Report of the South African Human Rights Commission's Inquiry into the State of Service Delivery at Local Government Level in the Northern Cape Province

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Mr. Uzair Adams

Provincial Manager
SOUTH AFRICAN HUMAN RIGHTS COMMISSION

TABLE OF CONTENTS

LIST OF ACRONYMS **8**

EXECUTIVE SUMMARY **10**

1. SAHRC MANDATE **15**

2. BACKGROUND **17**

3. OBJECTIVES **19**

4. Inquiry Structure **20**

5. Legislative Framework **22**

5.1 International and Regional Discussions on Local Government 22

5.2 South African Law 23

5.3 Statutory Obligations 24

5.4 Case Law 26

6. Evidence **29**

6.1 Dikgatlong Local Municipality 30

6.2 Phokwane Local Municipality 33

6.3 Siyancuma Local Municipality 36

6.4 Sol Plaatje Local Municipality 38

6.5 Thembelihle Local Municipality 42

6.6 Emthanjeni Local Municipality 45

6.7 Umsobomvu Local Municipality 47

6.8 Richtersveld Local Municipality 50

6.9 Nama Khoi Local Municipality 52

6.10 Kamiesberg Local Municipality 55

6.11 Karoo Hoogland Local Municipality 57

6.12 Hantam Local Municipality 59

6.13 Ubuntu Local Municipality 61

6.14 Magareng Local Municipality 63

6.15 Renosterberg Local Municipality 65

6.16 Kgatelopele Local Municipality 67

6.17 Tsantsabane Local Municipality 69

6.18 Kai !Garib Local Municipality 71

6.19 Dawid Kruiper Local Municipality 73

6.20 Kareeberg Local Municipality 75

6.21 Siyathemba Local Municipality 77

6.22 Ga-Segonyana Local Municipality 79
6.23 Joe Morolong Local Municipality 82
6.24 Gamagara Local Municipality 84
6.25 Khai-Ma Local Municipality 86
6.26 !Kheis Local Municipality 88
6.27 ZF Mgcawu District Municipality 90
6.28 Frances Baard District Municipality 92
6.29 John Taolo Gaetswe District Municipality 94
6.30 Namakwa District Municipality 96
6.31 Pixley Ka Seme District Municipality 98
6.32 Provincial Stakeholders 100
7. Findings 105
7.1 Dikgatlong Local Municipality 106
7.2 Phokwane Local Municipality 107
7.3 Sol Plaatje Local Municipality 109
7.4 Siyancuma Local Municipality 110
7.5 Thembelihle Local Municipality 111
7.6 Emthanjeni Local Municipality 113
7.7 Umsobomvu Local Municipality 114
7.8 Richtersveld Local Municipality 115
7.9 Nama Khoi Local Municipality 117
7.10 Kamiesberg Local Municipality 118
7.11 Karoo Hoogland Local Municipality 120
7.12 Hantam Local Municipality 121
7.13 Ubuntu Local Municipality 122
7.14 Magareng Local Municipality 123
7.15 Renosterberg Local Municipality 124
7.16 Kgatelopele Local Municipality 125
7.17 Tsantsabane Local Municipality 126
7.18 Kai !Garib Local Municipality 127
7.19 Dawid Kruiper Local Municipality 129
7.20 Kareeberg Local Municipality 130
7.21 Siyathemba Local Municipality 131
7.22 Ga-Segonyana Local Municipality 132
7.23 Joe Morolong Local Municipality 133

7.24. Gamagara Local Municipality 135
7.25 Khai-Ma Local Municipality 136
7.26 !Kheis Local Municipality 138
7.27 ZF Mgcawu District Municipality 139
7.28 Frances Baard District Municipality 140
7.29 John Taolo Gaetswe District Municipality 142
7.30 Namakwa District Municipality 143
7.31 Pixley Ka Seme District Municipality 144
7.32 Provincial Stakeholders 145
8. Analysis of Recurrent Themes 149
8.1 Inadequate Planning and the Absence of Sectoral Plans 150
8.2 Institutional Capacity Constraints and Skills Shortages 151
8.3 Financial Governance Weaknesses and Compliance Failures 152
8.4 Misaligned Financial Priorities and Costly Stop-Gap Expenditure 153
8.5 Weak Revenue Bases and Structural Barriers to Revenue Collection 154
8.6 Insufficient Oversight, Support, and Early Intervention 155
8.7 Communication Breakdowns and Community Frustration 156
8.8 Operational Responses to Emergencies and Crisis Situations 157
8.9 Vandalism, Theft, and Weak Law-Enforcement Presence 158
8.10 Lack of Environmental Rehabilitation 159
8.11 Extensive and Time-Consuming Process for Developing and implementing Projects 160
8.12 The Roles of District Municipalities 161
8.13 Conclusion 163
9. Recommendations 165
9.1 Local Municipalities 166
9.2 District Municipalities 168
9.3 South African Police Service 169
9.4 Eskom 169
9.5 Vaal Central Water Board 170
9.6 Provincial Treasury 170
9.7 National Treasury 171
9.8 Auditor-General of South Africa 171
9.9 Provincial Treasury, South African Local Government Association and the provincial department for local government 172
9.10 National Treasury and the National Department of Cooperative Governance and Traditional Affairs ... 172

9.11 Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform and the National Department of Forestry, Fisheries and the Environment 173

9.12 National Department of Water and Sanitation and Northern Cape Department of Water and Sanitation 173

9.13 Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs and the National Department of Cooperative Governance and Traditional Affairs 174

9.14 The Member of the Executive Council responsible for the Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs 175

9.15 Premier of the Northern Cape Province 175

9.16 Municipal Financial Recovery Service 176

9.17 SAHRC Undertaking on Monitoring and Follow-Up 176

10. COMMENTS RECEIVED FROM STAKEHOLDERS 177

10.1 Tsantsabane Local Municipality 177

10.2 Umsobomvu Local Municipality 177

10.3 Pixley Ka Seme District Municipality 177

10.4 South African Local Government Association 178

10.5 Northern Cape Department Cooperative Governance, Human Settlements and Traditional Affairs 178

LIST OF ACRONYMS

AGSA	Auditor-General of South Africa
CFO	Chief Financial Officer
CPA	Communal Property Association
COGTA	Department of Cooperative Governance and Traditional Affairs
COGHSTA	Department of Cooperative Governance, Human Settlements and Traditional Affairs
Commission	South African Human Rights Commission
Constitution	Constitution of the Republic of South Africa 108 of 1996
DDM	District Development Model
DMPT	District Municipal Planning Tribunal
DWS	Department of Water and Sanitation
ERP	Enterprise Resource Planning
EWSETA	Energy and Water Sector Education and Training Authority in South Africa
EPWP	Extended Public Works Programme
FRP	Financial Recovery Plan
GRAP	Generally Recognised Accounting Practice
GIS	Geographical Information Systems
IUFW	Irregular, Unauthourised, Fruitless and Wasteful Expenditure
IDP	Integrated Development Plan
IGR	Intergovernmental Relations
INEP	Integrated National Electrification Programme
IT	Information Technology
LED	Local Economic Development
MFMA	Municipal Finance Management Act 56 of 2003
MFIP	Municipal Finance Improvement Programme
MFPFA	Municipal Fiscal Powers and Functions Act 12 of 2007
MI	Material Irregularity
MIG	Municipal Infrastructure Grant
MIG-MIS	Municipal Infrastructure Grant Management Information System
MIS	Municipal Infrastructure Support System
MISA	Municipal Infrastructure Support Agency
MPAC	Municipal Public Accounts Committee
MSIP	Municipal Support Intervention Plan
mSCOA	Municipal Standard Chart of Accounts
MTEF	Medium-Term Expenditure Framework
NCEDA	Northern Cape Economic Development Agency
NEMA	National Environmental Management Act 107 of 1998

NPA	National Prosecuting Authority of South Africa
RRAMS	Rural Roads Asset Management System
RBIG	Regional Bulk Infrastructure Grant
SAHRC	South African Human Rights Commission
SALGA	South African Local Government Association
SANRAL	South African National Roads Agency Limited
SAPS	South African Police Service
SDF	Spatial Development Framework
SDBIP	Service Delivery and Budget Implementation Plan
SIU	Special Investigating Unit
SMMEs	Small, Medium and Micro Enterprises
SPLUMA	Spatial Planning and Land Use Management Act 16 of 2013
WSA	Water Services Authority
WSDP	Water Services Development Plan
WSIG	Water Services Infrastructure Grant

EXECUTIVE SUMMARY

Over a number of years, the South African Human Rights Commission (SAHRC/Commission) received a growing number of complaints about local government service delivery failures in the Northern Cape Province. These complaints concerned some of the most basic conditions required for a life of dignity, including access to safe drinking water, sanitation, refuse removal, roads, housing, and a healthy environment. At the time the SAHRC convened its inquiry, it was managing 35 active complaints against municipalities in the province. Together with the findings from stakeholder engagements and repeated concerns raised by oversight institutions, these complaints demonstrated that the problems were not isolated incidents but formed part of a broader and more entrenched pattern of municipal failure.

The inquiry must also be understood within the context of the Northern Cape itself. The province is vast, sparsely populated, and geographically dispersed. It is the driest province in the country, with limited water resources and high infrastructure costs. Most municipalities are rural, operating within weak local economies marked by high unemployment and limited revenue-generating capacity. Many also face long-standing infrastructure backlogs and institutional capacity constraints. These conditions make service delivery more complex and costly. They do not, however, diminish the obligation of the state to protect and fulfil the rights of the people living in these communities.

Against this backdrop, the SAHRC initiated a provincial inquiry into the state of service delivery at local government level in the Northern Cape Province. The inquiry drew on documentary evidence and oral testimony received from complainants, municipal managers and senior municipal officials, district municipalities, SALGA, COGHSTA, the Auditor-General of South Africa, the Department of Water and Sanitation, and other relevant stakeholders. The report therefore reflects both the lived experiences of affected communities and the institutional evidence placed before the Commission.



Key Findings

The evidence before the Commission demonstrates that service delivery failures in the Northern Cape cannot be attributed to a single cause. Rather, they arise from a combination of governance, financial, institutional, and structural challenges that reinforce one another over time.

One of the most significant findings relates to weaknesses in municipal planning. In many municipalities, planning processes are fragmented, outdated, or poorly aligned with available financial and institutional capacity. Credible

sector plans are often absent, particularly in relation to water and sanitation services. As a result, municipalities frequently respond to crises only after they arise, rather than preventing them through forward-looking planning and systematic infrastructure maintenance.

Closely linked to these planning failures are deep institutional capacity constraints. Many municipalities struggle to attract and retain suitably qualified technical, engineering, and financial professionals. Vacancy rates remain high, acting appointments are often prolonged, and reliance on external consultants has become common. In some municipalities, the extent of vacancies in senior management, technical services, and finance is so severe that it undermines the basic functioning of the institution.

Financial governance weaknesses further compound these challenges. The evidence presented to the Commission revealed widespread unauthorised, irregular, fruitless and wasteful expenditure, poor audit outcomes, weak internal controls, and repeated non-compliance with procurement requirements. In several municipalities, these problems have persisted over multiple financial years without adequate investigation, consequence management, or recovery of losses.

Beyond governance failures, the Commission found that many municipalities have become trapped in patterns of short-term expenditure that do little to resolve underlying service delivery problems. Significant resources are spent on stop-gap measures such as water tankering, security services, legal fees, and external service providers. While such measures may be necessary during periods of crisis, their repeated use diverts scarce resources away from infrastructure renewal, preventative maintenance, and long-term service delivery improvement.

Underlying many of these financial pressures is the weak revenue base of municipalities in the province. High unemployment, widespread poverty, outdated billing systems, illegal service connections, and complex service delivery arrangements all limit municipalities' ability to collect revenue effectively. In some areas, municipalities also face additional constraints because Eskom supplies electricity directly, reducing local control over billing and credit enforcement. In this context, weak revenue collection reflects deeper structural limitations rather than purely administrative shortcomings.

The inquiry also revealed shortcomings in the way oversight and support mechanisms operate across spheres of government. Warning signs of financial and institutional distress are regularly identified through audits, reports, and oversight processes. Yet these signals are not always followed by timely, coordinated, or sufficiently robust intervention. In many cases municipalities remain in prolonged states of dysfunction, with less intrusive support measures proving inadequate where failure is deep and sustained.

Equally concerning is the breakdown in communication between municipalities and the communities they serve. Residents repeatedly described difficulties obtaining feedback, unanswered complaints, limited access to information, and dismissive treatment by officials. Although many municipalities have formal complaint systems and communication channels in place, these mechanisms do not always function effectively in practice. The result is growing frustration among communities and a steady erosion of trust in local government institutions.

External pressures also play a role in destabilising service delivery systems. The evidence highlighted recurring vandalism and theft of municipal infrastructure, including components essential for water, sanitation, and electricity services. These incidents disrupt services, increase operational costs, and force municipalities to divert funds toward security and emergency repairs. At the same time, the inquiry revealed limited evidence of consistent law-enforcement support to address infrastructure-related crime.

Environmental harm caused by service delivery failure presents a further concern. Sewage spillages, unmanaged waste, and polluted public spaces continue to affect communities across the province. Despite the scale of these impacts, environmental clean-up and rehabilitation efforts are often absent from the response to service delivery breakdowns. As a result, communities may continue to face environmental and public health risks even after partial service restoration.

The inquiry also highlighted the important but often underutilised role of district municipalities. Evidence indicated that districts already provide certain forms of governance support, coordination, and shared services to local municipalities, particularly in areas such as planning, internal audit, and oversight structures. However, much of this support currently operates on a reactive, request-driven basis, which means that municipalities with the weakest capacity may not access assistance in time. Strengthening the proactive support and coordinating role of district municipalities could therefore contribute significantly to stabilising governance and improving service delivery across the province.

Finally, the Commission found that infrastructure projects are frequently delayed by lengthy and costly planning, approval, and implementation processes. While feasibility studies, environmental assessments, and funding requirements remain essential safeguards, the current system does not always respond adequately to situations where communities are already experiencing prolonged service delivery collapse. In these circumstances, municipalities remain reliant on interim measures instead of being able to implement durable solutions.

Summary of Recommendations

The recommendations contained in this report are directed at local municipalities, district municipalities, provincial government, national departments, oversight institutions, and other key stakeholders. Taken together, they seek to move municipalities away from repeated crisis response and toward more stable, accountable, and sustainable service delivery.

At municipal level, the report recommends that all municipalities take steps to address unauthorised, irregular, fruitless and wasteful expenditure, engage the Municipal Financial Recovery Service for a full assessment of their financial health, and develop service delivery improvement plans. The report further finds that, in five municipalities, less intrusive support measures remain appropriate, while in twenty municipalities the legal threshold for formal provincial intervention under section 139 of the Constitution has been met.

The report places strong emphasis on earlier, more practical, and more coordinated support from district municipalities and other spheres of government. District municipalities are encouraged to move away from reactive, application-based support models and to play a stronger role in governance support, shared oversight structures, and the inclusion of vulnerable groups, such as people with disabilities, older persons and child-headed households in planning and development frameworks. Provincial and national departments responsible for local government, water, finance, and the environment are urged to provide more direct and effective support, strengthen monitoring and enforcement, and respond more decisively where municipalities are unable to fulfil their obligations.

The report also calls on oversight and accountability institutions to strengthen their role. Provincial Treasury is to ensure that municipalities engage with the Municipal Financial Recovery Service and that financial recovery measures are properly monitored. The Auditor-General is encouraged to strengthen oversight over how municipalities address unauthorised, irregular, fruitless and wasteful expenditure and to consider targeted audits into recurring high-cost spending areas such as IT consultants and water tankering. The South African Police Service is called upon to prioritise the protection of critical municipal infrastructure and to strengthen its response to recurring vandalism and theft.

In addition, the report makes specific recommendations to sector stakeholders such as Eskom and the Vaal Central Water Board, particularly where cooperative arrangements, emergency repairs, or expanded bulk capacity may support more sustainable service delivery outcomes.

The report also identifies situations requiring urgent and escalated action. These include the recommendation that sewage spillages in Sol Plaatje Local Municipality be declared a provincial disaster, that the one existing provincial

intervention into Renosterberg Local Municipality should be revitalised, and that where provincial government is unable to intervene effectively, the possibility of national intervention may need to be considered.

Finally, the SAHRC undertakes to monitor the implementation of the recommendations contained in this report. The Commission will engage relevant institutions to track progress and will communicate publicly on whether the recommendations are implemented and, where they are not, the reasons provided. This follow-up process is intended to promote accountability and to ensure that the findings of the inquiry translate into tangible improvements in the lives of affected communities.





1. SAHRC MANDATE



SAHRC Mandate

The South African Human Rights Commission (SAHRC/Commission) is an independent National Human Rights Institution established in terms of Chapter 9 of the Constitution of the Republic of South Africa, 1996 (Constitution). Its role is to support and strengthen constitutional democracy by safeguarding human rights across the country. The Commission operates in line with international standards applicable to national human rights institutions, including the Paris Principles adopted by the United Nations General Assembly.

The Constitution entrusts the SAHRC with a broad mandate to promote respect for human rights, foster a culture of human rights, advance the protection and development of rights, and monitor whether human rights are being observed in practice. This mandate is given concrete effect through the South African Human Rights Commission Act 40 of 2013, which sets out the Commission's powers and functions in detail. In carrying out its mandate, the SAHRC is empowered to engage all organs of state at national, provincial, and local level. This includes the authority to review laws, policies, and practices that affect human rights; conduct research and studies on human rights issues; monitor South Africa's compliance with international human rights obligations; and make recommendations to government where improvements are required.

Human rights, particularly socio-economic rights, contained in the Bill of Rights are most directly realised at the local government level. Municipalities are responsible for delivering essential services such as water, sanitation, refuse removal, electricity, and housing-related infrastructure. Through this direct interface with communities, municipalities play a central role in enabling or undermining the enjoyment of basic human rights. Their responsibilities arise from the Constitution as well as from the broader legislative and policy framework governing local government.

The SAHRC is authorised to investigate alleged human rights violations either on its own initiative or following complaints received from members of the public. Where an investigation reveals that rights may have been violated, the Commission may take steps to assist affected individuals or communities to obtain appropriate relief. This may include engaging the relevant authorities, referring matters to appropriate forums, or facilitating access to judicial remedies where necessary.

To fulfil these functions effectively, the Commission has the power to gather information, require the production of documents, summon individuals to appear before it, and question witnesses under oath. These investigative powers enable the SAHRC to conduct thorough and evidence-based inquiries into systemic human rights concerns. It is through the exercise of these constitutional and statutory powers that the SAHRC conducted an inquiry into the state of service delivery at local government level in the Northern Cape Province. The inquiry sought to assess whether municipalities in the province are meeting their constitutional obligations, and to identify patterns of systemic failure that may result in ongoing human rights violations.

2. BACKGROUND



Background

Over a number of years, the SAHRC has received and investigated a growing number of service delivery complaints against local municipalities in the Northern Cape Province. These complaints point to persistent and, in many cases, serious failures by municipalities to meet their constitutional obligations to residents.

The issues raised in these complaints span a wide range of basic services and include, among others, the failure to provide safe and reliable drinking water and adequate sanitation, sewage spillages and poorly maintained wastewater treatment systems, lack of access to adequate housing, irregular or non-existent refuse collection, and severely deteriorated road infrastructure.

At the time of this inquiry, the Commission was managing 35 active complaints against local municipalities in the province. These complaints relate primarily to water, sanitation, environmental health, housing, roads, and sewerage failures and affect a wide cross-section of municipalities, indicating that service delivery challenges are not isolated incidents but form part of a broader systemic problem.

In addition to handling individual complaints, the Commission undertook targeted stakeholder engagements with selected municipalities during the 2024/2025 financial year. These engagements revealed recurring patterns of institutional weakness and service delivery failure. In Sol Plaatje Municipality, for example, concerns included the need for national intervention to secure funding for water infrastructure, a deteriorating financial position, and ongoing litigation linked to sewer infrastructure failures. In Kai !Garib Municipality, the Commission identified a shortage of specialised personnel and the existence of a criminal case related to non-compliance with Treasury regulations. Engagements with Emthanjeni Municipality highlighted an unfunded budget, a failing sewer system, continued challenges in the provision of potable water, and poor revenue collection.

A key lesson from these interventions was that incremental or piecemeal responses were no longer sufficient to address the scale and persistence of service delivery failures across the province. The Commission also noted the increasing involvement of oversight and regulatory bodies such as the Auditor-General, National and Provincial Treasury, the Department of Water and Sanitation, and environmental authorities. Each of which had raised serious concerns about municipal performance and compliance.

Information obtained from these institutions indicated a troubling pattern in which municipalities often avoided accountability for their constitutional and legislative responsibilities, even where clear findings and directives had been issued. The Auditor-General's audit outcomes for the 2023/2024 financial year further underscored the seriousness of the situation. The reports showed that many Northern Cape municipalities had experienced a decline in performance, while levels of irregular and unauthorised expenditure continued to rise significantly. Similarly, the Department of Water and Sanitation's 2023 Blue Drop Report found that not a single municipality in

the Northern Cape qualified for Blue Drop status, reflecting widespread non-compliance with minimum drinking water quality standards.

Taken together, the volume of complaints, the findings from municipal engagements, and the consistent warnings from oversight institutions demonstrated that service delivery failures in the Northern Cape were systemic, entrenched, and ongoing. These conditions made it necessary for the SAHRC to move beyond individual complaint handling and initiate a provincial inquiry into the state of service delivery at local government level, with the aim of identifying root causes, assessing accountability, and recommending measures to protect and restore the human rights of affected communities.

The evidence and findings set out in this report should be understood within the unique contextual realities of the Northern Cape Province. The Northern Cape is the largest province in South Africa by geographical area, spanning approximately 372,889 km², roughly one third of the land in South Africa, in contrast to the next largest province, Eastern Cape, which spans approximately 168,966 km². Despite this vast geographical expanse, spatial size is not a factor taken into account in the calculation of the local government equitable share.

The province is sparsely populated, with communities often widely dispersed across large distances. It is also the driest province in South Africa, characterised by desert and semi-desert conditions, resulting in limited natural surface and groundwater resources. These factors significantly increase the complexity and cost of service delivery, particularly in relation to water services, where infrastructure must cover long distances and operate under environmentally challenging conditions.

Unlike other provinces, the Northern Cape has no large cities or metropolitan municipalities. The majority of municipalities are rural in nature, with small and fragile local economies, high levels of unemployment, and limited revenue-raising capacity. These structural constraints place sustained pressure on municipal governance and service delivery systems.

In addition, the Northern Cape has historically received comparatively low levels of national investment. As a result, the province continues to face significant legacy challenges, including infrastructure backlogs and institutional capacity deficits, which have not been addressed to the same extent as in provinces that benefited from greater historical investment. These cumulative factors form an essential backdrop against which the complaints received by the Commission, and the findings of this provincial inquiry, must be assessed.

3. OBJECTIVES



Objectives of the Inquiry

To examine service delivery challenges at a systemic level within local municipalities in the Northern Cape Province, the SAHRC conducted a provincial inquiry into the state of service delivery at local government level. The inquiry was guided by the following objectives:

1. To evaluate the overall state of service delivery across local municipalities in the Northern Cape, with a focus on identifying systemic patterns rather than isolated incidents.
2. To identify the underlying drivers of declining service delivery, drawing on evidence from municipalities, provincial and national departments, oversight institutions, and affected communities.
3. To examine the roles and responsibilities of municipal and provincial actors and assess how their actions or omissions have contributed to the current state of service delivery in local municipalities.
4. To assess the impact of previous provincial interventions implemented in terms of section 139 of the Constitution within Northern Cape municipalities.
5. Where such section 139 interventions have been ineffective, to investigate the reasons for their failure, including institutional, financial, and governance-related factors.
6. To explore practical measures that could halt the ongoing deterioration of service delivery and contribute to improved outcomes for residents.
7. To consider the roles of various stakeholders, including municipal, provincial, and national institutions, in addressing service delivery failures and supporting sustainable improvement.
8. To make evidence-based findings and recommendations aimed at resolving service delivery challenges and strengthening the protection and realisation of human rights at local government level.

4. Inquiry Structure



Structure of the Inquiry

The inquiry was inquisitorial in nature (as opposed to being accusatorial). Stakeholders both state and non-state actors gave viva voce evidence (oral evidence) before the inquiry panel under oath or affirmation.

The inquiry took place over six days, commencing the first leg on Tuesday, 7 October 2025 and ending on Thursday, 9 October 2025 in Kimberley. And the second leg from Tuesday 21 October 2025 and ending on Thursday 23 October 2025 in Upington.

The inquiry was held by a panel which was led by SAHRC Commissioner Dr Henk Boshoff as Chairperson. He was assisted by fellow panel members:

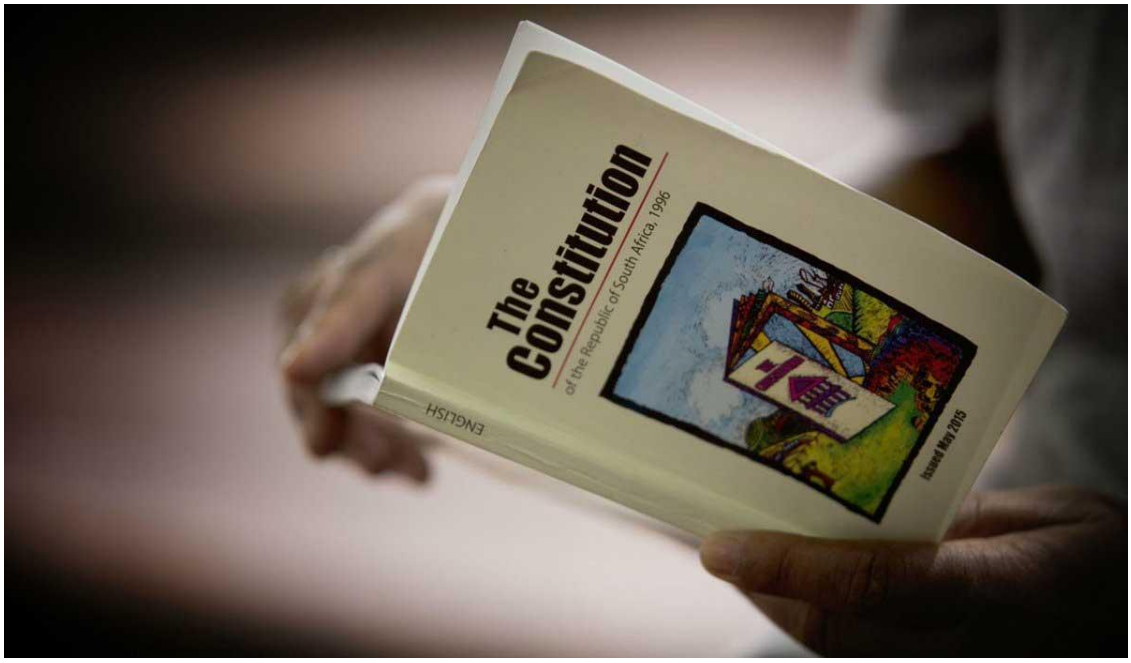
- Mr Uzair Adams, Provincial Manager at the Northern Cape Provincial Office of the SAHRC; and
- SAHRC Commissioner Nomahlubi Khwinana.



Inquiry notices were served on stakeholders prior to the commencement of the inquiry in terms of which they were required to make written submissions to the SAHRC. The stakeholders consisted of the 5 district municipalities, and 26 local municipalities. Furthermore, the following provincial stakeholders also made submissions to the inquiry: Auditor General South Africa (AGSA), the South African Local Government Association (SALGA), the Department of Water and Sanitation (DWS), and the Department of Cooperative Governance, Human Settlements and Traditional Affairs (COGHSTA).

All stakeholders had a further opportunity to submit documentary evidence and further written submissions to the SAHRC that could illustrate any of the above objectives until 31 October 2025. All municipalities except Magareng Local Municipality, Phokwane Local Municipality, Sol Plaatje Local Municipality, Hantam Local Municipality, Nama Khoi Local Municipality, Emthanjeni Local Municipality, Renosterberg Local Municipality, Thembelihle Local Municipality, Kai !Garib Local Municipality, Tsantsabane Local Municipality, and Pixley Ka Seme District Municipality provided additional documentary evidence and written submissions.

5. Legislative Framework



Municipalities are responsible for delivering basic services such as water, sanitation, refuse removal, and electricity. This duty is not merely operational. It is grounded in international and regional human rights standards and is closely linked to the protection and fulfilment of basic rights. In other words, when municipalities fail to deliver basic services, the consequences are often human rights violations.

5.1 International and Regional Discussions on Local Government

In 2022, the United Nations Human Rights Council adopted Resolution 51/12: Local Government and Human Rights (A/HRC/RES/51/12, 2022). This resolution emphasises that local government plays a vital role in promoting and protecting human rights, and it highlights the contribution of local government to implementing the Sustainable Development Goals (SDGs), particularly where the targets relate to human rights.

The resolution recognises that local government is closest to communities and therefore best placed to provide services that respond directly to local priorities and human rights needs. This proximity also allows local government to reduce inequality and better protect vulnerable and marginalised groups. Local government can give effect to international human rights law by adopting and implementing local by-laws, policies, and programmes that advance dignity, equality, and non-discrimination.

The resolution further highlights the importance of building a human rights culture within the public service, including local government. It stresses that knowledge, training, and awareness among public servants are essential for mainstreaming human rights into everyday governance and service delivery. Human rights education and training are therefore seen as a practical tool for strengthening service delivery and accountability.

The Report of the United Nations High Commissioner for Human Rights on Local Government and Human Rights (A/HRC/51/10, 22 July 2022) was produced following Resolution 51/12. The report confirms that local government has a key role in promoting and protecting human rights, including by implementing international obligations, applying a human rights-based approach to governance and services, ensuring equality and non-discrimination, and developing relevant policies and programmes.

The report also identifies several practical responsibilities for local government, including multi-stakeholder participation, accountability and the rule of law, training and awareness-raising, and cooperation with other actors. It notes that local government can promote human rights by adopting laws, policies and programmes, developing action plans, using evidence-based policymaking, establishing local mechanisms, promoting public participation, and undertaking awareness campaigns.

At a regional level, the African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development (adopted 27 June 2014; entered into force 13 January 2019) requires local government to discharge its responsibilities in a way that is inclusive and equitable, and that ensures equal treatment of residents so that communities have equitable access to quality services.

The Charter also requires local government to prioritise historically marginalised groups and poor communities in rural and urban areas, including through pro-poor initiatives. It further emphasises non-discrimination in the exercise of municipal functions and requires local government to consider sustainable development, including long-term inter-generational and environmental sustainability.

5.2 South African Law

The Constitution establishes local government and sets the framework for municipal powers and responsibilities. Section 151 of the Constitution provides that municipalities must be established throughout the Republic and that each municipality is governed by a Municipal Council. Municipal Councils have the authority to govern local government affairs on their own initiative, subject to national and provincial legislation. The Constitution also protects municipal autonomy by limiting undue interference by national and provincial government in municipalities' ability to perform their functions.

Section 152 of the Constitution sets out the objects of local government. These include:

- providing democratic and accountable government for local communities.
- ensuring the provision of services in a sustainable manner.
- promoting social and economic development; promoting a safe and healthy environment.
- encouraging community involvement in local government matters.

For purposes of this report, several constitutional rights are directly linked to municipal service delivery. Section 24 of the Constitution guarantees the right to an environment that is not harmful to health or well-being and requires the state to protect the environment for present and future generations through measures that prevent pollution and ecological degradation, promote conservation, and secure sustainable development. Section 27(1)(a) and (b) of the Constitution provides that everyone has the right to have access to sufficient health care services, food and water, and that the state must take reasonable legislative and other measures to progressively realise these rights.

Section 9 of the Constitution provides that everyone is equal before the law and has the right to equal protection and benefit of the law. It further prohibits unfair discrimination by the state, whether direct or indirect, on listed grounds. Section 10 of the Constitution provides that everyone has inherent dignity and the right to have their dignity respected and protected. These rights are directly affected when basic services fail, especially where failures disproportionately affect poor and marginalised communities.

Section 29(1)(a) of the Constitution guarantees the right to basic education. In practice, the absence of water and sanitation can undermine the attainment of this right, including through health risks, school closures, or unsafe learning conditions.

Section 154(1) of the Constitution places a duty on national and provincial government to support and strengthen municipal capacity to manage their own affairs through legislative and other measures. If a municipality cannot fulfil its constitutional and legislative obligations, section 139 of the Constitution permits provincial intervention to ensure those obligations are met.

In the Northern Cape, the ongoing persistence of serious service delivery failures in multiple municipalities, including repeated patterns of water, sanitation, refuse and related infrastructure breakdowns, raises questions about whether existing support and interventions have been adequate, and whether stronger measures are required where municipalities cannot fulfil their obligations.

5.3 Statutory Obligations

National legislation gives practical effect to constitutional duties and regulates how municipalities must plan, budget, govern, and deliver services. Key statutes include: the Water Services Act 108 of 1997 (Water Services Act); the Local Government: Municipal Structures Act 117 of 1998 (Municipal Structures Act); the National Environmental Management Act 107 of 1998 (NEMA); the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA); the Local Government: Municipal Systems Act 32 of 2000 (Municipal Systems Act); the Municipal Fiscal Powers and Functions Act 12 of 2007 (MFPFA); and the National Water Act 36 of 1998 (National Water Act). These laws must be read together because they collectively structure municipal governance and service delivery.

