ILungelo leenkonzo **zaManzi & noGutyulo lweLindle**

ILUNGELO LEENKONZO ZAMANZI NOGUTYULO LWELINDLE LILUNGELO LOLUNTU ELINGUNDOQO ELIBEKIWEYO KUSOMQULU WAMALUNGELO

UMthetho weeNkonzo zaManzi ubalula ukuba:

- **Wonke umntu unelungelo lokufikelela kunikezelo-manzi olungundoqo neenkonzo zogutyulo lwelindle;**
- **Iziko ngalinye leenkonzo zamanzi kufuneka lithathe amanyathelo ukuqonda la malungelo;**
- **Umasipala ngamnye kufuneka acwangcise kwisicwangciso sophuhliso lweenkonzo zamanzi sakhe ukuqonda la malungelo.**

Isahluko 2 soMgaqo-siseko waseMzantsi Afrika sibalula ukuba

"Wonke umntu unelungelo lokufumana ukutya ngokwaneleyo kunye namanzi ngokunjalo"

Ukuze kunikwe ifuthe kweli lungelo iPalamente iwise umthetho i-Water Services Act 108 of 1997. Injongo yalo Mthetho kukunika ilungelo lonikezo-manzi olungundoqo kunye neenkonzo zogutyulo lwelindle ezingundoqo.

Lo Mthetho uqonda ukuba ilungelo lokufumana unikezo-manzi olungundoqo kunye nakwiinkonzo zogutyulo lwelindle ezingundoqo kuyimfuneko ukuqinisekisa amanziawaneleyokunyenokusingqongileyo okungenakutshabalalisa impilo okanye ukuphila kwabantu nezilwanyana.

Ezinye iimvumelwano zommandla ezimisela ilungelo lokufikelela kwiinkonzo zamanzi nezogutyulo lwelindle ziquka:

- UMqulu wama-Afrika wamaLungelo abaNtu (1981)
- UMqulu wama-Afrika wamaLungelo neNtlalontle yoMntwana (1990)
- IProtocholi eyoNgezelelweyo kwiNgqungquthela yaseMerika ngamaLungelo oLuntu kuMmandla wamaLungelo ezoQoqosho, ezeNtlalo nezeNkcubeko (iProtokholi yeSan Salvador) (1988) kunye
- USomqulu wama-Arabhu wamaLungelo oLuntu (2008)

Ngubani onoxanduva lokuhambisa amanzi neenkonzo zogutyulo lwelindle?

Kukho uxanduva kuwo onke amacandelo karhulumente ukuqinisekisa ukuba amanzi neenkonzo zogutyulo lwelindle ziyanikezwa ngendlela eyaneleyo, enobulungisa nezinzileyo.

Onke amacandelo karhulumente kufuneka azame ukunikeza amanzi neenkonzo zogutyulo lwelindle ezanele ukuphila nomsebenzi wezoqoqosho oluzinzileyo.

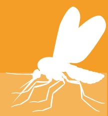
Indima karhulumente yile:

- Urhulumente wesizwe kufuneka alawule imithombo yamanzi ngeebhodi zamanzi ezahlukahlukeneyo;
- Oomasipala banoxanduva lokuhambisa iinkonzo zamanzi nezogutyulo lwelindle kwaye kufuneka bazobe izicwangciso zokuhambisa. Ezi zicwangciso kufuneka zithathele ingqalelo iinkonzo zokuhambisa ezisebenzayo kubahlali basematyotyombeni;
- Umthetho wethu uqonda ukuba ngenxa yokunqongophala kwemithombo urhulumente akanako ukunikeza ezi nkonzo kumntu wonke ngoko nangoko. Nangona kunjalo, urhulumente kufuneka abe nesicwangciso esicacileyo esinamaxesha abekiweyo noqingqo-mali ukunikeza ezi nkonzo kwaye kwandiswe ufikelelo;
- Urhulumente kufuneka enze njalo ngaphandle kokufaka engozini amanye amalungelo angundoqo.

Urhulumente kufuneka anikeze ezi nkonzo zilandelayo zamanzi nogutyulo lwelindle:

1. Ubuncinane beelitha ezingama-6000 kumzi ngamnye ngenyanga

- Ngezinga lokuhamba elingekho ngaphantsi kweelitha ezili-10 ngomzuzu
- Kwiimitha ezingama-200 zesiza
- Amanzi akhuselekileyo ukuba aselwe ngabantu



2. Indlu yangasese okanye indlu yangasese yomngxuma engenisa umoya, ekhuselekileyo, ethembekileyo, ekulungeleyo okusingqongileyo, ekulula ukuyigcina icocekile, enika ithuba lokuba ube bucala nekhuselekileyo kwimozulu, engenisa umoya, enciphisa amavumba kwaye ethintela ukungena kweempukane nezinye izitshabalalisi ezithwala izifo.

