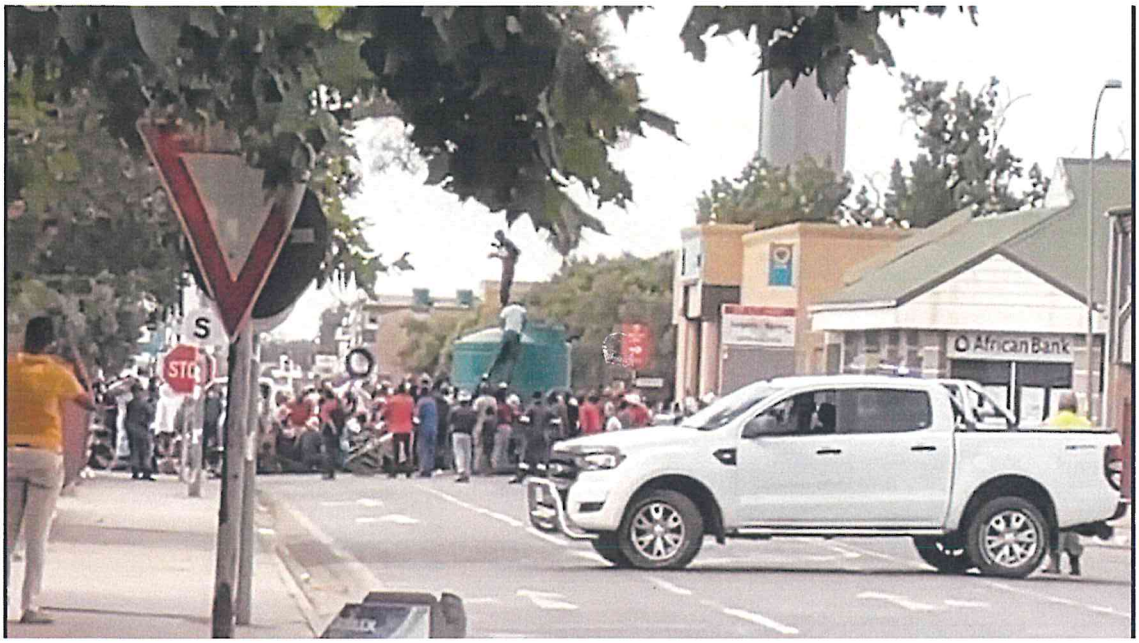


PHOTO 6 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG

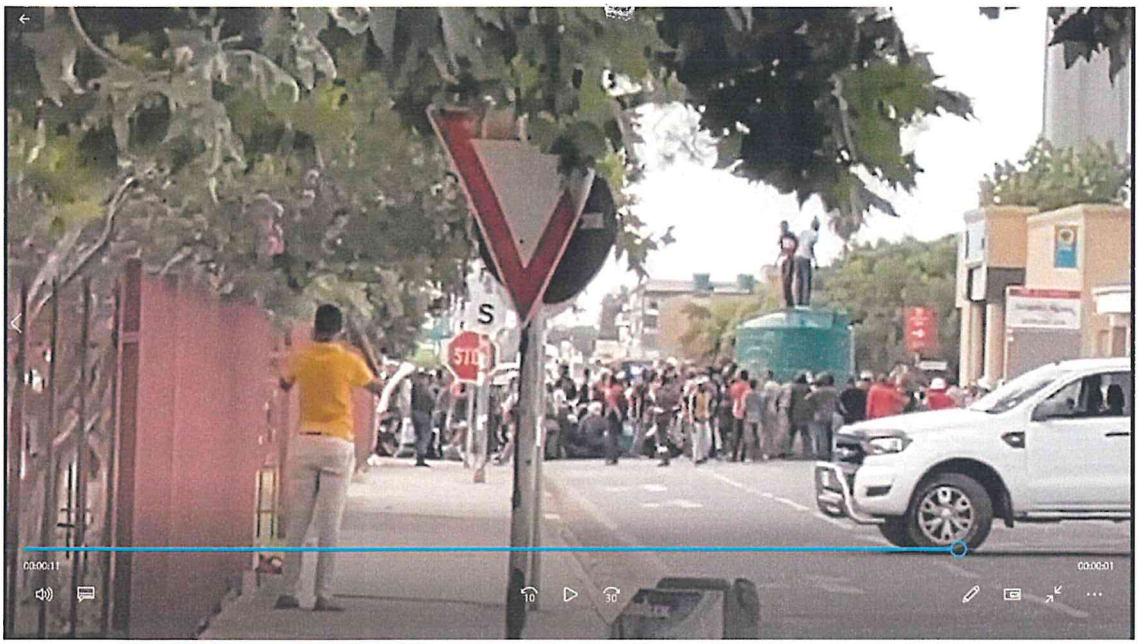