Sections 7 to 10 of the Municipal Structures Act regulate the establishment and categorisation of municipalities, define municipal types, allocate powers and functions between municipal categories, and regulate internal municipal structures, office-bearers and electoral systems.

Section 155(1) of the Constitution distinguishes between three categories of municipalities:

a. Category A (Metropolitan municipality) – exclusive executive and legislative authority in its area.

b. Category B (Local municipality) – shares authority with a district municipality.

c. Category C (District municipality) – authority across multiple local municipalities.

The Water Services Act 108 of 1997 gives effect to the right of access to basic water supply and basic sanitation. It defines a Water Services Authority (WSA) as a municipality responsible for ensuring access to water services. Section 3 provides that everyone has a right of access to basic water supply and basic sanitation; that every water services institution must take reasonable measures to realise these rights; and that every WSA must include measures to realise these rights in its Water Services Development Plan (WSDP), subject to the Act's limitations.

Section 11(1) of the Water Services Act places a duty on every WSA to progressively ensure efficient, affordable, economical and sustainable access to water services. This duty is subject to resource availability, equitable resource allocation, fair regulation of access, consumers' duty to pay reasonable charges in line with prescribed norms and standards, conservation duties, and land-related factors such as topography and zoning. It also recognises that a WSA may limit or discontinue services if reasonable conditions are not met.

Section 11(3) of the Water Services Act requires WSAs to consider alternative service delivery methods, regional efficiency, economies of scale, cost reduction, equity requirements, and the availability of resources from neighbouring WSAs. It further provides that WSAs may not unreasonably refuse or fail to provide access to water

services, and that in emergencies a WSA must take reasonable steps to provide basic water supply and sanitation to people in its area, even at the authority's cost.

The National Water Act 36 of 1998 provides a framework for protecting, using, developing, conserving, managing and controlling the nation's water resources. Its objectives include meeting basic human needs; promoting equitable access; redressing past discrimination; promoting efficient and sustainable use in the public interest; facilitating social and economic development; protecting ecosystems; preventing pollution; meeting international obligations; promoting dam safety; and managing floods and droughts. For purposes of this report, sections 19 and 151 are particularly relevant.

Section 19 of the National Water Act deals with pollution prevention and remediation. It requires persons (including organs of state and the Minister for DWS) who own, control, occupy or use land where an activity occurs that causes or is likely to cause water pollution to take all reasonable measures to prevent the pollution from occurring, continuing or recurring. Measures may include stopping or controlling the act, complying with waste standards, containing pollutants, eliminating the pollution source, remedying pollution effects, and restoring affected watercourse beds and banks.

Chapter 16 of the National Water Act, including section 151, creates offences for unlawful and intentional or negligent acts or omissions that pollute or are likely to pollute a water resource. Contraventions can lead to fines, imprisonment, or both.

The Regulations relating to compulsory national water and sanitation services standards, 2024 promulgated on 6 June 2025 are also relevant. Regulation 6 sets minimum standards for basic sanitation services (including safety, reliability, privacy, ventilation, cleanliness, and preventing pests). Regulation 2 sets minimum standards for basic water supply services: a minimum quantity of drinking water of 6 kilolitres per household per month; a minimum flow rate of 10 litres per minute; and reliability such that water is made available for at least 358 days per year.

The National Environmental Management Act 107 of 1998 (NEMA) establishes principles and systems for cooperative environmental governance. Section 11 requires provincial departments responsible for environmental affairs to prepare environmental implementation plans within five years and thereafter at intervals of not more than five years. Section 16(4) requires each provincial government to ensure that provincial environmental implementation plans are complied with by municipalities, including in the preparation of integrated development plans (IDPs) and other policies or programmes.

Section 28 of NEMA imposes a duty of care: persons who cause, have caused, or may cause significant pollution or degradation must take reasonable measures to prevent it, and where harm cannot reasonably be avoided, to minimise and rectify it. This duty applies to owners, persons in control, or persons entitled to use land where harmful activities occur. Municipal Managers may issue directives requiring cessation of activities, investigations, and specific remedial steps, and may take measures or approach court if directives are ignored.

Section 35 of NEMA allows municipalities to enter into environmental management cooperation agreements to promote compliance with NEMA principles. These agreements may set measurable targets, deadlines, monitoring and reporting requirements, independent verification, inspections, compliance indicators, and measures for non-compliance (including penalties and incentives).

The Municipal Finance Management Act 56 of 2003 (MFMA) aims to secure sound and sustainable management of municipal fiscal and financial affairs. It does so through norms and standards for transparency, accountability, financial planning, revenue and expenditure management, asset and liability management, borrowing, handling financial problems, and supply chain management.

The Municipal Systems Act 32 of 2000 aims to establish principles and mechanisms that assist municipalities to promote social and economic development and to ensure universal access to affordable essential services.

The Municipal Fiscal Powers and Functions Act 12 of 2007 (MFPFA) regulates municipal surcharges and the exercise of municipal fiscal powers under section 229(1)(a) of the Constitution, and provides for related matters.

5.4 Case Law

Courts have repeatedly affirmed that municipalities must meet their constitutional service delivery obligations, and that failures can amount to rights violations. The cases below illustrate the legal principles most relevant to this report.

In Joseph and Others v City of Johannesburg and Others 2010 (4) SA 55 (CC), tenants sought an order confirming that they were entitled to notice before municipal agencies terminated electricity supply. Although tenants paid electricity through rent, the owner fell into arrears and City Power cut supply after giving notice to the owner (not the tenants). The applicants lived without electricity for about a year and could not afford to move.

The Constitutional Court held that electricity is a basic municipal service and municipalities have constitutional and statutory duties to provide it as a matter of public duty, even where there is no direct contract with the end user. The Court also confirmed that service delivery is a core function of local government and is linked to meeting basic needs.

The Court held that electricity provision must comply with public law duties and must be delivered in a way that is lawful, responsive and procedurally fair. It found that, to the extent electricity by-laws allowed termination "without notice", this was inconsistent with PAJA and section 33 of the Constitution. The Court cured the defect by severing the words "without notice" from the by-law.

In Mazibuko and Others v City of Johannesburg and Others 2010 (4) SA 1 (CC), the Court considered the lawfulness of changes to water infrastructure and the introduction of pre-paid water meters in Phiri, alongside the free basic water allowance of six kilolitres per household per month.

The Constitutional Court held that section 27 creates an obligation to take reasonable measures to progressively realise the right of access to sufficient water. It found that the City's free basic water policy (including charging for water above the free allocation) was reasonable. The Court held that it is generally not for courts to set a precise quantity for "sufficient water", especially where government has already adopted regulations setting basic water supply standards (25 litres per person per day or 6 kilolitres per household per month). It also emphasised that progressive realisation necessarily takes time.

On pre-paid water meters, the Court held that national legislation and municipal by-laws authorised their introduction, and it found that installation was neither unfair nor discriminatory.

The Court also clarified how socio-economic rights are enforced: where the state takes no steps, courts can require action; where measures are unreasonable, courts can require review; and where policies exclude those most in need, courts may require changes. It also stressed that progressive realisation requires ongoing policy review.

In Eskom Holdings Soc Limited v Vaal River Development Association (Pty) Limited and Others 2023 (4) SA 325 (CC), residents' associations sought an interim interdict preventing Eskom from reducing bulk electricity supply to Lekwa and Ngwathe Municipalities. Eskom reduced supply after the municipalities exceeded agreed limits and failed to pay penalties, resulting in severe impacts on residents and alleged rights violations.

The Constitutional Court (majority) held that the reduction decision was made without a fair procedure and was reviewable under PAJA. It found the decision had severe rights impacts, including breaches of rights to life, dignity, access to water, basic education, and an environment not harmful to health or well-being. The Court stressed that, as an organ of state, Eskom has a heightened duty to act lawfully and comply with procedural requirements. It also

emphasised the importance of notice and meaningful opportunity to make representations, even where decision-makers believe affected persons have little to add.

The Court held that requirements for an interim interdict were met because rights violations were ongoing, continued harm would be irreparable, and the balance of convenience favoured residents. It described the situation as a “human catastrophe” and found it was clearly preferable to grant relief that allowed residents to live with dignity.

Overall, the case law confirms that municipalities must deliver basic services in a manner consistent with constitutional rights and procedural fairness. Courts play an important role in holding municipalities and other organs of state accountable, where failures in service delivery result in human rights violations.



6. Evidence



6.1 Dikgatlong Local Municipality

6.1.1 Institutional Capacity

According to the written submissions of Dikgatlong Local Municipality to the SAHRC, the Municipality has an overall vacancy rate of approximately 32% for technical posts. Of the 144 approved technical positions, 46 posts are currently vacant. The Municipality indicated that it is operating under a Financial Recovery Plan (FRP), which restricts the filling of posts to critical skills only.

The Municipality submitted that it experiences difficulty in retaining technical staff due to its salary structure and an alleged lack of suitably qualified applicants. It further stated that insufficient technical capacity has a direct impact on service delivery, particularly in relation to water services.

During oral evidence presented on 7 October 2025, the following information regarding senior management appointments was provided:

- The Municipal Manager has been in office since October 2024. Prior to permanent appointment, the Municipal Manager acted in the position from February 2020 and has been employed by the Municipality since 2014 as Director for Corporate Services.
- The Chief Financial Officer (CFO) has been in office since October 2024.
- The Technical Manager has been in office since 2021.
- The Technical Infrastructure Manager has been in office since 2024, following a period of special leave commencing in 2017. The official originally assumed office in 2010.

The Municipality indicated that water tankering services are outsourced. Oral evidence showed that expenditure on water tankering ranges between approximately R300 000 and R400 000 per month, amounting to between R3.6 million and R4.8 million per annum.

6.1.2 Financial Position

In its written submissions, the Municipality reported that it received qualified audit opinions for three consecutive financial years, namely 2021/22, 2022/23, and 2023/24.

The Municipality disclosed the following figures for irregular, unauthorised, fruitless, and wasteful expenditure (IUFW):

- 2021/22: R32 993 862
- 2022/23: R23 021 000
- 2023/24: R57 104 000

Oral testimony indicated that a significant portion of fruitless and wasteful expenditure, amounting to approximately R51 397 000, relates to interest incurred on outstanding amounts owed to Eskom and the relevant Water Board.

Both written submissions and oral testimony indicated that a Financial Recovery Plan is in place and is being implemented. However, no date was provided for the adoption of the plan, and although a copy of the plan was requested by the Commission, it was not submitted. Some information relating to immediate, medium-term, and long-term objectives of the Financial Recovery Plan was contained in the written submissions.

Oral evidence indicated that the Municipality's revenue collection rate is low, ranging between approximately 49% and 53%. Oral testimony further confirmed the Municipality's continued reliance on water tankering.

From an operational expenditure (OPEX) of approximately R303 million, expenditure on water tankering accounts for approximately R4.8 million. The Municipality's written submissions indicate that operational income exceeds operational expenditure when the two are compared.

According to data available on municipalities.co.za, approximately 5% of household service delivery points within the Municipality receive free basic services.

In its written submissions, the Municipality stated that employee costs constitute between 40% and 50% of total expenditure. However, calculations based on the financial overview table contained in the written submissions reflect employee costs of approximately 25.31%.

Municipal officials testified that the Municipality is addressing irregular, unauthorised, fruitless, and wasteful expenditure and that historical matters have been referred to the Municipal Public Accounts Committee (MPAC). The Commission requested further details and supporting documentation demonstrating how IUFW is being addressed; however, no additional documentation was provided.

Complainant testimony alleged that tender irregularities amounting to approximately R3 million occurred in relation to wastewater treatment works and that the matter was referred to the Hawks for further investigation. Questions were also raised during testimony regarding a tender valued at approximately R6 million for the procurement of bakkies and sedans instead of equipment for the municipal yellow fleet.

6.1.3 Planning and Oversight

No detailed information was provided to the Commission regarding the Municipality's Integrated Development Plan (IDP) or other statutory plans. Copies of all required plans were requested by the Commission but were not submitted.

A review of the Municipality's website indicates that a valid IDP is available; however, the IDP does not include sector-specific plans such as a Water Services Development Plan (WSDP).

No evidence was provided regarding consequence management processes, including the identification of officials responsible for irregular, unauthorised, fruitless, and wasteful expenditure. This absence applies to both internal municipal actors and external stakeholders, including provincial departments such as COGHSTA.

No evidence of council oversight mechanisms was submitted. Documents such as MPAC reports, internal audit reports, or annual reports, which ordinarily form part of the public record, were neither listed on the Municipality's website nor provided to the Commission.

Oral evidence indicated that funding constraints have affected the Municipality's ability to review and update the WSDP and other infrastructure master plans. This assertion contrasts with information contained in the IDP, which reflects that these plans are in place.

The Municipality alleged that it requested assistance from the District Municipality in the form of funding and technical expertise to develop these plans. It further stated that follow-ups occur through quarterly meetings; however, no supporting documentation was submitted to substantiate these claims. Oral evidence confirmed that the District Municipality has provided financial assistance to the Municipality in the past.

Written submissions further indicated that Provincial Treasury and COGHSTA have mechanisms for intervention and support, although no details of such interventions were provided. The District Municipality reportedly provides shared services that reduce the Municipality's reporting burden. The Municipality relies primarily on grants as its source of capital funding.

6.1.4 Service Delivery

In its written submissions, the Municipality reported the following service delivery challenges:

- **Longlands Shanties**: Unreliable water supply, electricity, and sanitation.
- **Kieskama**: Unreliable water supply, sanitation, refuse removal, landfill management, and poor town planning.
- **Holpan**: Unreliable refuse collection, landfill management, and poor town planning.
- **Smithsmine:** Unreliable water supply and refuse collection, poor landfill management, and poor town planning.
- **Haak en Steek**: Unreliable electricity, sanitation, refuse collection, poor landfill management, and poor town planning.

6.1.5 Community Experience

Complainant testimony described widespread service delivery failures affecting the towns of Barkly West, Delportshoop, Longlands, and surrounding rural areas and farms. Testimony referenced persistent water outages, electricity disruptions, sewage spills, deteriorating road infrastructure, uncollected refuse, and collapsing municipal infrastructure.

Evidence presented described residents fetching water from tankers, transporting water using buckets and wheelbarrows, and, in some instances, collecting water directly from the Vaal River. Testimony alleged contamination of the river due to effluent discharge from wastewater treatment works.

A chronology of events was presented in testimony, including:

- Community protests in October 2022 concerning water, sanitation, and road conditions.
- Engagements in national and provincial forums calling for intervention.
- Periods during which communities reportedly relied on river water due to prolonged water outages.
- Laboratory test results indicating unsafe levels of bacterial contamination in water.
- Referrals of certain procurement processes to law-enforcement agencies for investigation.
- Extended water outages following infrastructure failures.
- Recurrent sewage overflows affecting residential areas.

Additional testimony raised concerns regarding municipal procurement priorities, including the procurement of vehicles instead of critical service delivery equipment, the outsourcing of water tankering, and proposed transactions relating to municipal assets, such as the Barkly West River Resort. It was stated that documentation ordinarily required under the Municipal Finance Management Act, including public participation records and treasury approvals, was not publicly available.

Community evidence further described the impact of service delivery failures on health, environmental conditions, and daily living, including exposure to sewage, unsafe water, inoperative street lighting, and deteriorating public amenities.

6.2 Phokwane Local Municipality

6.2.1 Institutional Capacity

According to oral testimony presented on 7 October 2025, the Municipal Manager of Phokwane Local Municipality has been in office since December 2023. The Technical Director has likewise been in office since December 2023. The Strategic Manager has been in office for approximately 14 years.

Oral evidence indicated that, at the time of the inquiry, the political and administrative components of the Municipality were working together more effectively than in previous periods. However, testimony further indicated that the Municipality had experienced significant instability in prior years.

Written submissions confirmed that during the 2022/23 financial year, the positions of Municipal Manager and all section 56 managers were vacant. No information was provided regarding vacancy rates within the technical department at the time of the inquiry.

The Municipality identified significant skills gaps, particularly in the following areas:

- Water and sanitation management
- Infrastructure development and maintenance
- Implementation of environmental management systems
- Waste management operations
- Records relating to burials and grave ownership
- Management and maintenance of IT systems, databases, and networks

Written submissions further acknowledged inadequate human resource development capacity, citing insufficient financial resources for skills development and the attraction of suitably qualified personnel. A lack of performance management and consequence management was also acknowledged.

The Municipality stated in its written submissions that steps have been taken to address some of these challenges through the provision of financial support to employees for further qualifications and through training interventions.

6.2.2 Financial Position

Written submissions indicated that electricity supply to township areas is provided directly by Eskom, which negatively affects the Municipality's ability to implement effective credit control measures and to collect revenue. The Municipality further indicated that high levels of unemployment in township areas exacerbate revenue collection challenges, although no statistical data was provided in support of this assertion.

According to data available on municipalities.co.za, approximately 6% of households receive free basic municipal services, indicating relatively low indigency reliance.

Oral testimony indicated that the Municipality received a qualified audit opinion due to weaknesses in internal controls. Testimony further indicated that the outsourcing of water tankering services had previously resulted in irregular expenditure. These contracts reportedly cost approximately R3 million per month. The Municipality indicated that these contracts have since been terminated.

In addition, some road grading services had previously been outsourced. The Municipality testified that it has since acquired its own yellow fleet.

Evidence before the Commission indicated ongoing deficiencies in consequence management and compliance with statutory financial management requirements. Allegations were made regarding theft of fuel and municipal funds. The Municipality stated that investigations were conducted and that disciplinary and criminal processes were instituted; however, no supporting documentation was provided.

The Municipality reported high levels of debt, including approximately R400 million owed to Eskom and approximately R100 million owed to Vaal Central Water.

Written submissions indicated that the Municipality's budget is funded through a combination of own revenue, equitable share, and conditional grants. The Municipality identified several financial challenges, including declining revenue due to low payment levels by residents and businesses, inefficient financial systems, weak internal controls, illegal connections impacting revenue collection, increased operational costs, limited financial planning capacity, and a narrow revenue base resulting in grant dependency.

The Municipality stated that it has updated its billing systems, trained staff, and conducted consumer awareness campaigns aimed at improving revenue collection. No evidence was provided regarding the outcomes or effectiveness of these interventions.

The Municipality further stated that cost-containment measures have been implemented, internal audits are conducted regularly, expenditure controls have been tightened, and compliance and reporting in terms of the Municipal Finance Management Act (MFMA) have been enhanced. No further details or supporting documentation were provided regarding these measures.

6.2.3 Planning and Oversight

A review of the Municipality's website indicates that a valid and up-to-date Integrated Development Plan (IDP) has been adopted. The IDP confirms that all required sector plans are in place; however, the IDP expressly states that these plans are outdated, with some dating as far back as 2009.

The Municipality's Annual Report is also publicly available. However, it contains limited information regarding poor performance, unmet targets, financial non-compliance, or corrective measures undertaken by the Municipality.

Written submissions indicated that National Treasury has provided financial management training and oversight through MFMA support programmes. Provincial Treasury has assisted with budget preparation, monitoring, and financial recovery planning. A discretionary financial recovery plan dated 2020 is available on the Municipality's website; however, no evidence was provided that a current financial recovery plan is being implemented. The Municipality proposed that the development of such a plan would be beneficial.

Written submissions further indicated that the Department of Cooperative Governance supports the development of financial turnaround strategies and governance improvement initiatives, although no details of specific interventions were provided.

Oral testimony indicated that the Municipality requires assistance from the District Municipality to develop housing plans as required under the Housing Act. Evidence indicated that COGHSTA provided funding for the construction of approximately 1 450 houses prior to 2018. Ongoing challenges relating to the transfer of title deeds were noted, including instances where beneficiaries have since passed away.

Written submissions indicated that the Department of Forestry, Fisheries and the Environment, through the Green Scorpions, has placed the Municipality under investigation. No dates were provided. The Municipality stated that it has responded to requests for additional information and that the most recent request relates to monitoring

compliance with a directive issued in 2020. Depending on the outcome of the assessment, the National Director of Public Prosecutions will determine whether prosecution is warranted.

Written submissions further indicated that the Department of Water and Sanitation issued two directives against the Municipality in relation to water source contamination in Jan Kempdorp and Hartswater. The Municipality stated that corrective action is being taken.

6.2.4 Service Delivery

Budgetary constraints were identified as a significant challenge affecting the Municipality's ability to provide reliable water services.

Over the past three years, the Municipality implemented a major water infrastructure project valued at approximately R39 million to replace an asbestos pipeline and improve water access to Pampierstad. The project has been completed, apart from an Eskom electricity connection, which remains outstanding and is outside the Municipality's direct control.

Oral testimony indicated that the Municipality experiences persistent challenges relating to road infrastructure. Water tankering is used daily, although it is no longer outsourced.

Sanitation services across the Municipality vary, ranging from no service to temporary toilets, pit latrines, and full in-house sanitation. Sewer spillages and pollution have occurred because of infrastructure failures and, in some instances, the disposal of foreign objects into the sewer system by residents.

Evidence indicated that housing delivery supported by COGHSTA occurred prior to 2018, with no subsequent housing projects reported. Protests by taxi associations were reported in relation to poor road conditions. At the time when the testimony was given, a road construction project was currently underway, with an estimated completion period of six months from the date of the inquiry.

6.2.5 Community Experience

Oral testimony, corroborated by written submissions, indicated a general lack of communication and insufficient engagement by the Municipality with affected communities. Ward councillors were described as largely inactive or passive.

Evidence indicated that communities have attempted to raise service delivery concerns with the Municipality for approximately seven years without effective resolution.

Community members reported poor-quality dirt roads and flooding, resulting in limited access for residents, municipal services, and emergency vehicles. Sewage spillages and persistent drainage issues were reported, including foul odours affecting residential areas.

Refuse collection was described as inconsistent, ranging from poor to non-existent in certain areas. This has resulted in refuse accumulating in large piles throughout communities.

Communities relying on water tankering reported that the water supplied is often dirty and insufficient for basic household needs such as cooking and washing clothes. Residents reported travelling long distances with buckets to access water.

Evidence further indicated ongoing uncertainty relating to municipal demarcation and the status of Sakhile township.

A written submission from the Refitlhile Local and Long Distance Taxi Association highlighted the impact of potholes and poor road conditions on the safety of taxi operators and school transport. Sewage spillages occurring within roadways were also reported.

A petition submitted on behalf of residents of Sakhile township, bearing 178 signatures, raised concerns regarding emergency access routes, sewer spillages, inadequate refuse collection, water scarcity, poor water quality, and the absence of functional street lighting.

A memorandum of demands addressed to the MEC for Cooperative Governance was submitted to COGHSTA on 18 June 2024. The memorandum outlined persistent service delivery failures and indicated that prior attempts to engage the Municipality had been unsuccessful.

6.3 Siyancuma Local Municipality

6.3.1 Institutional Capacity

According to oral testimony, the Municipality operates under a hung council, resulting in a volatile political environment. Evidence indicated that there have been two mayors since the 2021 local government elections. The Municipal Manager has been in office for approximately two years at the time of the inquiry.

Testimony further indicated that some institutional communication systems are not fully functional, requiring the Municipality, at times, to rely on personal Gmail accounts for official communication.

In its written submissions, the Municipality indicated that a new organisational structure is being implemented with the aim of improving efficiency. The Municipality acknowledged the existence of skills gaps and reported that it has developed a Workplace Skills Plan to address these challenges.

Oral evidence indicated that the Municipality struggles to attract and retain suitably qualified personnel, particularly because it is a low-category municipality. Although critical positions have been filled during the past year, several key technical vacancies remain. Douglas has reportedly been without a qualified electrician for approximately 18 months. The Municipality further indicated that it does not employ trade test–qualified plumbers and struggles to appoint qualified fitters or diesel mechanics. As a result, the Municipality relies on legacy-trained staff. Testimony indicated that the Municipality is in the process of engaging the relevant Sector Education and Training Authority (SESETA) to obtain funding for staff training.

6.3.2 Financial Position

According to oral testimony, the Municipality received a qualified audit opinion. Reasons for the qualification include deficiencies in billing practices and incomplete infrastructure records. Written submissions provided detailed explanations for qualified audit opinions since the 2021/22 financial year but did not include information on how the identified deficiencies would be remedied.

The Municipality reported experiencing financial challenges arising from unfunded mandates, including housing. Significant losses were reported due to aging infrastructure, with water losses estimated at 57% and electricity losses at 37%.

Oral testimony indicated that the Municipality's revenue collection rate was previously approximately 40% but has improved to approximately 67% following the installation of smart meters. Financial pressures are further

exacerbated by the fact that the Municipality sells electricity at approximately R2.89 per unit while purchasing electricity from Eskom at approximately R3.10 per unit. Testimony indicated that this pricing structure contributes to the Municipality's Eskom debt, which totals approximately R78 million.

Additional financial challenges include a high number of indigent households and illegal connections. The Municipality further indicated that budgetary constraints limit investment in infrastructure. The reported unemployment rate within the Municipality is approximately 40%, which affects residents' ability to pay for services.

Written submissions relating to outsourcing indicate that the Municipality spends approximately R3.1 million per annum on the Enterprise Resource Planning (ERP) financial system and a further R1.9 million per annum on accounting support services.

According to written submissions, portions of irregular, unauthorised, fruitless, and wasteful expenditure have been condoned or written off by Council. However, approximately R174 million in IUFW expenditure remains unaddressed. Correspondence submitted to the Auditor-General of South Africa further indicates that R82 294 in fruitless and wasteful expenditure and R745 133 in irregular expenditure must be referred to the municipal disciplinary board for investigation and appropriate action.

6.3.3 Planning and Oversight

A review of the Municipality's official website indicates that a valid Integrated Development Plan (IDP) is in place. The IDP references several sectoral plans; however, no information is provided regarding the dates on which these plans were last updated. Oral testimony indicated that the Municipality has an infrastructure improvement plan, although no details were provided regarding monitoring or tracking of implementation. Testimony further indicated that the Water Services Development Plan is currently under review.

Evidence indicated that the provincial department responsible for cooperative governance provided funding for the construction of 150 houses. However, the Municipality reported a housing backlog of approximately 4 575 units. These housing developments required approximately 44 kilometres of water pipeline infrastructure, which was constructed with assistance from the Department of Water and Sanitation, together with a water treatment works. Testimony indicated that operating the water treatment works remains challenging due to severe pollution levels in the Vaal River.

No evidence was submitted of additional oversight, monitoring, or support interventions by provincial or national government departments beyond those described in testimony.

6.3.4 Service Delivery

In its written submissions, the Municipality identified a range of infrastructure and service delivery challenges. Evidence indicated a lack of water supply in certain residential areas, particularly New Park and Bonnie Park. Insufficient bulk water storage capacity and leaking storage tanks were reported in Campbell and Griekwastad, affecting supply reliability.

The Municipality reported inadequate wastewater treatment works in Douglas, Griekwastad, and Campbell. Bucket sanitation systems remain in use in Douglas, Campbell, and Griekwastad as part of a phased sanitation programme. Evidence further indicated that some areas, including New Park, Bonnie Park, and surrounding settlements, lack any form of sanitation, affecting approximately 4 295 households. The Municipality also reported insufficient fleet capacity to render sanitation services.

Evidence indicated the need for rehabilitation, construction, and licensing of landfill sites in Douglas, Griekwastad, Campbell, and Schmidtsdrift.

Electricity provision challenges include aging electrical infrastructure, the need to repair high-mast lighting, and the replacement of outdated streetlight fittings in Douglas and Griekwastad.

Evidence indicated the need for pothole repairs, resurfacing of tarred roads, maintenance of gravel roads, and improvements to stormwater drainage to address flooding affecting residential areas, including Bongani (Riemvasmaak) and Schmidtsdrift.

The Municipality reported a range of short, medium, and long-term interventions to address these challenges, including emergency infrastructure repairs, water tankering during shortages, installation of prepaid electricity meters, increased refuse collection, road maintenance, expansion of bulk water systems, construction of sewer pipelines, electrification projects, landfill development, housing projects, and long-term integrated infrastructure and economic development initiatives.

Oral testimony further indicated that severe pollution in the Vaal River increases the cost of water treatment. The Municipality reported using planned water shedding for approximately five hours at a time to ensure equitable daily access across townships. The Municipality also relies on a canal for water abstraction, which dries up seasonally, and identified access to raw water as a significant challenge.

Evidence indicated that informal settlement growth exacerbates service delivery pressures and that approximately R245 million would be required to address sanitation backlogs in informal settlements. Testimony indicated that national and provincial departments have been approached for assistance, although no details were provided regarding which departments were contacted.

The Municipality reported owning water tankers, which are used during emergency situations. Smaller sewerage leakages reportedly occur due to blockages or breakdowns, often caused by foreign objects in the system. The Municipality indicated that it attempts to respond to leakages within approximately six hours. Regular refuse removal services are provided, although illegal dumping remains a challenge. Road maintenance is constrained by funding, although the Municipality reported owning road scrapers for gravel roads.

6.3.5 Community Experience

No complainants appeared before the Commission, and no formal community complaints were submitted in relation to this Municipality.

6.4 Sol Plaatje Local Municipality

Evidence before the Commission indicates that Sol Plaatje Local Municipality is experiencing a large-scale sanitation and sewerage crisis. This crisis is characterised by the prolonged failure of wastewater infrastructure, repeated uncontrolled discharges of untreated effluent, and an inability to provide adequate water and sanitation services across multiple areas within the municipal jurisdiction. The evidence further reflects that the crisis has persisted for several years despite multiple interventions by national, provincial, and local stakeholders.

6.4.1 Institutional Capacity

Oral testimony by municipal officials indicated instability in senior management. The acting Municipal Manager who testified had been appointed to be in office for less than two weeks, with another acting Municipal Manager expected to assume office thereafter. The Chief Financial Officer has been in office since 2021.

In its written submissions to the Commission, the Municipality stated that the implementation of the Municipal Staff Regulations created skills challenges, particularly where officials occupying acting positions did not meet the qualification requirements for permanent appointments. The Municipality further indicated that a temporary hold has been placed on appointments due to cash-flow constraints.

The Municipality submitted that it has sought to address some of these challenges through internal training initiatives, making budget available for staff development, and attempting to fill funded posts where possible. It further indicated that medium and long-term interventions are planned to address skills shortages.

6.4.2 Financial Position

According to oral testimony, the Municipality received a qualified audit opinion for the 2023/24 financial year. The qualification was attributed primarily to technical deficiencies relating to the procurement of personal protective equipment, material losses, debtor analysis, and inaccurate accounting for write-offs.

Written submissions indicate that cost-containment measures have been implemented. Debt collection remains a challenge, which the Municipality attributed to prevailing economic conditions and a reported unemployment rate of approximately 37%, limiting consumers' ability to pay for services.

To address some of the financial challenges, the Municipality has appointed external debt collectors, improved the implementation of credit-control measures, and participated in National Treasury and Eskom's Circular 124 initiative. This initiative allows for portions of interest, penalties, and historical debt owed to Eskom to be written off, subject to compliance with an approved payment plan. Testimony further indicated that efforts are being made to pay creditors timeously to avoid penalties.

Oral evidence confirmed that water tankering services are outsourced at a cost of approximately R1.2 million per year. Evidence further suggested that the Municipality is either unfamiliar with, or unwilling to utilise, emergency procurement processes to address immediate community needs, such as the sewerage crisis. The Municipality does not have a procurement plan outlining how funds may be leveraged during states of disaster, including the current situation arising from massive and uncontrolled effluent discharges.

The Municipality reported an irregular, unauthorised, fruitless, and wasteful expenditure balance of approximately R284 million, which remains unaddressed.

6.4.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan in place. However, several sectoral plans, including the Water Services Development Plan, the Electrical Master Plan, and the Integrated Waste Management Plan, are outdated.

Testimony presented by complainants reflected that multiple interventions by various government institutions have taken place over several years without material improvement. These interventions include court orders, criminal charges, warnings issued by the Deputy Minister, motions tabled before the National Council of Provinces, and a presidential visit. Despite these actions, evidence indicates that conditions have not improved.

Written submissions indicate that National Treasury approved indirect grant funding under the RT29 framework to support revenue enhancement. National Treasury has further assisted the Municipality's participation in the Circular 124 debt-relief initiative and continues to provide technical assistance and advisory support in relation to budgeting, financial reporting, revenue management, and compliance with the Municipal Finance Management Act.

According to written submissions by the Provincial Department of Agriculture, Environmental Affairs, Rural Development and Land Reform, the Department has taken seven actions in terms of section 28(1) of the National Environmental Management Act. These actions followed investigations into serious allegations of pollution and environmental harm and resulted in the issuing of directives for corrective action or referrals to enforcement agencies.

Written submissions by the Department of Water and Sanitation dated 15 May 2024 indicate that the Department is aware of the full extent of the water and sanitation challenges within the Municipality. The Department provided detailed accounts of steps taken to improve access to water and sanitation but noted that directives have had limited success due to non-implementation or poor implementation of action plans.

