



STATE CAPTURE
AND BEYOND

MUNICIPAL MISMANAGEMENT



State Capture and Beyond: Municipal Mismanagement

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Written by Jonathan van der Walt

With thanks for feedback, support, and additional research to Tania Ajam, Eldonna Muhwava, Rehad Desai, Moray Hathorn, Anita Khanna, Pashkar Moodilar, Rashaad Yusuf Dadoo, and Claire Rankin



Background

The State Capture and Beyond (SCAB) project is a collaboration between Brot für die Welt (Bread for the World [BfdW]), the Human Rights Media Trust (HRMT), and the Legal Resources Centre (LRC) with co-funding from the European Union (EU). The purpose of SCAB is to address corruption in South Africa based on the recommendations from the [Commission of Inquiry into State Capture \(CISC\)](#). To do this, it is bringing together Civil Society Organisations (CSOs) and Community-Based Organisations (CBOs). The desired outcome is to create a national movement against corruption, empowering individuals to understand, demand, and assert their rights. Addressing the deep wound of corruption directly helps the wound to scab over and heal.

[Brot für die Welt](#) is the largest Protestant non-governmental development and human rights organisation in Germany. Active in almost 90 countries with more than 60 years of experience, it aims to empower poor and marginalised groups to improve their living conditions. This organisation has a long history of working with the EU and has coordinated many projects across South Africa. For SCAB, BfdW brings a wealth of experience with worldwide connections and partners, making it the perfect fit in the role of coordinating and monitoring the project.

The [Human Rights Media Trust](#), a non-profit organisation founded in 2004, partners with social justice initiatives to operate throughout South Africa. HRMT focuses on media, non-extractive filmmaking methods, and social impact campaigns to amplify calls for justice while promoting a culture of democracy. HRMT spreads information with an innovative use of media and creative narratives to empower marginalised community voices.

The [Legal Resources Centre](#), founded in 1979, is a non-profit human rights law organisation with offices in Johannesburg, Cape Town, Durban, and Makhanda. The LRC actively defends the Constitution and rule of law in South Africa, encompassing diverse areas of the law: land, housing, health, education, equality, and socio-political rights. With a long history of providing legal services, the LRC has a deep understanding of human rights law and has developed longstanding alliances with grassroots movements.

Summary

The current system of local government, with wall-to-wall municipalities, is a direct response to the discriminatory apartheid system of municipalities. During apartheid, the government created municipalities by statute as the need arose, which often led to municipalities being awarded to favoured communities based on race. This allowed municipalities to entrench the apartheid system of separate development to control the distribution of resources through service delivery.

Section 7 of the Constitution is dedicated to creating a framework for the proper functioning of the local government. It outlines the process for establishing and constituting municipalities. The section also covers the duties, powers and functions of municipalities. The local government is recognised as a separate sphere of government and is thus given original law-making powers. Municipalities have the right to govern the affairs of their communities as they see fit and to create the necessary by-laws to facilitate this.

There are five main statutes specific to the local government that flesh out the creation, role, finances, reporting, and management for this sphere of government:

- The [Local Government: Municipal Demarcation Act 27 of 1998](#) lays out the process for determining municipal boundaries and wards.
- The [Local Government: Municipal Structures Act 117 of 1998](#) provides a framework for establishing and distinguishing the different types of municipalities.
- The [Local Government: Municipal Systems Act 32 of 2000](#) focuses on the regulation of powers, functions, and responsibilities of municipalities.
- The [Local Government: Municipal Finance Management Act 56 of 2003](#) regulates the financial management of municipalities by establishing treasury norms and standards.
- The [Local Government: Municipal Property Rates Act 6 of 2004](#) regulates the power of municipalities to impose rates on properties.

Despite the existence of comprehensive legal frameworks for the local government, continuing challenges widen the gap between laws and their implementation. Initially, there was a legitimate need to fill leadership positions in the new wall-to-wall municipalities with loyal cadres as champions of democracy. However, over time, cadre deployment has involved placing loyalty above skill. This means that key positions are being filled by people who lack both the qualifications and the experience to fulfil their roles effectively. The results

of poor leadership include corruption, mismanagement, and the failure of municipalities to deliver basic services to their communities.

Municipalities also struggle to retain skilled and professional staff, as the lack of motivation, benefits, and advancement opportunities does not provide enough incentive. The lack of accountability at the senior and administrative levels only serves to exacerbate these issues.

Municipalities are the face of service delivery, providing the final leg of those services to communities. Schedules 4 and 5 of the Constitution outline the services that municipalities are required to provide in collaboration with the national and provincial spheres of government. Broadly, these services fall into basic essential services and socioeconomic services:

Basic Essential Services	Socioeconomic Services
Water	Planning and Development
Sanitation	Recreation and Tourism
Energy	Education
Waste Management	Public Transport
Road Infrastructure	Markets and Abattoirs
Public Safety	Animals
Healthcare	Public spaces

Poor management of municipalities can leave them struggling to survive. Five problems stand out as common outcomes of poor leadership and management:

1. The failure to provide services effectively because of poor planning, budgeting, spending, and maintenance practices.
2. A decline in public participation because of public distrust in government systems or discouragement from government officials.
3. Mismanaged transparency practices where outdated and complicated websites and information services make it difficult to understand administrative actions.
4. Poor oversight of public procurement practices, which invite or overlook tender fraud and manipulation.
5. Underspending of municipal budgets leaves projects incomplete and underfunded.



When problems occur with municipal management and service delivery, it is necessary to hold the government accountable. There are steps that anyone can take to improve accountability. Using these steps carefully also helps to build a case for change.

- **Gather Information.** By law, municipalities are required to maintain public websites on which they publish regular reports detailing their activities. If these reports are missing, it is possible to request the details using PAIA (Promotion of Access to Information Act 2 of 2000) requests.
- **Report Directly.** A good starting point is to use government-provided online systems, email addresses, and hotlines to report a problem directly to the local government.
- **Escalate Communication.** If there is no response or action from municipal officials, escalate the issue by contacting ward councillors.
- **Take Part in the law-making processes.** Municipalities are legally required to encourage public participation, which includes hosting meetings open to the public.
- **Use Social Media.** Posting service delivery or management problems on social media can be a powerful way to raise public awareness.
- **Blow the Whistle.** Blowing the whistle can be dangerous, but it is often the only way for others, including those with the authority to investigate, to become aware of a problem.
- **Get Organised.** Joining or starting an organisation helps with grouping resources and gaining support to instigate change.
- **Write Submissions.** Writing directly to the National Assembly can draw government attention to municipalities failing in their duties.
- **Create Petitions.** A petition, signed by supporters and endorsed by a National Assembly member, can be a powerful tool to show widespread interest in a solution.
- **Inspire News Articles.** Writing news reports for publication or contacting journalists to request they cover specific topics can raise awareness.
- **Take Part in Protests.** A group protest, which the Constitution protects, demonstrates solidarity to powerfully draw attention to an issue.
- **Start Litigation.** While expensive and requiring legal expertise, litigation can be a potent tool in demanding rights.
- **Vote.** Voting in a democracy is arguably the most effective way to hold a government accountable. For local government, there are examples of communities creating successful grassroots political movements to advocate for their own rights.