AKUKHO MSEBENZISI-NKONZO UNOKUNGABI NAMANZI NGAPHEZULU KWEENTSUKU EZISI-7 NGONYAKA

Kwisiphelo seeNjongo zoPhuhliso zeMillennium ngowe-2015, iNdlu yoWiso-mthetho Jikelele yeZizwe eziManyeneyo yasungula i-2030 ye-Ajenda yoPhuhliso oluZinzileyo, eyazisa iiNjongo zoPhuhliso oluZinzileyo (ii-SDG). UMzantsi Afrika uzinike uxanduva lokuphumeza ii-SDG ngamaxesha amisiweyo.

INjongo 6 yee-SDG ijongene nelungelo leenkonzo zamanzi nezogutyulo lwelindle kuye wonke umntu:

- Ukuqinisekisa ubukho nolawulo oluzinzileyo lwamanzi nogutyulo lwelindle kumntu wonke;
- Ngowe-2030, iphumeze ufikelelo lukazwelonke nolunobulungisa kumanzi okusela akhuselekileyo nafikelelekayo kumntu wonke;
- Ngowe-2030, iphumeze iinkonzo zogutyulo lwelindle olwaneleyo nolunobulungisa kunye nezempilo kumntu wonke, kwaye iphelise ukuzithuma embonakalweni, kuthathelwa ingqalelo eyodwa izidingo zoomama namantombazana kunye nabo bakwiimeko ezisesichengeni.

ISebe lezaManzi noGutyulo lweLindle lingumgcini wemithombo yamanzi yaseMzantsi Afrika. Linikwe igunya lokukhuthaza ulawulo lwemithombo yamanzi olusebenzayo nolwaneleyo ukuqinisekisa uphuhliso lwezoqoqosho nolwezentlalo oluzinzileyo. Ulwazi malunga neSebe lungafunyanwa kwiwebhusayithi yalo apha **www.dwa.gov.za**.

Iinkonzo ezingundoqo ezingahlawulelwayo

UMzantsi Afrika unomgaqo-nkqubo[1] weenkonzo ezingundoqo ezingahlawulelwayo (umgaqo-nkqubo wabangamahlwempu) ukuquka amanzi, umbane kunye noqokelelo lwenkunkuma ukuqinisekisa ukuba:

- Umzi ngamnye kufuneka ufumane iilitha zokuqala zamanzi ezingama-6 000 mahala ngenyanga. Amanzi asetyenziswe ngaphezulu kwala kufuneka ahlawulelwe. Amanzi ahlawuliswa ngokwerhafu yenkonzo enyukayo okuthetha ukuba okukhona uwasebenzisayo, kokukhona abizayo. Kuzwelonke ama-92,5% emizi ayafikelela kwimithombo yamanzi okusela ephuculweyo;[2]
- Oomasipala abohlukeneyo banemigaqo-nkqubo eyahlukeneyo yeenkonzo zamanzi nezogutyulo lwelindle mahala. Ungafumana ezi nkonzo ngokuzenzekelayo okanye kuza kufuneka uzibhalisele iinkonzo.

Apho kufunyanwa khona uncedo

- Unelungelo leenkonzo ezingahlawulelwayo kwaye unelungelo lokwazi isizathu sokuba ungafumani iinkonzo ezaneleyo;
- Kufuneka uxelele umasipala wakho, uceba wewadi okanye umsebenzi wophuhliso lwasekuhlaleni ukuba uneengxaki;
- IKomishini yamaLungelo oLuntu (IKomishini/ i-ne-SAHRC), amanye amaziko akwisahluko 9 somgaqo-siseko kunye namaqumrhu angekho phantsi kukarhulumente(ii-NGO) nawo angakuncedisa ukuba ufumane ulwazi olufunayo.

Amalungelo akuSomqulu wamaLungelo anxulumene

Ilungelo ngalinye kuMgaqo-siseko wethu lilingana nelinye kwaye amalungelo axhomekeke kwelinye nelinye. Umzekelo, ngaphandle kwamanzi kunzima ukufunda esikolweni nokufumana imfundo.