With specific reference to sanitation, the Department issued directives relating to leakages at the Roodepan Pump Station, pipe breaks in Beaconsfield, and the non-operational Beaconsfield Wastewater Treatment Works. The Department further indicated that it began obtaining legal advice in 2022 to pursue action against the Municipality. According to the Department, malfunctioning pump stations and outfall sewers have resulted in poor conveyance of effluent and numerous uncontrolled releases of untreated wastewater.

Evidence further indicates that the Commission has 11 active cases against the Municipality. The Commission is aware of proceedings where Kamfersdam applicants sought a structural interdict against the Municipality. The Commission also made a presentation to the Provincial Intergovernmental Forum in March 2024 and led a stakeholder engagement workshop in May 2024 to discuss violations and potential remedial measures.

6.4.4 Service Delivery

In its written submissions, the Municipality reported that it continues to provide refuse removal services across its jurisdiction on a daily basis, covering both single and double-beat areas. The Municipality acknowledged operational challenges, particularly a shortage of refuse fleet, which has affected consistency and efficiency in certain areas.

The Municipality reported undertaking daily cleaning of illegal dumping sites. These efforts are constrained by continued illegal dumping and the absence of enforceable consequences or penalties for offenders, resulting in repeat offences and ongoing environmental degradation.

To address service delivery challenges, the Municipality reported the following interventions:

- Utilisation of Integrated Urban Development Grant funding to address fleet shortages.
- Procurement and deployment of one refuse compactor truck, with a focus on previously disadvantaged communities.
- Procurement of two tipper trucks and one tractor-loader backhoe to assist with illegal dumping clearance.
- A three-month partnership with the Department of Economic Development and Tourism employing 100 participants in cleaning, recycling, and urban beautification initiatives.
- An allocation of R9 million in the 2025/26 financial year for the procurement of additional refuse compactors.
- The Municipality provided a detailed refuse collection roster and indicated ongoing plans to review by-laws, invest in fleet expansion, conduct community education, and pursue further partnerships.

Oral testimony by municipal officials acknowledged that the Municipality faces serious service delivery challenges and is unable to provide adequate services, particularly water and sanitation. Officials indicated that although some interventions have been initiated, responses are severely constrained by financial limitations.

Specific reference was made to Platfontein, where residents were relocated following an eviction order. Evidence indicated that Platfontein lacks a sanitation network, despite having been designated as suitable alternative accommodation.

6.4.5 Community Experience

Written submissions by the complainant detailed the experiences of residents of White City in Roodepan, Kimberley. Evidence indicated that in January 2021, a sewerage pump station located adjacent to residential homes failed, resulting in raw sewage entering homes, yards, and streets. Twenty-six families reportedly lost household possessions and were exposed to significant health risks. Homes became uninhabitable, and residents were relocated first to Riverton Resort and later to Lerato Park. More than four years later, comprehensive compensation has not been received.

Evidence indicated that the pump station continues to malfunction, with repeated overflows, soil saturation, and the formation of sinkholes posing ongoing safety risks. Criminal charges were laid against the Municipality in June 2021. Since that time, oversight visits, petitions, motions in the National Council of Provinces, and engagements with multiple departments have occurred.

A chronology of events presented in testimony includes:

- January 2021: Major sewage flooding leading to the condemnation of homes in White City.
- June 2021: Criminal charges laid against the Municipality.
- July–August 2022: Emergence of sinkholes and tabling of a motion for national intervention.
- May–June 2023: Findings by the Department of Water and Sanitation confirming non-compliance at multiple wastewater treatment works and pump stations.
- 2024–2025: Continued pollution of Kamfers Dam, issuance of a structural court order, laying of criminal charges by the Department of Water and Sanitation, and a site visit by the Deputy Minister.

Evidence further indicated that sanitation failures extend beyond White City, affecting Hillcrest, areas along the R31 and N12 corridors, the Kimberley Canal, and multiple pump stations serving Roodepan. Despite expenditure on upgrades, overflows continue. Testimony disputed explanations attributing failures solely to vandalism and load-shedding, citing mismanagement, inadequate maintenance, and lack of long-term planning.

Testimony detailed significant expenditure on infrastructure projects without sustained improvement, including upgrades to pump stations and wastewater treatment works. The Department of Water and Sanitation's Green Drop Report (2022) classified the Municipality's wastewater systems as high or critical risk.

Community evidence described severe impacts on health, environmental conditions, and dignity, including exposure to sewage, persistent odours, skin rashes, respiratory difficulties, unsafe water, and environmental degradation affecting Kamfers Dam and surrounding ecosystems.

Testimony relating specifically to Platfontein described severe and ongoing service delivery failures. Evidence indicated that the community does not receive refuse removal services and experiences frequent sewerage flows between houses and along public streets. Residents reportedly have no access to flush sanitation and rely on pit toilets. Testimony further indicated that effluent from other townships flows through Platfontein as a result of poor effluent management. It was stated that a potato chips factory previously operating in the area closed due to these conditions, resulting in the loss of employment for many residents. Evidence indicated that most households are dependent on social grants for income. Tap water was described as dirty and unsafe for consumption. Residents

expressed frustration at receiving municipal bills for services that are not provided. Testimony further indicated that Platfontein is held under a community land trust and that the Municipality entered into an agreement with the community to lease land for grazing by young farmers. Although livestock reportedly graze on the land, the Municipality has not paid rental in terms of the agreement.

6.5 Thembelihle Local Municipality

6.5.1 Institutional Capacity

According to oral testimony, the Municipality operates under a hung council. Evidence indicated that the political environment is unstable and that political instability has affected, inter alia, the appointment of senior managers. At the time of the inquiry, all key administrative positions were filled. The Municipal Manager has been in office since January 2025, and the Technical Director has been in office since May 2025.

Oral testimony indicated that the Municipality has experienced high staff turnover, which has negatively affected institutional communication. Frequent changes in personnel have resulted in changes to official email addresses, affecting continuity and information flow.

Testimony further indicated that the Municipality experiences a shortage of technical skills and that financial constraints limit its ability to train staff. The vacancy rate within the technical department was reported to be between 40% and 50%.

In its written submissions, the Municipality identified a significant scarcity of specialised technical skills, particularly in engineering and project management, within the Technical Services Department. This skills gap was reported to impair the Municipality's ability to plan and execute large-scale infrastructure projects. The Municipality further reported a serious shortage of skilled human resources practitioners.

The Municipality indicated that it conducts an annual assessment of skills needs, which is captured in the Workplace Skills Plan. Written submissions stated that while training initiatives have upskilled some employees, the underlying shortage of highly specialised and experienced professionals remains. Future measures include exploring partnerships with district and provincial entities and Sector Education and Training Authorities to share expertise and revising recruitment strategies to attract qualified candidates for critical technical roles.

Further written submissions indicated that some officials within the finance department do not meet the required qualification standards.

6.5.2 Financial Position

According to the written submissions, the Municipality received a qualified audit opinion for 2023/24.

Oral testimony indicated that the Municipality is in financial distress. Contributing factors include unfunded mandates, an unfunded budget, and a low revenue collection rate. Evidence indicated that the Municipality carries high levels of debt, including approximately R138 million owed to Eskom. The unemployment rate within the Municipality was reported to be approximately 60%, which adversely affects residents' ability to pay for services.

Written submissions by the Municipality indicated that challenges relating to municipal revenue generation and collection have persisted for several years. National Treasury assessed the 2024/25 budget as unfunded, and the

draft budget for the 2025/26 financial year remains unfunded. Evidence further indicated that increased demand for services and the need to eradicate backlogs have placed significant strain on the capital budget.

The Municipality reported that it is unable to adequately finance capital infrastructure and machinery and that cash-flow constraints have resulted in growing payables. Audited distribution losses were reported to be abnormal, with electricity losses at approximately 42% and water losses at approximately 78%.

6.5.3 Planning and Oversight

Evidence indicated that the Municipality has a valid Integrated Development Plan and the required sectoral plans in place. Oral testimony indicated that the Municipality is in the process of developing a Local Economic Development strategy.

Testimony further indicated that the Municipality was previously subjected to a provincial intervention. The provincial department responsible for local government has assisted the Municipality with housing delivery. According to the provincial department, the Municipality is regarded as one of ten dysfunctional municipalities in the Northern Cape Province.

The Department of Water and Sanitation has issued a directive against the Municipality in the past. Provincial Treasury assists the Municipality in identifying risks and developing risk mitigation plans.

Written submissions provided details of ongoing assistance by national and provincial departments, including:

- Engagements with National Treasury regarding smart metering solutions for water and electricity (in progress).
- Participation in the Eskom Debt Relief Programme since December 2023.
- A revenue enhancement project concluded in partnership with the Development Bank of Southern Africa (DBSA) and the Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs (NCCOGHSTA), which produced a cost-of-supply study for electricity, water, and sanitation.
- Funding support from DBSA and NCCOGHSTA for the compilation of water and electricity master plans.
- Implementation of data management projects relating to revenue.
- Funding by NCCOGHSTA for the supplementary valuation roll for the 2025/26 financial year.
- Support from SALGA for the compilation of a Local Economic Development strategy.

Written submissions further indicated that the Municipality is engaging with national and provincial authorities regarding the status of Orania, noting that property rates are currently not being charged in that area.

Evidence indicated that there is one active case before the Commission relating to allegations of human rights violations arising from poor service delivery.

6.5.4 Service Delivery

According to oral testimony, the Municipality experiences multiple service delivery challenges, partly attributable to aging infrastructure and vandalism. Stormwater management and roads were indicated not to fall within the Municipality's service delivery mandate. Rapid growth of informal settlements was reported to exacerbate service delivery pressures.

Evidence before the Commission included complaints relating to sewage spills into rivers, inadequate clearing of wastewater, and the failure to service pit toilets adequately.

Oral testimony indicated that the Municipality is in the process of constructing a new wastewater treatment works and refurbishing an existing facility. The Municipality uses its own fleet for water tankering when required. A sewer honey sucker is outsourced intermittently at a cost of approximately R18 000 per month.

The Municipality reported establishing a direct communication line with school principals to ensure reliable water supply to schools. Schools are equipped with JoJo tanks, with assistance from the Department of Education. Children from child-headed households may access free basic services through the Municipality's indigent policy. Testimony further showed that the municipality does not seem to have any specific measures in place to assist older persons.

Written submissions indicated challenges relating to the utilisation of conditional grants, including expenditure on operational costs, incomplete capital projects, and the inability to fund capital projects from own revenue. Written submissions further reported poor refuse removal, a lack of a yellow fleet, and inadequate access to water in Strydenburg. Evidence indicated that 538 houses remain without electricity.

While oral testimony stated that the Municipality owns water tankers, written submissions indicated the absence of a yellow fleet. This inconsistency was noted.

With regard to electricity, written submissions indicated that most areas are electrified, except for the Hillside area in Steynville. Electrical supply is generally provided daily, although interruptions occur during maintenance and repair works. Challenges include aging infrastructure, vandalism, lack of maintenance funding, illegal connections, tampered meters, and the need for increased notified maximum demand to accommodate new developments.

Written submissions indicated that sanitation services are generally provided above the minimum level of service. However, areas without sanitation services were attributed to migration and the establishment of informal settlements. Service disruptions occur during breakdowns of honey sucker equipment or sewer infrastructure. Challenges include aging infrastructure, vandalism, insufficient maintenance funding, and the disposal of foreign objects into sewer systems.

Written submissions further indicated that water services are provided at varying levels across the Municipality. Informal settlements without household connections are serviced through communal standpipes. Service interruptions occur during maintenance and repair works. Challenges include aging infrastructure, vandalism, inadequate maintenance funding, and staff shortages, including an aging workforce nearing retirement.

With regard to waste management, written submissions indicated that services are generally provided at or above the minimum level. Service disruptions occur during breakdowns of refuse collection equipment. Challenges include aging machinery, lack of compactor trucks, vandalism, illegal dumping, and landfill sites that do not comply with licensing requirements.

6.5.5 Community Experience

No complainants appeared before the Commission, and no formal community complaints were submitted in relation to this Municipality.

6.6 Emthanjeni Local Municipality

6.6.1 Institutional Capacity

Written submissions indicate that the Municipality has a technical vacancy rate of approximately 34%. The Municipality reported that its human resource's function faces multiple challenges that affect its ability to deliver services, including shortages of skilled employees in critical areas such as Technical Services and Finance, limited institutional capacity in certain service areas, inadequate training and development opportunities, and high staff turnover, particularly in technical and professional positions.

The following critical positions were reported as vacant:

- Chief Financial Officer
- Senior Manager: Corporate Services
- Manager: Electro Technical Services
- Manager: Project Management Unit
- Superintendent: Electrical Services
- Electrician: Hanover
- Handyman: Electrical Services (Hanover)
- Electrician: Networks (De Aar)

Written submissions further indicated that high employee turnover has negatively affected institutional stability and continuity.

6.6.2 Financial Position

Written submissions show that the Municipality received a qualified audit opinion. The financial statements contained material misstatements relating to service charges, interest earned, bulk purchases, finance costs, fines written off, reporting, cash flow, and contingent liabilities. The Municipality reported an irregular, unauthorised, fruitless, and wasteful expenditure balance of approximately R162 million.

The Municipality reported total debt of approximately R455 million, including significant debt owed to Eskom. This debt has resulted in the accrual of additional interest and penalties. The Municipality further reported high outstanding consumer debt and a low revenue collection rate. The Auditor-General raised a material irregularity in June 2021 relating to Eskom invoices that were not paid timeously, resulting in financial loss due to interest incurred on outstanding balances. Material findings were also raised in relation to the provision of basic services.

Oral testimony indicated that the Municipality's financial management systems are dysfunctional. Evidence showed that the Municipality changed its enterprise resource planning (ERP) system from Sebata to a new service provider. Budget cuts were reported to have negatively affected the Municipality's ability to provide services. The revenue collection rate was reported to be below 50%, while unemployment within the municipal area was estimated to range between approximately 41% and 47%, limiting residents' ability to pay for services.

The Municipality reported that it leases its yellow fleet. Water tankering alone reportedly costs approximately R600 000 per month. Complainants questioned the procurement of ten Mahindra bakkies at a reported cost of approximately R5.3 million. The Municipality confirmed that the funds used were not conditional grant funding and that it was therefore legally entitled to determine how the funds were spent. The Municipality indicated that the vehicles could be used for operational callouts, while complainants maintained that the funds should have been invested in a yellow fleet.

Evidence further indicated the existence of billing disputes with residents. Complainant testimony alleged that the Municipality was unresponsive in resolving billing issues and that the services of an elderly resident, Mrs Blignaut, were wrongfully terminated. During oral testimony, the Municipal Manager undertook to investigate the matter and to rectify the account.

6.6.3 Planning and Oversight

Evidence indicated that the Municipality has a valid Integrated Development Plan. However, certain sectoral plans, including the Water Services Development Plan, are outdated. The IDP reflects that the Water Services Development Plan was last adopted in 2007.

Oral testimony indicated that there are active criminal investigations involving the Municipality.

Written submissions by the Department of Water and Sanitation indicate that the Department is aware of the Municipality's service delivery challenges. The Department reported that boreholes within the municipal area are over-pumped and that water losses are high at approximately 30%, although this remains below the 35% suggested limit prescribed by National Treasury. Evidence indicated that twelve boreholes are dysfunctional and require urgent repair, while a further twelve boreholes should have been commissioned approximately ten years ago. The water supply system was described as old, dilapidated, and in need of refurbishment and upgrading. No details were provided regarding specific support or intervention measures to assist the Municipality.

6.6.4 Service Delivery

Oral testimony indicated that portions of the Municipality's water and sanitation infrastructure are deteriorating and in a critical condition. While significant water backlogs remain, the Municipality reported that progress has been made in certain areas. Business plans were submitted to invest in infrastructure improvements.

The Municipality reported mobilising approximately R3.4 million to address a sewerage spillage and indicated that R18 million had been allocated to repair the De Aar Wastewater Treatment Works. Evidence further indicated that water demand exceeds supply within the municipal area.

The Municipality maintained that refuse is collected regularly and that environmental conditions are safe, notwithstanding complainant allegations to the contrary. The Municipality further reported that it does not currently receive augmentation fees from solar and wind energy developments.

Notably, the Municipality's own IDP acknowledges that it is in serious and persistent breach of certain service delivery obligations, including Green Drop compliance and drinking water quality standards.

6.6.5 Community Experience

Evidence before the Commission reflects multiple engagements and complaints by community organisations to both the Municipality and the Commission, primarily relating to water services provision and poor water quality. The Municipal Manager responded to the Commission on these matters following notice that a subpoena would be issued.

The Commission received three formal written complaints as part of this inquiry and heard oral testimony from two complainants. These complaints relate to the ongoing collapse of water and sanitation services within the municipal area, with complainants tracing concerns back to at least 2022. Evidence described repeated sewage spillages,

inadequate maintenance of wastewater treatment infrastructure, and pollution of surrounding land and watercourses.

Complainant testimony described persistent dysfunction at the De Aar Wastewater Treatment Works, including sewage overflows into surrounding areas and the environment. Evidence included references to visual recordings and oversight findings demonstrating untreated sewage discharges and infrastructure failure. The continued non-functionality of wastewater infrastructure was described as posing environmental and public health risks.

Community submissions further raised concerns regarding water quality, including contamination linked to sewage system failures and poor maintenance of water infrastructure. Evidence indicated that water shortages, infrastructure breakdowns, and inadequate maintenance have persisted over several years, contributing to deteriorating living conditions and ongoing community frustration. Further problems included poor maintenance of municipal buildings such as the community pool and community halls, poor landfill management, broken streetlights, and inadequate overall town cleanliness.

6.7 Umsobomvu Local Municipality

6.7.1 Institutional Capacity

Oral testimony indicated that the Municipality does not have sufficiently qualified staff to effectively deliver sanitation services. Evidence further indicated a history of destructive management practices, during which many senior positions were left vacant. As a result, officials in the second layer of management were required to perform functions beyond their levels of responsibility. These officials did have the minimum experience and required qualifications to discharge those responsibilities.

Testimony indicated that during the 2022/23 financial year, the Municipality did not have senior managers in place. This resulted in the Supply Chain Management Committee being unable to sit, with the consequence that no procurement decisions could be taken during that financial year.

Oral evidence further indicated the existence of internal sabotage by municipal officials. This included collusion with individuals involved in vandalism or theft of municipal infrastructure, as well as direct theft from the Municipality. Testimony and written submissions indicated that disciplinary action has been taken against seven municipal officials between 2022 and 2025 and that criminal charges are in the process of being laid.

Written submissions indicated that the Municipality experienced an overall high vacancy rate during the 2024/25 financial year. However, by the end of the 2024/25 financial year, the Municipality had reduced the vacancy rate from 27% to 12,65%. The Municipality reported difficulties in attracting skilled personnel due to low remuneration packages linked to its low municipal grading. In particular, the Municipality reported persistent difficulties in appointing a Chief Financial Officer.

Significant skills gaps were reported in artisan trades and technical and mechanical positions. The Municipality indicated that it has attempted to address these challenges through ongoing recruitment and training initiatives.

6.7.2 Financial Position

Oral testimony indicated that the Municipality has received qualified audit opinions for at least three consecutive financial years. Evidence indicated that audit findings have persisted over multiple years, with some issues remaining unresolved for as long as six years. Evidence further indicated that the Municipality has a suspended

fine of approximately R10 million arising from non-compliance in an environmental matter. The Municipality reported a combined irregular, unauthorised, fruitless and wasteful expenditure balance of approximately R14.7 million, of which approximately R11.9 million is historical and remains unaddressed.

Testimony indicated that the Municipality is financially distressed and has an inadequate revenue base. Eskom supplies electricity directly to approximately 60% of residents, which limits the Municipality's ability to enforce credit control through service disconnections. Revenue collection therefore remains poor. The Municipality indicated its intention to apply to National Treasury for grant funding to support the installation of prepaid water and electricity meters. Unemployment within the municipal area was reported at approximately 44%, limiting residents' ability to pay for services.

Financial management is further constrained by the absence of a Chief Financial Officer. Evidence further indicated that the Municipality is unable to fully utilise conditional grant funding due to poor performance of contractors. The Municipality also experiences challenges with service providers, resulting in delays in project completion and the imposition of penalties.

The Municipality reported participation in National Treasury's Circular 124 initiative, which provides for the possible write-off of portions of Eskom debt subject to compliance with a payment agreement. Evidence further indicated significant water and electricity losses of approximately 40%, with some losses attributed to internal sabotage by municipal officials.

Written submissions indicated that the Municipality incurs the following recurring expenditures:

- Approximately R780 000 per annum in fees to SALGA
- Approximately R350 000 per annum to the Pixley ka Seme District Municipality
- Approximately R6.8 million per annum on financial systems and related services which included the preparation of Annual Financial Statements, maintenance of the Performance Management System, Financial System and IT Systems.
- Approximately R4 million per annum on Auditor-General fees

6.7.3 Planning and Oversight

Evidence indicated that the Municipality has a valid Integrated Development Plan in place, as well as an up-to-date Water Services Development Plan. The IDP did not provide detailed information regarding the specific content in respect of all sectoral plans but do provide an overview of their status. From the IDP it can be established that some sectoral plans are not in place and that others are due to be reviewed.

The Department of Human Settlements led an RDP housing project within the Municipality. An engineering forensic report was submitted, identifying the causes of 158 unfinished houses and outlining what would be required to complete the project. The report did not include information relating to financial accountability or responsibility for the unfinished state of the project.

Evidence indicated that water quality testing is conducted regularly by the District Municipality. Oral testimony further indicated that SANRAL has assisted with improvements to certain roads within the municipal area.

Written submissions detailed various forms of assistance provided by other institutions, including:

- District Municipality: shared services support (internal audit, legal services, planning), housing services, coordination of the DDM One Plan.

- COGHSTA: Implementation of housing projects, infrastructure and service delivery support through grants, capacity building, financial oversight, and governance interventions.
- SALGA: labour relations support, HR policy support, disciplinary processes, job evaluation, performance management, capacity building, and vetting of section 57 appointees.
- Department of Water and Sanitation: assistance with municipal planning, assessment of business plans for MIG funding, participation in project meetings, supervision and project management, and issuance of notices of intention to issue directives in 2023.

It was noted that assistance from SALGA and the District Municipality requires payment of yearly fees by the Municipality.

6.7.4 Service Delivery

Oral testimony indicated that water service provision is affected by frequent leaks resulting from aging asbestos pipelines. Water availability is dependent on electricity supply, and electricity interruptions caused by load-shedding and vandalism of electrical infrastructure have disrupted water provision.

Noupoort was identified as experiencing particular water and sanitation challenges. The Municipality reported the use of planned and predictable water shedding to ensure daily access to water across communities. Evidence indicated that a project for the drilling of additional boreholes in Noupoort has been approved and is being implemented. The Municipality does not use water tankers; instead, it has installed static water tanks that are filled daily.

Evidence indicated that sewage spillages have occurred, primarily due to vandalism at the Colesberg Wastewater Treatment Works. In 2025, a letter from the Department of Water and Sanitation confirmed that inspections have shown no improvement in the condition of the treatment works. Securing sanitation infrastructure was reported to be both challenging and costly.

Written submissions indicated that several informal settlements continue to rely on inadequate sanitation and water:

- Plakkerskamp informal settlement uses the bucket system.
- Wimpy Side informal settlement relies on two communal water taps and the bucket system.
- Oushell informal settlement relies on communal water sources.

Evidence indicated that the Municipality struggles to address illegal dumping, with limited capacity to prevent or remediate dumping sites effectively. Written submissions indicated that the Municipality has taken steps to address service delivery challenges through approved business plans, some of which are already being implemented.

6.7.5 Community Experience

No complainants appeared before the Commission, and no formal community testimony was presented in relation to this Municipality.

6.8 Richtersveld Local Municipality

6.8.1 Institutional Capacity

Oral testimony indicated that the Municipality does not experience political instability. Written submissions confirmed that senior management has remained relatively stable over the past five years.

Evidence indicated that the current Municipal Manager has been in office since February 2023, amounting to approximately two years and ten months at the time of the inquiry. The previous Municipal Manager served from July 2020 until January 2023. The Chief Financial Officer has been in office since October 2020, and the Technical Manager since October 2019.

Written submissions indicated that vacancies in qualified positions arise primarily due to limited financial resources rather than instability or governance failures. The Municipality further reported that some employees do not have a matric qualification.

Written submissions confirmed that, at the time of the inquiry, there were no disciplinary proceedings pending against any municipal official.

6.8.2 Financial Position

Evidence indicated that the Municipality's financial position is constrained, primarily due to poor revenue collection. Oral testimony indicated that debt collection is particularly challenging because a significant portion of residents receive electricity directly from Eskom. Areas directly supplied by Eskom include Eksteenfontein, Lekkersing, Kuboes, Sanddrift, and Sizamile. As a result, the Municipality is unable to use electricity disconnections as a credit-control mechanism.

Oral testimony indicated that unemployment within the Municipality is approximately 24%, which is lower than in many other municipalities in the province.

Written submissions indicated that the Municipality is grant-dependent and operates with an unfunded budget. Although debt relief was granted, the Municipality failed to comply with the conditions attached to the relief. The Municipality reported plans to introduce prepaid meters as a mechanism to improve revenue collection.

Evidence indicated that the Municipality has an irregular, unauthorised, fruitless and wasteful expenditure balance of approximately R332 million. No evidence was submitted demonstrating how this expenditure is being addressed.

Written submissions further indicated the following annual expenditures:

- Approximately R75 000 paid to SALGA.
- Approximately R813 000 paid to the Namakwa District Municipality.
- Approximately R3 728 000 paid to consultants for feasibility studies, business plans, tender compilation, and project management.
- Approximately R665 000 spent on water tankering, honey suckers, and other yellow fleet rentals.
- Approximately R142 000 paid to the Auditor-General of South Africa.
- Approximately R2 370 000 spent on financial systems.
- Approximately R200 000 spent on legal services.

6.8.3 Planning and Oversight

Richtersveld Local Municipality has a valid Integrated Development Plan in place. The IDP refers to some sectoral plans such as the Water Services Development Plan and the Integrated Waste Management Plan, however there is no further information on the dates of these plans.

Evidence indicated that Namakwa District Municipality, the Provincial Department responsible for Cooperative Governance, SALGA, and the Department of Water and Sanitation provide support to the Municipality through training programmes.

The Municipality does not have an internal environmental unit. The Namakwa District Municipality provides the services of an Environmental Health Practitioner. The District Municipality also provides actuarial services and conducts reviews of the Municipality's annual financial statements. All of these services are paid for by the Richtersveld Local Municipality.

Written submissions by the Department of Water and Sanitation confirmed that the Department is aware of the extent of water and sanitation service delivery challenges within the Municipality. The Department developed a Five-Year Plan dated June 2023, which adopts a less intrusive approach aimed at restoring adequate service delivery by 2028.

6.8.4 Service Delivery

Oral testimony indicated that water shortages are seasonal and occur particularly during the summer holiday period when population numbers increase. The Municipality relies primarily on boreholes for water supply. Water tankers are used during periods of service interruption, and evidence indicated that residents may be without water for periods of two to three days in some instances.

A feasibility study conducted in 2020 resulted in a project plan to upgrade and expand water services infrastructure. Evidence indicated that an Implementation Readiness Study and an Environmental Impact Assessment are still required, which are expected to take approximately 18 months to complete before procurement and construction can commence.

Written submissions provided further detail on water infrastructure projects, including:

- An Implementation Readiness Study for a new pipeline from the Orange River at Alexander Bay to Port Nolloth, approximately 95% complete, with an estimated project cost of R300 million and study costs of approximately R1.89 million.
- An asbestos pipe replacement project in Port Nolloth aimed at reducing losses, controlling water flow, and eliminating illegal connections, implemented in phases at a cost of approximately R14 million to date, with Phase 3 currently out to tender.
- The Kuboes Bulk Water Services Project, valued at approximately R17.2 million and currently under construction, aimed at augmenting borehole supply.
- The Alexander Bay backup generator project, constructed at a cost of approximately R9.5 million, to ensure continuity of water supply during electricity outages.

Testimony further indicated that Alexcor has historically acted as a water services provider and has underperformed in terms of its service delivery agreement. Evidence indicated that Alexcor was contractually required to supply approximately 42 megalitres per day but currently supplies approximately 20 megalitres per day. This underperformance was attributed in part to aging infrastructure. Evidence indicated limited accountability mechanisms to enforce the agreement, which dates back to 1990. Testimony further indicated that Alexcor is in the process of transferring the mining town to the Municipality.

Written submissions indicated that sanitation services are uneven across the municipal area. Port Nolloth reportedly receives sanitation services only on request, while Alexander Bay reportedly has no access to water, refuse removal, or sanitation services.

Written submissions further indicated ongoing sanitation infrastructure projects, including:

- The Port Nolloth Wastewater Treatment Works project, registered at approximately R19 million and implemented in phases, with the most recent phase costing approximately R7 million and involving new lined oxidation ponds.
- Planned additional phases required to complete the original design capacity for the next twenty years.
- Initiation-phase projects for the construction of oxidation ponds in Lekkersing, Eksteenfontein, and Kuboes.

Evidence indicated that infrastructure vandalism and theft negatively affect service delivery, including electricity supply. Oral testimony indicated that the Municipality undertakes pothole repairs and removes refuse on a regular basis.

Testimony further indicated challenges with illegal dumping, requiring the outsourcing of yellow fleet equipment to address dumping sites.

6.8.5 Community Experience

Oral testimony indicated that communities experience recurring water shortages, particularly during the holiday season. Infrastructure vandalism and theft were reported to exacerbate service delivery failures. Evidence further indicated that service delivery challenges have contributed to economic decline and reduced tourism.

Written submissions by complainants indicated frustration with the Municipality's communication practices. While the Municipality maintained that complaint registers and engagement mechanisms are in place, complainants reported that communication is ineffective, that responses are slow or absent, and that plans shared with the community do not translate into visible implementation or progress.

6.9 Nama Khoi Local Municipality

6.9.1 Institutional Capacity

Written submissions indicate that the Municipality is operating with inadequate human capital and insufficient skills. The Municipality reported generally high vacancy rates and limited staffing capacity. Although training initiatives were undertaken and budget allocations were made to fill certain posts, financial constraints have prevented the Municipality from addressing all vacancies.

The Municipality's Annual Report for the 2024/25 financial year reflects severe capacity constraints. Evidence indicates that approximately 50% of senior management positions were vacant. All middle management positions were vacant. Of 55 skilled worker positions, including technical staff, only three were filled. The Annual Report further indicates that all positions within the financial services unit were vacant.

A further issue arose in relation to oral testimony presented on behalf of the Municipality. The individual who testified was the Municipal Manager acting until 30 September 2025, while the hearing took place on 21 October

2025. As such, the individual providing testimony was no longer formally employed by, or holding office within, the Municipality at the time of testimony.

Oral evidence further indicated that the Municipality experiences significant challenges in managing its records. Evidence showed that the Municipality approached SALGA for assistance with record management solutions and the development of municipal by-laws.

6.9.2 Financial Position

Oral testimony indicated that the Municipality received an unqualified audit opinion for the previous financial year. Testimony further indicated that the Municipality generates limited own revenue, estimated at approximately R200 000 per annum. Written submissions indicate that own revenue has fluctuated between approximately R200 000 and R320 000 over the past three financial years.

The Municipality reported that it pays approximately R500 000 per annum in membership fees to SALGA; however, evidence indicated that these fees are in arrears. Corruption was identified as a challenge within the Municipality, although the Annual Report reflects that there were no active disciplinary or criminal proceedings against municipal officials at the time of reporting.

Evidence indicated that Eskom supplies electricity directly to certain areas within the Municipality, which limits the Municipality's ability to enforce credit control measures.

Written submissions indicate that the Municipality has taken steps to enhance revenue collection, including improved debtor management, customer awareness initiatives, strengthening of budgeting and planning processes, expenditure control, and the appointment of a service provider to assist with monthly revenue collection.

Records before the Commission further indicate that the Municipality struggles to recover the cost of bulk water purchases, as water is procured at a rate higher than the tariff charged to consumers.

The Auditor General's report for 2023/24 shows that the Municipality has an unauthorised, irregular, fruitless and wasteful expenditure balance of R 908 million of which R 691 million is older than three years.

6.9.3 Planning and Oversight

Evidence indicates that the Municipality has a valid Integrated Development Plan in place. Most sectoral plans are reported to be up to date, with the exception of the Public Transport Plan, which is outdated. Evidence indicates that the Municipality is among a limited number of municipalities with an adopted Public Transport Plan.

Oral testimony indicated that the Department of Water and Sanitation has referred investigations to the National Prosecuting Authority for consideration of prosecution relating to alleged violations of various statutes. The Department has also issued directives against the Municipality.

Written submissions indicate that National Treasury has provided assistance to the Municipality, including:

- Reconciliation of the valuation roll and billing reports
- Application of cost-reflective tools
- Assessment of monthly debt relief reports
- Review and assessment of financial policies
- Review of draft annual financial statements
- Assessment of budgets and assistance with the approval of debt relief

Written submissions further indicate that there are currently 18 active directives issued by the Department of Water and Sanitation against the Municipality. These directives relate to matters including the absence of water use authorisations and non-compliance with operational standards for sanitation services.