Using one or a combination of these methods helps to increase accountability. Every method has value, so it is possible to make a difference with even a small action. Citizens have a right



to an effective and transparent local government; action enables individuals to advocate for these rights and hold the government accountable.



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Introduction

The 1996 Constitution restructured municipalities to move from privileging a few to an all-encompassing sphere of government focused on the rights of all. The local sphere of government, comprising wall-to-wall municipalities, is intended to provide effective governance and leadership to communities as a Constitutional right. These municipalities should provide residents with meaningful access to their fundamental rights, including access to services, infrastructure, law enforcement, town planning, development, and community services. Unfortunately, the mismanagement of municipalities has led to inadequate service delivery, infrastructure in disrepair, and an increase in crime. Poorly run municipalities make it increasingly difficult for communities to access necessities such as water, electricity, transportation, housing, healthcare, and safety. Accountability and transparency are crucial for ensuring that the local government prioritises upholding fundamental rights and uplifting communities.

Before 1994, a municipal government was a privilege that benefited select racial groups. The Dutch settlers from the Dutch East India Company founded the first municipality in Table Bay, Cape Town, in 1652 as a supply station for passing ships. As towns were established, so were municipalities.¹ In 1910, the colonial territories combined to form the Union of South Africa, where the local government was firmly under the control of the provinces. After 1948, the apartheid government took over and created a haphazard, segregated system of municipalities created by provincial ordinances that were based on statute.² This system created municipalities for specific groups and purposes, and it bestowed certain privileges accordingly. Municipalities formed part of the apartheid system, using race-focused, unjust statutes like the Natives Land Act of 1913, to leave many people without access to effective administration.

In 1994, the democratic government focused on reversing this injustice by establishing a comprehensive municipal system of local government. The final Constitution, published in 1996, dedicates the whole of Chapter 7 to the creation of a distinct sphere of local government. In stark contrast to previous municipal systems, these municipalities would cover the entirety of South Africa, focusing on areas rather than race, to provide administrative justice. They would also be separate from the national and provincial spheres of government, enabling local governments to focus on meeting the immediate needs of their constituents.

The process of reconstituting and expanding local government across the country involved rapidly forming and filling numerous administrative positions. This urgent need created avenues for mistakes and opportunities for corruption. Political parties were able to fill these positions with loyalists who may or may not have been qualified for the job. This is commonly referred to as cadre deployment, where party loyalty was seen as more valuable than the required skills or experience, facilitating the quick filling of vacant positions.³ The Constitution appears to acknowledge this danger by placing transparency and accountability as core principles of checks and balances. However, a gap between legislation and practical implementation has left communities suffering because of mismanagement and corruption within municipalities. Corruption is particularly worrying as it involves syphoning financial and material resources away from vital projects that provide basic service delivery.

The Commission of Inquiry into State Capture (CISC) was also concerned about the potential for systemic corruption within municipalities. While the CISC only investigated a few corrupt tender deals in Johannesburg, it believed similar corrupt activities could be happening within many municipalities.⁴ In a 2024 report, the Auditor-General identified 446 material irregularities, which were either non-compliant or fraudulent activities resulting in a material loss, across 131 municipalities.⁵ These municipalities are obligated to provide basic services and regularly use public procurement processes to tender for service providers. The procurement process is particularly vulnerable to corrupt practices, including the manipulation of tender requirements and the inflation of tender costs.⁶ The CISC includes an entire section of recommendations on public procurement, such as establishing an independent agency for procurement and developing a professional procurement officer role to enhance transparency.⁷

Along with the losses from corruption, the poor management of municipalities leaves many South Africans struggling and often frustrated. Local governments are supposed to provide basic infrastructure to meet their constituents' needs. However, these infrastructure needs are usually left unmet to the extent that it leads to community action. For example, in March, Cofimvaba villagers staged a protest in response to poor road infrastructure, highlighting the poor condition of roads and the fact that a vital bridge, essential for crossing a river to reach town and local schools, was too low to cross safely.⁸ Earlier the same month, a community meeting in Nelson Mandela Bay was held to compel the municipality to address the lack of working streetlights.⁹ Emfuleni municipality even returned R640 million in unspent budget to the treasury despite large-scale sewage spills across its townships that left people living in and around excrement.¹⁰ Poor management, even in the absence of corruption, can leave municipalities unable to fulfil their functions.

Ongoing corruption and municipal mismanagement are significant catalysts for the failure of municipalities to fulfil their constitutional obligations. Municipalities should ensure that communities can access water, electricity, sanitation, education, and healthcare. It is thus necessary for South Africans to work together to advocate for their rights and demand municipalities that are responsible, transparent, and accountable. This requires action at all levels, including high-level legislative and policy changes, as well as on-the-ground mobilisation by communities. By holding municipalities accountable, South Africa can ensure that an effective local government is a right that is accessible to all.



LEGISLATIVE FRAMEWORK



The Local Sphere of Government

The Constitution

The [Constitution of the Republic of South Africa, 1996](#) (the Constitution), established a local government sphere to address the injustices of the apartheid system. Apartheid municipalities were created by statute, which focused on relegating racial groups to dedicated areas.¹¹ These racially segregated municipalities had differing resources and support, with some having none.

The Constitution commits South Africa to a rule of law that is fully inclusive, equal, and democratic. Today, the distribution of municipalities is solely based on geography. The Constitution presents municipalities as a separate, independent local government sphere that should cooperate with the national and provincial spheres of government. The Constitution addresses two key aspects of local government: the right to effective local government and the framework for establishing a separate, comprehensive local government with its own rights.

The Right to Effective Local Government

The local government is the face of the public administration at the lowest level, providing the first leg of services to the communities it serves. It is also the face of government that most individuals interact with first to access a variety of services, such as electricity, water, sanitation, and infrastructure maintenance. As such, a functional and efficient local government plays a significant role in meeting its communities' most basic needs. This is recognised in section 195(1) of the Constitution, which outlines the fundamental values and principles that should govern the public administration. These principles include accountability, transparency, the efficient usage of resources, responsiveness to people's needs, and the fair and equitable provision of services.