PHOTO 7 - PROTEST
TAKEN 15 MARCH 2023
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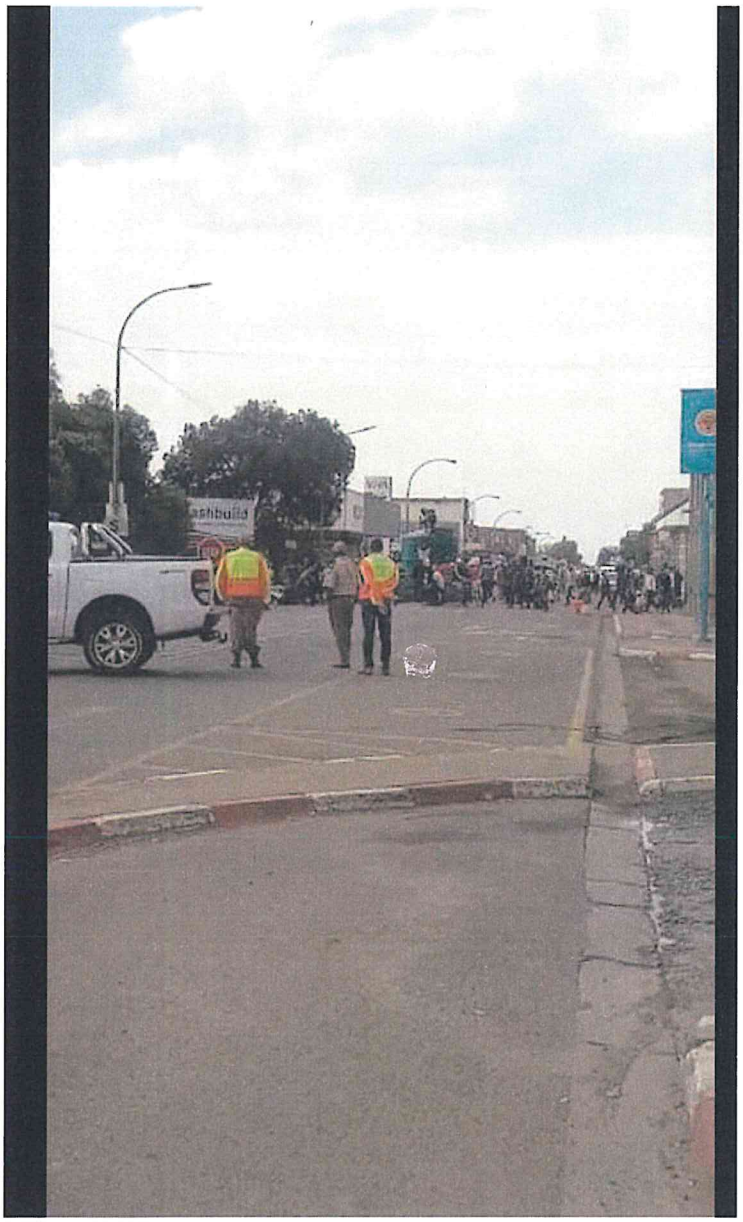