6.9.4 Service Delivery

Oral testimony indicated that areas directly supplied with electricity by Eskom present specific service delivery challenges. In addition to limiting credit control measures, the Municipality is not authorised to maintain or repair Eskom-owned infrastructure. When infrastructure failures occur, the Municipality must log complaints with Eskom's call centre in the same manner as ordinary consumers. Evidence indicated that this arrangement delays responsiveness and adversely affects the Municipality's ability to provide water services in affected areas.

Oral testimony indicated that the Municipality has a system in place to track complaints relating to service delivery failures. Evidence indicated the occurrence of small sewage spillages, primarily attributed to blocked drains rather than major infrastructure failures.

Records before the Commission indicate that the Municipality approached the Commission for assistance in resolving a dispute with now disestablished Sedibeng Water. The dispute concerns whether the Municipality is indebted to Sedibeng Water in an amount of approximately R500 million. The Commission facilitated engagements aimed at concluding a new service level agreement between the Municipality and Vaal Central which took over from Sedibeng Water.

Written submissions indicate that water services are being provided; however, access remains below average in many areas due to limited availability of materials and service vehicles. Of the Municipality's twelve villages, nine reportedly experience seasonal water shortages.

Written submissions indicate that Eskom supplies electricity directly to the following areas: Rooiwal, Vioolsdrift, Goodhouse, Steinkopf, Bulletrap, Buffelsrivier, and Komaggas.

The Municipality's Annual Report identifies the following service delivery challenges across sectors:

- Sanitation: frequent breakdowns of honey suckers, reliance on a single service vehicle, shortages of tools and personal protective equipment, and challenges in complying with occupational health and safety requirements, including vaccinations and sanitation of workers.
- Water: limited staff capacity, shortages of tools and training, and substations in poor condition.
- Electricity: limited human and financial resources, shortages of tools and training, and substations in poor condition.
- Waste Management: challenges relating to access control at landfill sites, staff capacity constraints, and aging machinery and equipment.
- Roads: limited availability of machinery to maintain road infrastructure.

6.9.5 Community Experience

No complainants appeared before the Commission, and no formal community complaints were submitted in relation to this Municipality.

6.10 Kamiesberg Local Municipality

6.10.1 Institutional Capacity

Oral testimony indicated that the Municipality is politically stable. Evidence further indicated that certain critical positions remain vacant, primarily due to difficulties in attracting suitably qualified candidates. However, the Municipality's Annual Report for 2023/24 reflects that four of the 32 positions in the finance department were vacant and that 14 of the 109 positions in the technical department were vacant.

Written submissions indicated that the Municipality experiences limited technical capacity and staffing constraints. While the Annual Report reflects that the majority of posts are filled, written submissions emphasised that budgetary constraints and salary affordability limit the Municipality's ability to attract and retain skilled personnel. The Municipality further cited its remoteness and rural location as a deterrent to professionals who prefer urban centres. Additional challenges include limited training budgets, which constrain staff development, and competition with the private sector and other municipalities for scarce technical skills.

Evidence further indicated that the Chief Financial Officer position remained vacant for approximately two years before the current incumbent assumed office in 2023.

Documentary evidence, including correspondence submitted to the Commission, shows that the Municipality instituted disciplinary action against at least three officials during the previous financial year.

6.10.2 Financial Position

Oral testimony indicated that the Municipality received a qualified audit opinion for the previous financial year. Testimony attributed the qualified opinion to inadequate asset management, qualifications relating to revenue, and the use of an outdated financial system, which was replaced during that financial year. Written submissions, however, indicated that the qualified audit opinion arose primarily from non-compliance with procurement and supply chain management practices.

Oral testimony indicated that the current Chief Financial Officer has been in office for approximately two years and inherited legacy financial challenges. The Municipality was described as financially distressed. Testimony further indicated that consultants are not utilised for financial management functions.

Evidence indicated that the Municipality has a poor revenue collection rate of approximately 43%, compounded by a local unemployment rate of approximately 30,8% and the inability to enforce credit control measures in areas directly supplied by Eskom. Written submissions further indicated that the Municipality is unable to effectively enforce credit control in three villages.

Written submissions indicated that certain employees stole money from the Municipality and were subsequently dismissed.

Evidence further indicated that the Municipality's annual operational expenditure is approximately R80 million, which significantly exceeds its potential revenue of approximately R27 million. Of this potential revenue, only approximately R9.6 million was collected in the preceding financial year.

The Auditor-General's report for the 2023/24 financial year reflects unauthorised, irregular, fruitless and wasteful expenditure of approximately R316 million. Evidence further indicated that the UIFW balance for the 2022/23 financial year was approximately R589 million, suggesting that approximately R273 million has been addressed.

6.10.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan in place. However, the IDP did not contain the required sectoral plans.

Evidence indicated that the Namakwa District Municipality plays an active supporting role. This includes assisting with the development of plans, participating in interview panels, serving on disciplinary committees, and supporting water quality testing.

Written submissions indicated that Provincial Treasury has provided assistance in relation to governance reporting, data string reporting, asset management, and supply chain management compliance. Evidence further indicated that Provincial Treasury is assisting the Municipality through a debt management forum.

Written submissions indicated that the Municipality intends to engage with National Treasury and the Department responsible for Cooperative Governance and Traditional Affairs regarding its financial challenges.

Evidence indicated that the Department of Water and Sanitation issued a directive against the Municipality on 14 February 2022 following the malfunction of the Koningaas Wastewater Treatment Works.

6.10.4 Service Delivery

Evidence indicated that water service provision is extremely costly, particularly due to the operation of a desalination plant, which requires approximately R200 000 per month for chemicals alone.

Written submissions indicated that during dry seasons the Municipality experiences limited access to biophysical water sources, resulting in water supply interruptions in certain towns. In response, some water supply schemes operate on rotational supply or limited pumping schedules to conserve water and allow boreholes to regenerate.

Testimony confirmed that water shedding is implemented for this purpose and that reservoirs have been installed to mitigate the extent of water shedding. Evidence further indicated that some villages rely on solar-powered borehole pumps, which are less effective during winter or low-light conditions. Testimony indicated that the Municipality is in the final stages of an infrastructure project intended to address this challenge.

Evidence before the Commission indicates that registered households receive two kilolitres of free basic water per month, which is below the national norm of six kilolitres. Water quality testing is supported by the Namakwa District Municipality. At the same time, the evidence reflects a critical need for ongoing maintenance of water infrastructure across the municipal area.

Sanitation services are available in most villages, although service levels vary. Some areas are serviced through waterborne sanitation, while smaller towns rely on septic tanks or pit toilets, which are subject to delays in emptying. Evidence indicated that sewerage spillages occurred in 2022 and that these incidents were addressed; however, no environmental rehabilitation was undertaken following the spillages. Only three towns have fully developed waterborne sewage networks, while other areas depend on septic or pit systems. Service delays are compounded by the Municipality's reliance on only two honey sucker vehicles, which are prone to breakdowns.

Electricity is supplied directly by Eskom to Kharkams, Tweerivier, Leliefontein, and surrounding farm areas, limiting the Municipality's ability to enforce effective credit control in those areas. Refuse removal services vary across the Municipality, with weekly collection in larger towns and fortnightly collection in smaller towns. In certain areas, including Kharkams, Tweerivier, Leliefontein, and farm areas, residents rely on communal drop-off or collection points. Evidence indicated that the Municipality operates only four refuse removal trucks, which constrains service coverage and frequency.

Road maintenance is similarly constrained by limited financial resources. While most towns have paved roads, the Municipality relies on a road grader and a single tip truck to maintain gravel roads, limiting its capacity to address maintenance needs comprehensively.

6.10.5 Community Experience

No complainants appeared before the Commission, and no formal community testimony was presented in relation to this Municipality.

6.11 Karoo Hoogland Local Municipality

6.11.1 Institutional Capacity

Oral testimony indicated that the Municipality operates under significant political instability. Evidence showed that the Municipality has had seven mayors since the 2021 local government elections. Testimony further indicated that the Municipality experiences a shortage of skills, with some positions filled by officials who do not meet the required qualifications. Due to high vacancy rates, many officials reportedly perform the work of multiple positions in order to keep the Municipality operational.

The Evaluation of Job Descriptions Report prepared by SALGA indicated that the Municipality's organisational structure and job descriptions comply with legislative requirements and are substantially aligned with SALGA's best practice standards.

However, the Budget and Treasury Office Report raised concerns regarding irregularities in the appointment of the Municipal Manager. The report further contained allegations relating to improper decision-making by the Municipal Manager, including the awarding of performance bonuses and procurement-related decisions.

The Municipality's Annual Report reflects that disciplinary proceedings were instituted against three officials. The Annual Report further indicates that twenty-two of the ninety-eight approved positions are vacant, with approximately 33% of posts in the technical department remaining unfilled. At the same time, evidence indicates that all senior management positions are currently filled.

6.11.2 Financial Position

Oral testimony indicated that the Municipality experiences significant challenges in enforcing credit control and collecting revenue. In addition to not being able to enforce credit control in areas where Eskom directly supplies electricity, evidence indicated that many consumer billing records and account details are outdated or inaccurate, contributing to a poor revenue collection rate.

The Municipality received a qualified audit opinion. Testimony indicated that the qualification arose primarily from the incorrect classification of properties, which has since been rectified.

Written submissions indicated that the Municipality has an extremely high unauthorised, irregular, fruitless and wasteful expenditure balance of approximately R3.253 billion while the Auditor General's report shows it is R 226 million. There is no evidence that this is being addressed by the Municipality

Correspondence submitted by the Acting Director of Financial Services indicated that the Municipality pays approximately R475 000 per annum in membership fees to SALGA.

6.11.3 Planning and Oversight

Evidence indicated that the Municipality has a valid Integrated Development Plan in place. While the IDP refers to the existence of sectoral plans, no information was provided indicating whether these plans are current or require review.

Oral testimony indicated that the Municipality has requested assistance from SALGA and the District Municipality to support staff training, identify suitable candidates to fill vacant positions, and assist with the development of planning instruments. SALGA has provided training and other support services; however, these services are provided on a cost-recovery basis and are paid for by the Municipality.

Oral testimony further reflected frustration on the part of the Municipality regarding national and provincial monitoring and oversight programmes, including the Green Drop, Blue Drop, and Auditor-General audit processes, particularly where changes to these systems are implemented without sufficient engagement with municipalities.

A letter from the Director of Technical Services indicated that the Namakwa District Municipality provides technical support to the Municipality, including project management assistance, development and evaluation of tender specifications, support with Blue Drop and Green Drop audits and action plans, assistance with rollover applications for grant funding, and support relating to building plan approvals and control.

Evidence from the Internal Auditor indicated that the District Municipality assisted in the development of a Combined Assurance Framework and Implementation Plan. The Municipality also utilises the District Municipality's Audit Committee to perform internal audit and oversight functions on a cost-recovery basis.

6.11.4 Service Delivery

Evidence indicated that Eskom supplies electricity directly to Fraser Town.

Oral testimony indicated that all residents have access to clean water within at least 100 metres of their stands. The Municipality further reported that regular refuse removal services are provided.

Green Drop and Blue Drop scores for the Municipality are low. Evidence indicated that this is primarily attributable to a shortage of critical technical skills, including a lack of sufficiently qualified process controllers.

Oral testimony further indicated that sewage spillages occurred in Sutherland following a significant influx of people, which exceeded the capacity of existing drainage infrastructure and resulted in drain overflows. Evidence indicated that approximately 400 pit toilets remain in use within the municipal area.

Evidence further indicated that a number of agricultural operations in Sutherland do not pay property rates or service charges to the Municipality.

6.11.5 Community Experience

On 7 April 2025, AfriForum submitted a written complaint to the Municipal Manager regarding the condition and management of the municipal landfill site. The complaint raised concerns about inadequate maintenance of the landfill, shortages of refuse removal trucks and earthmoving equipment, periods during which the landfill is not

operational, and the resulting increase in illegal dumping in public spaces. Concerns were further raised regarding the disposal of unsuitable waste, including animal carcasses and tyres, and the potential for groundwater contamination affecting boreholes.

A sworn affidavit submitted to the Commission described widespread service delivery failures affecting residents' dignity, safety, and daily living. Sanitation was identified as a central concern, with residents reporting that flush toilets are not connected to homes, requiring use of outdoor facilities at night and raising safety and privacy concerns. In some cases, former pit toilet structures have been repurposed as informal housing.

Residents further described ongoing water shortages, seasonal restrictions, and prolonged service interruptions, despite official assurances that no water problems exist. These conditions reportedly result in damaged household infrastructure, poor water quality, and uncertainty regarding the effectiveness of water restrictions. Housing shortages, incomplete projects, abandoned and looted municipal buildings, and overcrowding were also described.

Additional concerns included ineffective debt collection, deteriorating infrastructure, unsafe dumping sites, inconsistent refuse removal, inadequate vehicles and equipment, and poor road conditions. Across these issues, residents described poor communication, limited accountability, and a disconnect between municipal assurances and lived reality. Full details and supporting evidence are contained in the affidavit submitted to the Commission.

6.12 Hantam Local Municipality

6.12.1 Institutional Capacity

Evidence before the Commission presents differing accounts regarding institutional stability and staff turnover.

Testimony indicated that the Municipality experienced significant instability in senior management, including the appointment of approximately three municipal managers within a single year, as well as high turnover among senior officials such as the Chief Financial Officer. At the same time, testimony maintained that the municipal council itself remains politically stable.

The Commission further notes that the municipal manager who testified has served as municipal manager in multiple local municipalities over a relatively short period, raising concerns about continuity and institutional memory within the administration.

However, documentary evidence presents a more nuanced picture. The Annual Report reflects only five vacant positions out of a total of 128 posts, with relatively low numbers of new appointments recorded over the past two financial years. This appears inconsistent with testimony describing high staff turnover. Conversely, the Auditor-General's report for 2023/24 reflects a senior management vacancy rate of 42%, noting that the municipal manager position was vacant for two years and the CFO position for nine months.

Later written submissions further indicate that out of 156 approved posts, 22 were vacant at the time of submission. These submissions also state that all senior management positions were filled, that the Municipality has sufficient qualified staff for water and electrical services, and that 7 out of 35 technical and skilled posts remained vacant.

Disciplinary action against one employee was confirmed through correspondence with the District Municipality.

6.12.2 Financial Position

Testimony indicated that the Municipality faces challenges with revenue collection due to weak credit control, high unemployment, and towns supplied directly by Eskom. A debt collection steering committee was reportedly established to address these challenges.

Testimony further attributed the Municipality's qualified audit outcome primarily to instability in senior management.

The Auditor-General's report for 2023/24 reflects a UIFW balance of approximately R50 million and records expenditure of R1.18 million on consultants for the preparation of financial statements. However, UIFW is reflected in written submissions at approximately R19 million.

Written submissions provide additional context, indicating that municipal revenue declined by approximately 26% compared to prior years, largely due to reduced capital grant funding. The submissions further state that the Municipality achieved an average collection rate of approximately 75% on current-year billing, below the budgeted target of 85%.

6.12.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan in place. However, the IDP itself confirms that no current Water Services Development Plan exists, and that most other sector plans are outdated, with some dating back to 2018. No evidence was presented of certain mandatory sector plans, including housing plans required by national legislation.

Evidence shows that SALGA was requested to assist with evaluating the Municipality's organisational structure and job descriptions. The District Municipality provided limited support, including participation in disciplinary proceedings. Provincial Treasury and COGHSTA provided assistance focused on debt collection mechanisms, tariff modelling, and policy reviews.

6.12.4 Service Delivery

The municipal manager testified that no human rights violations attributable to service delivery failures are occurring. Testimony acknowledged ageing road infrastructure, housing backlogs, vandalism, and illegal dumping, with landfill management complicated by security risks.

Testimony further disputed the Department of Water and Sanitation's assessment that a portion of residents lack reliable access to water and acknowledged continued reliance on pit latrines by some households, with steps allegedly underway to address this.

Written submissions indicate that all communities within the Municipality are supplied with potable water, primarily through boreholes, and that water quality is monitored through regular internal testing and annual external assessments. The submissions state that no final directives have been issued by DWS, although notices of intention were previously received and responded to.

Sanitation evidence indicates that the bucket system persists in one town, affecting a limited number of households, with eradication planned by the provincial department. Conservancy tanks remain in use, supplemented by vacuum tanker services.

Road maintenance challenges are attributed to funding shifts prioritising water and sanitation infrastructure, limited fleet capacity, and the Municipality's extensive geographic area. Landfill site management is constrained by vandalism, lack of security, and insufficient equipment.

6.12.5 Community Experience

No complainant testimony or affidavits were submitted in respect of this Municipality.

6.13 Ubuntu Local Municipality

6.13.1 Institutional Capacity

Correspondence between the Municipality and provincial stakeholders indicates that institutional instability has been a persistent challenge. Letters between the Municipality, COGHSTA, and Provincial Treasury confirm that at least two officials were seconded out of the Municipality since 2022, while written submissions further indicate that five officials were received on secondment since 2020. Oral testimony confirmed that the Municipality has had seven municipal managers over the past ten years, reflecting prolonged leadership instability.

The incomplete Annual Report for the 2023/24 financial year indicates severe staffing constraints at senior level. Of the 17 senior management and supervisory posts, 14 were vacant at the time of reporting. The Finance Department appears to be the most adversely affected. Written submissions further indicate that the Municipality struggles to attract and retain appropriately skilled personnel due to the remoteness of the area and uncompetitive salary packages. As a result, the Municipality relies heavily on national and provincial departments for training and skills development.

Written submissions also confirm that disciplinary action has been instituted against two municipal officials for damage to council property and the consumption of alcohol, indicating some degree of consequence management.

6.13.2 Financial Position

According to oral testimony, the Municipality's revenue collection rate is approximately 68%. Written submissions indicate that Eskom supplies electricity directly to three towns within the municipal area, which complicates the Municipality's ability to enforce effective credit control measures. However, testimony showed that the Municipality remains financially constrained due to its limited revenue base, serving approximately 18 000 consumers.

Testimony further indicated that the Municipality received an unqualified audit outcome.

Written submissions detail the Municipality's average annual expenditure over the past three financial years as follows:

- Approximately R500 000 per year paid to SALGA.
- Approximately R330 000 per year paid to the Pixley ka Seme District Municipality.
- Approximately R7.9 million per year spent on consultants for financial management.
- Approximately R100 000 per year on yellow fleet rentals.
- Approximately R5 million per year paid to the Auditor-General of South Africa.

The Municipality reported a UIFW balance of approximately R119 million.

6.13.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan (IDP) in place. The IDP recognises the Municipality's obligation to maintain a Water Services Development Plan, an Integrated Waste Management Plan, an Environmental Management Plan, and a Spatial Development Framework. However, the IDP confirms that both the Water Services Development Plan and the Integrated Waste Management Plan are outdated, and it does not reference several other mandatory sector plans.

Attendance registers and correspondence confirm that SALGA has assisted the Municipality with training of municipal staff. Written submissions further indicate that COGHSTA provides technical support, including assistance with town planning, appraisal of business plans, project management, and the review of operational, management, and asset management plans. COGHSTA also supports capacity building and skills transfer initiatives. The Department of Water and Sanitation provides training programmes, while SALGA has assisted with drafting the Annual Performance Report and capacity building in areas such as billing systems, asset management, and audit committee functions. COGHSTA further offered training to councillors under the Municipal Finance Management Programme.

Records reflect that a complaint relating to waste management, water, and sanitation was lodged with the SAHRC against the Municipality in 2021.

6.13.4 Service Delivery

Oral testimony confirmed that a sewerage spill occurred in Richmond, resulting in pollution of the Onkers River. Evidence indicates that this incident was subsequently addressed through funding assistance from the Department of Water and Sanitation.

Testimony further indicated that vandalism of pumps poses a significant challenge to the provision of water services. SAHRC records confirm that the Municipality is totally dependent on groundwater sourced from boreholes for potable water supply.

A performance highlight for the 2023/2024 financial year was the completion of Phase 2 of the Victoria West Augmentation of Groundwater Sources Project. This project included the equipping of four boreholes with submersible pumps, solar panels, electrical controls, and anti-vandal fencing.

Despite this progress, ongoing challenges remain. Community concerns include infrastructure backlogs and the need for sufficient and clean water. National reports cited in submissions reflect a broader decline in drinking water quality systems, presenting a risk of non-compliance with applicable standards. Financial sustainability remains a concern, particularly given a poor payment culture, with water services accounting for the highest levels of outstanding debt.

Sanitation services are delivered through a combination of full waterborne sewerage systems, flushing toilets connected to septic tanks, and bucket systems. The continued use of buckets remains a significant challenge, with the Municipality indicating that eradication is planned through funding from the Department of Water and Sanitation. The poor condition of municipal oxidation ponds, particularly in Victoria West, was highlighted as a critical concern affecting wastewater treatment performance.

Road infrastructure maintenance remains an ongoing challenge. Urban paved roads generally require maintenance, while gravel roads leading to farms are in poor condition. Responsibility for maintenance of these farm roads lies with the Provincial Department of Transport, Roads and Public Works. Planning was reportedly

underway to upgrade unpaved streets in Victoria West, Richmond, and Loxton, including pavement construction, drainage improvements, and road markings.

Solid waste management is identified as a municipal function. However, the most recent public reports for the 2023/2024 period do not provide comprehensive details regarding performance or challenges within the environmental services sector.

6.13.5 Community Experience

No community member testified before the Commission in relation to this Municipality.

6.14 Magareng Local Municipality

6.14.1 Institutional Capacity

Complaints received by the Commission indicate that municipal offices do not consistently open on time and that municipal officials have, at times, treated residents disrespectfully.

Oral testimony showed that the municipal manager has been in office only since September 2025, indicating recent leadership changes. Evidence further reflects significant instability in senior management. The Auditor-General's report for the 2023/24 financial year shows an overall vacancy rate of 41%. The finance unit had a vacancy rate of 32%, while senior management vacancies stood at 50%. In addition, the position of municipal manager was vacant for approximately two years, and the Chief Financial Officer position was vacant for eighteen months.

These prolonged vacancies in key leadership and financial positions coincide with periods of administrative instability and limited institutional capacity.

6.14.2 Financial Position

The Auditor-General's report for 2023/24 reflects a qualified audit opinion and identifies two material irregularities. The report further records unauthorised, irregular, fruitless and wasteful expenditure amounting to R461 million. The municipality takes, on average, approximately 1 400 days to pay creditors, indicating severe cash flow and financial management challenges.

Written submissions attribute the qualified audit opinion primarily to incomplete and inaccurate financial reporting, non-compliance with Generally Recognised Accounting Practice (GRAP), and deficiencies in internal financial controls. Oral testimony confirmed that the municipality relies extensively on consultants for financial management and reporting.

The municipality's average annual expenditure includes approximately R4 million on security services, R550 000 on ERP and payroll systems, and R3.1 million on financial reporting consultants.

6.14.3 Planning and Oversight

The municipality has a valid Integrated Development Plan (IDP) in place. However, the IDP indicates that many sector plans are outdated, with some dating back as far as 2010. While the IDP provides an overview of sectoral planning, it reflects gaps in updating and alignment with current service delivery needs.

No evidence was provided through written submissions or oral testimony of structured support, monitoring, or intervention by national or provincial departments during the period under review.

Records indicate that a number of active cases concerning service delivery failures are currently before the SAHRC.

6.14.4 Service Delivery

The SAHRC received copies of correspondence from the municipal manager acknowledging that the municipality experienced extreme water shortages in 2023, effectively reaching a “Day Zero” situation where no biophysical water supply was available. A major pipe burst occurred during this period, further exacerbating the crisis. Emergency measures implemented included water tankering and urgent repairs. For a longer-term solution, a new bulk pipeline was constructed, which written submissions indicate has since been completed.

Despite these interventions, a SAHRC investigation concluded that, as of approximately August 2023, some residents still did not have adequate access to water. Evidence from the IDP and subsequent submissions suggests that challenges with water availability persist.

The IDP and written submissions indicate that sanitation infrastructure does not have sufficient capacity to cope with demand. Increased load has resulted in operational challenges, including sludge build-up and inadequate flow within the system. Much of the sanitation infrastructure is described as old and dilapidated, and drainage systems are not adequately maintained.

Written submissions further confirm that wastewater treatment works lack sufficient treatment capacity, contributing to ongoing sanitation risks.

According to the IDP, there are electricity service backlogs within the municipality. Certain areas are supplied directly by Eskom, which limits the municipality’s control over service delivery and maintenance in those areas.

The IDP records that the Warrenton land disposal site is in a poor condition. Refuse removal is further constrained by an ageing fleet that experiences frequent breakdowns, undermining the consistency and reliability of waste collection services.

Written submissions show that the municipality is in various stages of implementing projects aimed at upgrading, expanding, and repairing water and sanitation infrastructure. Of ten identified projects, three have been completed. Funding is still being sought for at least two projects, indicating ongoing financial and implementation constraints.

6.14.5 Community Experience

Records of the SAHRC indicate that communication between the municipality and the community is poor. Complaints regarding service delivery failures escalated into community protests during 2023, reflecting heightened frustration and a breakdown in trust between residents and the municipality.

6.15 Renosterberg Local Municipality

6.15.1 Institutional Capacity

According to oral testimony, the Municipality does not experience political instability. The Municipal Manager has been in office since August 2025. However, complaints received by the Commission (SAHRC) in November 2023 alleged that key senior positions, including the Municipal Manager, Chief Financial Officer (CFO), and Technical Director, were vacant at that time.

Written submissions confirm significant institutional instability and skills shortages. They indicate that the CFO and several other senior management positions, including the Manager for Technical Services, remain vacant. Since the implementation of the provincial intervention in terms of section 139(1) of the Constitution, COGHSTA and Provincial Treasury have been seconding officials into some of these positions. Despite this support, the Municipality continues to experience a critical lack of skills.

The Municipality does not have its own performance management system and relies on the District Municipality, resulting in non-compliance with performance management prescripts. A delegations framework was only adopted in June 2025. Additional structural weaknesses were identified, including an organisational structure that is not aligned to the Integrated Development Plan (IDP).

Written submissions further indicate that critical governance structures, including oversight committees, are not functional to the extent required to implement consequence management. This includes the absence of a functional disciplinary board. The Municipality also does not have a functional website, with limited information only accessible through the Pixley ka Seme District Municipality's platform.

The Auditor-General of South Africa (AGSA) report reflects an overall vacancy rate of 8% for the 2023/24 financial year. However, it indicates that senior management positions were 100% vacant and that the finance unit had a vacancy rate of 12.5%. The Municipal Manager's office and the CFO position were vacant for approximately three years.

6.15.2 Financial Position

Oral testimony indicated that the Municipality received a qualified audit opinion, with 19 findings relating to the annual financial statements, 12 findings for non-compliance with legislation, and additional findings arising from the absence of performance reporting. The Municipality's unauthorised, irregular, fruitless and wasteful expenditure (UIFW) balance stands at approximately R77 million. The AGSA report further indicates that five material irregularities have been issued against the Municipality since 2019. On average, the Municipality takes approximately 874 days to pay its creditors.

There is substantial evidence of prolonged instability in the CFO position since 2021. Official statistics indicate that approximately 31.6% of households receive free basic services, which is relatively high compared to other municipalities in the province. Written submissions attribute the Municipality's weak revenue base to high levels of unemployment and indicate that revenue enhancement strategies, including prepaid metering, are being considered.

In May 2022, the High Court granted an interdict in favour of the Municipality, preventing Eskom from attaching municipal bank accounts or funds to recover debt. Complaints received by the SAHRC in 2023 alleged that the Municipality was in arrears on statutory payments, including UIF, medical aid, and pension fund contributions. Written submissions received in November 2025 confirm that these payments were still not fully up to date,

although payment arrangements were reportedly in place. Oral testimony further confirmed that pension fund payments were not made on time and that litigation has been instituted against the Municipality.

6.15.3 Planning and Oversight

Oral testimony confirmed that the Municipality does not have a credible IDP. Written submissions acknowledge that proper operation and maintenance plans are lacking. Only a draft IDP for the period 2022–2027 could be located, and this draft does not refer to mandatory sector plans.

The Municipality was subject to a provincial intervention in terms of section 139(1) of the Constitution in 2020. As part of this intervention, a Financial Recovery Plan was in place, and the administration reported regularly to Council, Provincial Treasury, and National Treasury. The Municipality reported some improvement in credit control and revenue enhancement under the intervention.

Written submissions indicate that approximately 78% of consumers are supplied directly by Eskom, limiting the Municipality's ability to enforce credit control. The Municipality has performed poorly in Green Drop and Blue Drop assessments, and no actionable plans were provided to address identified shortcomings. The SAHRC has several active cases against the Municipality relating to service delivery failures.

6.15.4 Service Delivery

Evidence indicates persistent challenges in water service delivery. Written submissions confirm the implementation of a water project in Phillipstown aimed at improving supply. However, complaints received by the SAHRC in 2023 and again in 2025 indicate that residents in Williamstown informal settlements continue to experience inadequate access to potable water. Limited financial capacity is cited as a key factor slowing progress.

Testimony confirmed the occurrence of sewage spillages due to leaking pipes and noted that a small percentage of residents still rely on the bucket sanitation system. Written submissions refer to a project aimed at eradicating septic tank sanitation systems, although progress has been limited. Poor infrastructure condition and non-compliance with standards remain challenges.

Testimony indicated that refuse removal is generally provided, subject to vehicle availability and breakdowns. SAHRC records from 2020 and subsequent complaints highlight ongoing challenges with waste management and refuse collection.

Written submissions indicate that the Municipality has attempted to strengthen housing capacity by training three officials on housing-related matters. Submissions also refer to the completion of a housing project consisting of approximately 100 houses, although limited detail was provided. Complaints received by the SAHRC in 2023 and 2025 highlight ongoing housing shortages, particularly in informal settlements.

Written submissions identify ageing infrastructure, lack of planning, and non-compliance with standards as systemic challenges affecting service delivery across sectors.

6.15.5 Community Experience

SAHRC records reflect repeated complaints from community members regarding poor service delivery, particularly in relation to water, sanitation, housing, and roads. Complaints escalated to protests in 2023. Evidence further

indicates that communication between the Municipality and the community is poor, contributing to frustration and distrust.

6.16 Kgatelopele Local Municipality

6.16.1 Institutional Capacity

Oral testimony indicated that the Municipal Manager has been in office since 2022 on secondment. The CFO had been in office for approximately fourteen months at the time of the AGSA report for the 2023/24 financial year. Testimony further indicated that it takes the Municipality approximately three years to fill vacant posts.

The AGSA report reflects a high overall vacancy rate of approximately 42% for the 2023/24 financial year. Senior management positions are reported to be 67% vacant, while the finance department has a vacancy rate of approximately 12%. Written submissions confirm that several key technical positions remain vacant, including those of process controller, electrician, and supervisory staff.

Written submissions further indicate that the Municipality incurs costs of approximately R25 000 per post to advertise vacancies and an additional R15 000 per candidate for competency assessments, which contributes to delays in filling posts. Documentary evidence confirms that the internal audit unit is functional and fulfils its mandate in accordance with legislative requirements.

6.16.2 Financial Position

The AGSA report for the 2023/24 financial year reflects a qualified audit opinion, primarily due to material misstatements in the annual financial statements across seventeen reporting areas. The unauthorised, irregular, fruitless and wasteful expenditure (UIFW) balance for the same period amounts to approximately R850 million. The Municipality takes an average of 283 days to pay its creditors.

Testimony and written submissions indicate significant reliance on external service providers. Average annual expenditure over the past three financial years includes:

- Approximately R550 000 paid to SALGA.
- Approximately R1.4 million spent on consultancy fees for technical infrastructure advice.
- Approximately R2.55 million spent on consultancy fees for the preparation of annual financial statements.
- Approximately R4.8 million spent on consultancy fees related to the financial system.
- Approximately R4.7 million paid to the Auditor-General of South Africa.
- Approximately R440 000 spent on legal fees.
- Approximately R290 000 spent on water tankering.

Testimony further indicated that the Municipality spends approximately R335 000 per month on security services, amounting to approximately R4 million per annum. Written submissions indicate that the Municipality has taken steps to strengthen consequence management, improve MPAC tracking, enhance internal audit and risk compliance functions, and maintain a functional audit committee.

6.16.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan (IDP) in place. While the IDP refers to all mandatory sector plans, it does not provide details regarding whether these plans are current or up to date.

Written submissions indicate that the Municipality has adopted an audit improvement plan, which is implemented under the oversight of National Treasury. Furthermore, SALGA has offered various training programmes to improve skills development.

6.16.4 Service Delivery

Oral testimony confirmed that the Municipality has committed human rights violations as a result of poor service delivery. Testimony attributed these failures primarily to limited human resource capacity and financial constraints. Despite these challenges, testimony indicated that refuse collection is provided on a weekly basis.

Written submissions indicate that water supply is primarily dependent on groundwater abstraction supported by reservoir storage. Evidence shows that water quality compliance is high, with approximately 99.9% compliance confirmed through testing conducted by Pathcare. However, Blue Drop assessments indicate varying levels of risk, with low risk reported for Danielskuil, but critical risk identified for Lime Acres and Owendale. The Blue Drop audit further reflects a significant regression in the Municipality's performance.