The role of municipalities is explored further in section 152(1) of the Constitution. These include delivering sustainable services, promoting social and economic development, and maintaining a safe and healthy environment. The roles listed in this provision are meant to give effect to the rights enshrined in the Bill of Rights. The government is obligated to respect, protect, promote and fulfil these rights.

The right to just administrative action further entrenches the government's duty to act lawfully, reasonably and fairly when executing its administrative responsibilities. Most decisions made by a municipality have the capacity to affect people's rights and must thus be just and justifiable.

Overall, the Constitution provides a clear blueprint for the proper implementation of its constitutional duties and the rights of its constituents.

The Framework for Local Government

Chapter 7 of the Constitution establishes the local sphere of government, outlining its structure, functioning, objectives, and duties. The local government is made up of municipalities governed by Municipal Councils.¹² Municipal Council members are elected using a mixed-member proportional representation system. This requires each voter to cast two votes. The first vote is for a ward councillor who directly represents the interests of their ward. The second vote is for a political party that is duly represented in the council in proportion to its share of the total votes.¹³ Once constituted, the Municipal Council remains in power for a term of five years.

As a constitutionally recognised sphere of government, the local government has the right to govern the affairs of its community with a certain degree of autonomy, subject to national and provincial legislation. This limitation shows that despite the original powers conferred by the Constitution, these powers are not unfettered. The national and provincial legislative arms have the power to create legislation that affects the status, institutions, powers, and functions of the local government. The Municipal Systems Act and the Municipal Finance Management Act are examples of such legislation. The local government is also required to align its bylaws with national and provincial legislation or risk having them struck down. However, the Constitution does give the local government some leeway by requiring the national and provincial governments not to compromise or hinder a municipality's ability to perform its functions.¹⁴

The Constitution specifies the general structure of municipalities. There are three categories of municipality: metropolitan, local, and district.¹⁵

- Category A: These are metropolitan municipalities that have exclusive municipal and executive authority over the area they govern. They are responsible for all local government functions within their boundaries and do not share power with other

municipalities. These municipalities govern densely populated urban areas such as the big cities throughout South Africa. Currently, there are eight metropolitan municipalities: Buffalo City, City of Cape Town, City of Johannesburg, City of Tshwane, Ekurhuleni, eThekweni, Mangaung, and Nelson Mandela Bay Metropolitan Municipality.

- Category B: These are local municipalities that govern areas that fall outside of the metropolitan areas. These municipalities are more directly responsible for providing day-to-day services, such as water and sanitation, to their various wards. These are the smallest municipalities, as they are typically responsible for a specific geographic area. Local municipalities and district municipalities have concurrent municipal and executive authority over their designated areas.
- Category C: This category consists of district municipalities. They are responsible for overseeing a larger area that typically consists of multiple local municipalities. As stated above, they share municipal and executive authority with local municipalities. District municipalities oversee and coordinate the provision of services across their districts. There are currently 44 district municipalities that oversee the functions of local municipalities.

Statutes

To give effect to the constitutional framework set out above, the legislature has passed legislation that provides a more detailed guideline of the constitution and function of the local government. There are five general statutes that govern the creation, composition, and inner workings of local government.

The [Local Government: Municipal Demarcation Act 27 of 1998](#) outlines the criteria and procedures for determining municipal boundaries. The Act establishes a Municipal Demarcation Board (the “Board”), whose function is to determine municipal boundaries in accordance with this legislation and the Constitution. The Board is an independent juristic body and must be impartial in its operations. The primary objective of any municipal boundary is to establish an area where a municipality can fulfil its constitutional obligations. For example, the board must consider whether the area can support the provision of services such as water, electricity, housing, and a clean environment.

The [Local Government: Municipal Structures Act 117 of 1998](#) provides a framework for establishing municipalities. This Act expands on Chapter 7 of the Constitution. This includes

elaborating further on the three categories of municipality as set out in the Constitution. It also focuses on regulating the internal systems, structures, and positions in municipalities. The purpose of the Act is to initiate the final phase of transitioning from the haphazard apartheid municipalities to the wall-to-wall system of municipalities outlined in the Constitution.

The [Local Government: Municipal Systems Act 32 of 2000](#) is the primary statute for positioning municipalities within the system of a cooperative local government. It regulates the powers and functions of municipalities and also defines their responsibilities. It provides the core principles, mechanisms, and processes that municipalities should follow when providing essential services to local communities. This legislation aims to foster a culture of community participation through measures that are transparent and accountable, including community input for the creation of Integrated Development Plans (IDP).¹⁶ This even includes requirements for communication, such as admitting the public to meetings, publishing notices in the news, maintaining an official website, and making documents publicly available.

The [Local Government: Municipal Finance Management Act 56 of 2003](#) regulates the financial management of municipalities by establishing treasury norms and standards. These include defining the roles of municipal workers who have financial roles, such as financial officers. Financial officers are required to be transparent in their spending and reporting, thus supporting accountability and transparency. Additionally, this legislation establishes frameworks for budget management and financial reporting while ensuring that the public has access to this information.

The [Local Government: Municipal Property Rates Act 6 of 2004](#) regulates the power of municipalities to impose rates on properties. Property rates are a primary source of income for municipalities. This legislation aims to create a fair system for rates with clear reasons for exemptions and equitable methods of valuation to determine amounts. It also promotes transparency, allowing people to raise objections to any municipal decisions and to make appeals.

While municipalities are a distinctive sphere of government, they should also comply with national and provincial legislation. The Constitution recognises that the spheres of government are interdependent and interrelated. This means that they may need to rely on each other to fulfil their constitutional obligations properly. Chapter 3 of the Constitution calls for a cooperative government that exercises its powers, performs its functions,

collaborates where necessary, and does not encroach on the functional or institutional integrity of other spheres of government. Section 41(2) of the Constitution requires Parliament to pass an Act that regulates intergovernmental relations and provides mechanisms for resolving intergovernmental disputes.

Municipal By-Laws

According to section 156(2), a municipality may make and administer by-laws for its effective functioning. This enables municipalities to develop legislation that is more tailored to the specific needs of the communities they serve. Municipalities may only make by-laws on those functional areas allocated to them by the Constitution. These are outlined in Part B of Schedules 4 and 5 and include matters such as licensing, municipal roads, and traffic and parking regulations. Importantly, municipalities do not have exclusive legislative authority over these matters and must therefore adhere to relevant provincial and national legislation. Beyond Schedule 5, the national and provincial governments must assign pertinent other matters to the local government that would be better administered by it.

The Constitution also requires municipalities to promote transparency and accountability by encouraging public participation in the law-making process. Section 160(4) prohibits the passing of any by-law unless it has been published for public comment. This ensures that communities can have a say and have their concerns considered in all matters that may affect them.