PHOTO 8 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG

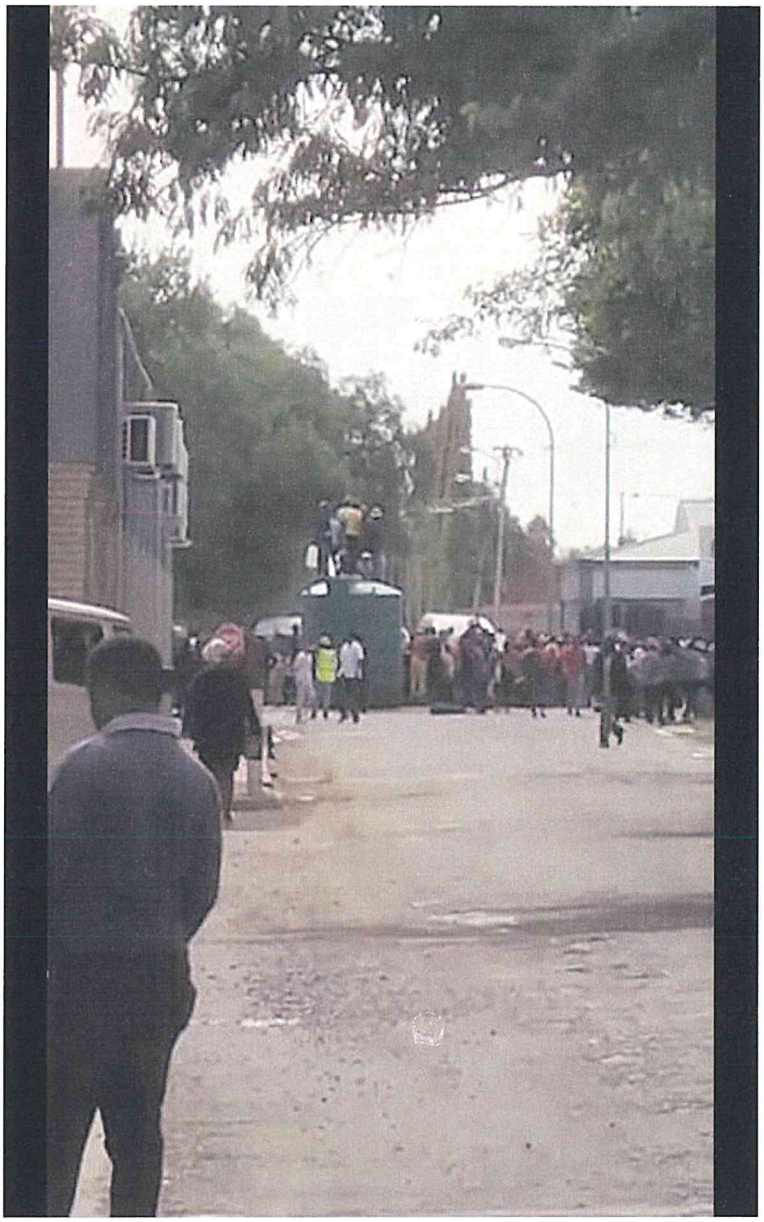


PHOTO 9 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG

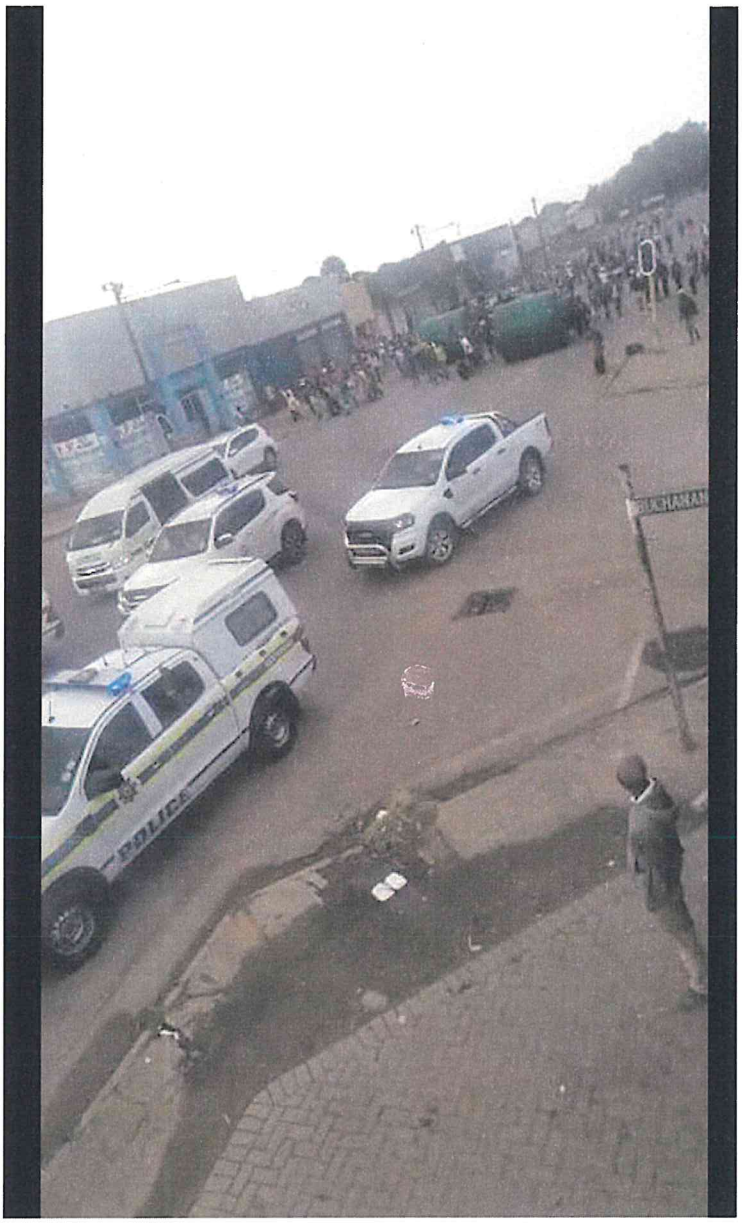


PHOTO 10 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG

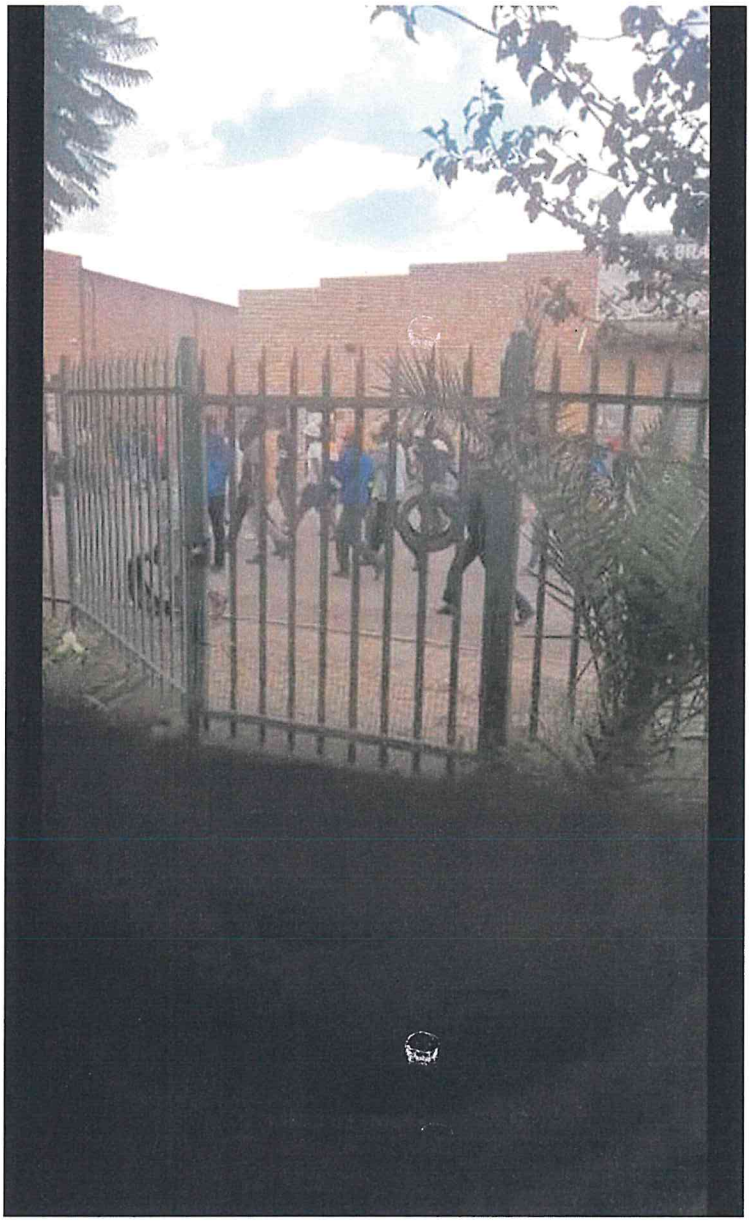


PHOTO 11 - PROTEST
TAKEN 15 MARCH 2023
LICHTENBURG

AR 11

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM192/22

In the matter between:

SAKELIGA NPC	**First applicant**
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	**Second applicant**
BAREND LOURENS SNYMAN	**Third applicant**
and	
DITSOBOTLA LOCAL MUNICIPALITY	**First respondent**
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	**Second respondent**
PREMIER OF THE NORTH WEST PROVINCE	**Third respondent**
AND ELEVEN OTHER RESPONDENTS (AS PER NOTICE OF MOTION)	**Fourth - Fourteenth respondent**

SUPPORTING AFFIDAVIT

I, the undersigned,

HESTER SUSANNA VON MOLTKE

hereby state under oath as follows:

1 I am an adult female and the co-owner of Chick Man Hyper Butchery ("Chick Man") with its address at 26 Lang Street, Lichtenburg. I am also a resident of Lichtenburg.

2 The facts set out herein are true and correct, and such facts fall within my personal knowledge unless the contrary is indicated by the context.