Testimony stated that water quality is satisfactory and that no water tankering is currently taking place. However, records indicate that water tankering occurred during the past three financial years. Testimony further confirmed that not all towns within the Municipality are currently supplied with water services.

The Water Interruption Report for 2021/22 indicates that parts of the water services infrastructure are in poor condition. Common challenges include vandalism, electrical interruptions, burst pipes, tampering with meters and infrastructure, and illegal connections. Evidence indicates that the Municipality has initiated steps to address these challenges, including planned infrastructure investment of approximately R111 million.

Sanitation services comprise a combination of waterborne sewerage systems and septic tanks. Written submissions and testimony indicate that infrastructure capacity and challenges remain, contributing to service delivery constraints in certain areas.

Electricity supply is provided through a combination of municipal supply and direct Eskom supply, depending on the area. Electrical interruptions were identified as one of the factors affecting water service delivery.

Written submissions indicate that refuse removal services are provided on a weekly basis and that landfill site management forms part of the Municipality's service delivery mandate.

The Municipality is responsible for roads, stormwater management, and community services including parks, cemeteries, traffic services, and libraries. Written submissions indicate that upgrades and maintenance are ongoing, although financial and human resource constraints affect implementation.

6.16.5 Community Experience

No separate complainant testimony was presented under this inquiry. However, records reflect service delivery concerns relating primarily to water provision, sanitation, and infrastructure reliability.

6.17 Tsantsabane Local Municipality

6.17.1 Institutional Capacity

Oral testimony confirmed that the Municipality has a high vacancy rate and that Council has taken a decision to fill only critical positions due to financial constraints. According to the AGSA report, the Municipality has an overall vacancy rate of approximately 29%, with senior management positions 33% vacant and the finance department 38% vacant. The Annual Report for 2023/24 reflects 93 vacancies out of 283 posts, including 32 vacancies out of 121 technical posts.

Although testimony indicated that the CFO had been in office for almost five years at the time of the AGSA report, the Annual Report reflects that the CFO position was vacant during the 2022/23 financial year. However, at the time of the AGSA report the newly appointed CFO had been in office for eight months. The AGSA report further indicated that the Municipality did not have a functional audit committee for that period, but at the time testimonies were delivered the Municipality had a functional Audit and Performance Review Committee

Testimony and written submissions indicate that staff shortages affect both management and operational capacity, with reliance on the Expanded Public Works Programme to fill lower-level staffing gaps. High vacancy rates in unfunded posts and the lack of appointment of senior managers were identified as contributing factors to institutional weakness.

6.17.2 Financial Position

The AGSA report for the relevant financial year reflects a disclaimer audit opinion, with twenty material misstatements in the annual financial statements and ten findings of legislative non-compliance. The unauthorised, irregular, fruitless and wasteful expenditure (UIFW) balance stands at approximately R1.995 billion. The AGSA further reported insufficient internal financial management controls.

Testimony indicated that the Municipality has an outstanding water board debt of approximately R98 million. While a payment plan is reportedly in place, there is a dispute regarding the exact amount owed. Evidence further indicates persistent challenges with low revenue collection.

The AGSA report shows that the Municipality spent approximately R976 000 per year on consultants for financial reporting. Written submissions identify multiple structural causes for the Municipality's financial challenges, including:

- High water and electricity distribution losses due to ageing infrastructure, faulty meters, meter bypassing, and illegal connections;
- Adoption of unfunded budgets over several financial years;
- Negative working capital, with trade payables exceeding net debtors;
- High vacancy rates in essential posts;
- Dependence on external consultants due to capacity constraints and loss of skilled personnel;
- High overtime expenditure;
- Declining collection rates and increasing interest on outstanding debtors; and
- Tariffs that are not cost-reflective, resulting in recurring operational deficits.

6.17.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan (IDP) in place. While the IDP makes reference to some mandatory sector plans, it does so without sufficient detail to assess whether these plans are current, complete, or effectively implemented.

Testimony confirmed that the Department of Water and Sanitation (DWS) has issued directives against the Municipality, and that a corrective action plan was developed in response. No further evidence was presented regarding the implementation or effectiveness of this plan.

6.17.4 Service Delivery

Testimony indicated that the Municipality has limited infrastructure capacity and experiences high levels of vandalism affecting service delivery. The Municipality has requested assistance from the South African Police Service, and active cases relating to vandalism are reportedly under investigation.

According to the Annual Report for 2023, fewer people have access to piped water than in 2022 and no households receive free basic water. Access to sanitation services also declined with about 10%.

Written submissions indicate that the Municipality relies on water tankering from time to time in four towns. Persistent challenges in water service delivery include:

- High water distribution losses due to ageing infrastructure;
- Rapid population influx increasing demand;
- Shortages of materials and vehicles required to repair leaks;
- Vandalism and theft of water infrastructure; and
- Insufficient budget to meet water supply needs.

Mitigation measures implemented by the Municipality include bulk metering, leakage detection systems, improved turnaround times for leak repairs, and the installation or replacement of telemetry systems on reservoirs to better monitor and manage supply.

Testimony confirmed frequent and ongoing sewerage spillages. Causes identified include blockages resulting from the disposal of foreign objects into sewer systems, limited infrastructure capacity, and ageing assets.

Challenges in electricity provision include ageing infrastructure, continuous power failures, insufficient tools and materials for maintenance, skills gaps (particularly in high-voltage work), inadequate operations and maintenance budgets, vandalism of electrical assets, and limited equipment, including reliance on a single cherry picker truck.

Measures taken include infrastructure replacement and refurbishment, deployment of security personnel in hotspot areas, loss mitigation strategies, replacement of faulty or tampered meters with smart-ready prepaid meters, and customer education programmes.

Service delivery challenges relating to roads and stormwater include shortages of tools, materials, and personnel, illegal dumping in stormwater channels, pipe bursts within road reserves, and wastewater deposits on road surfaces.

The Municipality specifically requested the SAHRC to assist in facilitating engagement between the municipal council, affected communities, and investors regarding the service delivery pressures associated with mining and renewable energy developments in the area, particularly where these pressures extend beyond what is currently addressed through Social and Labour Plan expenditure. The Municipality also requested support in assessing the impact of mining activities on underground water resources in Tsantsabane and in facilitating stakeholder

engagement to protect community water security. In addition, the Municipality raised concerns about the unintended impact of the current allocation of powers and functions relating to water, minerals, and renewable resources, which it considers as limiting the ability of local government to pursue sustainable development objectives effectively.

6.17.5 Community Experience

No direct complainant testimony was presented as part of this inquiry. However, the evidence reflects ongoing service delivery challenges that affect residents' access to water, sanitation, electricity, and safe infrastructure.

6.18 Kai !Garib Local Municipality

6.18.1 Institutional Capacity

Testimony indicated that the Municipal Manager took office in 2023. Evidence further showed that the municipality struggles to attract and retain qualified financial personnel.

The Auditor-General's Report for 2023/24 reflects an overall vacancy rate of 24%. While all senior management positions were reportedly filled at the time of reporting, 17% of posts in the finance unit were vacant. Written submissions further indicated that the municipality urgently requires technical skills—particularly to manage and maintain water and sanitation infrastructure.

Despite senior management posts being formally filled, the evidence points to persistent capacity gaps in both financial and technical functions, which directly affect service delivery outcomes.

6.18.2 Financial Position

Testimony confirmed that the municipality received a qualified audit opinion. Four material irregularities have been issued against the municipality since 2019. The Auditor-General's Report for 2023/24 reflects an UIFW balance of R787 million. On average, the municipality takes approximately 744 days to pay its creditors. The Auditor-General further identified weak internal financial controls and noted that approximately 10% of awarded grants were underspent.

Evidence was presented of fraud incidents involving a vendor in Kakamas, for which disciplinary action was taken, and matters were referred to the Hawks. Additional fraud cases relating to electricity prepaid tokens are under active investigation. Testimony indicated that prosecution of financial crimes is hampered by unwillingness of witnesses to testify.

The municipality experiences challenges with revenue collection and is unable to collect revenue from all towns under its jurisdiction. The financial strain is compounded by significant operational expenditure, including reliance on outsourced services. Evidence showed that the municipality spends between R700 000 and R900 000 per month on water tankering and approximately R400 000 per month on sewerage removal.

Further evidence showed that the municipality is indebted to multiple institutions to a total of R 1 billion in debt. These include contributions to the pension fund and outstanding fees to the Auditor-General. A payment arrangement in place for debt of approximately R42 million for the outstanding AGSA fees. The municipality also owes SALGA approximately R12 million.

Average annual expenditure includes approximately R6 million on Auditor-General fees, R6 million on consultancy for enterprise management systems, R2.5 million on IT consultancy, R10.8 million on water tankering, and R4.8 million on sewerage removal.

6.18.3 Planning and Oversight

The municipality has a valid Integrated Development Plan (IDP) in place. While the IDP refers to all required sector plans, evidence shows that several are outdated. For example, the Housing Plan dates to 2015.

An inquiry into the municipality was conducted by the SAHRC in 2024. Testimony confirmed that the Department of Water and Sanitation (DWS) has issued directives against the municipality. A written report by DWS dated November 2023 indicates that the Department is aware of the municipality's water and sanitation challenges and has developed a Water and Sanitation Reliability Plan and a Water Services Development Plan for the municipality.

Testimony further indicated that National Treasury and Provincial Treasury are assisting the municipality in developing a plan to address approximately R1 billion in debt.

6.18.4 Service Delivery

The municipality acknowledged under testimony that human rights violations are occurring as a result of poor service delivery.

The municipality relies extensively on water tankering to meet basic water needs. Written submissions showed that water service delivery is constrained by ageing infrastructure, high tankering costs, and limited funding for emergencies. While regular water quality testing is conducted, occasional turbidity is reported. Bulk water supply has been a longstanding problem across towns and villages.

Evidence showed that:

- The Kakamas water system, last upgraded in 1987, has a capacity of 3 000 m³/day against a demand of approximately 5 500 m³/day.
- Keimoes has a system capacity of 4 750 m³/day, while demand has grown to approximately 8 000 m³/day.
- Kenhardt's water transfer scheme from the Orange River has sufficient design capacity but suffers frequent interruptions due to loadshedding.
- Smaller villages rely on irrigation canals and may experience water outages of up to 14 days during winter closures.

In terms of human resources, although the municipality testified that it has 480 permanent employees, the municipality does not employ a single qualified Process Controller, nor does it have middle-management supervisory capacity for operations and maintenance. Mechanical and electrical infrastructure is reported to be in extremely poor condition. The procurement of essential consumables such as chemicals and chlorine is inconsistent, resulting in periods where residents are supplied with inadequately treated water.

Sanitation services are similarly constrained. Written submissions indicated that sanitation infrastructure is grossly undersized:

- Kakamas oxidation ponds were designed for 430 m³/day but receive over 4 000 m³/day.
- Keimoes oxidation ponds have a capacity of 628 m³/day against a required capacity of 3 000 m³/day.
- In Kenhardt, a dysfunctional pump station results in untreated wastewater being discharged into the Hartbees River.

- None of the smaller villages have wastewater treatment facilities, and sewage is transported long distances by tanker at a cost exceeding R12 million per year.

Refuse removal is conducted weekly in urban areas but is limited in rural areas. Illegal dumping remains a challenge. Evidence further showed that the Kakamas landfill site is in a poor condition.

6.18.5 Community Experience

Testimony and written complaints consistently described unreliable water supply, frequent sewerage spillages, and poor waste management. A written complaint submitted by AfriForum in December 2024 reported irregular refuse collection, poorly maintained landfill sites, and inequitable water provision.

Residents reported prolonged water shortages, in some cases exceeding three weeks, with limited response from the municipality. Complaints lodged with the municipality reportedly did not result in meaningful intervention.

Evidence further indicated that residents and local farmers have provided emergency water assistance, sometimes delivering substantial volumes at personal cost. Complainants expressed frustration that these efforts were not adequately acknowledged by the municipality and that interventions were perceived as too little and too late.

The Commission noted during the provincial inquiry that the municipality is severely financially distressed, directly impacting its ability to provide potable water. Despite this, evidence showed continued reliance on costly third-party water tankering services.

6.19 Dawid Kruiper Local Municipality

6.19.1 Institutional Capacity

Documentary evidence shows that the municipality operates with an overall vacancy rate of 35.7%, with testimony confirming that several critical positions remain vacant. The municipality struggles to attract suitably qualified personnel due to its rural location and uncompetitive remuneration packages.

The Auditor-General's Report further indicates that the finance department has a vacancy rate of 39%, which materially affects the municipality's financial administration and oversight capacity. While the municipality remains operational, these staffing constraints limit its ability to respond effectively to governance, financial, and service delivery challenges.

6.19.2 Financial Position

Testimony confirmed that the municipality received a qualified audit outcome. The Auditor-General's Report for 2024 reflects a UIFW balance of R29 million and shows that more than 10% of conditional grants were underspent, indicating capacity challenges in complying with grant conditions and implementing projects.

Although the Auditor-General noted that some internal controls were ineffective, others were functioning adequately, suggesting uneven financial management rather than a complete breakdown.

Written submissions show that as of October 2025, the municipality had outstanding creditors amounting to approximately R24 million, pointing to cash-flow pressures. Testimony further indicated ongoing challenges related to billing disputes, which negatively affect revenue collection.

Documentary evidence shows that the municipality spends approximately R5 million per year on IT and financial systems, reflecting reliance on systems expenditure despite continuing weaknesses in financial reporting and control.

6.19.3 Planning and Oversight

The municipality has a valid IDP in place, and documentary evidence confirms that sectoral plans are formally in place and up to date.

Correspondence from January 2025 confirms that National Treasury provided assistance under Circular 124, resulting in Eskom writing off approximately one-third of the municipality's debt. Despite this relief, the municipality still carries an Eskom debt of approximately R64 million.

A SIU investigation is currently underway into alleged tender irregularities, indicating concerns regarding procurement governance and accountability.

6.19.4 Service Delivery

SAHRC records and testimony demonstrate persistent service delivery challenges, particularly in relation to water and sanitation, spanning several years.

SAHRC complaints from 2022 to 2024 consistently describe prolonged and repeated water supply interruptions, particularly during summer months. Despite municipal undertakings to improve supply through water tankering and the placement of communal water containers, residents report that these measures have not met demand.

Complaints highlight that:

- Residents are unable to use waterborne sanitation, washing machines, or geysers.
- Water supplied via tankers is often unsafe for direct consumption without treatment.
- Low water pressure causes damage to household infrastructure.
- The number of days without water exceeds permissible annual interruption thresholds.
- Engagements with the municipality have not resulted in meaningful or lasting solutions.

Testimony by the municipality confirmed the existence of water supply challenges, particularly during dry seasons, and attributed these partly to aging infrastructure and increased demand resulting from population influxes. Written submissions maintain that water supply is generally provided within reasonable national standards, although this assertion is not consistently supported by community complaints.

Evidence indicates declining access to sanitation services. SAHRC records show:

- An increase in reliance on bucket system sanitation since 2023.
- Continued use of pit toilets and communal standpipes located far from some households.
- Recurrent sewage spillages, including pollution of the Orange River.

Testimony further indicated low Green Drop scores, attributed to non-functioning or underperforming infrastructure.

Written submissions state that refuse removal is conducted according to a planned schedule. However, the municipality acknowledges that the rapid expansion of some communities has placed pressure on refuse collection capacity, contributing to illegal dumping.

Written submissions also indicate that the municipality undertakes routine road maintenance.

6.19.5 Community Experience

The SAHRC heard testimony from three complainants, with particular concerns raised in Ward 10. Community members reported unmet needs relating to refuse removal, cleaning services, and water and sanitation.

Residents described municipal officials as unhelpful and dismissive when complaints are lodged. While the municipal manager testified that a complaints management system exists and documentary proof of such a system was submitted, no evidence was provided to assess its effectiveness or implementation in practice.

Community testimony consistently reflects frustration with:

- Poor quality and unreliable water and sanitation services.
- Billing for services that are not delivered.
- Lack of meaningful engagement and responsiveness from municipal officials.

6.20 Kareeberg Local Municipality

6.20.1 Institutional Capacity

Testimony indicated that the Municipal Manager has been in office since November 2023. According to the Auditor-General of South Africa (AGSA) Report for the 2023/24 financial year, the Municipality has an overall vacancy rate of 13%. However, this includes a 50% vacancy rate at senior management level, while the finance department vacancy rate stands at 9%. The AGSA report further confirms that the Chief Financial Officer (CFO) had been in office for six years at the time of the audit but subsequently retired in June 2025.

Written submissions show that the Municipality experiences persistent challenges in attracting suitably qualified candidates for senior management positions. Several posts have had to be re-advertised. The Municipality attributes this to its rural location, limited access to social infrastructure such as schools and healthcare facilities, and uncompetitive remuneration packages relative to other municipalities.

6.20.2 Financial Position

The AGSA Report reflects a disclaimer audit opinion, with the primary root cause attributed to the migration from an Excel-based system to the Inzalo Enterprise Management System (EMS). The AGSA further reports that the Municipality lacks adequate internal controls. One material irregularity has been issued against the Municipality since 2019.

The Municipality's unauthorised, irregular, fruitless and wasteful expenditure (UIFW) balance stands at R26 million. Testimony confirmed that there are at least three active investigations into alleged financial misconduct within the Municipality. Due to the retirement of the CFO, the Municipality is currently operating without a permanent CFO

and has appointed consultants to perform financial management functions, including those ordinarily associated with the CFO position.

Documentary evidence further shows that the Municipality underspent its Municipal Infrastructure Grant (MIG). The primary reasons cited include a lack of critical skills, notably the absence of a designated MIG Accounting Officer, as well as non-submission of required reports to the National Municipal Infrastructure Support (MIS) system.

Testimony indicated that the Municipality's revenue collection rate is below 50%. Contributing factors include billing challenges associated with the financial IT system and the presence of Eskom-supplied areas, which limit the Municipality's ability to enforce credit control measures.

As reflected in testimony and written submissions, the Municipality's average annual expenditure over the past three years includes:

- Approximately R500 000 paid to SALGA
- Approximately R330 000 paid to the district municipality
- Approximately R4 million paid to the AGSA
- Approximately R2 million paid for various consultants, including laboratory services, valuators, accounting and legal services
- Approximately R4 million paid for IT financial services

Instances of financial misconduct identified over the past three years have been referred for further investigation.

6.20.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan (IDP) in place. While the IDP refers to all mandatory sectoral plans, written submissions indicate that most of these plans are outdated, with some dating as far back as 2009.

A Department of Water and Sanitation (DWS) audit found that 27% of residents do not have access to a reliable source of water. No comprehensive evidence was provided indicating that all identified shortcomings have been addressed through updated sectoral planning instruments.

6.20.4 Service Delivery

Testimony indicated that the Municipality does not rely on water tankering. According to testimony, all formal structures within the Municipality have metered water connections, while informal settlements are serviced through communal taps located within 100 metres of residential stands. However, the Municipality experiences water shortages during peak demand and dry seasons, which at times necessitate intermittent water shedding. Van Wyksvlei was identified as one of the towns most affected by these shortages.

Testimony confirmed that some households continue to rely on pit latrines. The Municipality indicated that it is working with COGHSTA to secure MIG funding to address sanitation backlogs. In Carnarvon, oxidation ponds are operating above capacity, resulting in occasional overflows.

Written submissions further indicate that most residents have access to reliable and good-quality water, with the exception of Bonteheuwel in Carnarvon, where water supply is unreliable due to low pressure. Records show that periodic testing detected traces of E. coli and failures to meet minimum pressure requirements. The Municipality has elevated the water tank in this area to improve pressure and has developed plans to upgrade the pipeline.

In Van Wyksvlei, water quality is reported to be good; however, supply remains vulnerable to power outages. Written submissions further show that some wastewater treatment infrastructure in Carnarvon is operating beyond design capacity. In Vosburg, certain households rely on bucket toilets. In Van Wyksvlei, approximately 370 households rely on pit toilets, with no piped sewer system in place. Greywater in this area is disposed of directly into streets, and existing evaporation ponds used for septic tank waste are flooded and non-functional.

With regard to waste management, written submissions show that formal towns receive weekly refuse removal services, while informal settlements do not receive door-to-door collection. Instead, a bulk removal service is provided. The Municipality experiences ongoing challenges with illegal dumping, and landfill sites are reported to be in poor condition.

The Municipality has identified planned interventions, including the construction of a dedicated pipeline for Bonteheuwel, reinforcement of the Carnarvon reticulation system, and the installation of a centralised monitoring system.

6.20.5 Community Experience

No direct complainant testimony was presented as part of this inquiry. However, the evidence reflects ongoing service delivery challenges that affect residents' access to water, sanitation, electricity, and safe infrastructure.

6.21 Siyathemba Local Municipality

6.21.1 Institutional Capacity

Oral testimony indicated that the CFO has been in office since 2015. Despite this, the AGSA Report reflects an overall vacancy rate of approximately 30%, with senior management vacancies at 50% and the finance department at 26%. The AGSA Report further indicates that the Office of the Municipal Manager was vacant for approximately 34 months at the time of reporting. Testimony further confirmed that the municipality operates under a hung council.

An internal municipal memorandum submitted to the Commission stated that the municipality did not experience challenges in sourcing or attracting suitably qualified candidates and that, despite the Director: Corporate Services post being vacant between 2018 and 2024, the municipality continued to function without significant organisational disruption. However, this position contrasts with the municipality's written submissions, which acknowledge limited technical and professional expertise, difficulties in attracting qualified professionals to a small and remote municipality, uncompetitive remuneration packages, and high staff turnover in critical departments, particularly finance and engineering. These capacity constraints were identified as having a direct impact on key service delivery areas.

Documentary evidence shows that there are nine active labour matters within the municipality, six of which involve allegations of fraud. Written submissions indicate that only one official was seconded to the municipality by provincial government over the past five years.

6.21.2 Financial Position

Testimony indicated that the municipality received a qualified audit outcome, largely attributed to legacy issues. However, evidence before the Commission reflects that the CFO has been in office for approximately ten years.

Testimony reported an UIFW balance of approximately R356 million, some of which has remained unaddressed for over 15 years. In contrast, the AGSA Report reflects a UIFW balance of approximately R945 million.

The AGSA Report further indicates that the municipality takes an average of 960 days to pay its creditors and that it did not have a functional Municipal Public Accounts Committee (MPAC) until 2024. MPAC is required, in terms of section 32 of the Municipal Finance Management Act, to consider the write-off of UIFW. The AGSA also found that the municipality lacked effective internal financial controls.

The AGSA Report reflects that the municipality underspent approximately 10% of its conditional grant funding, citing non-compliance with grant conditions. Four material irregularities have been issued against the municipality since 2019, prompting a formal investigation by Provincial Treasury.

Testimony indicated that the municipality struggles with a low revenue collection rate and that there is evidence of serious financial mismanagement, including six active fraud-related proceedings against municipal officials, an investigation by the Special Investigating Unit (SIU), and allegations of unauthorised debit orders against the municipality's bank account.

Written submissions reflect the following recurring annual expenditures:

- Approximately R165 000 to the District Municipality
- Approximately R480 000 to SALGA
- Approximately R11 million in consultancy fees for technical advice and financial management
- Approximately R1.9 million to AGSA
- Approximately R1.8 million for IT financial systems and payroll
- Approximately R780 000 in legal fees
- Approximately R167 000 in recruitment costs

Written submissions further indicate that the municipality's revenue collection rate for services, excluding electricity, remains below 40%. In areas where electricity is supplied directly by Eskom, the collection rate reportedly drops to below 10%. To address this, the municipality has begun rolling out smart prepaid water meters, although community acceptance has reportedly been limited.

6.21.3 Planning and Oversight

The municipality has a valid Integrated Development Plan (IDP) in place. While the IDP refers to the existence of a Water Services Development Plan, it does not reference or include other mandatory sector plans, such as an Integrated Waste Management Plan.

Written submissions indicate that, with the support of the COGHSTA, the municipality successfully implemented a new Valuation Roll at the beginning of the 2025/2026 financial year. Documentary evidence further showed that SALGA has provided numerous training programs.

Written submissions also show that Provincial Treasury is actively investigating financial misconduct.

6.21.4 Service Delivery

Municipal testimony confirmed that human rights violations are occurring as a result of poor service delivery. Evidence presented attributed these failures primarily to ageing infrastructure, financial management challenges, and significant population growth, which has placed additional pressure on existing systems.

Testimony indicated that the municipal landfill site is in a poor condition. While no major sewage spillages were reported over the past two years, testimony confirmed that smaller, sporadic sewer spillages continue to occur in Prieska. Evidence further indicated that electricity outages exceeding eight hours can result in dam overflows into the Orange River, a matter of which the DWS is aware and for which a directive has been issued.

The municipality owns its own water tankers and has engaged with SANRAL regarding the possible reclassification of certain roads to transfer maintenance responsibility.

Written submissions before the Commission indicate that service delivery failures have been persistent over the period under review, particularly in Prieska, Marydale, and Niekerkshoop. These failures are linked to ageing infrastructure, limited maintenance capacity, and delayed capital upgrades. In Marydale and Niekerkshoop, residents experience water shedding and repeated supply interruptions due to borehole dependence, seasonal yield declines, ageing pumps, and limited storage capacity.

The Prieska–Niekerkshoop road corridor reflects prolonged under-investment in maintenance, resulting in severe road disrepair. Sanitation infrastructure, including oxidation ponds and sewer reticulation systems, is operating beyond design capacity, contributing to sanitation backlogs, continued reliance on ventilated improved pit (VIP) toilets and bucket systems, and recurring sewer spillages.

Waste management challenges are evident at unlicensed landfill sites in Prieska, Marydale, and Niekerkshoop, where illegal dumping, limited access control, and equipment shortages persist. Although remedial measures have been initiated — including EPWP clean-up programmes, skip containers, and targeted MIG and RBIG-funded projects — the evidence indicates that these interventions have not yet resulted in sustained compliance or resolution of service delivery failures.

6.21.5 Community Experience

No additional community testimony was presented.

6.22 Ga-Segonyana Local Municipality

6.22.1 Institutional Capacity

Written submissions indicate that the Municipal Manager has been in office since April 2023 and the Chief Financial Officer since August 2023. The Auditor-General's Report reflects an overall vacancy rate of 5%, with vacancies at senior management level recorded at 14% and the finance department at 6%.

However, despite the written submissions, the Auditor-General's Report records that the Municipal Manager had been in office for approximately 84 months at the time of reporting, and that the CFO had been in office for nine months. This discrepancy was not clarified in the evidence.

Testimony indicated that the municipality is politically stable and that no corruption or serious financial mismanagement is taking place. Evidence before the Commission nevertheless confirms that two matters have been referred to SAPS for further investigation, and that four active disciplinary processes are currently underway against municipal employees.

Written submissions further show that the municipality experiences challenges in attracting suitably qualified candidates for technical positions.

6.22.2 Financial Position

Testimony stated that the municipality received an unqualified audit outcome and that its financial health is stable. The Auditor-General's Report confirms that one material irregularity has been issued against the municipality since 2019 and reflects a UIFW balance of R69 million for the 2023/24 financial year. The municipality pays creditors on average within three days. The report nevertheless indicates that internal financial controls require improvement.

Written submissions show that the municipality's revenue collection rate is 89%. Testimony indicated that the municipality experiences challenges with credit control enforcement in informal settlements supplied directly by Eskom. Testimony further stated that billing disputes are addressed by the municipality.

Testimony showed that the municipality pays approximately R35 000 per month for water tankering.

Written submissions further reflect the following financial trends:

- Steady income growth of approximately 10% over the past three years;
- Heavy reliance on service charges and government grants;
- An improvement in the collection rate from 85% in 2023 to 96% in 2025;
- Full expenditure of conditional and unconditional grants, with a compliance rate of 99.8%.

Written submissions further show that electricity bulk purchases during Eskom's winter tariff period resulted in expenditure exceeding the approved budget, as the NERSA-approved tariff increases did not fully cover the cost of supply. Water revenue was also below the cost of supply over the period under review, with revenue of R117 million and expenditure of R120 million.

While overall expenditure remained within approved budgets, written submissions show increasing operational pressure, particularly due to overtime payments. This was attributed to ageing infrastructure in the water, sanitation, electricity, and road networks, resulting in frequent breakdowns, unplanned service disruptions, and after-hours emergency repairs.

Average annual expenditure over the past three years includes:

- R22 million on financial management consultancy services;
- R710 000 on yellow fleet hire;
- R6.7 million on Auditor-General fees;
- R5.4 million on legal services; and
- R11.4 million on IT financial systems and payroll.

6.22.3 Planning and Oversight

The municipality has a valid Integrated Development Plan. The IDP refers to all mandatory sector plans, although some of these plans are outdated. Evidence before the Commission indicates that this municipality is the only one in the province to submit information reflecting targeted initiatives for vulnerable population groups, including children with special needs, older persons, youth, and survivors of gender-based violence and femicide. These initiatives were described as having limited material impact. An initiative to allocate land to older persons was also noted.

Written submissions show that SALGA and National Treasury have provided various training programmes. Provincial Treasury support included the provision of tariff determination tools, budget-funded assessments, web-based reporting tools training, and assistance with the compilation of annual financial statements.

6.22.4 Service Delivery

Testimony confirmed that human rights violations are occurring as a result of service delivery failures, with ageing infrastructure identified as a contributing factor. Testimony further indicated that the municipality experiences a number of water and sanitation challenges, although plans are in place to address these in future.

The municipality does not use bucket sanitation systems, relying instead on VIP toilets and pit latrines. Testimony stated that all residents have access to water services on a daily basis, primarily through standpipes in informal settlements. However, a Department of Water and Sanitation audit indicates that at least 65% of residents rely on an unreliable source of water.

The municipality supplies water to 33 villages and purchases bulk water from Vaal Central Water Board. Evidence shows that Vaal Central's infrastructure is in poor condition and inadequately maintained. The municipality is not permitted to intervene directly in the water board's infrastructure. High water losses resulting from these failures have negatively affected the municipality's legislative compliance and performance outcomes.

Additional service delivery challenges include unsystematic land allocation under traditional authorities, limited access to bulk infrastructure, and rapid population growth.

Testimony and written submissions confirm that only 3 of the 33 villages receive refuse removal services. Similarly, only 3 of the 33 villages have access to sanitation services, and the municipality provides electricity services to only 6 of the 33 villages. High levels of vandalism, skills shortages, and illegal connections further impact service delivery.

6.22.5 Community Experience

Written complaints submitted to the Commission describe persistent service delivery failures, particularly in Kuruman. Residents report frequent and prolonged water interruptions, with higher-lying areas being the first to lose supply and the last to have it restored. One complaint records seven days without water in a single month, including four consecutive days, despite residents being charged a monthly availability fee.

Complaints further link intermittent water supply to the poor condition of electrical infrastructure, with some areas experiencing daily power outages. Evidence includes reports of extended electricity outages lasting several consecutive days. Billing disputes were raised, including a broken water meter at Kuruman Primary School that has resulted in repeated estimated accounts significantly exceeding actual usage.

Community complaints also highlight widespread illegal dumping, non-enforcement of by-laws, and street trading occurring near schools without intervention. Road conditions were described as severely degraded, with deep potholes, hazardous speed bumps, and ongoing deterioration following rainfall.

Allegations of unprofessional conduct by municipal officials were also raised, including lack of responsiveness to complaints, aggressive behaviour during public meetings, and failure to account for promised community initiatives such as unpaid school competition prizes. Concerns were further raised regarding the reported cost of sanitation infrastructure projects.

Additional complaints describe ongoing water outages linked to pump vandalism, inadequate protection of critical infrastructure, and limited preparedness due to the absence of spare parts. Residents reported prolonged sewerage and drainage problems due to non-functional municipal equipment and alleged irregular practices in service prioritisation.

Further written complaints describe repeated water shortages over multiple weekends, limited communication from the municipality, and continued charging of service availability fees despite unreliable service delivery. Residents expressed concern about municipal expansion plans in the absence of adequate water and electricity supply and described the cumulative impact of these failures as dehumanising.

6.23 Joe Morolong Local Municipality

6.23.1 Institutional Capacity

Testimony indicated that the municipality is currently operating without a permanent Chief Financial Officer, with only an acting CFO in place. The Acting Technical Services Manager assumed office on 1 October 2025, after the post had been vacant for approximately eight months. Testimony further confirmed that all senior management posts are vacant and that a number of critical technical skills positions remain unfilled.

According to the Auditor-General of South Africa (AGSA) report, the municipal manager had been in office for 81 months at the time of the report. However, testimony before the Inquiry confirmed that a new municipal manager had since been appointed. The AGSA report reflects an overall vacancy rate of 37%, with senior management vacancies at 50% and finance department vacancies at 14%.

Written submissions indicate that three active disciplinary processes are currently underway within the municipality.

6.23.2 Financial Position

Testimony confirmed that the municipality received a qualified audit outcome. The AGSA report reflects that three material irregularities have been issued against the municipality since 2019. The report further indicates an exceptionally high unauthorised, irregular, fruitless and wasteful expenditure (UIFW) balance of approximately R1.1 billion.