The Gap Between Policy and Delivery

The Gap between Policy and Delivery

South Africa was renowned for having a constitution that was both progressive and transformative for its time.¹⁷ A significant part of this praise was for the revolutionary Bill of Rights, which included economic, social, and cultural rights that were legally enforceable.¹⁸ These, and other, rights were crucial for undoing the injustices of the past and building a democratic society based on equality and social justice. However, over the past thirty years, the government has consistently failed to translate these rights into a practical reality for many people in South Africa.

When it comes to implementation, a municipality's duty is two-fold. A municipality has the authority to create and implement by-laws on matters that fall exclusively within its jurisdiction. It is also required to implement national and provincial legislation on matters that are shared or outside its jurisdiction. While this places a considerable **burden** on the shoulders of the local government, the Constitution ensures that municipalities are supported in this regard.

The Plight of Cadre Deployment

To function properly, a municipality requires adequate financial and human resources. Financial matters are governed by the MFMA. Human resource affairs are regulated by the MSA. Before hiring anyone, a municipal manager is required to create a *staff establishment* and have it approved by the relevant municipal council. A staff establishment is a document that includes a list of all the required posts that need to be filled. The purpose of a staff establishment is to promote accountability by only creating and funding posts that are necessary for the proper functioning of the municipality. Where funding is approved, persons can be hired to fill those posts.

Section 67 of the MSA requires municipalities to develop appropriate systems and procedures for the recruitment and management of personnel. These structures must be based on uniform standards to ensure consistency, fairness, and transparency in personnel administration. Municipalities are also required to continuously develop the capacities of their staff to enable them to perform their duties in an effective, efficient, and accountable manner.

With proper hiring practices, a municipality should be well-equipped to perform its constitutional duties. However, this is not the case in many municipalities. Over the years, merit-based recruitment processes have been overtaken by cadre deployment.

Cadre deployment was a crucial tool used by the ANC to dismantle the apartheid state and build a new government that was aligned with the country's newly adopted democratic system. It involved replacing apartheid-era officials in key governmental positions with qualified ANC members. The primary objective of this practice was to establish a government dedicated to implementing the new Constitution and upholding its democratic values, as well as the values of the ANC. In a Mail & Guardian article on why cadre deployment was valuable, the following was stated:

*"By placing ANC cadres in key public positions, there was a push for diversity, inclusion and representation of previously marginalised groups- black South Africans, women and youth- in decision-making roles such as the executive, the judiciary and state-owned enterprises."*¹⁹

There was value in having loyal cadres who all had common values and goals guided by the policies and agenda of the newly elected ANC. However, over time, the underlying motivation for implementing cadre deployment became increasingly apparent. It was not about transforming our public administration or aligning it with the newly adopted Constitution. Instead, it was a tool that the ANC used to expand its powers into all spheres of government. Key positions were filled with persons whose loyalty to their party overrode their duty to the public. They were expected to toe the party line or risk being removed from their positions or recalled from Parliament. Once the loyal cadres occupied these senior positions, they facilitated the theft of billions of Rands from governmental departments and state institutions while dodging accountability.

Other institutions meant to hold the government accountable, such as the NPA, were filled with cadres who were happy to look the other way as their patrons bled the country dry. Despite the court in *Mlokoti v Amathole District Municipality & Another*²⁰ finding that appointments based on party loyalty above suitability are unlawful, it remains in practice thirty years after the birth of our democracy.²¹

It is thus unsurprising that cadre deployment is also perverse in the local government. More often than not, the cadres placed in senior positions lack the necessary expertise or competence to execute their mandate properly⁵⁵. This disregard for professional expertise

has largely contributed to municipal mismanagement and the failure to provide access to the most basic services.

The Consequences of Unqualified Officials

Unqualified officials lack the necessary skills to effectively translate laws and policies into tangible outcomes. In fact, it is more likely that they are unaware of the laws and policies they are responsible for implementing. Without the proper knowledge and guidance from their seniors, many public administrators are often left directionless. They do not know what they are supposed to do, how to do it, or what standards they need to meet. This lack of clarity is especially noticeable in those frontline administrators who interact directly with the public. When these administrators cannot fulfil a basic request or interpret and apply policy, it reveals a clear failure in fulfilling the right to a functional local government.

Understaffing at the administrative level is another major concern. There is a deficit in the number of professional staff, with worrying turnover rates, as municipalities lose between 2% and 5% of their skilled staff each year.²² Without specialist expertise, such as engineers, accountants, lawyers, town planners, ITC specialists, and human resource specialists, struggling municipalities must rely on consultants instead. Hiring external consultants costs more and requires a long process that may affect the municipality's ability to respond quickly to emergencies. A cause of understaffing is the lack of incentives, including low salaries, limited benefits, a lack of growth opportunities and no development training. Without effective retention incentives, skilled individuals often seek employment elsewhere.

A troubling combination of challenges is continuing to widen the gap between policies that promise improvements and what takes place in local government. This leaves service delivery as a distant afterthought, with crumbling infrastructure and inadequate maintenance, resulting in widespread struggles. To narrow the gap and improve service delivery, it would be necessary to address these issues systematically. Without effective accountability and consequences in all spheres of government, it is unlikely that leadership practices will improve. Motivated and effective leaders chosen for merit would be more likely to champion changes that could improve local government, from motivating and retaining professionals to improving training and hiring practices. Trained and resourced government employees would then be better equipped to implement policies and navigate through bureaucratic red tape. This, however, would likely require immense political will and citizens working in concert to hold the government accountable. If local government continues to

follow current trends, South Africans will likely continue to see worsening service delivery that disproportionately harms the poor.

Red Tape

When it comes to implementation, a municipality's duty is two-fold. A municipality has the authority to create and implement by-laws on matters that fall exclusively within its jurisdiction. It is also required to implement national and provincial legislation on matters that are shared or outside its jurisdiction.

This dual responsibility is often seen as burdensome and excessive, both by government employees and the public, can become red tape. The term "red tape" originates from the practice of using red ribbons to bundle important government documents, later becoming a shorthand term for excessive or obstructive government interference.²³ Unfortunately, even laws and by-laws made with the best intentions can become red tape if they clash with other laws or are overly difficult to interpret. Onerous laws may cause frustration, confusion, and unnecessary delays in already understaffed and mismanaged municipalities.

Red tape is a significant contributor to corruption, as it creates opportunities for individuals to use their public office for private gain.²⁴ When public administrators do not fully understand which laws to use or how to implement them, it breeds arbitrary decision-making. For instance, administrators may overcharge for services, deliberately slow down processing to solicit bribes, or misallocate resources and pocket the difference. Accountability mechanisms, which are usually absent or subverted by senior officials, provide no respite for the public. Consequently, administrators have free reign to act without oversight and make decisions that may undermine the service delivery.