3 I have read the replying affidavit of Christo Bester and confirm the contents therein in so far as they relate to me.

B.J.

4 Since at least September of 2022, Chick Man has at most times experienced a complete absence of municipal water supply. The situation deteriorated in 2023. At the time of deposing to this affidavit, Chick Man has had no municipal water supply for two weeks.

5 The consequences of having no municipal water supply are, to name the most significant, a loss of income, a loss of profit because of additional expenditure to secure alternative water, and the constant threat of being closed by the health inspector.

6 Because we operate with food, our facilities require regular cleaning. This has proven to be extremely difficult with no water supply over protracted periods. During March 2023 the municipal health inspector visited our premises and threatened to shut Chick Man down if we do not procure enough own water supply per day to maintain health and safety standards.

7 In order to remain viable and comply with the required health standards and to operate our business in general, we have hired a person to transport water daily from a borehole at Laerskool Lichtenburg, to our business. I must mention that several other members of the community have no other option but to collect water from the mentioned borehole for basic household use and that the demand for water at the borehole is exceeding the maximum that can be pumped in each hour.

8 Members of the community, including myself, do not understand why we have no water supply, save for occasional updates on social media by select ward members.

9 The last water and electricity account we received from the municipality, annexed hereto and marked **"HSvM1"**, was in June 2022.

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED:

(a) She knows and understands the contents of this affidavit;

(b) She has no objection to taking an oath;

(c) She considers the oath to be binding on his conscience.

THUS signed and sworn to before me at LICHTENBURG on this 28TH day of MARCH 2023, and that the provisions of the Regulations contained in Government Notice R 1258 of the 21st July, 1972, (as amended) and Government Notice R1648 on the 18th August 1977 (as amended) have been complied with.

7220474-5

COMMISSIONER OF OATHS

B.T MOTSWENYANE



B.T.

Ditsobotla Local Municipality "HSvM1"

TAX INVOICE / STATEMENT

VAT REG. No: 4410109930
Postal Address: P.O Box 7
Lichtenburg
2740

Telephone
018 633 3800
Fax
018 632 5247
Email
info@ditsobotla.gov.za

DITSOBOTLA LOCAL MUNICIPALITY..
To: Mr / Mrs / Miss / Dr / Prof / Adv

CHICK - MAN TRUST C-MT
LANGSTRAAT 26
LICHTENBURG

Invoice No:

Month :	June 2022
Statement Date	30 June 2022
Due Date::	30 July 2022
Account No :	000000018194

VAT REG. No.