Onke amalungelo oluntu ayathungelana kwaye elinye lixhomekeke kwelinye. Ilungelo leenkonzo zamanzi nezogutyulo lwelindle anxulumene namalungelo obomi, esidima, empilo, okuba nendlu, okuba nokutya, okufunda, iindlela zokuqinisekisa ukhuseleko, ukulingana ngokwesini, kunye nokuthintelwa kocalucalulo. Ukungafikeleli kwiinkonzo zamanzi nezogutyulo lwelindle kuneempembelelo ezimbi ezininzi.

AMALUNGELO AKUSOMQULU WAMALUNGELO ANXULUMENE, UMZEKELO:

- **Ukudluliselwa kwezifo ezinokunqandwa ezinjengorhudo nekholera;**
- **Abantwana, ingakumbi amantombazana, banento yokuyeka phakathi esikolweni ukuba azikho iifasilithi zangasese;**
- **Ukusetyenziswa kwezibhedlele neeklinikhi kuyanda;**
- **Abantu abayi emsebenzini kwaye ayibonakali into abayenzayo emsebenzini;**
- **Amabhinqa ayoyika ukuya kwizindlu zangasese ebusuku ngokoyikisela ukhuseleko lwabo.**

Ubuncinane bama-26% (3.8 miliyoni) bezindlu kwiindawo ezisesikweni aneenkonzo zogutyulo lwelindle ezingahlangabezaniyo nomgangatho ofunekayo ngenxa yemeko emandundu yamaseko, ebangelwa kukunqongophala kwesakhono sezobuchwepheshe ukuqinisekisa ukusebenza okukuko, ulungiso olukhawulezileyo, ukuhlaziya, kunye/okanye ukuphuculwa kweenkonzo zokukhutshwa kwelindle kwizindlu zangasese zomngxuma, kunye /okanye neenkonzo zemithombo yamanzi ezinqongopheleyo.[3]

Abemi namaqumrhu angekho phantsi kukarhulumente badlala indima ebalulekileyo ekubekeni iliso ekuqondweni okuqhubekayo kwelungelo leenkonzo zamanzi nogutyulo lwelindle.

IZiko lamaLungelo ahlanganisa ezoQoqosho nezeNtlalo laseMzantsi Afrika (i-SERI) lelinye laloo maqumrhu anjalo kwaye kungaqhagamshelwana nalo kwiwebhusayithi yalo **www.seri-sa.org.za**

Izikhalazo zeengxaki zokuhlawulwa kwamatyala zingafakwa kuMqondisi-m**thetho wezamaTyala eSizwe** apha **www.ncr.org.za.**

UMkhuseli woLuntu liziko elizimeleyo eliyilwe ngokwayamene neSahluko-9 loMgaqo-siseko. Unesigunyaziso sokuphanda ngendlela yokuziphatha, ukusilela nokulawula ngokusilelayo kukarhulumente. Ngolwazi oluthe vetshe ngoMkhuseli woLuntu ungangena kwiwebhusayithi yabo **www.pprotect.org**.

Indima ye-ne-SAHRC

IKOMISHINI YAMALUNGELO OLUNTU YASEMZANTSI AFRIKA LIQUMRHU ELIZIMELEYO ELIMISELWA NGUMGAQO-SISEKO UKUBEKA ILISO, IKHUSELE KWAYE IKHUTHAZE UKUFUNYANWA KWAMALUNGELO OLUNTU KWILIZWE LETHU.

Ukunyhashwa kwelungelo lokufikelela kwiinkonzo zamanzi nezogutyulo lwelindle kuphezulu kakhulu eMzantsi Afrika, ukunyhashwa okumandla kusenzeka kubahlali basezilalini nabasematyotyombeni. IKomishini ifumana izikhalazo ezininzi malunga neenkonzo zamanzi nezogutyulo lwelindle. Phakathi kowe-2012 nowe-2016 iKomishini yamkele izikhalazo ezingama-1 363 malunga nokunyhashwa kwelungelo lokufikelela kwiinkonzo zamanzi nezogutyulo lwelindle.[4]

Ukunyhashwa kwamalungelo okufikelela kwiinkonzo zamanzi nezogutyulo lwelindle, akukhokeleli kuphela kukunyhashwa kwamanye amalungelo angundoqo, kodwa futhi ngamanye amaxesha kubangela izihlandlo zoqhankqalazo ngabahlali abaxhalatyiswa kukunqongophala kweenkonzo ezaneleyo.