A troubling combination of challenges continues to widen the gap between the law and its implementation. The prioritisation of personal enrichment over public duty renders service delivery a distant afterthought. Fundamental rights, such as access to clean water, electricity, and a safe environment, remain inaccessible to an alarming number of people thirty years after the birth of our democracy.



STATE CAPTURE
AND BEYOND

Municipal Services



Municipal Services

Municipalities are responsible for administering and delivering services to their communities. These include,

Essential Services necessary for Health and Safety:

- Access to piped, clean drinking water.
- Sanitation
- Electricity
- Waste Management. Refuse collection and removal, refuse dumps, and solid waste disposal.
- Road infrastructure. Maintenance of roads, street lighting, traffic and parking, and stormwater management for built-up areas.
- Public Safety. Firefighting services, building regulations, control of public nuisances, and public fences.
- Healthcare. Municipal health services, air pollution, and noise pollution.

Socio-Economic Services:

- Planning and Development. Municipal planning, building regulations, and public works.
- Recreation and tourism. Beaches, amusement facilities, sport facilities, and local tourism.
- Education. Childcare facilities, libraries
- Public Transport. Municipal public transport, municipal airports, pontoons, ferries, jetties, piers, and harbours.
- Markets and Abattoirs. Billboards and advertisements in public places, licensing for food sales, licensing for liquor sales, markets, street trading, and municipal abattoirs,
- Animals. Licensing for dogs, pounds, and facilities for the accommodation, care, and burial of animals.
- Public spaces. Municipal parks, public places, cemeteries, funeral parlours, and crematoria.

These services are what make a functional local government vital for communities. It is through these services that municipalities should create a framework that enables individuals to interact with minimal friction while accessing their basic needs. Therefore, the understanding of these services is an important starting point for identifying when local government is failing in its duties.



THE EFFECTS OF MUNICIPAL MISMANAGEMENT



The Effects of Poor Municipal Management

The Failure to Provide Services

When municipalities lack the management acumen necessary to guide construction and maintenance programs, there is a corresponding deterioration of service delivery. Without regular maintenance, roads deteriorate, bridges collapse due to decay, water systems fail, and sewage systems leak.²⁵ Poor management also includes the failure of municipalities to pay basic service providers such as Rand Water and Eskom.²⁶ When municipalities default on their payments, these service providers may cut or restrict their supply, leaving communities without access to basic services such as clean water and electricity.²⁷

The Emfuleni Local Municipality is a clear example of the effects of mismanagement. Despite some recent improvements, Emfuleni continues to struggle with financial management and debt collection, operating with unfunded budgets where expected expenses surpass forecasted income. The municipality currently owes Eskom R2.2 billion. This financial mismanagement reflects a history of failed service delivery. As early as 2021, Emfuleni was regarded as one of the worst-run municipalities in terms of service provision, with issues like broken sewer systems and wastewater treatment plants polluting the Vaal River. The ongoing financial mismanagement has prompted calls for the South African Human Rights Commission (SAHRC) to investigate the municipality for violating constitutional rights to access water, basic sanitation, and a healthy environment.

The poor management of municipalities has profound ripple effects, as inadequate service delivery violates human rights and endangers lives. However, a history of ineffective management deepens the issue, as reversing years of mismanagement can be particularly challenging. Consistent, effective oversight to ensure timely maintenance and the completion of capital projects helps prevent the long-term costs associated with replacing collapsed infrastructure. Despite the intervention from the Department of Water and Sanitation to tackle significant issues in Emfuleni, the current estimated expense to resolve problems with wastewater treatment works over seven years is R7.6 billion. Therefore, effective management is especially crucial in supporting sustainable service delivery and minimising unnecessary expenditure.

The Discouragement of Public Participation

The local government is constitutionally required to encourage public participation in its law-making processes. Public participation enables individuals to express their opinions on matters that directly affect them. It also provides a platform for communities to interrogate the actions of their representatives and hold them accountable.²⁸ However, mismanaged municipalities tend to lack or even discourage participation. Corrupt officials limit community involvement in municipal processes to avoid scrutiny over their unlawful decisions and actions. Consultations may be poorly advertised or not advertised at all. Public meetings may be scheduled at inconvenient times and locations. When public meetings are held, crucial information may be withheld, thereby limiting individuals' ability to fully engage with their representatives.

On the other hand, the ongoing corruption at the local government level has created growing distrust among communities. Public meetings appear worthless. Consequently, they are less likely to engage in public processes as they may seem pointless. Instead, communities are more likely to engage in protest action.²⁹

Often, it is only with protest action that municipal officials start meeting with community representatives to address the crises.³⁰ The Vhembe District Municipality in Limpopo has a long history of protests over service delivery failures, which often coincide with a lack of public participation. For instance, on June 3, 2025, residents in the area marched to the municipal offices due to a lack of water supply and demanded interim solutions.³¹ Published research on the Vhembe District Municipality identified a link between public participation and effective service delivery, as it creates a sense of involvement and control over political processes.³² However, few individuals participate in public meetings, citing empty promises as the reason.

A Lack of Transparency

Transparency is realised when information is easily and freely accessible to the public.³³ A lack of transparency creates opportunities for fraud and corruption.³⁴ Transparency is both a good management practice and a legal requirement. Section 21A of the Local Authorities: Municipal Systems Act 32 of 2000 requires that municipal documents be made available at municipal offices, libraries, on websites, and through notices. Section 21B states that every municipality must have an official website. Section 75 of the Local Authorities: Municipal Finance Management Act 56 of 2003 identifies the financial documents that must be made

available on the websites, including budgets, annual reports, performance and service agreements, and procurement contracts. However, slow times for publications and prohibitive costs for information decrease transparency, especially for procurement information.³⁵

An effective method for increasing transparency is to ensure that the legally required municipal websites are up-to-date with relevant information. Unfortunately, these websites vary significantly in quality, depending on the municipality. A survey of municipal websites found that almost no websites were without faults, but some had more problems than others.³⁶ An example of this is the website for Inxuba Yethemba Municipality, flagged as notably lacking, <https://iym.gov.za/>. Much of the information on the website, including the news, reports, and calendar, is a year or more out of date. Many sections, including newsletters, current project reports, agendas for council meetings, and policies, are currently incomplete, with a message indicating that these sections will be available soon. This makes it difficult to find any helpful information.