The AGSA report shows that the municipality takes an average of 164 days to pay creditors. Water losses are reported at approximately 40%, while electricity losses amount to approximately 51%. Although internal financial controls are in place, both testimony and the AGSA report indicate that these controls require significant improvement.

Written submissions identify a range of financial challenges, including a structural operating deficit, a low revenue collection rate, high maintenance costs associated with ageing infrastructure, and rising bulk service costs. Revenue collection is further constrained by the fact that Eskom supplies electricity directly to consumers, which limits the municipality's ability to enforce credit control measures.

Written submissions further show that the municipality's average annual expenditure over the past three financial years includes approximately:

- R1 million paid to SALGA
- R634 000 paid to the District Municipality
- R29 million spent on consultants for financial management-related services
- R9 million paid to the AGSA
- R970 000 spent on municipal business enhancement processes
- R2.4 million paid for financial system software
- R2 million spent on legal fees.

6.23.3 Planning and Oversight

The municipality submitted its IDP for the 2022/23 financial year as evidence. The IDP for 2023/24 was available, but no IDP for the 2025 financial year could be located. The 2023/24 IDP refers to certain mandatory sectoral plans, but does not indicate whether these plans are current. Some mandatory plans, including the Environmental Management Plan, are not referenced in the IDP.

The SAHRC conducted an oversight visit during the previous year to assess the state of water services delivery.

Written submissions indicate that the municipality has received support from other spheres of government, including:

- National Treasury, through technical assistance under the Municipal Finance Improvement Programme (MFIP);
- Provincial Government, through the provision of expert advisors to review financial controls and assistance with a conditional grant for audit and Annual Financial Statement support;
- COGHSTA and SALGA, through training programmes for councillors and officials on financial governance; and
- Implementation of a Municipal Support Intervention Plan (MSIP).

6.23.4 Service Delivery

Testimony on behalf of the municipality acknowledged that human rights violations are occurring as a result of poor service delivery. Service delivery is reportedly rendered on a daily basis to address basic service needs and ageing infrastructure. Eskom supplies electricity directly to consumers within the municipal area.

Testimony confirmed that the municipality experiences challenges in providing reliable water, road infrastructure and electricity services. Boreholes are the primary source of water supply. The municipality uses water tankering intermittently and owns its own fleet of water tankers. Testimony further confirmed that no sewage spillages or overflows have occurred. The municipality acknowledged that two minor children drowned approximately two years ago after gaining access to inadequately fenced sewer dams. Testimony confirmed that insufficient fencing and access control contributed to these fatalities.

Illegal dumping was identified as a persistent challenge, particularly in informal settlements.

Testimony further indicated that the municipality's Green Drop score reflected a 97% risk rating, largely due to the absence of sampling for potable and wastewater quality. A significant regression in the Blue Drop score was also reported. Testimony confirmed that at least 35% of households do not have access to a reliable water supply.

Water service delivery challenges identified in the evidence include insufficient funding due to limited grant allocations, non-revenue generation in rural villages due to theft and vandalism, ageing infrastructure, declining borehole water levels, and the geographic vastness of the municipality, which affects capital project implementation and fleet reliability.

Written submissions indicate that the municipality implemented several measures over the past three financial years to address service delivery challenges, including water reticulation and borehole projects, appointment of qualified process controllers and civil technicians, procurement of operations and maintenance fleet, refurbishment of bulk water schemes, and community awareness initiatives to address theft and vandalism. According to the municipality, these measures have contributed to reduced water backlogs, improved water quality, and improved response times to service queries.

The municipality further indicated that some challenges persist due to ineffective community awareness efforts, limited budget allocations, incomplete coverage of bulk water schemes, and ongoing fleet breakdowns linked to road conditions and geographic distance.

6.23.5 Community Experience

A written complaint submitted to the SAHRC highlights persistent service delivery challenges experienced by residents. These include unstable electricity supply with significant voltage fluctuations resulting in damage to household appliances, deteriorating road conditions marked by potholes and structural failures, inadequate stormwater drainage leading to flooding and erosion, and poor refuse collection resulting in visible neglect of public spaces. The complaint reflects concerns about health, safety, and the overall deterioration of living conditions within the municipal area.

6.24 Gamagara Local Municipality

6.24.1 Institutional Capacity

Testimony indicates a degree of political instability within the municipality. The Auditor-General's Report for 2023/24 reflects an overall vacancy rate of 20%, with vacancies particularly pronounced at senior management level (67%) and within the finance department (41%). At the time of the report, the Municipal Manager had been in office for two years and the Chief Financial Officer for four years.

Written submissions show significant staffing shortages across technical departments. The water services department has a vacancy rate of 27%, including a shortage of certified process controllers. Sanitation services reflect a vacancy rate of 25%, with limited mechanical maintenance capacity. Electricity services have a vacancy rate of 48%, largely due to a shortage of qualified electricians. Roads and stormwater services are particularly under-resourced, with a vacancy rate of 67% and a severe shortage of civil technicians and operational staff. Solid waste management has a vacancy rate of 45%, limiting landfill operations and fleet management.

Written submissions further indicate that the municipality is involved in 22 active legal matters, including civil, administrative, and environmental cases. Three active disciplinary proceedings are underway, one of which relates to allegations of fraud.

6.24.2 Financial Position

Testimony confirmed that the municipality has received an unqualified audit outcome for three consecutive financial years, an exceptional result within the province. The revenue collection rate stands at approximately 75%. Despite this, the Auditor-General's Report for 2023/24 records a UIFW balance of R 1.3 billion and indicates that the municipality takes an average of 252 days to pay its creditors. One material irregularity has been issued against the municipality since 2019. The report further notes that more than 10% of infrastructure grants were underspent during the period under review.

Written submissions identify key financial challenges, including high distribution losses, billing inefficiencies, and inaccurate customer data. The municipality experiences approximately 70% non-revenue water losses, largely attributed to leaks and water supplied via tankering that is not billed.

Testimony further revealed that the municipality pays approximately R 1.2 million per month for outsourced water tankering services and an additional R 2 million per month to secure water services infrastructure due to high levels of theft and vandalism. Average annual expenditure over the past three years includes approximately R 48 million on security and R 14.4 million on water tankering.

6.24.3 Planning and Oversight

The municipality has a valid IDP in place. However, the IDP refers to certain mandatory sector plans only in passing and does not clearly indicate whether these plans are current. Notably, key sectoral instruments such as the Water Services Development Plan are not expressly referenced.

Charges were instituted against the municipality for statutory environmental offences linked to poor landfill management at the Deben Landfill Disposal Site during the period November 2014 to September 2020, the case is ongoing.

Testimony confirmed that the DWS has issued directives against the municipality, although written submissions indicate that no such directives are currently in place, reflecting inconsistencies in the evidence.

Written submissions detail support provided by other spheres of government. Provincial Treasury assisted with the recovery of outstanding debts owed by national and provincial departments, facilitated reconciliation of intergovernmental balances, and supported the municipality through the Provincial Debt Recovery Forum. COGHSTA provided guidance on cost containment, financial recovery planning, and project prioritisation for MIG and WSIG funding. National Treasury offered technical support on MFMA compliance, mSCOA implementation, and conditional grant performance monitoring, including financial management support visits and capacity-building initiatives.

6.24.4 Service Delivery

Testimony acknowledged persistent challenges in providing reliable water services, particularly over recent months. High levels of theft and vandalism have resulted in substantial security costs. Vaal Central Water Board supplies approximately 65% of households within the municipal area.

The municipality reported ongoing challenges with illegal dumping of garden refuse. Mining houses operating in the area contribute towards refuse removal through the provision of refuse trucks.

Written submissions indicate that Olifantshoek experiences an intermediate level of water supply due to limited water board capacity and insufficient groundwater resources. Sishen and Mapoteng rely on water tankering as these are newer settlements not yet fully integrated into the bulk distribution network. Dibeng is similarly not catered for in the current network design. Additional challenges include vandalism, inadequate pressure in high-lying areas, ageing infrastructure, meter tampering, and illegal connections. Water tankering services are currently outsourced to four service providers. Testimony indicated that plans are in place to procure municipal-owned water tankers to reduce reliance on outsourced services.

The municipality outlined ongoing remedial measures. In Olifantshoek, a multi-year project is underway, including completion of a reservoir and the drilling and connection of 15 boreholes, with a total project duration of six to seven years. Dibeng requires a further multi-year intervention, with seven boreholes already drilled and equipped and an additional eight planned, although access challenges arise where boreholes are located on private land. In Mapoteng, a multi-year project is progressing, with an RBIG application at an advanced stage, upgrades to the water pump station, and installation of a new chlorination unit.

Regarding sanitation, written submissions show that Olifantshoek relies on septic tanks as it is a newer informal settlement without reticulation. In Kathu, septic tanks are used on privately owned farms. Mapoteng and Dibeng include informal settlement areas without flush toilets pending formalisation and network expansion. Babatus is not yet an approved township. Challenges include vandalism, foreign objects disposed into sewers, shortages of sewer trucks, ageing infrastructure, illegal land occupation, and power outages. Remedial actions include upgrades to oxidation ponds and pump stations in Olifantshoek and Dibeng, construction of sewer reticulation networks, and development of new sewer pump stations. Testimony further confirmed that sewerage spillages have occurred within the municipal area.

Written submissions also indicate that while road maintenance remains challenging, several projects are underway to address road infrastructure deficiencies. Eskom supplies electricity directly to Dibeng and parts of Olifantshoek.

6.24.5 Community Experience

A written complaint received in November 2023 from a resident of Olifantshoek reports limited access to water for periods exceeding one-week, insufficient water delivered via JoJo tanks, and difficulties experienced by elderly, sick, and disabled residents. Concerns were also raised regarding the quality of water supplied and incidents of raw sewage spilling from manholes and broken pipes.

Earlier complaints from December 2021 and November 2021 similarly raise concerns regarding general service delivery failures and insufficient water supply in Olifantshoek, including inadequate pumping of water into the local reservoir.

6.25 Khai-Ma Local Municipality

6.25.1 Institutional Capacity

The Auditor-General's Report for the 2023/24 financial year reflects an overall vacancy rate of 11%, with 25% vacancies in senior management and 21% vacancies in the finance department. The office of the CFO was vacant for a period of six months during the reporting cycle. Written submissions indicate that the municipality experienced significant difficulty in appointing a permanent CFO, with the post being readvertised eight times.

To address leadership gaps, one CFO was seconded to the municipality by COGHSTA in February 2024. In addition, two Municipal Managers were seconded to the municipality, one in February 2023 and another in September 2025. Written submissions further confirm that disciplinary processes are currently underway against two senior managers, although these matters are not related to financial misconduct.

The municipality's Technical Services Department is severely under-resourced. Written submissions state that the electricity section is staffed by only three officials—one qualified electrician and two general workers—who are responsible for electrical services across the entire municipal area. This staffing level poses a risk to compliance with the municipality's electricity supply licence and undermines the municipality's capacity to manage and maintain electrical infrastructure reliably.

Supervisory capacity within Technical Services is also limited. There is only one foreman responsible for overseeing all operational teams, including water, wastewater, roads and stormwater, and solid waste management. The absence of intermediate supervisory positions places significant operational pressure on senior

management and limits strategic oversight. These challenges are compounded by a broader shortage of skilled and qualified personnel across the department.

Operational capacity is further constrained by inadequate tools and resources. The municipality has one four-ton truck for solid waste removal, three sewer trucks to service the entire municipal area, and two one-ton bakkies for maintenance and repair work. Frequent vehicle breakdowns affect response times and service continuity. Written submissions indicate that the overall vacancy rate at the municipality is approximately 32%.

6.25.2 Financial Position

The Auditor-General's Report for 2023/24 reflects a qualified audit opinion. The municipality has an accumulated unauthorised, irregular, fruitless and wasteful expenditure (UIFW) balance of R79 million, and written submissions confirm that no action has been taken to address this UIFW.

The municipality takes an average of 599 days to pay creditors, indicating severe cash flow constraints. The Auditor-General further found that internal financial controls were either non-existent or so poor that immediate intervention was required.

The municipality experiences significant non-revenue losses, including 50% water losses and 28% electricity losses. Written submissions attribute these challenges to a limited income base, high unemployment levels of approximately 47%, and difficulties in revenue collection, particularly in rural areas.

A specific challenge is the settlement of Pella, which operates under a communal property association (CPA). While the municipality pays approximately R600 000 per month to the water board for bulk water supply to this area, it is unable to recover these costs from residents. Attempts to introduce prepaid water meters were rejected by the community, which indicated that it cannot afford to pay for services.

Average annual expenditure over the past three financial years includes:

- R500 000 paid to SALGA
- R580 000 paid to the Auditor-General
- R370 000 for IT financial systems and payroll
- R147 000 for legal services
- R80 000 for human resource recruitment.

6.25.3 Planning and Oversight

The municipality has a draft Integrated Development Plan (IDP) for the period 2022–2027. While the draft IDP refers to all mandatory sector plans, it confirms that most of these plans are outdated, invalid, or non-existent.

Written submissions indicate that the Department of Water and Sanitation (DWS) has issued directives relating to the condition of wastewater treatment works in Pofadder, Pella, and Onseepkans.

Various forms of intergovernmental support have been provided to the municipality. The district municipality assigned a civil technician to support civil projects, assist with business plan development, project management, and the design, implementation, and monitoring of EPWP programmes, although these services are provided on a cost-recovery basis. COGHSTA has assisted with project planning, tender documentation, project management, assessment, reporting, and the training of process controllers. SALGA has provided ICT support, policy and strategy development, document management training, and capacity-building for councillors and officials on IDP development and performance management.

6.25.4 Service Delivery

In Onseepkans and Witbank, treated water from the Orange River is piped directly into households, with most dwellings connected. Bulk water storage upgrades have been implemented through MIG funding. In Pofadder and Pella, water is supplied by the Vaal Central Water Board, with upgrades to bulk storage and internal reticulation underway through MIG and WSIG projects.

Seasonal water shortages occur between October and May, linked to reduced Orange River levels and increased demand. In several areas, water quality is intermittently compromised due to maintenance challenges and the absence of certified process controllers as required by the Water Services Act.

Sanitation services rely primarily on septic tanks, serviced by sewage disposal trucks. Two trucks are currently non-operational, resulting in service delays. In some settlements, sanitation services are provided by mining companies. Written submissions indicate that the municipality is in the process of appointing consultants to develop an Integrated Infrastructure Development Plan and master plans to support the establishment of sewerage systems.

Refuse removal occurs weekly in formal settlements and twice weekly for businesses, but service delivery is erratic in smaller settlements due to limited fleet capacity. Illegal dumping is prevalent across all areas, with Blyvooruitsig experiencing the highest number of incidents. Waste disposal sites lack fencing due to vandalism, resulting in indiscriminate dumping.

Electricity provision varies by settlement. Some areas are supplied directly by Eskom, others by the municipality or mining entities. New housing developments remain unconnected due to Eskom's Notified Maximum Demand constraints. In response, the municipality has initiated microgrid electricity supply solutions. Several electrification projects are ongoing, although some have been delayed due to contractor underperformance and procurement challenges.

The municipal road network covers approximately 280 km, of which 168 km are gravel roads and 112 km are tarred or paved. All tarred roads are reported to be eroded. The municipality has engaged mining companies and independent power producers to assist with road maintenance and rehabilitation.

6.25.5 Community Experience

No additional community testimony was presented.

6.26 !Kheis Local Municipality

6.26.1 Institutional Capacity

The municipality's Annual Report for 2024 reflects an approved staff establishment of 156 posts, of which 22 posts were vacant at the time of reporting. Technical Services is largely staffed, with the exception of the Electricity section, which has three approved posts, one of which is vacant. While the overall vacancy rate does not appear excessive on paper, written submissions indicate that the municipality faces significant skills shortages, particularly within Technical Services and finance-related functions.

Written submissions further indicate that the municipality has a shortfall of approximately 25 staff members that include at least five process controllers for sanitation, seven for water treatment, one plumber, and one electrician. Of particular concern is the electrician position, which has remained vacant for more than six years, with the municipality citing limited remuneration packages as a key obstacle to attracting suitably qualified candidates. In addition, the municipality reports a need for 12 officials with specialised financial management skills, which contrasts with the staffing picture reflected in the Annual Report.

The municipality has also experienced political instability, which, according to written submissions, negatively affected governance, internal discipline, and staff conduct. Employee behaviour in the workplace was reported to have disrupted service delivery and contributed to ill-discipline. Despite these challenges, disciplinary action has been taken against officials. The Audit Report confirms that one disciplinary case relating to fraud was finalised in September 2023, while a further three disciplinary processes for misconduct were instituted against municipal officials.

6.26.2 Financial Position

From a financial perspective, the AGSA Audit Report for 2023/24 was outstanding at the time of the inquiry. However, AGSA records confirm that two material irregularities have been issued against the municipality since 2019, and that the municipality carries a UIFW balance of R 107 million. Written submissions indicate that the municipality is experiencing serious liquidity constraints. In 2025, a court judgment was granted against the municipality for bad debt amounting to R 2,35 million, which resulted in the attachment of the municipal bank account for unpaid diesel purchases. Prior to this in 2021, a further judgment of R 74 218 resulted in the attachment of municipal vehicles.

The municipality reports a collective outstanding debt of R 68 million owed for services rendered, which it is unable to settle. Payment arrangements have been concluded with most creditors, with the exception of SALGA. Revenue collection remains critically low, fluctuating between 20% and 25%, which the municipality attributes to high unemployment, poor service delivery, and residents' inability or unwillingness to pay for services. The municipality is not considered liquid, and written submissions further indicate distribution losses exceeding 60%, which exacerbate revenue shortfalls.

In response to ongoing collection challenges, particularly in relation to water services, the municipality approached the Department of Water and Sanitation (DWS) for approval to install smart water meters. This plan has been approved, with implementation scheduled for the 2026/27 financial year.

6.26.3 Planning and Oversight

In terms of planning and oversight, the municipality has a valid Integrated Development Plan (IDP) for 2024/25. While the IDP refers to sector plans in general terms, it does not provide detailed information on individual plans. The municipality did, however, submit a current and valid Water Services Development Plan. Written submissions further show that COGTA assisted the municipality with applications for Municipal Infrastructure Grant (MIG) funding, resulting in an allocation of R 4,4 million to revive stalled infrastructure projects. Additional training and capacity-building support was provided by Provincial Treasury, SALGA, and LGSETA.

6.26.4 Service Delivery

Service delivery challenges remain significant. The municipality provides services to seven towns, with sanitation and refuse removal services delivered through a honey sucker truck and refuse removal vehicles, servicing some

areas on a weekly basis. Service delivery was severely disrupted when the municipality's yellow fleet was impounded by the sheriff in November 2021 following debt enforcement action. This disruption persisted until August 2023, when the municipality procured second-hand vehicles. Despite this intervention, services remain unreliable due to frequent vehicle breakdowns.

Water supply is reported to be unsatisfactory, largely because the municipality struggles to consistently procure chemicals and chlorine required for water purification. Water is distributed through reticulation systems, but the municipality does not operate water tankers to supply informal settlements via JoJo tanks. The municipality further reports that it has been unable to address infrastructure backlogs for the past two years due to insufficient funding. As the municipality is entirely dependent on grant funding, no new infrastructure projects were implemented during this period.

Written submissions indicate that 265 households (5,3%) do not have access to piped water, 1 441 households (29%) rely on pit toilets, and 359 households (7,2%) make use of the bucket system. In relation to refuse removal, 678 households rely on communal refuse dumps, 1 986 households (40%) dispose of refuse themselves, and 152 households (3,1%) have no access to refuse removal services at all.

Additional service delivery constraints identified by the municipality include insufficient funding for new projects, outstanding water use licences with DWS, vandalism at sewer treatment pump stations, unregistered landfill sites, and the long-term impact of the yellow fleet impoundment on operational capacity.

6.26.5 Community Experience

No additional community testimony was presented.

6.27 ZF Mgcawu District Municipality

6.27.1 Institutional Capacity

The evidence indicates that the ZF Mgcawu District Municipality has a largely stable senior management, although this stability was preceded by a prolonged period of instability at municipal manager level. The municipal manager position was vacant for extended periods between August 2022 and November 2025, during which three acting appointments were made. A COGHSTA secondment was implemented during this period. A permanent municipal manager was appointed on 1 September 2025.

The Chief Financial Officer has been in position for approximately 31 months. No Section 56 senior managers were appointed in the past three years, and no officials were seconded to local municipalities during this period.

The overall vacancy rate is 5.6%, with senior management vacancies recorded at 12.5%. The finance unit reflects no vacancies. Of the approved staff complement of 112 positions, 104 were filled. Of the 31 posts allocated to providing municipal support functions, 30 were filled.

The evidence further indicates the existence of ongoing criminal cases referred to SAPS or the Hawks. Graduate appointments through the Rural Roads Asset Management System (RRAMS) grant were highlighted as a deliberate capacity-building measure, particularly in the engineering field, with an emphasis on skills transfer and long-term institutional development.

6.27.2 Financial Position

The Auditor-General issued an unqualified audit opinion with findings for the 2023/2024 financial year. The District Municipality's total revenue for the period under review amounted to R91.83 million. In terms of financial health, the municipality pays creditors within an average of 16 days. The closing balances for unauthorised, irregular, and fruitless and wasteful expenditure were reported as zero.

6.27.3 Planning and Oversight

The District Municipality has adopted an Integrated Development Plan for the 2025/2026 financial year. The municipality have most sector plans in place, and they are up to date.

However, the evidence indicates that no Disaster Management Framework or District Disaster Management Plan was in place during the reporting period. This gap is notable given the district's responsibilities in coordinating disaster management and fire services and the challenges identified in these areas.

6.27.4 Services Rendered to the Community

The District Municipality provides a range of direct services to communities across the district.

These include housing-related support functions, water quality monitoring, landfill management, and environmental clean-up initiatives undertaken through the Extended Public Works Programme (EPWP). EPWP initiatives also supported routine maintenance, office refurbishment, job creation, and small business support, including assistance to a bakery enterprise in Paballelo.

Road-related services include the implementation and management of rural roads through the RRAMS. Fire brigade and fire control services were supported through training initiatives conducted in collaboration with external organisations, awareness campaigns related to extreme weather conditions, and targeted training for farmers, school learners, and correctional services officials.

Health-related services included EPWP support to social facilities such as the Thembelihle Old Age Home, as well as the provision of environmental health services, including communicable disease surveillance, hygiene monitoring, disposal of the dead, and public health education on sanitation and water conservation.

Air quality management functions were actively performed, including the development of a second-generation Air Quality Management Plan and by-laws, public participation processes, and intergovernmental cooperation through provincial air quality forums.

Disaster management services included arrangements for assistance and support from stakeholders to mitigate disaster impacts and coordination of response and recovery efforts following disaster events.

6.27.5 Services That Support Local Municipalities

The evidence indicates that the ZF Mgcawu District Municipality provides extensive support to local municipalities across strategic, technical, and operational domains.

Support includes assistance with performance management systems, IDP, budget and SDBIP alignment, supply chain management processes, ICT governance, occupational health and safety compliance, asset management, records management, and human resource development. In environmental health, the District played an active

operational role through inspections, enforcement support, training, and coordinated responses to issues such as illegal dumping, food safety, sanitation, and water quality.

The District also provided planning and facilitation support in spatial planning, housing, and SPLUMA-related functions, including land-use management, township establishment processes, housing beneficiary management, consumer education, title deed processes, and engagement with conveyancers.

Project-specific support included assistance to !Kheis Local Municipality with a water leakage project following the absence of an EPWP incentive grant, which resulted in job creation and sanitation improvements.

Planning support was provided through monitoring IDP implementation via the IDP Representative Forum. The District did not send technical staff directly to local municipalities for operational support, and no information was provided regarding cost-recovery arrangements for planning or training support.

Training initiatives included the RRAMS graduate programme, which focuses on building technical capacity through mentorship by experienced engineers. IT support included security assessments, advisory meetings, and capacity evaluations, although challenges were noted in relation to funding, staffing, attendance, and cooperation from local municipalities.

Environmental Health Practitioners were deployed to render services in several local municipalities, including water quality monitoring, sanitation inspections, waste site monitoring, food premises inspections, and communicable disease response, including cholera awareness campaigns. The evidence did not specify cost-recovery arrangements for these services.

6.28 Frances Baard District Municipality

6.28.1 Institutional Capacity

The Auditor-General's report for the 2023/2024 financial year reflects significant institutional capacity constraints within the Frances Baard District Municipality. The overall vacancy rate was reported at 33%, with senior management vacancies at 80% and vacancies within the finance department at 23%. The CFO position has been vacant for approximately 123 months, while the Municipal Manager has been in office for approximately 138 months.

The Municipality's Annual Report reflects an approved staff complement of 135 positions, of which 33 were vacant during the 2023/2024 financial year. This vacancy information does not align with the vacancy figures reported by the Auditor-General, indicating inconsistencies between reporting sources.

6.28.2 Financial Position

The Auditor-General's report for the 2023/2024 financial year reflects a clean audit opinion. No material irregularities have been issued since 2019, and the closing balance for unauthorised, irregular, fruitless and wasteful expenditure was reported at R138 000.

The Municipality takes an average of 19 days to pay creditors, which is within the prescribed norm. The Auditor-General further indicated that adequate internal financial controls are in place.

6.28.3 Planning and Oversight

The Municipality has an adopted and valid Integrated Development Plan. The IDP refers to and details mandatory plans required in terms of the legislative framework. However, the evidence indicates that several of these plans are outdated, with some dating as far back as 2011.

6.28.4 Services Rendered to the Community

Written submissions and planning documents reflect that the District Municipality renders a range of services to communities.

Local Economic Development (LED) initiatives include support to SMMEs through the provision of funding for machinery and equipment, as well as business management training aimed at improving productivity and sustainability. The IDP further outlines a Frances Baard District Stimulus Plan, which is intended to be local municipality–based and to address municipal-level economic challenges through debt relief and economic restructuring strategies with long-term regional impact.

Additional LED initiatives include strengthening the tourism sector by positioning Frances Baard District as a gateway to other destinations, developing tourism routes linked to heritage and mining legacy sites, and packaging the Vaal River bank as a development node. The IDP also emphasises strengthening the informal sector through improved data, formal–informal sector linkages, zoning, and the development of trade hubs.

The Municipality has implemented targeted initiatives aimed at unemployed youth, including training, internships, and structured LED programmes. Evidence indicates that career guidance services were provided to approximately 700 young people, job search assistance to 250 young people, and work-related life skills training to 280 young people. Platforms were also created to enable early work exposure through internships, part-time work for learners in Grade 11 and above, and holiday and weekend work opportunities.

The IDP does not reference specific interventions or support measures aimed at people with disabilities, child-headed households, or older persons.

In relation to the housing function, the District employs a building inspector who assists local municipalities with the review of building plans. This service is provided at no cost to local municipalities.

Environmental Health Services are rendered through seven Environmental Health Practitioners employed by the District Municipality, who support local municipalities at no cost.

The Municipality also provides disaster management support to communities affected by disaster incidents, including the provision of temporary structures where houses are affected and capacity-building initiatives related to disaster management.

6.28.5 Services That Support Local Municipalities

The evidence further indicates that available funding is limited and does not always allow the Municipality to meet the full value of all requests.

The District Municipality also provides a range of shared services to support local municipalities, including:

- Financial Services Support, including revenue enhancement initiatives, with Dikgatlong and Magareng Local Municipalities each allocated R1.5 million for debt collection management systems.

- Audit Support, with the District covering the full costs of internal audit and audit committee functions for local municipalities.
- Strategic Oversight Support, including internal audit, audit committee functions, risk assessments, and fraud prevention.
- GIS Services, including mapping, data collection, billing support, demarcation, and zoning.
- ICT Support, including analysis of municipal servers and IT systems.
- Legal Services, including litigation and contract management.
- Planning and Governance Support, including spatial planning, bylaws, spatial data, IDP and SDBIP review, supply chain management and budget analysis.
- Communications Support, including policy framework development.

6.29 John Taolo Gaetswe District Municipality

6.29.1 Institutional Capacity

The Auditor-General's report for the 2023/2024 financial year reflects moderate institutional capacity constraints. The overall vacancy rate was reported at 20%, with senior management vacancies at 50% and vacancies within the finance department at 31%. The CFO position was vacant for a period of approximately 11 months.

The Municipality's Annual Report for 2024 reflects an approved staff complement of 41 positions, of which 16 were vacant during the reporting period. This indicates a relatively small organisational structure with a notable proportion of unfilled posts.

6.29.2 Financial Position

The Auditor-General issued an unqualified audit opinion for the 2023/2024 financial year. One material irregularity has been issued since 2019. The closing balance for unauthorised, irregular, fruitless and wasteful expenditure at year-end was reported at R349 000.

The Municipality takes an average of 30 days to pay its creditors. The Auditor-General further reported that the Municipality has good internal financial controls in place.

6.29.3 Planning and Oversight

The Municipality has an adopted and valid IDP. Written submissions indicate that extensive plans and strategies for key development areas are in place. Most mandatory sector plans are referenced and discussed in the IDP

6.29.4 Services Rendered to the Community

Written submissions indicate that the District Municipality renders a range of services to communities, including support in the roads and housing sectors.

In relation to roads, the District supports Local Municipalities by providing road network information across the District, facilitating access to data on the current status of roads, and quantifying the value of road infrastructure

backlogs. Intergovernmental relations forums provide opportunities for Local Municipalities to engage with the District on road-related challenges and jointly identify practical solutions.

In the housing sector, housing allocation committees within Local Municipalities are chaired by the District Municipality to ensure alignment with national and provincial housing policies. The District is responsible for determining housing needs and submitting this information to the National Housing Needs Register. Housing education programmes are conducted during community engagements to raise awareness of housing processes, and progress reports on government housing programmes are regularly submitted to Council.

The District Municipality implements a District Brick Making Project, which provides paved blocks to Local Municipalities for use in road surfacing. Expanded Public Works Programme initiatives include fencing of cemeteries.

Municipal Health Services are provided in accordance with the Municipal Health Services Act, 2003 (Act 61 of 2003). These include waste management, food control, water quality monitoring, health surveillance of premises, surveillance and prevention of communicable diseases (excluding immunisation), vector control, environmental pollution control, disposal of the dead, and chemical safety. Additional responsibilities include air quality management and climate change response, which are integrated into the Municipality's planning frameworks.

The District also performs a central role in Disaster Management Services, guided by District Disaster Management Plans and contingency frameworks. This includes support to Fire Protection Associations, development and implementation of disaster contingency plans, provision of disaster management services across the District, and operation of the Disaster Management Centre, which also functions as an Emergency Services Centre. A feasibility study has been completed for the development of a fully-fledged Disaster Management Centre, with further assessments underway. Plans include the establishment of Local Municipality satellite centres to improve response times and coordination.

The Municipality experiences challenges relating to mining and economic alignment, including misalignment between mining companies' Social and Labour Plans and local community needs, the finite lifespan of mining operations, limited post-mining economic sustainability, and weak alignment between corporate social investment initiatives and municipal development priorities.

No evidence was presented of specific plans or initiatives aimed at child-headed households, older persons, or persons with disabilities in the IDP.

6.29.5 Services That Support Local Municipalities

Written submissions indicate that the District Municipality provides a range of services to support Local Municipalities.

With the commencement of SPLUMA, the District entered into a Memorandum of Understanding with Local Municipalities to establish a District Municipal Planning Tribunal (DMPT). The tribunal included representation from the District, Local Municipalities, and external specialists. During its operation, the DMPT considered major development applications, including the de-proclamation of Dingleton (Sishen), Kathu Industrial Park, Kathu Mixed Development, solar farm projects, guesthouse developments, and land development applications in Ga-Segonyana and Joe Morolong. Following the expiry of the agreement, Local Municipalities established their own Municipal Planning Tribunals, with the District continuing to provide technical advisory support on request.

The District Municipality does not currently provide bulk services directly to Local Municipalities. However, it supports Local Municipalities by creating an enabling environment through intergovernmental frameworks, planning instruments, and forums. Section 78 assessments are underway to explore the potential assumption of additional functions by the District.

Under the District Development Model One Plan, the District has identified catalytic infrastructure projects relating to bulk water supply, disaster management services, waste-to-energy initiatives, and road infrastructure upgrades. Bulk infrastructure projects within Local Municipalities are being aligned with District and Local plans to strengthen integration and coordinated implementation.

Service delivery monitoring is undertaken through performance management and oversight mechanisms, including quarterly reporting through the Performance Management System, review by the Audit Committee, and reporting at District planning and performance forums. The District Audit Committee functions as a shared service for Local Municipalities.

The District hosts a range of intergovernmental and sectoral forums, including the Integrated Infrastructure Forum, LED Forum, Planning and Performance Forum, Institutional Transformation and Development Forum, Disaster Management Advisory Forum, CFO Forum, and Municipal Managers' Forum. These forums support coordination, alignment, benchmarking, and collaboration on governance, financial viability, planning, and service delivery matters.

6.30 Namakwa District Municipality

6.30.1 Institutional Capacity

The Auditor-General's report for the 2023/2024 financial year reflects an overall vacancy rate of 12.4%, with senior management vacancies at 25% and vacancies within the financial department at 21%. The CFO position was vacant for a period of five months during the reporting period.

The Municipality's Annual Report reflects an approved staff complement of 93 positions, with 12 vacancies recorded.