Iinkundla zicacisile ukuba abantu banelungelo lokufikelela kwiinkonzo zamanzi. Izigwebo ezibalulekileyo zeenkundla zinika oogunyaziwe abanoxanduva isikhokelo malunga nokubandakanya umsebenzi wabo wokunikeza iinkonzo zamanzi aphucukileyo nogutyulo lwelindle. Iinkundla ziqonde ukuba ilungelo leenkonzo zamanzi nezogutyulo lwelindle labo bonke abemi baseMzantsi Afrika libalulekile elizweni ukuphelisa ukungalingani; indlala, ukuphucula nokukhusela amanye amalungelo anjengelungelo lokufikelela kwiinkonzo zempilo nezemfundo.[5]

Kwizikhalazo ezibini zasekuqaleni kwiKomishini, abahlali baseMakhaza, eKhayelitsha naseRammulotsi eFreyistata bakhalazela izindlu zangasese kwiingingqi zabo.

Uphando lweKomishini lwaveza ukuba abantu bezi ngingqi maninzi amalungelo abo angundoqo anyhashiweyo. Babenyanzelwa ukuba bahlale kwiimeko ezingekho mpilweni nezingakhuselekanga nanjengoko kwakufuneka basebenzise izindlu zangasese ezingavalwayo, ezazingacocekanga kwaye zichasene nemithetho-siseko neendlela ezilandelwayo zokuphunyezwa kweenkonzo. IKomishini yayalela ukuba oomasipala bathabathe amanyathelo akhawulezileyo okukhusela ubucala, isidima, ilungelo lokusingqongileyo okucocekileyo nokukhuselekileyo namalungelo okufikelela kwiinkonzo zamanzi nezogutyulo lwelindle zabahlali.

IKhomishini futhi yayalela iSebe loBongameli loCwangciso, lokuBeka iliso nokuHlola (i-DPME) ukuba linike ingxelo iKomishini ngelungelo leenkonzo zogutyulo lwelindle kwilizwe liphela. I-DPME yanika ingxelo yokuba kwakukho iingxaki eziqhubekayo nezinabileyo ngokuphathelele “kusilelo lweenkonzo zamanzi ezingundoqo nemingeni ngokunjalo ezanxulunyaniswa nokusilela kwenkxaso-mali eyaneleyo kunye nokuqokelelwa kwengeniso okusilelayo okukhokelela kukungazinzi kweemali; ukusilela kwezakhono zobuchwepheshe, zolawulo nezoshishino; ungenelelo lwezopolitiko norhwaphilizo kunye namandla angacacanga akwamasipala kwanemisebenzi.”[6]

IKomishini yathetha ngokusesikweni ngeziphumo nezindululo zayo nepalamente kazwelonke emva kokuba ukumanyelwa kwamatyala kuqhutywe kuwo onke amaphondo malunga nokunyhashwa kwamalungelo okufikelela kwiinkonzo zamanzi nezokugutyulo lwelindle. Iqhubeka nokubeka iliso kwaye inike ingxelo ngelungelo kwaye iphendule izikhalazo eziziswa ngabahlali. Kutshanje iKomishini iye enkundleni malunga nokuthotywa kwamaxhala egameni[i] labahlali kwiPhondo loMntla Ntshona.7 Kule meko, amanzi ayenikezelwa nguMasipala kodwa ayengazanelanga izidingo zabo.[8]

Amanqaku ongezelelweyo asekupheleni kwephepha

[1] Free Basic Water Implementation Guideline for Local Authorities Version 2.3 available at http://www.dwa.gov.za/Documents/FBW/FBWLocalAuthGuidelinesAug2002.pdf

[2] GHS Series Volume VIII Water and Sanitation: In depth analysis of the GHS 2002 – 2015 and CS 2016 data

[3] Report on the right to access to sufficient water and decent sanitation in SA 2014 (ne-SAHRC)

[4] ne-SAHRC Annual Trends Analysis Report 2015/2016

[5] Mazibuko and Others v City of Johannesburg and Others 2010 (3) BCLR 239 (CC) (08 October 2009)

[6] ne-SAHRC Moqhaka findings (2011)

[7] ne-SAHRC Section 184 (3) Report (2016/2017)

[8] ne-SAHRC v Madibeng Local Municipality NW/2014/0036

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