

WATER RIGHTS: THE SOWETO CRISIS COMMITTEE

In 2002, the United Nations Economic, Social and Cultural Council issued General Comment No. 15, a non-binding document intended to be the authoritative interpretation of the 1966 International Covenant on Economic, Social and Cultural Rights. In it, the Council stated that the right to water is a human right and that responsibility for the provision of sufficient, safe and affordable water to everyone, without discrimination, rests with the state.

South Africa has since become the only country with a constitutional right to water. In line with the Constitution, the 1997 Water Services Act stated that a basic level of water should be provided to those who cannot pay. Four years later, South Africa announced that it was going to provide a basic supply of 6,000 litres of safe water per month to all households free of charge (based on an average household size of eight people). Yet in spite of South Africa's efforts, a lack of financial resources and poor institutional capacity has hampered the government's efforts to extend water service universally, and so the country has increasingly relied on private companies, and pursued a strategy of cost-recovery. According to data from the Human Sciences Research Council, millions of people have had their water service cut off as part of the cost-recovery strategy.¹

The cut-offs have been resisted in court, and also through more direct action. Independently and often spontaneously, thousands of protests have erupted around the country in the past two years in response to the lack of services, including water. According to South African Police Service figures, the number of peaceful public protests rose from 5130 in 1997 to 9230 in 2005. But not all the reactions have been peaceful. Over the same time, the number of violent protest also rose from 880 to 932: figures that have kindled national debate about how local government can be more effectively equipped to tolerate disagreement and dissent.

A legacy of activism

Soweto, a former township that has since been incorporated into Johannesburg, has a famous and tragic history of direct action. In the Soweto Uprising of 1976, thousands of students took to the streets there to protest a government policy to require education in Afrikaans. Police opened fire on the march; hundreds were killed in the violent clashes that followed. In spite of the crackdown, popular resistance to Apartheid continued in Soweto in various forms until South Africa's first multi-racial elections in 1994 ushered in black majority rule.

Parts of Soweto, however, have remained among the poorest in Johannesburg, and the community's activists have redirected their methods of resistance at the privatisation of services.

Direct action

The Soweto Crisis Committee was originally known as the Soweto Electricity Crisis Committee when it formed in 2002 in response to cut-offs for non-payment by Eskom, the public electricity commission. Eskom was cutting off as many as 300 customers per day in the community of 1.5 million. According to Zodwa Madiba, a member of the Crisis Committee and a Johannesburg city councillor, residents were unable to pay because Eskom hiked its rates as part of its new cost-recovery strategy. On repeated occasions, Eskom was invited by local councillors to meet with the community to explain the price fluctuations; the company only sent more engineers to read meters and cut off those in arrears.

With support from Operation Khanyisa - a larger movement which takes its name from the Zulu word for "to light" - the Soweto Crisis Committee began to restore electricity to homes that had been cut off.

"Fortunately, in this community we had technicians, who know electricity. When Eskom switched off the electricity, then the technicians switched it on for you, free of charge, no payment," Madiba said. "So then everyone in Soweto was saying, you must join this organisation because they will reconnect your electricity."

¹ For more on South Africa's right to water, see: Mehta, Lyla (2005) "Unpacking Rights and Wrongs: Do Human Rights Make a Difference? The Case of Water Rights in India and South Africa." *IDS Working Paper No. 260*, The Institute of Development Studies: Brighton.

To make their point to the city's politicians, the Crisis Committee marched to Mayor Amos Masondo's house in 2005 to shut off his electricity. A security guard opened fire on the group, shooting one protester.

The Crisis Committee has challenged other attempts to deny basic services on account of non-payment, including school fees and health services. But most recently, the group has fought against the installation of pre-paid water meters in Soweto.

Lyonnaise des Eaux, a subsidiary of a French multinational corporation, entered into an agreement with the city of Johannesburg in 2000 to manage water and wastewater services for the city's 3.5 million inhabitants. Lyonnaise soon after began installing pre-paid water meters. To get water from your tap, a token would have to be purchased and inserted into the meter.

Court battles

In addition to removing the meters, the Crisis Committee challenged the company in court and won; the court ruled that pre-paid meters were illegal. The Mayor of Johannesburg, however, appealed the ruling to a higher court in Pretoria, which concurred that pre-paid meters were illegal, but nonetheless gave the city two years to adjust its laws to accommodate the payment modality. Again, residents appealed to the Constitutional Court, which ruled that pre-paid meters do not violate the constitutional right to water. It was a devastating blow to the movement.

"It feels terrible, but we said the struggle will continue," said Madiba. "We'll fight for our water, because it's our right. We'll mobilise people on the ground and go door to door and we'll explain why water is important."

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