6.30.2 Financial Position

The Auditor-General's report for the 2023/2024 financial year reflects a clean audit opinion. No material irregularities have been issued.

The closing balance for unauthorised, irregular, fruitless and wasteful expenditure was reported at R2.3 million. The Municipality takes an average of 73 days to pay creditors. The Auditor-General reported that internal financial controls are good.

6.30.3 Planning and Oversight

The Municipality has an adopted and valid Integrated Development Plan. Written submissions indicate that most mandatory sector plans are in place. However, no details were provided regarding the dates of the most recent reviews of these plans.

The evidence further indicates that a climate change response plan is in place.

6.30.4 Services Rendered to Communities

Written submissions indicate that the Municipality renders a range of services and development initiatives.

Technical support is provided through the allocation of technicians and graduates to assist with bulk services, as well as the implementation of the Rural Roads Asset Management System.

In relation to local economic development, the Municipality has revived District LED Forums, which meet on a quarterly basis, and has concluded a memorandum of understanding with Sol Plaatjie University. LED initiatives include alignment with the National Framework for LED, participation in the IC4LED Project, support to informal traders in cooperation with the Northern Cape Economic Development Agency (NCEDA), implementation of an SMME Asset Support Programme in cooperation with NCEDA, and preferential procurement support to SMMEs.

The Annual Report reflects the Municipality's involvement in major strategic economic initiatives. These include the planned Namakwa Special Economic Zone, for which submission documents are being finalised by the Northern Cape Department of Economic Development and Tourism in conjunction with the national Department of Trade and Industry. The planned Special Economic Zone is intended to be established in the Aggeneys region of the Namakwa District and is positioned as having transformative economic potential at local, regional, provincial, and national levels.

The evidence further reflects planning for the proposed Boegoebaai Deep Sea Port development on the Namaqualand coastline. The proposed development is estimated at approximately R40 billion and is intended to support alternative transport options, minerals beneficiation, and broader economic transformation, with education and skills development identified as critical components.

The Municipality has finalised the draft District Development Model One Plan, which was announced by the President. The One Plan is intended to serve as a long-term strategic development framework aimed at aligning development initiatives across all spheres of government and the private sector at district level.

6.30.5 Services That Support Local Municipalities

Written submissions indicate that the District Municipality provides a range of services to support Local Municipalities.

In relation to planning and service provision, the Municipality annually develops and adopts an IDP Framework and facilitates IDP Representative Forum meetings.

Capacity-building support to Local Municipalities includes the establishment of a District Infrastructure Forum to strengthen oversight over community projects and grant spending, and the creation of a Municipal Support Unit. The Municipal Support Unit employs additional staff to assist Local Municipalities with annual financial statements, IDPs, internal audit functions, risk management, human resources, and related services.

Coordination and monitoring of service delivery is supported through memoranda of understanding concluded with certain Local Municipalities.

Land-use planning support is provided through the establishment of a Joint Municipal Planning Tribunal to assist with land-use management. Qualified planners are deployed to ensure compliance and to support forward-looking spatial planning.

The Municipality supports intergovernmental relations through various forums, including structures related to the District Development Model One Plan, with reporting and coordination taking place through functional intergovernmental platforms.

Shared services are provided to support functions including the Municipal Support Unit, Environmental Health, Disaster Management, Internal Audit, the Joint Municipal Planning Tribunal, and technical and political intergovernmental relations structures. Existing district forums, including the District Infrastructure Forum and human resources forums, are reported as functional.

The Annual Report further reflects that two Municipal Planning Tribunals were established in the district in terms of the Spatial Planning and Land Use Management Act, 2013. One tribunal operates at district level and includes the municipalities of Nama Khoi, Richtersveld, Kamiesberg, Khai-Ma, and Karoo Hoogland. A separate Municipal Planning Tribunal operates for the Hantam Municipality.

6.31 Pixley Ka Seme District Municipality

6.31.1 Institutional Capacity

The Auditor-General's report for the 2023/2024 financial year reflects an overall vacancy rate of 15%. No vacancies were reported at senior management level, while the vacancy rate within the financial department stood at 27%. The Chief Financial Officer has been in office for approximately 180 months, indicating stability in this key position.

According to the Municipality's Annual Report, the approved staff complement is 106 positions, of which 16 were vacant during the reporting period.

6.31.2 Financial Position

The Auditor-General's report for the 2023/2024 financial year reflects an unqualified audit opinion. No material irregularities were issued. As a District Municipality, the Municipality is largely grant-dependent which poses a structural limitation on its financial viability. The Municipality specifically faces a challenge in reducing high-personnel cost. Therefore, Council adopted a Revenue Enhancement Strategy, 2024 which implements cost containment by delaying the filling of non-essential vacant posts and strengthening revenue collection.

The closing balance of unauthorised, irregular, fruitless and wasteful expenditure was reported at R11 million. However written submissions confirm that the MPAC is actively managing UIFW. The Municipality takes an average of 127 days to pay creditors. Internal financial controls were assessed as acceptable.

Written submissions indicate that District Municipalities often operate under limited financial resources. Specifically, the Municipality is a level 2 housing accredited municipality. This and disaster management operate largely without dedicated funding.

6.31.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan in place. The IDP does not detail individual sector plans extensively but treats them collectively. According to the IDP, all mandatory sector plans were reviewed and updated in February 2025.

6.31.4 Services Rendered to Communities

Written submissions indicate that the Municipality renders services to communities primarily through local economic development, housing-related support, environmental health, and disaster management functions.

The District has a functional Local Economic Development Forum, which meets quarterly on a rotational basis with Local Municipalities, SMMEs, and sector institutions. Through this forum, opportunities are created for local businesses and communities to access resources and services and to formalise their businesses. The LED unit further supports Local Municipalities with the review of LED strategies.

The Municipality has appointed a Tourism Officer to promote tourism within the district, with the aim of attracting visitors and generating economic benefits.

The Annual Report reflects that the Municipality contributes to housing-related functions by providing training on housing maintenance, assisting with beneficiary administration, and supporting the registration of potential beneficiaries on the National Housing Needs Register.

In relation to roads, the Municipality does not own or maintain road assets directly. However, it provides support to Local Municipalities by deploying civil engineering graduates and data capturers to assist with road maintenance and related functions when required.

The Annual Report confirms that environmental health and municipal health services are rendered within the district.

The Municipality operates a municipal disaster management centre and undertakes overall disaster management functions. Several hazards, including droughts, floods, and chemical spillages, were identified, and corresponding action plans were developed. No disasters were reported for the 2023/2024 financial year.

6.31.5 Services That Support Local Municipalities

Written submissions indicate that the Municipality has a functional District Infrastructure Forum, which meets on a quarterly basis and is convened by the District Municipality.

The forum brings together municipal, provincial, and national government entities, private sector stakeholders, and development partners to coordinate, monitor, and plan public infrastructure development at district level. Its objectives include facilitating information sharing, aligning projects, addressing implementation challenges, and supporting strategies to improve infrastructure development, reduce corruption risks, and ensure that infrastructure projects respond to community needs.

Written submissions further showed that the Municipality provides shared services to its local municipalities that include planning support, internal audit services, legal services and performance management support.

The District Municipality further provides technical input to Local Municipalities by attending technical project meetings when requested. This is mostly done through a quarterly Technical Intergovernmental Relations Forum. All local municipalities within the district, including the relevant sector departments are invited to participate. The Forum provides a platform to facilitate coordination, alignment and cooperative governance across all spheres of government.

6.32 Provincial Stakeholders

6.32.1 Challenges Facing Municipalities: Provincial Departments' Perspectives

Governance, Planning, and Institutional Challenges

Testimony by the Department of Cooperative Governance, Human Settlements and Traditional Affairs (COGHSTA) indicated that intergovernmental relations (IGR) structures do not operate effectively in the province. COGHSTA further reported that eighteen municipalities had adopted unfunded budgets. Concerns were also raised that councillors and municipal staff in some instances do not pay municipal rates and taxes.

COGHSTA noted that several projects require counter-funding at initiation stage, meaning municipalities must demonstrate the ability to collect revenue once infrastructure becomes operational. According to the department, this requirement poses difficulties in much of the province due to limited revenue collection capacity. COGHSTA further highlighted that many municipalities lack adequate procurement and demand management planning.

Both COGHSTA and SALGA identified fragmented planning as a recurring challenge, noting that planning and budget cycles do not always align, leading to inefficiencies and wastage of resources. SALGA further indicated that decisions are not always based on credible or updated data, with municipalities relying on varying datasets, including Census 2011, the 2016 Community Survey, or Census 2022, which SALGA noted is regarded as unreliable by parts of the scientific community.

Financial and Economic Constraints

COGHSTA, SALGA, and Provincial Treasury all highlighted the weak local economic base of municipalities in the Northern Cape. SALGA confirmed that most municipalities have a poor revenue base, exacerbated by high unemployment and widespread indigence.

SALGA further indicated that revenue collection is particularly challenging in Eskom-supplied areas, where municipalities face difficulties enforcing credit control. Additional challenges include outdated customer information and billing systems.

COGHSTA raised concerns regarding historic underinvestment in the province and indicated that existing projects often deliver poor value. The department also suggested that municipalities should be provided with a mechanism to write off debt in special circumstances.

Testimony by the Auditor-General of South Africa (AGSA) indicated that municipalities spent approximately R150 million on consultancy fees to prepare financial statements for audit purposes. Despite this expenditure, AGSA reported that 22 municipalities' annual reports contained material misstatements.

Capacity and Skills Shortages

COGHSTA and SALGA both reported significant vacancy rates across municipalities and persistent difficulties in attracting and retaining suitably qualified personnel, particularly in rural towns. COGHSTA further noted that while municipalities may have large organisational structures, they continue to experience critical skills shortages, indicating a mismatch between staffing levels and required competencies.

The Department of Water and Sanitation (DWS) similarly identified a shortage of skills required to manage and deliver water and sanitation services at municipal level.

Infrastructure, Water, and Environmental Challenges

DWS testified that municipalities face major infrastructure backlogs, insufficient bulk water storage capacity, and challenges in groundwater management. The department further reported that vandalism and theft of water infrastructure is a significant and ongoing problem.

DWS also indicated that water consumption levels in the province are high, with average daily consumption estimated at approximately 200 litres per person, compared to a norm of 80 litres per person.

SALGA and COGHSTA confirmed that the cost of service delivery in the Northern Cape is significantly higher than in other provinces due to the province's large geographical expanse, low population density, difficult terrain, and limited water resources. SALGA and COGHSTA both submitted that the equitable share allocation does not adequately account for these spatial and environmental realities.

6.32.2. Reported Provincial Support Measures to Municipalities

Support by COGHSTA

Testimony and written submissions by COGHSTA indicated that the department provides support to municipalities through training initiatives, staff secondments, and collaboration with the Municipal Infrastructure Support Agent (MISA). COGHSTA further assists municipalities with the development and maintenance of valuation rolls, outstanding title deed applications, spatial development frameworks (SDFs), and the implementation of the District Development Model (DDM). Disaster management plans were also reported to be in place for the province.

Written submissions further detailed financial support to municipalities through grant allocations, including Municipal Infrastructure Grant (MIG) allocations amounting to R581 million, MIG Schedule 6B allocations of R22 million, and Integrated National Electrification Programme (INEP) allocations to district municipalities amounting to R114 million.

COGHSTA reported the deployment of provincial officials to support specific municipalities, including Renosterberg, which subsequently secured additional funding. Further support was provided to Khai-Ma, Gasegonyana, Kareeberg, Richtersveld, and Umsobomvu through assistance with planning and implementation, enabling these municipalities to qualify for additional funding.

Additional interventions included enhanced support on the MIG Management Information System (MIG-MIS), continuous physical and virtual engagements with municipalities lacking technical capacity or with newly appointed officials, and the re-establishment of the ZFM District Infrastructure Forum to improve coordination and sector input.

COGHSTA further reported measures such as waiving counter-funding requirements on new projects, assisting municipalities with forward planning aligned to the Medium-Term Expenditure Framework (MTEF), administering cost reimbursement programmes for defaulting municipalities, and monitoring conditional grant expenditure through monthly reporting and bank statement submissions.

Support by the Department of Water and Sanitation

Testimony and written submissions by DWS indicated extensive planning for water and sanitation projects, including the development of water services development plans and water and sanitation master plans. DWS reported significant investment and grant applications through the Regional Bulk Infrastructure Grant (RBIG) and

the Water Services Infrastructure Grant (WSIG), although available budgets were stated to be insufficient to address all needs immediately.

DWS further reported issuing 23 directives to municipalities and lodging 20 criminal complaints with the National Prosecuting Authority. Additional support included administrative assistance, development of bylaws and cost-reflective policies, operator training through EWSETA programmes, borehole operator training, development of operations and maintenance manuals, funding of feasibility and implementation readiness studies, technical appraisal of business plans, and project monitoring. Written submissions also reflected ongoing monitoring and follow-up to ensure guidance was implemented.

Support by the Auditor-General of South Africa

AGSA testified that it monitors municipal financial management, provides recommendations, and issues material irregularities where appropriate. Since 2019, AGSA has issued several material irregularities to municipalities in the Northern Cape. No certificates of debt have yet been issued.

Support by SALGA

Testimony and written submissions by SALGA indicated that the organisation provides technical advice, planning support, operational readiness assessments, and training initiatives. SALGA reported specific efforts to strengthen governance and oversight through councillor induction and training programmes, including support aimed at enhancing the functioning of Municipal Public Accounts Committees (MPACs).

During the 2023/24 and 2024/25 financial years, SALGA conducted Municipal Capabilities Assessments across several municipalities in the province. These assessments, conducted on a voluntary basis, measured municipal capability levels in areas such as learning and development, institutional performance management, human capabilities, and labour relations. The outcomes were shared with participating municipalities and informed the development of targeted support plans to address identified capability gaps. As part of this process, SALGA provided performance management support to participating municipalities.

SALGA further implemented six finance-related capacity-building programmes during the 2024/25 financial year focusing on asset management, reconciliation of billing systems, records management, project finance, audit committee functions, and the preparation of annual financial statements. These programmes targeted municipal finance officials, councillors serving on finance committees, MPAC members, and audit committee members, with a total of 341 participants trained across municipalities. SALGA reported that these interventions contributed to improved audit outcomes in municipalities such as !Kheis Local Municipality and Joe Morolong Local Municipality.

In addition, SALGA provided support to municipalities in the areas of disaster management, fire services, and climate adaptation planning. This included training councillors and officials on disaster risk management and climate resilience strategies, as well as supporting the integration of climate change and disaster risk considerations into Integrated Development Plans and municipal budgeting processes. SALGA also provided technical assistance with the development and review of disaster management plans and fire by-laws. SALGA also facilitated peer learning platforms and intergovernmental engagement processes among municipalities and relevant stakeholders. In addition, SALGA collaborated with national and provincial departments to support climate action planning, strengthen fire services, and improve access to funding for disaster risk reduction initiatives across district municipalities in the province.

Support by Provincial Treasury

Written submissions by Provincial Treasury indicated that it supports municipalities through capacity-building initiatives related to infrastructure management, financial management, supply chain management, asset management, budgeting, and audit outcomes. Treasury reported implementing tools such as the GoMuni

Database and the Local Government Infrastructure Reporting Model, providing guidance and hands-on support to reduce unauthorised, irregular, fruitless and wasteful expenditure, strengthening accountability through section 216(2) of the Constitution, and offering continuous capacity-building for MPACs, including the development of standard operating procedures.

6.32.3. Constraints and Challenges Identified by Provincial Departments

Evidence also reflects constraints and limitations identified by provincial departments in providing support and exercising oversight.

COGHSTA testified that the department lacks adequate funding to implement section 139 interventions. By way of example, the intervention in Phokwane Local Municipality reportedly cost approximately R9 million. COGHSTA further identified dishonesty by councillors in disclosing interests as an ongoing challenge.

DWS confirmed that while it is willing to provide financial, technical, and planning support, its interventions are constrained by municipal Integrated Development Plans (IDPs). The department indicated that it may only support capital projects and not operations and maintenance. DWS further highlighted the importance of accurately reflecting community priorities in IDPs and translating them into water services development plans and infrastructure master plans.

AGSA testified that the material irregularity process is lengthy and procedurally constrained. Municipal managers must be afforded a reasonable opportunity to address material irregularities before a certificate of debt may be issued. In practice, frequent changes in municipal management result in the process restarting, as new accounting officers must again be afforded an opportunity to respond.

Evidence further showed duplication of mandates among Provincial Treasury, COGHSTA, SALGA, and district municipalities, with overlapping support functions such as training initiatives. Written submissions by DWS also highlighted that, despite extensive monitoring and guidance, communication challenges sometimes affect implementation.



7. Findings







7.FINDINGS

7.1 Dikgatlong Local Municipality

7.1.1 Institutional Capacity

The Commission finds that Dikgatlong Local Municipality is operating with materially insufficient institutional capacity to fulfil its service delivery obligations. At the time of the inquiry, only approximately 68% of approved technical positions were filled, resulting in the Municipality functioning at roughly two-thirds of its required technical capacity.

The Commission further notes that Dikgatlong Local Municipality is situated in a rural area within a historically underdeveloped province, which presents structural challenges in attracting and retaining suitably qualified personnel. These challenges are compounded by a municipal salary structure that is insufficiently competitive to attract scarce technical skills.

The Commission recognises that several senior managers, including the Municipal Manager and CFO, had been in office for approximately one year at the time of the inquiry. The Commission acknowledges that these officials inherited longstanding governance and operational challenges, and that a one-year period is generally insufficient to effect meaningful systemic reform, particularly in a municipality operating under a Financial Recovery Plan.

Notwithstanding these constraints, the Commission notes an ongoing and unnecessary reliance on outsourced water tankering and yellow fleet services. The Commission finds that this reliance has institutional implications, as these functions could reasonably be internalised over time through the acquisition and maintenance of an appropriate municipal fleet, thereby strengthening internal capacity and reducing long-term operational costs.

7.1.2 Financial Position

The Commission finds that Dikgatlong Local Municipality demonstrates persistent weaknesses in financial governance, particularly in relation to the management of UIFW.

Despite the existence of a Financial Recovery Plan, the Commission finds a clear lack of effective consequence management. Evidence before the Commission did not demonstrate how responsibility for historical or current UIFW has been apportioned, addressed, or recovered.

The Commission further finds that the Municipality's revenue collection rate is unacceptably low and that no sufficient evidence was presented to demonstrate meaningful corrective measures to address this challenge. While the Municipality has attributed poor revenue collection to indigency levels, official statistics indicate that only approximately 5% of households receive free basic services. The Commission finds that this figure does not adequately account for the extent of the Municipality's revenue collection failure.

The Commission notes evidence of tender irregularities and finds that the Municipality's expenditure decisions do not align with the most urgent service delivery needs of the community. In particular, procurement choices do not reflect prioritisation of critical infrastructure and equipment required to address ongoing service delivery failures.

7.1.3 Planning and Oversight

The Commission finds that planning and oversight mechanisms within Dikgatlong Local Municipality, provincial treasury, and provincial department for local government are ineffective and fail to produce material improvements in governance or service delivery outcomes.

Evidence before the Commission did not demonstrate meaningful provincial or council oversight, nor the effective functioning of internal accountability structures capable of addressing governance failures. The absence of demonstrable oversight actions limits the Municipality's ability to correct systemic deficiencies and undermines transparent and accountable governance.

7.1.4 Service Delivery and Community Experience

The Commission finds that Dikgatlong Local Municipality is failing to deliver essential services to multiple communities within its jurisdiction, including at least five villages and/or townships.

The Commission further finds that the Municipality is insufficiently responsive to community complaints and does not communicate effectively with affected residents regarding service delivery failures or remedial actions.

The cumulative effect of these failures place community members at ongoing risk and has direct implications for their health, safety, and dignity. Persistent deficiencies in water, sanitation, electricity, refuse removal, and related services expose residents to unsafe living conditions and undermine the realisation of fundamental human rights.

7.2 Phokwane Local Municipality

7.2.1 Institutional Capacity

The Commission finds that Phokwane Local Municipality has experienced a period of relative institutional stability, with senior management having been in office for approximately two years at the time of the inquiry. This period has provided some opportunity for institutional reform, and evidence before the Commission indicates that certain corrective steps have been taken, including the acquisition of a municipal yellow fleet and the reduction of reliance on outsourced water tankering and related services.

Notwithstanding these developments, the Commission finds that institutional capacity challenges persist. While the Municipality appears to have a sufficient number of staff in place, evidence indicates that many officials may not possess the requisite skills to effectively perform their functions. This skills mismatch limits the Municipality's ability to translate staffing levels into effective service delivery.

The Commission further notes that the Municipality is emerging from a period during which the relationship between the municipal administration and council was strained. This history of institutional tension likely impeded decision-making and the implementation of corrective measures, and its effects continue to influence governance and operational performance.

7.2.2 Financial Position

The Commission finds that Phokwane Local Municipality is operating under sustained financial strain, as acknowledged by the Municipality itself and evidenced by growing levels of debt.

The Municipality faces multiple financial challenges, including high unemployment and a limited ability to collect revenue in areas where electricity is supplied directly by Eskom, as the Municipality is unable to enforce disconnections as a credit control measure. These structural constraints contribute to weak revenue collection performance.

The Commission further finds that the Municipality exhibits poor financial management practices, including deficiencies in performance management and consequence management. These weaknesses undermine fiscal discipline and impair the Municipality's ability to stabilise its financial position and redirect resources toward priority service delivery needs.

7.2.3 Planning and Oversight

The Commission finds that Phokwane Local Municipality does not have adequate strategic planning in place as required by legislation. While planning instruments exist, sectoral plans are outdated and have not been updated annually as required. This lack of current and responsive planning adversely affects spending priorities and contributes to a misalignment between budget allocations and the actual needs of communities.

The Commission notes that both provincial and national departments have undertaken oversight and support interventions. In particular, the contribution of Provincial Treasury to budget preparation and the development of financial recovery planning has been constructive.

By contrast, the Commission finds that support provided by National Treasury and the Department of Cooperative Governance has had limited observable impact on improving governance or service delivery outcomes.

The Commission further notes that the Department of Forestry, Fisheries and the Environment and the Department of Water and Sanitation have played active monitoring roles in relation to water and sanitation services, indicating the presence of external regulatory oversight in response to service delivery challenges.

7.2.4 Service Delivery and Community Experience

The Commission finds that Phokwane Local Municipality is experiencing widespread service delivery failures across multiple sectors, including water, sanitation, refuse collection, road infrastructure, housing, and environmental management.

These failures are particularly acute in Sakhile township, where deficiencies in basic services have been persistent and severe. The cumulative effect of these failures undermines the safety, health, and wellbeing of affected communities.

The Commission further finds that the Municipality does not communicate effectively with its communities. Inadequate communication exacerbates service delivery challenges, limits community engagement, and contributes to frustration and prolonged unresolved complaints.

7.3 Sol Plaatje Local Municipality

7.3.1 Institutional Capacity

The Commission finds that Sol Plaatje Local Municipality suffers from a persistent shortage of skills and instability in senior management, which materially impairs its ability to fulfil its service delivery responsibilities. Evidence before the Commission demonstrated frequent changes in acting senior management positions, including the Municipal Manager, and the continued reliance on officials who do not meet the qualification requirements for permanent appointment. These conditions have undermined administrative continuity, institutional memory, and effective operational decision-making. Although the Municipality reported certain training initiatives and plans to address skills shortages, the evidence indicates that these measures have not been sufficient to stabilise institutional capacity or improve service delivery outcomes.

7.3.2 Financial Position

The Commission finds that the Municipality is financially distressed and that its limited financial capacity significantly impairs its ability to meet service delivery obligations. Although the Municipality's financial information reflects relative stability on paper, the evidence demonstrates that this stability exists within an unhealthy and critical context. The Municipality itself acknowledged that it lacks the financial capacity to attract and retain skilled personnel, respond effectively to disasters, or adequately deliver basic services.

The Commission further finds that the Municipality has failed to address irregular, unauthorised, fruitless, and wasteful expenditure in accordance with section 32 of the Municipal Finance Management Act. A substantial IUFW balance remains unresolved, and there is no evidence of effective consequence management. This failure has contributed to ongoing financial strain and has weakened the Municipality's ability to prioritise and fund essential services.

In these circumstances, the Commission finds that the Municipality's financial position is impairing its ability to fulfil its constitutional obligations as envisaged in section 139(1) of the Constitution.

7.3.3 Planning and Oversight

The Commission finds that planning within the Municipality is inadequate. Although a valid Integrated Development Plan is in place, the majority of sectoral plans, including those relating to water, sanitation, electricity, and waste management, are outdated. This has limited the Municipality's ability to plan, budget, and implement infrastructure interventions in a coordinated and sustainable manner.

The Commission further finds that multiple provincial and national departments have taken steps to monitor, support, and intervene in the Municipality over several years. These steps include the issuing of directives, the provision of technical assistance, grant funding, advisory support, and engagement through intergovernmental structures. However, the evidence indicates that follow-up action by these departments has been inadequate. Directives and action plans were either not implemented or were poorly implemented, and compliance was not effectively enforced.

The Commission finds that less intrusive measures of intervention have clearly been unsuccessful. In these circumstances, the Commission finds that provincial government failed to fulfil its obligation to intervene more decisively, as required by the Municipal Finance Management Act and the Constitution, to ensure compliance with legal obligations and to prevent the continued deterioration of services.

7.3.4 Service Delivery and Community Experience

The Commission finds that service delivery failures within the Municipality are widespread, severe, and persistent, and that they have resulted in large-scale human rights violations. Evidence demonstrated an ongoing collapse of sanitation infrastructure, repeated uncontrolled discharges of untreated effluent, and the Municipality's inability to provide safe and reliable water and sanitation services across multiple communities.

The Commission finds that sanitation failures, in particular, have reached a level of severity that the Municipality does not have the capacity to manage or remedy. The prolonged nature of the crisis, the scale of infrastructure failure, and the Municipality's admitted inability to respond adequately justify the declaration of a provincial disaster. The evidence demonstrates that the Municipality lacks both the technical and financial capacity to respond effectively to the crisis without external intervention.

Community testimony further demonstrated severe impacts on health, dignity, livelihoods, and the environment. Evidence relating to Platfontein highlighted systemic neglect. The cumulative effect of these failures has entrenched poverty and heightened community vulnerability, particularly among households dependent on social grants.

7.4 Siyancuma Local Municipality

7.4.1 Institutional Capacity

The Commission finds that leadership instability within the Municipality has adversely affected institutional responsiveness and decision-making. Evidence before the Commission demonstrated a volatile political environment, including a hung council and frequent changes in political and administrative leadership since the 2021 local government elections. These conditions have constrained the Municipality's ability to take timely decisions and to ensure consistent implementation of those decisions.

The Commission further finds that the Municipality experiences significant skills shortages, particularly in technically specialised and trade-certified positions. Evidence indicated the absence of key technical personnel, including electricians, plumbers with trade test qualifications, and mechanical staff. This has further limited the Municipality's operational capacity and its ability to respond effectively to service delivery demands.

7.4.2 Financial Position

The Commission finds that the Municipality faces financial challenges but continues to function to a significant extent. Evidence indicated persistent financial pressures arising from unfunded mandates, high levels of water and electricity losses, poor historical revenue collection, and an adverse pricing structure in relation to electricity purchases from Eskom.

Although recent improvements in revenue collection were reported following the installation of smart meters, the Municipality continues to operate with limited financial resources that are insufficient to meet all service delivery demands. Budgetary constraints have restricted investment in infrastructure and contributed to the Municipality's ongoing reliance on outsourced systems and support services.

The Commission further finds that substantial amounts of irregular, unauthorised, fruitless, and wasteful expenditure remain unresolved. While portions have been condoned or written off, evidence indicates that significant balances are still subject to investigation and disciplinary processes.

7.4.3 Planning and Oversight

The Commission finds that sector planning within the Municipality is inadequate. Although a valid Integrated Development Plan is in place, the evidence indicates that sectoral plans referenced in the IDP are outdated or lack clarity regarding implementation and monitoring. The absence of up-to-date sector plans has constrained coordinated infrastructure development and long-term service delivery planning.

The Commission further finds that there is limited evidence of sustained provincial or national monitoring, support, or oversight interventions with visible impact. While certain forms of assistance were referenced, including housing and water infrastructure support, the evidence does not demonstrate regular oversight or measurable outcomes arising from such interventions.

7.4.4 Service Delivery and Community Experience

The Commission finds that the Municipality does respond to service interruptions and infrastructure breakdowns, including water and sewerage leakages, and has implemented measures such as water shedding and emergency repairs to manage service provision equitably. These responses indicate an effort to mitigate immediate service disruptions within existing constraints.

However, the Commission finds that the Municipality lacks sufficient bulk infrastructure for water and sanitation and does not have adequate access to reliable raw water sources. Severe pollution in the Vaal River and seasonal limitations on alternative abstraction sources significantly increase the cost and complexity of water treatment.

The Commission further finds that the most pressing service delivery challenge is the lack of access to adequate sanitation in certain townships, including areas where bucket systems remain in use or where no sanitation services are provided. Evidence indicates that addressing sanitation backlogs, particularly in informal settlements, would require substantial investment beyond the Municipality's current capacity.

7.5 Thembelihle Local Municipality

7.5.1 Institutional Capacity

The Commission finds that the Municipality experiences a shortage of skills, particularly in technically specialised positions, and that limited fiscal capacity has prevented the effective implementation of skills development and training programmes. Evidence indicates that high vacancy rates, combined with financial constraints, have undermined the Municipality's ability to build and retain institutional capacity.

The Commission further finds that the Municipality lacks adequate contingency and succession planning. This is evidenced by operational disruptions following staff turnover, including breakdowns in institutional communication when officials leave office and new officials are appointed. These shortcomings have adversely affected continuity and administrative efficiency.

The Commission finds that political instability, including the operation of a hung council, has negatively affected the Municipality's responsiveness and its ability to take and implement decisions. This has, in turn, had a direct impact on service delivery.

At the time of the inquiry, the Municipal Manager had been in office for just over nine months. The Commission finds that this limited tenure constrained the Municipal Manager's ability to meaningfully effect systemic change within the Municipality during the relevant period.

7.5.2 Financial Position

The Commission finds that the Municipality is experiencing financial distress. Evidence before the Commission demonstrated large levels of debt, poor revenue collection, abnormal material losses, and an inability to invest adequately in infrastructure.

The Municipality admitted that it lacks sufficient financial resources to appoint, retain, or develop appropriately skilled personnel and to fund critical capital infrastructure. The Commission finds that these indicators collectively reflect structural financial weakness that materially impairs the Municipality's ability to discharge its service delivery obligations.

7.5.3 Planning and Oversight

The Commission finds that the Municipality has the required planning instruments in place, including a valid Integrated Development Plan and sectoral plans. However, the existence of these plans has not translated into improved service delivery outcomes.

The Commission further finds that national and provincial departments are actively supporting the Municipality through a range of measures, including technical assistance, financial interventions, and capacity-building initiatives. Despite this support, the Municipality remains dysfunctional.

The Commission notes that the Department of Cooperative and Traditional Affairs has classified the Municipality as dysfunctional. The evidence further demonstrates a history of less intrusive interventions, including directives, support programmes, and advisory measures, which have not resulted in sustained improvement.

In light of the Municipality's own admission that it cannot discharge its service delivery obligations due to its fiscal capacity, the Commission finds that the conditions for a mandatory provincial intervention, as contemplated in section 139 of the Constitution, have been met. The Commission further finds that it is questionable why such an intervention has not yet been implemented.

7.5.4 Service Delivery and Community Experience

The Commission finds that the Municipality is failing to discharge its obligation to provide basic services. Evidence before the Commission demonstrated that numerous households lack access to adequate water, sanitation, or electricity, particularly in informal settlements and rapidly growing areas.

Service delivery failures are exacerbated by aging infrastructure, limited financial capacity, and vandalism of municipal assets. While the Municipality has taken steps to respond to service interruptions, these measures are insufficient to address the scale and severity of the challenges.

The Commission notes one positive practice emerging from the evidence, namely the establishment of a direct communication line between school principals and the Municipal Manager to ensure reliable access to water and other essential services at schools. This practice has improved responsiveness in relation to educational facilities and represents a model that could be replicated in other municipalities.

7.6 Emthanjeni Local Municipality

7.6.1 Institutional Capacity

The Commission finds that the Municipality has inadequate institutional capacity to fulfil its constitutional and statutory mandate. Evidence before the Commission demonstrated high vacancy rates in critical technical and financial positions, persistent staff turnover, and shortages of specialised skills required to plan, manage, and maintain infrastructure.

The Commission further finds that institutional instability has undermined continuity and effectiveness within the administration. The absence of key senior managers, combined with limited training and development opportunities arising from fiscal constraints, has impaired the Municipality's ability to perform core functions. These challenges collectively weaken institutional resilience and responsiveness.

7.6.2 Financial Position

The Commission finds that the Municipality lacks sufficient financial resources to meet its service delivery obligations. Evidence indicated large debt levels, including significant Eskom debt, high outstanding consumer debt, and a revenue collection rate below 50%, compounded by high unemployment levels within the municipal area.