Being transparent by sharing information freely, including on publicly accessible websites, is immensely valuable in improving accountability and trust. Being able to access documents enables residents to monitor and track local government actions, thereby holding officials accountable for their actions. Civic oversight provides a powerful incentive for officials to be honest and follow the rules in their dealings, as they must be able to provide and explain their reasons. This increases trust in the local government, making it more effective in delivering the services that communities need. To achieve these benefits, it is essential to have clear and strict consequences for failing to uphold transparency practices, particularly those mandated by law.

Public Procurement

When municipalities require external capacity to provide a service, they must issue a public invitation, often referred to as a tender. Companies or contractors who can assist can bid for the tender by submitting proposals outlining how they can complete the job. Government institutions can operate their own bidding systems as long as they comply with the law. Importantly, the tender process must always be fair, transparent, and competitive, and it should provide the taxpayer with good value for their money.

It is through these tenders that the municipalities provide services to the communities they serve. However, tenders also involve large sums of money changing hands, sometimes with

weak oversight. Tenders that are poorly managed provide a common avenue for fraud and corruption. Municipalities might pick whichever company they want up front, and merely hold the tender process as a formality. They might manipulate tender requirements, making them so specific that only their favoured company qualifies. They might also inflate the sizes of these tenders, allowing the chosen company to receive more taxpayer money than is necessary for the job. This syphons funds away from essential projects while encouraging substandard construction and maintenance practices.

The Northwest Province's Madibeng Local Municipality has faced ongoing challenges with procurement fraud, as evidenced by poor audit outcomes. The Auditor-General's reports between 2015 and 2018 flagged R50 million in irregular expenditure as the result of tender fraud and ICT tender fraud.³⁷ Allegations around procurement irregularities led to the suspension of senior officials in the municipality, including the mayor, senior management, and the chief financial officer.³⁸ The challenges around procurement problems coincided with protests centred around poor service delivery in the municipality. Residents marched to the municipal office to complain about poor road infrastructure, a lack of water, and an inconsistent electricity supply.³⁹ As outlined in the Zondo Commission's report, if not managed carefully and honestly, public procurement provides opportunities for massive corruption.

Underspending

Underspending, rather than being an effective money-saving tactic, indicates a failure to implement plans for building and maintaining infrastructure. A particular concern is conditional grants, which are funds provided by the national government with specific conditions on how the money is to be spent. Unspent or misspent conditional grants cannot be moved to other budgets. The grant will either roll over into the next financial period, subject to the municipality's successful application, or it will be returned to the national treasury.⁴⁰ In the 2023-2024 financial year, the local government spent 94% (R37.23 billion) of the conditional total grant funds received (R39.61 billion), leaving R2.38 billion worth of projects incomplete.⁴¹

In Mpumalanga, the Emalahleni Local Municipality has struggled with unfunded budgets and underspending on projects. An unfunded budget occurs when the budgeted spending exceeds the expected income, indicating a likely lack of funds for projects. In the 2021-22 financial year, Emalahleni Local Municipality spent only 64.1% of its capital budget, which was allocated for large projects such as water pipes or public buildings.⁴² Well-run

municipalities should spend at least 95% of the capital budget to keep projects on target. Combined with an alarming 165.8% increase in fruitless and wasteful expenditure, this suggests that the municipality likely diverted money away from necessary capital projects. There is also a concurrent lack of effective service delivery and management, resulting in issues such as potholes, dirty water, and a high unemployment rate.⁴³

Significant underspending occurs throughout the country, but was most pronounced in the Northern Cape and the Free State for the 2023-24 financial year.⁴⁴ To address the challenge of underspending, municipalities need well-trained, professional financial officers. This would be a crucial step in enhancing the planning and monitoring of budgets to ensure they remain on track. In addition, enforcing transparency practices, including posting tenders on municipal websites, would help with compliance by welcoming citizen oversight.



STATE CAPTURE
AND BEYOND

Accessing Information



Accessing Information

Government Websites

A good starting point for finding information is on government websites. A helpful website for this is <https://municipalities.co.za/>. On this website, one can select the municipality they are in using the “Search” or “Map” functions. Selecting a municipality directs the user to a new page that provides an overview of the selected municipality. One can then select which topic they would like additional information on by selecting the relevant tab. The tabs include contact details, financial documents, vacancies, and services. Through the “contacts” section, there is a link to each municipality’s website.

Published Reports

Government departments and agencies frequently publish informative reports that offer valuable updates. The Department of Co-operative Governance and Traditional Affairs (CoGTA) has a very useful website that can be accessed at <https://nationalstrathub.cogta.gov.za/data-tools/dashboards/>. This website serves as a central hub for accurate data and information related to, among other things, municipal development. The data is meant to enhance decision-making in all government spheres and promote effective governance. The general public can also use this site to track the progress of government projects.

The treasury also publishes financial information about municipalities online. There is a dedicated national website, <https://vulekamali.gov.za/>, that provides access to national budgets. A website that helps with accessing information specific to municipalities is <https://municipalmoney.gov.za/>. This website also includes the treasury’s reports.

PAIA Requests

The Promotion of [Access to Information Act 2 of 2000](#) (PAIA) gives individuals the right to access information held by the state or private bodies upon request. PAIA is meant to enhance transparency in South Africa by expanding on the constitutional right of access to information.⁴⁵ While most information should be publicly available, a lot of it is either inaccessible or not publicised. When information is not freely available, individuals can use standard forms and methods, as outlined in PAIA, to request it.

When using a PAIA application to request information, the first step is to check the type of institution and the type of information you would like to request. Before drafting the application, find the relevant PAIA manual, which should be available on the relevant department website. These manuals provide details about the procedures and the relevant contact person. The Information Regulator Form 2 is the standard application document, <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>.

A PAIA application may be subject to a fee, which should be set out in the body's PAIA manual. After submitting the application to the Information Officer of the relevant body, a response should be received within 30 days, with a maximum extension of an additional 30 days if the body sends a notice. If the body refuses the request for information or does not respond within 30 days, it is possible to appeal the decision. For more precise information, there is a South African Human Rights Commission (SAHRC) guide available here: https://www.gov.za/sites/default/files/gcis_documents/SAHRC-PAIA-guide2014.pdf



Holding The Government Accountable

Holding the Government Accountable

Dedicated Hotlines

Hotlines are a valuable and free resource that enables individuals to report any issues related to service delivery. Depending on the size and technological expertise of the municipality, there can be several hotlines dedicated to specific types of problems or even online reporting methods. Municipalities should all have fault reporting mechanisms, and the municipality-specific websites should provide the necessary contact details. A website that can help with finding municipality-specific websites is <https://municipalities.co.za/>. This platform allows users to search for a municipality or use a map to locate one, providing specific details about the municipality, as well as contact methods.