Stand No/ERF Nr	00000063 -- Ptn_C0001	Area	Lichtenburg
Land Area	3292	Election Ward	Ward 6
Market Value	[redacted]	Billing	
Deposit	R1 000.00	Street No	26 LANG STREET

Date	Description	Vat	Amount (Inc Vat)	Balance
2022/06/01	Balance Brought Forward			[redacted]
Property Rates		0.00		
2022/06/30	Property Rates - Business	0.00		
	Category BUSINESS			
	Market Value [redacted] x 0.02200 / 12			
	Less Rates on first R0.00			
Water & Sanitation				
2022/06/30	Sewer Basic Charge-Business Stands - Uni	45.15		[redacted]
Refuse				
2022/06/30	Refuse Removal Businesses 240 Lt - Units	29.25		
Electricity				
2022/06/30	Electricity Basic - Industrial - Units 1	203.80		

VAT TOTAL 278.20

180 Days	150 Days	120 Days	90 Days	60 Days	30 Days	Current	Amount Due

The arrears on this account are payable forthwith

Receipt is only valid if printed by an official cash receipting machine

Unless the services account is paid on or before the payment date, services will be discontinued WITHOUT notice

This serves as FINAL NOTICE OF DEMAND. Please settle your account within 14 days or contact the Municipality to make an arrangement. Failure to do so will result in your services being disconnected.

Interest and Collection Fees on arrear Rates will be calculated at the standard rate in terms of the Municipal Rates Act 6/2004 and the rates policy. A portion of a month is deemed to be a full month.

Post Office
We deliver, whatever it takes.

000000018194

EasyPay
The better way to pay

>>>>91 9050 0000 0018 1940

Reference : 000000018194
Ditsobotla Local Municipality
Account Number : 01003100339
Branch Code: 632005
Account Type : Current

absa

AMOUNT DUE [redacted]

Payments up to :30 June 2022

B.f.

IN THE HIGH COURT OF SOUTH AFRICA **AR12**

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM192/22

In the matter between:

SAKELIGA NPC	**First applicant**
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	**Second applicant**
BAREND LOURENS SNYMAN	**Third applicant**
and	
DITSOBOTLA LOCAL MUNICIPALITY	**First respondent**
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	**Second respondent**
PREMIER OF THE NORTH WEST PROVINCE	**Third respondent**
AND ELEVEN OTHER RESPONDENTS (AS PER NOTICE OF MOTION)	**Fourth - Fourteenth respondent**

SUPPORTING AFFIDAVIT

I, the undersigned,

JANE MARUMO

hereby state under oath as follows:

1 I am an adult female administrative clerk in the employ of the North West Provincial Government and a resident at 10 5th Avenue, Burgersdorp, Lichtenburg.

2 The facts set out herein are true and correct, and such facts fall within my personal knowledge unless the contrary is indicated by the context.

MJM

3 In the months of February and March 2023, I have had little to no access to municipal water supply in my residence. On some fortunate occasions, some water would flow during night-time. By and large, however, my taps are dry.

4 At the date of deposing to this affidavit, my taps are completely dry.

5 As a result of the virtually zero supply of water to my residential property in February and March, my solar geyser broke down towards the end of February. I am informed that it has overheated owing to a lack of water supply in its piping system.

6 My household consists of 8 people, namely myself, my mother, two daughters, one son and three grandchildren. The lack of water supply described above is extremely disruptive and a cause of great anxiety. I explain this with reference to an average day in our household in respect of the struggle to obtain water:

7 Members of our household walk around in town with a 25-litre can, to various locations where we might be able to find water. In some cases we are able to fill up the can at the Engen garage in town, and in other cases we visit friends in the hope that they can assist with water. Engen has a borehole but they do not always willing to assist with free water.

8 Occasionally, I pay R300.00 to a local business to deliver me a tank of water. This arrangement is financially unsustainable.

9 Because of a limited supply of water, which supply must be obtained through my own effort, my household is restricted in its ability to live a normal life. With about three litres per person per day in our household, we can only use the water sparsely for drinking and cooking, and limited sanitary purposes.

10 My dire living arrangement caused by the collapse of the Ditsobotla Local Municipality and the continued inability of the Ngaka Modiri Molema district municipality to provide

mom

water, is unsustainable and tiring. Without intervention, I don't foresee that the situation will improve.

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED:

(a) She knows and understands the contents of this affidavit;

(b) She has no objection to taking an oath;

(c) She considers the oath to be binding on her conscience.

THUS signed and sworn to before me at Lichtenburg on this 30 day of MARCH 2023, and that the provisions of the Regulations contained in Government Notice R 1258 of the 21st July, 1972, (as amended) and Government Notice R1648 on the 18th August 1977 (as amended) have been complied with.

COMMISSIONER OF OATHS

TIRELO
HUMAN RESOURCE MANAGEMENT
2023 -03- 30
LICHTENBURG
SUID AFRIKAANSE POLISIEDIENS
SOUTH AFRICAN POLICESERVICE

AR13



PHOTO 1
TAKEN 27 MARCH 2023 BY MR C BREEDT
SUB-STATION BURGERSDORP RESERVOIRS
LICHTENBURG WATER WORKS



PHOTO 2
TAKEN 27 MARCH 2023 BY MR C BREEDT
SUB-STATION BURGERSDORP RESERVOIRS
LICHTENBURG WATER WORKS



PHOTO 3
TAKEN 27 MARCH 2023 BY MR C BREEDT
SUB-STATION BURGERSDORP RESERVOIRS
LICHTENBURG WATER WORKS

AR14

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM192/22

In the matter between:

SAKELIGA NPC	**First applicant**
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	**Second applicant**
BAREND LOURENS SNYMAN	**Third applicant**
and	
DITSOBOTLA LOCAL MUNICIPALITY	**First respondent**
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	**Second respondent**
PREMIER OF THE NORTH WEST PROVINCE	**Third respondent**
AND ELEVEN OTHER RESPONDENTS (AS PER NOTICE OF MOTION)	**Fourth - Fourteenth respondent**

SUPPORTING AFFIDAVIT

I, the undersigned,

MATTHEUS HENDRIKUS PIETERS

hereby state under oath as follows:

1 I am an adult male businessman with my place of residence at 12 Anita Street, Coligny.

2 The facts set out herein are true and correct, and such facts fall within my personal knowledge unless the contrary is indicated by the context.

3 On 21, 22 and 23 March, I had no municipal water supply on my property. This situation is not unusual. It follows two months spanning over February and March during which

K.S

my neighbours and I would only enjoy municipal water supply for 1 day a week, with little to no water supply during the remaining days of the week.

4 Having little to no access to water violates respect for my dignity. To the end of alleviating the intolerable situation, I have obtained five 20-litre water cans that I fill up on the rare occasions when water is actually available in my house.

5 Water gathered in the water cans is so sparse that it can only be used for hydration purposes and to sustain the limited operation of toilets and ensure minimal sanitary practices in the house.

6 I have experienced no improvement of water supply since the new municipal council was elected in December, 2022.

7 I have reviewed the applicants' photo album containing screenshots of videos provided by myself and other members of the community. I confirm that the photos which relate to my video are indeed screenshots of the video and confirm the correctness thereof in as far as it relates to me.

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED:

(a) He knows and understands the contents of this affidavit;

(b) He has no objection to taking an oath;

(c) He considers the oath to be binding on his conscience.

THUS signed and sworn to before me at Colligny on this 29 day of MARCH 2023, and that the provisions of the Regulations contained in Government

Notice R 1258 of the 21st July, 1972, (as amended) and Government Notice R1648 on the 18th August 1977 (as amended) have been complied with.

COMMISSIONER OF OATHS

SUID-AFRIKAANSE POLISIEDIENS
SECTOR COMMANDER
2023 -03- 29
COLIGNY
SUID AFRIKAANSE POLISIEDIENS
SOUTH AFRICAN POLICE SERVICE