Hotlines, emails, and online notifications are important because they provide reference numbers and traceable details, allowing for the creation of a record of interactions. Keeping a record of interactions may be useful for showing the history of the problem when demanding action. However, the likelihood of reporting alone being a practical solution depends on several factors, such as the municipality and area. Reporting is generally more effective in wealthier neighbourhoods than in lower-income areas. Unfortunately, this translates to different areas receiving different levels of attention and service delivery.

Direct Contact

Direct contact with the local government is another effective way to bring issues to the government's attention. The departments of Cooperative Government and Traditional Affairs (CoGTA) recommend contacting local councillors with questions or requests.⁴⁶ To help with this, the South African Local Government Association (SALGA) provides useful contact details for local councils on their website, <https://www.salga.org.za/Municipalities%20MCD.html>. CoGTA recommends submitting written questions or requests at least ten days before council meetings. However, it is also possible to contact council members directly to ask questions or make requests. This is one of the immediate methods of informing the government and getting commitments to address problems.

Local Government Meetings

Local municipalities also have a legal duty to hold public meetings where they consult with their communities. Section 4(2)(e) of the Local Government: Municipal Systems Act 32 of 2000 states that municipalities are required to consult their local communities about “(i) the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider; and (ii) the available options for service delivery.” This is further strengthened by section 17(2)(c) of the Act that requires “public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality, when appropriate.”

Attending these meetings provides an opportunity for community members to make their voices heard. They form part of the mechanisms that municipalities should create to facilitate public participation. Some municipalities will post details about public meetings on their websites. If your municipality does not have an up-to-date website, it may be necessary to call or visit your municipality to enquire about upcoming public meetings.

Social Media

Social media websites, including Facebook, X (formerly Twitter), Instagram, and others, are useful for reaching a wider audience and, in some instances, connecting with governmental departments and state institutions. Many of the departments have active social media accounts that provide useful information and, at times, respond to queries from the public. An example is the City of Tshwane X page. They are very responsive to queries relating to service delivery. These include water issues, power cuts, and leaking pipes.

On the other hand, social media platforms may not be suitable for whistleblowing. It can be dangerous to report instances of corruption, especially those involving money, on social media, as it is difficult to remain anonymous. Additionally, there are still relatively few protections for whistleblowers in South African law. Therefore, it is often best to report corruption from the safety of anonymity.

Whistleblowing

Whistleblowing involves reporting corruption to an authority that can investigate and pursue action against corrupt individuals. Whistleblowing is vitally important for addressing corruption, as it is nearly impossible to address it without knowledge or evidence that it exists. However, it is also extremely dangerous to blow the whistle on corruption, as it can lead to retaliation in the form of threats to the whistleblower's personal safety and job security. South Africa does provide some legal protection to whistleblowers under the Protected Disclosures Act 26 of 2000. However, the scope of the PDA is quite limited. It only protects employees who have blown the whistle against their employer by prohibiting workplace retaliation. While it is a good start for employer-employee relationships, this Act has serious flaws that can leave other whistleblowers who do not fall into the employee category without the protection they need and deserve.⁴⁷ These flaws are discussed further in the SCAB video, "[How to Blow the Whistle](#)," also available in the films section of the SCAB website at <https://beyondstatecapture.org.za/films/>.

One of the most important safety precautions for whistleblowing is to remain anonymous. Anonymity may be preserved by creating a new email address without identifying details and using a Virtual Private Network (VPN).⁴⁸ Several government hotlines are presented as secure and anonymous, and these are listed on the government website at <https://www.gov.za/anti-corruption/hotlines>. It is also possible to blow the whistle to news outlets, but this makes the topic public and may expose the whistleblower to public scrutiny. Therefore, going to news outlets is not usually the best starting point.

Another method is to report corruption to civil society organisations that specialise in corruption. These organisations usually have protocols in place to keep whistleblowers anonymous and protect them from retaliation. These organisations include:

- [The Corruption Watch whistleblower platform](#)
- [Whistleblower House](#)
- [The Organisation Opposing Tax Abuse \(OUTA\)](#)
- [Open Democracy Advice Centre](#)
- [Platform to Protect Whistleblowers in Africa \(PPLAAF\)](#)
- [Office for Witness Protection](#)

Written Submissions to Government

The easiest and often least effective method of getting an opinion heard is to make written submissions to the government. Addressing a letter or written submission to the president, parliament, the council of provinces, or the local government can bring attention to pertinent issues. The South African Constitution makes provision for public involvement in lawmaking, oversight and other processes of Parliament. South Africa's democratic system not only requires citizens to freely elect their representatives but also allows them to have a say in matters that affect them.⁴⁹ Section 17(2)(a) of the Local Government: Municipal Systems Act states that local government must receive, process, and consider complaints lodged by members of the local community.

Petitions

A petition is a formal written request by a group of people requesting an authority to address a particular issue. Petitions are a relatively low-cost method for large groups to express their opinions. Section 17 of the Constitution gives everyone the right to present petitions to all spheres of government. Sections 56(d) and 69(d) of the Constitution, read with the Rules of the National Council of Provinces and National Assembly, allow the National Assembly and the National Council of Provinces to receive petitions. Section 115(d) of the Constitution enables provincial legislatures to receive petitions. The Local Government: Municipal Systems Act section 17(2)(a) allows and requires local governments to receive, process, and consider petitions.

Before creating a petition, it is essential to have a clear goal or purpose. When drafting the petition, one must follow the relevant requirements depending on which sphere of government the petition is addressed to. Some of the requirements include outlining the purpose of the petition, adding accurate contact details, and leaving sufficient space for signatures. The next step is to gather signatures by finding people with a shared interest in the petition's goal. The petition can be shared at large gatherings, popular meeting places, on social media, in news outlets, or even door-to-door to request that people join the petition. Another popular method is to have an online petition on popular websites such as <https://www.change.org/t/south-africa-en-gb>. The final step is to present the petition with the demand. The method of submission depends on which governmental sphere the petition addresses.

- National petitions to parliament are submitted by Members of Parliament (MPs), which means they require the support of an MP, and should follow the parliamentary procedure, as outlined in <https://www.parliament.gov.za/petitions>.
- National Council of Provinces (NCOP) petitions do not require the support of an MP or member of the NCOP.
- Provincial legislature petitions have separate methods depending on the province, governed by separate provincial statutes. The URL address, <https://provincialgovernment.co.za/units/type/3/legislatures>, provides links to the websites of the nine provincial legislatures.
- Local government level petitions depend on the municipalities, but the Municipal Systems Act does require municipalities to have processes in place for petitions. Local government websites should provide more information about petitions or include contact details for queries. A useful website for finding local government websites is <https://municipalities.co.za/>.

Joining or Creating Organisations

When acting alone is not enough to gain attention, it is possible to join or create an organisation to strengthen advocacy actions. Organisations enable groups of people to collaborate and represent the interests of their community. There are many organisations, including more formalised civil society non-government organisations and grassroots community organisations. These organisations have shown success in organising public action through protests, petitions, articles, submissions to government, and even litigation.

Protest Action

Protests, in the form of gatherings, demonstrations, and strikes, can be compelling ways to communicate problems and demands. Section 17 of the Constitution protects the right to assemble, demonstrate, picket, and petition for redress of grievances peacefully.

The Regulation of Gatherings Act 205 of 1993 regulates protest actions and applies only to gatherings in public places with 15 or more people.⁵⁰ Protests do not require permission. However, the convenor is required to provide notification at least seven (7) days before the protest to the responsible officer, a person appointed by the local authority, for a protest of more than 15 people.⁵¹ The convenor is the person who organises the protest. The convenor may give less than seven days' notice at the earliest opportunity available if they can provide a reasonable explanation. Protests without notice are illegal and, consequently, would lack

protection. Municipalities typically have notice templates available at their municipal offices or online.

Litigation

When all else fails or if there is a serious infringement on Constitutional rights, litigation may be the most appropriate accountability mechanism. However, there are several downsides to it. Litigation tends to be expensive and slow. A significant portion of the cost is attributed to the appointment and retention of legal representation. Courts throughout South Africa are also inundated with cases, which means that it can take years for non-urgent cases to be heard before a judge or magistrate. Because of this, courts recommend attempting every other method for resolving a conflict first, such as mediation, before turning to litigation. Courts may also refuse to accept a case if the applicants have not attempted to resolve the matter using other methods.

Voting

Voting is potentially the most effective method for introducing change in a democratic state. Democracy has flaws, but its greatest strength is that it allows for peaceful revolutions through every vote. If the citizens of a country disapprove of how the government is leading the country, they can use their vote to change the government. Although it may often feel like a single vote counts for little, small changes add up. Voter apathy, where citizens do not vote because they believe their vote is worthless, is one of the greatest dangers to democracy.

For local government, voting can be especially effective. While it can take tens or hundreds of thousands of votes for a party to gain a seat on the National Assembly, which has just 400 seats, it can take just a few thousand to change which party wins a local government ward. Each ward appoints a councillor to sit on the governing council for a local government municipality. This means that it is easier to achieve direct representation in local government elections. There are also many examples of small, local parties that obtain seats in local governments. Even if these parties do not achieve the majority vote, having seats at the table gives them the most direct method to raise local concerns. The Independent Electoral Commission (IEC) provides an online guide for how to contest municipal elections <https://www.elections.org.za/pw/Parties-And-Candidates/How-To-Contest-Municipal-Elections>.



STATE CAPTURE
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Recommendations, Conclusion and References

Recommendations

Improving the local government is a difficult task that requires dedication, political willpower, and civic oversight. Some of the recommendations outlined in the National Development Plan, the Joburg Crisis Alliance, and other policy documents are listed below.

Appointing and Maintaining Competent Leadership

- The government should appoint leaders through transparent processes that place competency above political affiliation.
- Regular lifestyle audits should be conducted for senior municipal officials.
- There should be regular and transparent performance evaluations of leaders

Improving Transparency

- Municipalities should have functional websites that are regularly updated.
- Municipal websites should have detailed procurement pages that provide tender specifications, prices of contracts awarded, service delivery agreements, and tender archives.
- Municipalities should publish reports and documents timeously.
- It should be easy to report problems digitally and anonymously.
- All information should be easy to access digitally and free of charge.
- Websites should be searchable and organised to ensure information is available.

Promoting Public Participation

- Municipalities should announce public meetings well in advance using multiple communication channels.
- Residents should have access to council meetings, decision-making processes, and key municipal documents.
- Meetings should take place at times and places that are most convenient for most community members.
- Municipalities should consider Service Delivery Charters created in collaboration with communities that include standards for service delivery and accountability measures.
- Municipal officers should ensure that welcoming public participation in Independent Development Plans is deliberate and meaningful.

- Municipalities should provide clear information on where citizens can go and who they can talk to if they are dissatisfied

Professionalising Municipalities

- Require trained professionals for key positions that involve specialist knowledge
- Establish graduate recruitment schemes for the public service to attract employees.
- Use apprenticeships and bursaries linked with experienced professionals to mentor trainees.
- Include training programmes with assessment mechanisms to upskill municipal staff while providing a path for advancement.
- Provide clear advancement paths for professionals to help improve retention.
- Check that the salaries and benefits for staff match market rates.

Strengthening Accountability and Consequences

- Strengthen the oversight role of Parliament and the provincial legislatures.
- Focus on uniform performance standards that allow for consistent and understandable consequences.
- Include evaluation systems for all levels of staff at municipalities that incorporate citizen responses.
- Enforce the findings from the Special Investigating Unit (SIU), the Public Protector, and the Khampepe Commission to root out corruption.
- Reinstate the Group Forensic and Investigation Services (GFIS).

Conclusion

Under the apartheid regime, municipalities were created to serve only one racial group. This meant that only areas with municipalities would receive regular access to essential services, such as electricity, water, and sanitation. When South Africa became a democratic state, the Constitution established wall-to-wall municipalities to ensure that everyone, regardless of their racial groups, would have access to municipal services.

Municipalities collectively comprise the local sphere of government, as established by Chapter 7 of the Constitution. The chapter outlines the status, powers, and functions of the local government. The local government, as a distinct sphere, is empowered to govern its own affairs by creating by-laws, provided that these laws do not conflict with national or provincial legislation.

The local government is primarily responsible for delivering essential services, including water, electricity, and sanitation. It is responsible for developing and maintaining the infrastructure needed to deliver these services. However, over the last three decades, many municipalities have failed to meet the needs of the communities they serve. The money that is supposed to go towards developing communities has, instead, gone into the pockets of corrupt officials. In the local government, corruption is observed not only within senior ranks but also within the public administration. Many administrators that the public interacts with daily are also complicit in facilitating fraud and corruption. As such, corruption has become so deeply embedded in the local government sphere and the public administration that it will take considerable effort to undo this.

The effects of municipal mismanagement are seen everywhere. Whether it is a broken traffic light, water and electricity cuts, or a leaking pipe, the effects are not hard to miss. It is clear from the CISC report that the constitutional and legislative accountability measures have been ineffective in preventing or punishing corruption. It is thus crucial for South Africans to play a key role in holding the government accountable. By voting in elections, protesting, and petitioning, citizens can make their voices heard and hold their elected officials to account.

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