The Commission further finds that the Municipality faces systemic financial and organisational challenges, including dysfunctions within its financial management systems. Evidence demonstrated problems relating to the implementation and transition of the enterprise resource planning system, billing practices, credit control, and the management of irregular, unauthorised, fruitless, and wasteful expenditure.

The Commission notes that expenditure on water tankering constitutes a substantial and recurring financial burden. This expenditure reflects both the severity of service delivery failures and the Municipality's limited capacity to invest in sustainable infrastructure solutions.

7.6.3 Planning and Oversight

The Commission finds that sectoral planning within the Municipality is inadequate. While a valid Integrated Development Plan exists, key sector plans, including the Water Services Development Plan, are outdated and do not provide an effective framework for addressing current service delivery challenges.

The Commission further finds that oversight and support by national and provincial departments has been insufficient to arrest the deterioration of services. Although departments such as the Department of Water and Sanitation are aware of the Municipality's challenges, the evidence does not demonstrate sustained, coordinated, or effective intervention measures that have resulted in improved outcomes.

7.6.4 Service Delivery and Community Experience

The Commission finds that the Municipality is experiencing serious and persistent service delivery failures, particularly in relation to water and sanitation. Evidence before the Commission demonstrated deteriorating infrastructure, repeated sewerage spillages, water quality concerns, and the inability of existing systems to meet demand.

The Commission finds that these failures have persisted over several years and that the Municipality's own planning documents acknowledge serious and ongoing breaches of service delivery obligations. The cumulative effect of these failures reflects a systemic inability to provide reliable and sustainable basic services, with particularly acute consequences for water and sanitation.

The Commission finds that the relationship between the Municipality and the community has deteriorated significantly. Although formal communication mechanisms and complaint-handling systems are reportedly in place, the evidence indicates that these mechanisms have not resulted in meaningful engagement or responsive communication. Community testimony described repeated attempts to raise service delivery concerns without adequate response, while municipal testimony acknowledged challenges in community participation and communication. The Commission finds that this disconnect has contributed to mistrust, frustration, and escalating conflict between the Municipality and residents, and has undermined the effectiveness of service delivery interventions and accountability processes.

7.7 Umsobomvu Local Municipality

7.7.1 Institutional Capacity

The Commission finds that the Municipality is experiencing severe organisational and institutional dysfunction, which constitutes the most significant impediment to its ability to fulfil its mandate. Evidence before the Commission demonstrated persistent vacancies in senior and technical positions, including the absence of a Chief Financial Officer, high staff turnover, and instability in senior management.

The Commission further finds that the absence of senior managers during the 2022/23 financial year had direct operational consequences, including the inability of the Supply Chain Management Committee to sit and the resulting paralysis of procurement processes. These failures significantly undermined service delivery and governance.

Of particular concern is evidence indicating internal sabotage within the Municipality, including collusion by officials with perpetrators who vandalise or steal municipal infrastructure, as well as direct theft by municipal employees. The Commission finds that such conduct has materially contributed to infrastructure failures and financial losses. At the same time, the Commission notes that the Municipality has taken disciplinary action against seven officials and has referred matters for criminal investigation. This demonstrates that some consequence management measures have been initiated, notwithstanding broader institutional weaknesses.

7.7.2 Financial Position

The Commission finds that the Municipality is in financial distress. Evidence demonstrated repeated qualified audit opinions, persistent unresolved audit findings, high levels of irregular, unauthorised, fruitless and wasteful expenditure, and poor revenue collection.

The absence of a Chief Financial Officer has significantly impaired financial governance, oversight, and compliance. The Commission finds that this vacancy is highly problematic and has contributed to weaknesses in budgeting, financial management, and the ability to address audit findings and UIFW effectively.

The Commission further finds that Eskom's direct supply of electricity to a substantial portion of residents limits the Municipality's ability to enforce effective credit control measures, further constraining its revenue base. These financial pressures, combined with high unemployment levels, have reduced the Municipality's capacity to invest in infrastructure and to stabilise service delivery.

7.7.3 Planning and Oversight

The Commission finds that the Municipality has the required planning instruments in place, including a valid Integrated Development Plan and an up-to-date Water Services Development Plan. However, the existence of these plans has not translated into effective implementation or improved service delivery outcomes.

The Commission further finds that national and provincial departments have provided various forms of assistance and support to the Municipality. Despite this, the evidence indicates that oversight, monitoring, and intervention have been insufficient to address the deep-seated internal dysfunction within the Municipality.

In light of the prolonged nature of governance failures, the Commission finds that key departments, including National Treasury and the Department of Cooperative Governance and Traditional Affairs, failed to discharge their monitoring, support, and oversight responsibilities adequately. By allowing the Municipality's internal dysfunction to persist without more decisive intervention, these departments did not prevent the continued deterioration of governance and service delivery capacity.

7.7.4 Service Delivery and Community Experience

The Commission finds that the Municipality is experiencing serious and ongoing service delivery challenges, particularly in relation to water and sanitation. Evidence demonstrated aging and vandalised infrastructure, sewerage spillages, water supply interruptions, and continued reliance on inadequate sanitation systems in informal settlements.

The Commission further finds that electricity disruptions, arising from load-shedding and vandalism, have compounded water service delivery failures, particularly in areas reliant on electrically powered water infrastructure.

With regard to housing, the Commission finds that the stalled RDP housing project falls within the responsibility of the Department of Human Settlements. While the consequences of the unfinished housing project are experienced at the local level, the evidence indicates that accountability for the failure of the project does not rest primarily with the Municipality.

7.8 Richtersveld Local Municipality

7.8.1 Institutional Capacity

The Commission finds that, aside from the presence of some employees who do not meet minimum educational requirements, the Municipality generally has the institutional stability and skills capacity necessary to perform its

core functions. Evidence before the Commission demonstrated continuity in senior management, with key positions having been occupied for several years and no indication of political instability.

The Commission further finds that vacancies in qualified positions arise primarily from financial constraints rather than governance failures or instability. There was no evidence of disciplinary proceedings against municipal officials at the time of the inquiry. Overall, the Commission finds that institutional capacity, while constrained by resources, is not the primary driver of service delivery failures in this Municipality.

7.8.2 Financial Position

The Commission finds that the Municipality experiences ongoing financial challenges, particularly in relation to revenue collection and debt management. Evidence demonstrated difficulties in enforcing credit control measures due to the direct supply of electricity by Eskom to a significant portion of residents, which limits the Municipality's ability to use service disconnections as a revenue enforcement tool.

The Municipality is grant-dependent and operates with an unfunded budget. Although debt relief was granted, the Municipality failed to comply with the associated conditions. The Commission further finds that the Municipality has a substantial irregular, unauthorised, fruitless and wasteful expenditure balance and that no evidence was presented demonstrating that this expenditure is being addressed in accordance with section 32 of the Municipal Finance Management Act.

7.8.3 Planning and Oversight

The Commission finds that the Municipality has a valid Integrated Development Plan in place and that some sectoral plans exist, although the dates of adoption and updating are unclear from the evidence.

The Commission further finds that the Municipality receives support from the District Municipality, SALGA, the Department responsible for Cooperative Governance, and the Department of Water and Sanitation through training, technical assistance, and planning support. However, assistance from the District Municipality and SALGA is provided on a cost-recovery basis and places an additional financial burden on the Municipality.

Evidence indicates that national and provincial departments, particularly the Department of Water and Sanitation, are aware of the Municipality's service delivery challenges and have adopted a less intrusive, support-oriented approach. The Commission finds that several planned infrastructure projects are dependent on continued technical and financial assistance from these departments.

7.8.4 Service Delivery and Community Experience

The Commission finds that the Municipality faces ongoing service delivery challenges, particularly in relation to water, sanitation, and waste management. Evidence demonstrated seasonal water shortages, reliance on borehole systems, infrastructure vandalism, and uneven access to sanitation services in certain areas.

At the same time, the Commission finds that the Municipality has developed clear plans to address many of these challenges. Evidence demonstrated that feasibility studies, implementation readiness studies, and phased infrastructure projects are in various stages of planning and execution. Despite financial constraints, the Municipality has taken steps within its available means to improve service delivery and to mitigate the impact of infrastructure limitations.

The Commission further finds that communication between the Municipality and the community could be improved. While formal communication mechanisms and complaint registers exist, evidence indicates that residents experience frustration due to perceived delays, insufficient feedback, and a lack of visible progress following engagements.

7.9 Nama Khoi Local Municipality

7.9.1 Institutional Capacity

The Commission finds that the Municipality's institutional capacity is extremely limited and in need of immediate attention. Evidence demonstrates severe human resource constraints across all levels of the administration. Financial services capacity is effectively absent, technical capacity is critically low, with only approximately 7% of skilled technical posts filled, and senior management capacity is limited to approximately 50%.

The Commission finds that no municipality can reasonably be expected to function or discharge its constitutional and statutory obligations under these conditions. The absence of financial management capacity, combined with extensive vacancies in technical and middle management positions, has fundamentally undermined the Municipality's ability to plan, implement, and monitor service delivery.

The Commission further finds that the use of an acting Municipal Manager who was no longer formally employed at the time of testimony illustrates deeper weaknesses in administrative continuity, record management, and institutional control.

7.9.2 Financial Position

The Commission finds that the Municipality's financial position is extremely constrained. Evidence demonstrates a very limited own-revenue base, persistent structural deficits, and limited capacity to manage expenditure and enforce effective credit control.

Two structural financial challenges are particularly significant. First, the Municipality procures bulk water at a rate higher than the tariff charged to consumers, preventing the recovery of overhead and reticulation costs and resulting in a systemic operating loss. Second, the Municipality is unable to enforce effective credit control in areas where electricity is supplied directly by Eskom, further constraining revenue collection.

The Commission further finds that the Municipality has an exceptionally high unauthorised, irregular, fruitless and wasteful expenditure balance of approximately R908 million, of which approximately R691 million is older than three years. No evidence was presented demonstrating that this expenditure is being addressed through consequence management processes, as required by section 32 of the Municipal Finance Management Act.

Evidence further indicates that the Municipality incurs recurring costs that are disproportionate to its revenue base. In particular, annual membership fees payable to SALGA exceed the Municipality's total annual operational income. These expenditure pressures further limit the Municipality's ability to stabilise operations and invest in service delivery.

7.9.3 Planning and Oversight

The Commission finds that the Municipality has planning instruments in place and, in this respect, is performing better than many similarly situated municipalities. Evidence demonstrates that the Municipality has a valid Integrated Development Plan and that most sectoral plans are up to date, with only limited exceptions.

The Commission further notes that the Municipality received an unqualified audit opinion, which is unusual within the provincial context and indicative of comparatively strong record-keeping and compliance in financial reporting, notwithstanding the Municipality's broader capacity constraints.

Evidence demonstrates that the Department of Water and Sanitation has played an active role in supporting the Municipality, including the development of water service delivery plans, the issuance of multiple directives, and the referral of serious statutory violations to the National Prosecuting Authority. National Treasury has also provided support through financial analysis, policy review, budget assessments, and assistance with debt relief processes.

However, the Commission finds that provincial support, particularly from the Department responsible for Cooperative Governance and Traditional Affairs, has been inadequate in relation to the Municipality's severe human resource and senior management deficits. Given the scale of organisational dysfunction evident on the record, the Commission finds that stronger and more targeted provincial intervention was warranted.

The Commission further finds that the Municipality's financial and organisational challenges are of such magnitude that it does not have the capacity to respond effectively without sustained external support. The Commission therefore questions why additional provincial and national interventions were not initiated sooner or at a greater scale.

7.9.4 Service Delivery and Community Experience

The Commission finds that the Municipality experiences numerous service delivery challenges, particularly in relation to water, sanitation, electricity, and waste management. Evidence demonstrates seasonal water shortages, sanitation service constraints, limited vehicle availability, aging infrastructure, and infrastructure maintenance challenges.

At the same time, the Commission finds that service delivery, while below nationally expected minimum standards in several respects, is generally reliable. The evidence indicates that many service delivery failures are not the result of complete system collapse, but rather stem from insufficient staffing, limited technical capacity, and constrained financial resources.

The Commission finds that the evidence supports the conclusion that the appointment and retention of a full cohort of appropriately qualified technical staff would materially improve service delivery outcomes across multiple sectors.

7.10 Kamiesberg Local Municipality

7.10.1 Institutional Capacity

The Commission finds that, notwithstanding testimony and written submissions emphasising critical shortages of skills and staff, the Municipality is reasonably staffed when assessed against the evidence contained in its Annual

Report. While staffing constraints exist, particularly in relation to affordability and retention of specialised technical skills, the evidence shows that all critical senior management positions are filled.

The Commission further finds that there is evidence of consequence management being exercised within the Municipality. Disciplinary action has been taken against officials implicated in misconduct, including financial impropriety, which distinguishes this Municipality from others where no such measures are evident. Overall, while institutional capacity is constrained, it is not at a level that renders the Municipality incapable of functioning or responding to service delivery challenges.

7.10.2 Financial Position

The Commission finds that the Municipality is financially distressed and faces an unsustainable revenue model. Evidence demonstrates that annual operational expenditure significantly exceeds the Municipality's potential revenue, and that actual revenue collection represents only a fraction of this potential.

The Commission further finds that structural factors exacerbate the Municipality's financial position, including limited ability to enforce credit control in Eskom-supplied areas, high service delivery costs, and elevated operating expenses. These factors collectively undermine the Municipality's financial sustainability and its capacity to invest in infrastructure and service delivery improvements.

7.10.3 Planning and Oversight

The Commission finds that the Municipality has a valid Integrated Development Plan in place. However, the absence of sectoral plans indicates inadequate planning, particularly in respect of translating strategic priorities into implementable, sector-specific interventions.

The Commission further finds that the District Municipality plays an active and supportive role, including assistance with planning, water quality testing, disciplinary processes, and other governance functions. Provincial Treasury has provided some support, particularly in relation to financial management and compliance; however, this support has not been sufficient to materially improve the Municipality's overall financial health.

7.10.4 Service Delivery and Community Experience

The Commission finds that the cost of delivering basic services exceeds the Municipality's capacity to recover those costs through tariffs and revenue collection. This is particularly evident in relation to water services, where the Municipality faces high operational costs and limited recovery.

The Commission further finds that access to biophysical water sources is constrained during dry seasons, which is the primary driver of water service interruptions. Despite these constraints, evidence indicates that services are generally reliable, albeit in some instances below nationally prescribed minimum standards.

Of particular concern is the provision of free basic water. The Commission finds that the allocation of two kilolitres per household per month is insufficient and does not meet the nationally prescribed minimum standard of six kilolitres for indigent households. This shortfall has direct implications for the realisation of basic service delivery rights.

7.11 Karoo Hoogland Local Municipality

7.11.1 Institutional Capacity

The Commission finds that the Municipality is affected by significant political instability, as evidenced by frequent changes in political leadership since the 2021 local government elections. This instability has undermined continuity in governance and administrative decision-making.

The Commission further finds that the Municipality experiences notable staffing constraints, particularly within the technical department, which operates at approximately two-thirds capacity. While senior management positions are filled, the vacancy rate within technical services places strain on existing staff and limits the Municipality's ability to plan, implement, and maintain infrastructure effectively.

The Commission notes with concern the existence of serious allegations contained in reports relating to the appointment of senior officials and the exercise of decision-making authority, including procurement and performance-related decisions. These allegations, while not yet adjudicated, are sufficiently serious to warrant further investigation by the appropriate oversight and law-enforcement bodies.

7.11.2 Financial Position

The Commission finds that the Municipality faces severe financial governance challenges. Of particular concern is the extremely high level of UIFW, which the Commission finds must be addressed as a matter of urgency.

The Commission further finds a material inconsistency in the financial information placed before it. Written submissions reflected a UIFW balance of approximately R3.253 billion, while the Auditor-General's report reflects a significantly lower balance of approximately R226 million. This discrepancy raises serious concerns regarding the accuracy, reliability, and consistency of financial reporting and warrants clarification and further scrutiny.

The Commission also finds that the Municipality experiences persistent challenges in revenue collection, partly due to outdated billing information and weaknesses in credit control. These challenges further undermine financial sustainability and the Municipality's capacity to fund service delivery.

7.11.3 Planning and Oversight

The Commission finds that the Municipality has a valid Integrated Development Plan in place. However, sectoral planning appears inadequate, as the evidence does not demonstrate whether sector plans are current, properly aligned, or regularly reviewed.

The Commission further finds that SALGA has played an active role in supporting the Municipality through training and advisory services. However, such support is provided on a cost-recovery basis, placing additional financial pressure on an already constrained municipality. Similarly, the District Municipality has provided substantial technical, planning, and oversight support, also on a cost-recovery basis.

While these interventions reflect a degree of intergovernmental support, the Commission finds that they have not been sufficient to stabilise governance or resolve the Municipality's structural challenges.

7.11.4 Service Delivery and Community Experience

Based on the Municipality's own evidence, the Commission finds that a significant portion of the community appears to have access to basic services at a generally acceptable level. However, this portrayal is not fully consistent with the sworn affidavit submitted by community members, which describes persistent service delivery failures affecting sanitation, water access, waste management, housing, and environmental health.

The Commission finds that this discrepancy between official municipal evidence and community testimony raises material concerns and warrants further investigation. In particular, the divergence suggests potential gaps in monitoring, reporting, or responsiveness to lived service delivery conditions at community level.

7.12 Hantam Local Municipality

7.12.1 Institutional Capacity

The Commission finds that the Municipality experiences some shortages in technical and appropriately qualified staff. However, based on the evidence before it, these shortages are not of such a scale or severity as to, on their own, explain extreme or systemic service delivery failures.

The Commission nevertheless notes that prior financial years were characterised by instability in senior administrative leadership, including prolonged vacancies in key positions such as the municipal manager and chief financial officer. While senior management positions are currently filled, this earlier instability may have contributed to legacy administrative and governance challenges that continue to affect institutional performance.

7.12.2 Financial Position

The Commission finds that the Municipality faces challenges in financial governance, particularly in relation to UIFW, which remains insufficiently addressed. The existence of inconsistencies in reported UIFW balances further raises concerns regarding the reliability and transparency of financial reporting.

The Commission further observes a deterioration in audit outcomes over successive financial years, declining from a clean audit to an unqualified audit and most recently to a qualified audit. While the Municipality does not exhibit the level of financial distress observed in some other municipalities under investigation, this trend indicates weakening fiscal management and increasing governance risk.

The Commission notes that the Municipality operates within a limited revenue base due to high unemployment and a weak local economy. Despite these constraints, revenue collection on current billing averages approximately 75%, which reflects a comparatively reasonable performance in difficult circumstances. Challenges with credit control persist in areas where electricity is supplied directly by Eskom.

7.12.3 Planning and Oversight

The Commission finds that the Municipality has an Integrated Development Plan in place. However, sectoral planning is inadequate, as several required sector plans are either outdated or absent.

The Commission further finds that support and oversight from national and provincial government departments have been limited. While some assistance has been provided, the evidence does not demonstrate sustained or

coordinated intervention sufficient to strengthen planning, governance, or financial management within the Municipality.

7.12.4 Service Delivery and Community Experience

Based on the evidence before it, the Commission finds no indication of serious or persistent service delivery failures of the scale observed in other municipalities. While challenges exist—particularly in relation to infrastructure maintenance, landfill management, and resource constraints—these appear to be managed within the Municipality's available capacity and do not, at present, amount to widespread or systemic breakdowns in basic service provision.

7.13 Ubuntu Local Municipality

7.13.1 Institutional Capacity

The Commission finds that the Municipality's institutional capacity is severely constrained. Evidence shows that only three of seventeen senior management and supervisory posts were filled during the period under review, significantly impairing management, decision-making, and operational oversight. This level of vacancy at senior level undermines administrative continuity and institutional memory.

The Commission further finds that the Municipality has experienced prolonged instability in its top administrative leadership. Over the past decade, no municipal manager has remained in office for a period exceeding two years. This pattern raises serious concerns regarding continuity, strategic leadership, and the Municipality's ability to implement and sustain long-term reforms or corrective measures.

7.13.2 Financial Position

The Commission finds that, while some disciplinary action has been taken against municipal officials, no evidence was presented to demonstrate that these actions addressed the Municipality's substantial UIFW. The UIFW balance therefore remains a significant and unresolved concern.

The Municipality operates within a limited revenue base, serving a relatively small population across a large and sparsely populated geographic area. The Commission finds that this structural reality increases the cost of service delivery and limits the Municipality's ability to recover the full cost of providing basic services. While the revenue collection rate of approximately 68% could be improved, the evidence suggests that financial constraints are not attributable to collection challenges alone.

Of particular concern is the condition of the Finance Department. The Commission finds that financial management functions appear to be largely dependent on external consultants, indicating a practical paralysis of internal financial capacity. This reliance creates a heightened risk of institutional vulnerability, including exposure to undue influence and the outsourcing of critical decision-making functions that should reside within the Municipality.

7.13.3 Planning and Oversight

The Commission finds that planning within the Municipality is inadequate. Although an Integrated Development Plan is in place, several mandatory sector plans are either outdated or not referenced at all, suggesting a lack of awareness or capacity regarding statutory planning obligations.

The Commission further finds that support and oversight from national and provincial departments have been insufficient to address the scale of institutional and financial dysfunction evident in the Municipality. While some assistance has been provided, it has not resulted in meaningful stabilisation or capacity improvement.

7.13.4 Service Delivery and Community Experience

The Commission finds that the Municipality faces serious service delivery challenges, particularly in relation to sanitation and water services. Evidence confirms the continued use of bucket sanitation systems and deterioration in water service quality, both of which pose risks to dignity, health, and environmental sustainability.

Although certain remedial projects have been initiated with external assistance, the overall state of service delivery reflects declining infrastructure conditions and limited internal capacity to respond effectively and sustainably.

7.14 Magareng Local Municipality

7.14.1 Institutional Capacity

The Commission finds that the Municipality has inadequate institutional capacity to fulfil its constitutional and statutory obligations. Evidence shows a persistently high vacancy rate, with senior management positions operating at approximately half capacity and prolonged vacancies in key leadership posts, including the Municipal Manager and Chief Financial Officer. This level of instability and understaffing undermines effective decision-making, continuity, and accountability.

In addition, the Commission finds that the totality of the complaints received by the Commission regarding municipal offices not opening on time and the disrespectful treatment of residents indicate a failure to adhere to the Batho Pele principles, further eroding public trust and administrative responsiveness.

7.14.2 Financial Position

The Commission further finds that the Municipality is in a state of financial distress. Audit outcomes confirm serious weaknesses in financial management, including a qualified audit opinion, material irregularities, and an extremely high balance of unauthorised, irregular, fruitless and wasteful expenditure that remains largely unaddressed.

The extended period taken to pay creditors reflects severe liquidity constraints. The Commission finds that the Municipality's reliance on consultants for core financial management functions, combined with vacancies within the finance unit, indicates that internal financial capacity is insufficient and poorly institutionalised, increasing governance and accountability risks.

7.14.3 Planning and Oversight

Although a valid Integrated Development Plan is in place, the Commission finds that sectoral planning is inadequate, with many plans outdated and not aligned to current service delivery needs.

There is no evidence before the Commission of meaningful or sustained support, monitoring, or intervention by national or provincial departments to address the Municipality's persistent institutional and financial weaknesses. As a result, the Commission finds that it is the absence of visible oversight that has contributed to the continuation of systemic failures without effective corrective action.

7.14.4 Service Delivery and Community Experience

The Commission finds that the Municipality faces serious and ongoing service delivery challenges, particularly in relation to water, sanitation, electricity, and refuse management. Evidence points to limited infrastructure capacity, ageing and vandalised infrastructure, and financial constraints as key drivers of service delivery failures. While steps have been taken to implement emergency measures and initiate infrastructure projects to address some of these challenges, these interventions have not been sufficient to fully resolve service delivery backlogs or prevent repeated disruptions. Community dissatisfaction and protests further demonstrate the severity and persistence of these challenges.

7.15 Renosterberg Local Municipality

7.15.1 Institutional Capacity

The Commission finds that the Municipality is organisationally and administratively crippled. Evidence demonstrates prolonged vacancies in critical senior management positions, including the Municipal Manager and Chief Financial Officer, with some posts remaining vacant for periods of up to three years. Governance and administrative systems are weak, with the absence of a functional performance management system, delayed adoption of a delegations framework, non-functional oversight committees, and the lack of a disciplinary board capable of implementing consequence management. These deficiencies indicate that the Municipality does not possess the minimum institutional capacity required to fulfil its executive obligations in a sustainable or lawful manner.

7.15.2 Financial Position

The Commission finds that the Municipality is in a state of financial distress. Its revenue base is severely constrained by high unemployment levels, a significant proportion of households receiving free basic services, and limited credit control enforcement due to the predominance of Eskom-supplied areas. Financial management is further undermined by instability and capacity gaps within the finance department, resulting in ineffective financial systems, and prolonged delays in paying creditors. The accumulation of substantial unauthorised, irregular, fruitless and wasteful expenditure, combined with large outstanding debts and repeated audit findings and material irregularities, confirms systemic financial mismanagement rather than isolated weaknesses.

7.15.3 Planning and Oversight

The Commission further finds that the Municipality does not have credible planning instruments in place. Despite being subject to a provincial intervention in terms of section 139(1) of the Constitution in 2020, the Municipality lacks a credible Integrated Development Plan, does not have mandatory sector plans in place, and does not have adequate operation and maintenance planning. Although a Financial Recovery Plan existed, the evidence shows that basic institutional requirements—such as filling critical posts and establishing a functional financial management system—have not been achieved.

The Commission finds that the provincial intervention achieved limited long-term impact. Apart from the dissolution of the municipal council in 2020, there is no evidence that the Province assumed responsibility for the Municipality's executive obligations, ensured the maintenance of essential national standards, or implemented measures sufficient to prevent further deterioration. This is further supported by the lack of clarity in both testimony and written submissions regarding the scope, content, and outcomes of the intervention.

7.15.4 Service Delivery and Community Experience

The Commission has received complaints regarding poor service delivery since at least 2020, particularly in relation to water, sanitation, housing, and waste management. Having regard to the evidence presented, the Commission finds that service delivery failures in the Municipality are and closely linked to financial constraints, ageing infrastructure, inadequate planning, and limited institutional capacity. Although some projects and emergency measures have been implemented, these have not been sufficient to resolve recurring service disruptions or to prevent the continued violation of residents' basic rights. The Municipality's own admissions regarding its financial constraints support the conclusion that it is unable to meet its service delivery obligations on a sustained basis.

Taken together, the evidence demonstrates a serious and persistent failure by the Municipality to fulfil its executive obligations, primarily due to systemic institutional and financial collapse. The Commission finds that the prolonged and ineffective provincial intervention indicates that the Province has not taken appropriate steps as required under section 139(1) of the Constitution. In light of the sustained nature of the failures, the lack of measurable improvement since 2020, and the continued erosion of basic service delivery, the circumstances raise serious concerns regarding the adequacy of provincial oversight and support and point to conditions under which national intervention may be warranted where the Province is unable or unwilling to discharge its responsibilities.

7.16 Kgatelopele Local Municipality

7.16.1 Institutional Capacity

The Commission finds that the Municipality is operating with severely constrained human resource capacity. Evidence demonstrates a high overall vacancy rate, with senior management positions operating at approximately two-thirds vacancy and key technical posts remaining unfilled. The prolonged time required to fill vacancies, combined with the absence of critical technical skills such as process controllers and electricians, materially impairs the Municipality's ability to plan, operate, and maintain essential infrastructure. While certain governance functions, such as the internal audit unit, are operational, the overall institutional capacity is insufficient to support effective service delivery on a sustained basis.

7.16.2 Financial Position

The Commission finds that the Municipality is experiencing fiscal distress. While limited financial resources contribute to the challenge, the evidence points more strongly to systemic weaknesses in financial management. This is reflected in a qualified audit opinion arising from widespread misstatements in the annual financial statements, a substantial unauthorised, irregular, fruitless and wasteful expenditure balance, prolonged delays in paying creditors, and a heavy reliance on consultants for core financial and technical functions. These factors indicate that internal financial systems are not functioning effectively, increasing governance risks and undermining accountability.

7.16.3 Planning and Oversight

The Municipality has formal planning instruments in place, including a valid IDP that references mandatory sector plans. However, the Commission finds that there is insufficient evidence that these plans are current, effectively implemented, or adequately monitored. The Commission further finds that oversight and support from national and provincial institutions appear limited in scope and impact. While SALGA has provided training support, this assistance has largely consisted of short-course interventions rather than sustained institutional capacity-building capable of addressing the Municipality's structural weaknesses. There is limited evidence of coordinated or comprehensive oversight that has resulted in material improvements in governance or service delivery outcomes.

7.16.4 Service Delivery and Community Experience

The Municipality has acknowledged that human rights violations have occurred as a result of poor service delivery. Evidence confirms that service delivery challenges are primarily driven by limited human resource capacity, financial constraints, and ageing infrastructure. The Commission finds that certain areas within the jurisdiction of the Municipality do not have adequate access to water services, and sanitation infrastructure is operating beyond its intended capacity. Although refuse removal and other services are provided with some regularity, these efforts have not been sufficient to prevent persistent service delivery failures or to ensure equitable and reliable access to basic services across the municipal area.

7.17 Tsantsabane Local Municipality

7.17.1 Institutional Capacity

The Commission finds that the Municipality does not have sufficient human resource capacity to fulfil its executive obligations. Evidence demonstrates persistently high vacancy rates across the organisation, including in senior management and the finance department. There is a material inconsistency in the record regarding whether the Chief Financial Officer position was filled during the 2023/24 financial year and, if so, for how long. This lack of clarity, combined with the absence of a functional audit committee and prolonged vacancies in critical posts, undermines governance stability, accountability, and effective administration.

7.17.2 Financial Position

The Commission finds that the Municipality is experiencing financial problems. While a limited revenue base contributes to its financial challenges, the evidence points more decisively to systemic financial management failures. These include a disclaimer audit opinion, widespread material misstatements in the financial statements, insufficient internal controls, prolonged delays in paying creditors, and an extremely high balance of unauthorised, irregular, fruitless and wasteful expenditure. The Municipality's reliance on consultants for core financial functions further indicates that internal financial systems are weak and not sustainably institutionalised.

7.17.3 Planning and Oversight

Although the Municipality has a valid IDP, sectoral planning is inadequate. The Commission finds that mandatory sector plans are either insufficiently detailed or not demonstrably in place, limiting the Municipality's ability to plan, prioritise, and monitor service delivery effectively. There is no evidence of meaningful, coordinated, or sustained support from provincial or national government that has resulted in material improvements in institutional stability, financial management, or service delivery outcomes. The absence of such support is notable given the scale and persistence of the Municipality's challenges.

7.17.4 Service Delivery and Community Experience

The Commission finds that service delivery has deteriorated significantly, particularly in relation to water and sanitation. Evidence from the Annual Report indicates that fewer households have access to piped water than in the previous year, that no households receive free basic water, and that access to sanitation services has declined by approximately ten percent. These trends reflect a regression in access to basic services. The Commission further finds that although the Municipality has taken steps to address some service delivery challenges, including mitigation measures and infrastructure interventions, the scale of the challenges—coupled with financial and institutional constraints—indicates that the Municipality does not have the capacity to resolve these issues independently and requires substantive assistance from provincial and/or national government.

The SAHRC further finds that the Municipality requires assistance to address the strain placed on its service delivery capacity by mining and renewable energy investments in the area, including the need to assess the potential risks of mining-related impacts on groundwater resources and the limiting effect that the current allocation of national and provincial powers over water, mineral, and renewable resource regulation may have on the Municipality's ability to provide services effectively.

7.18 Kai !Garib Local Municipality

7.18.1 Institutional Capacity

The Commission finds that the Municipality experiences critical skills shortages, particularly in technical and financial functions. While senior management positions are formally filled, the absence of key operational expertise—such as qualified process controllers and middle management for operations and maintenance—significantly impairs the municipality's ability to manage and maintain essential infrastructure.

The Commission finds that the Municipality is beset by deep-seated institutional weaknesses that undermine accountability, governance, and service delivery. The Commission received recurring evidence of internal

sabotage, financial misconduct, incidents of fraud involving vendors and prepaid electricity tokens, some of which have been referred to the Hawks for investigation.

7.18.2 Financial Position

The Commission finds that the Municipality is in clear financial distress. This is evidenced by extremely high levels of debt—approaching R1 billion—an unaddressed UIFW balance of R787 million, and prolonged non-payment of creditors, with average payment periods exceeding two years. The Auditor-General's findings of poor internal financial controls, repeated material irregularities, and underspending of conditional grants further demonstrate systemic failures in financial management.

Having regard to the evidence, the Commission further finds that these challenges are not solely attributable to a limited revenue base, but also to inadequate financial skills and ineffective management systems. The underspending of grants indicates an inability to comply with grant conditions and implement projects as required.

The Commission finds that the Municipality's heavy reliance on outsourcing essential operational functions exacerbates this financial distress. Expenditure on water tankering and sewage removal alone amounts to approximately R15.6 million per year. Over multiple years, this level of expenditure suggests that more sustainable solutions—such as investment in municipal-owned fleet and infrastructure—were not pursued, reflecting poor long-term financial planning and cost containment.

7.18.3 Planning and Oversight

The municipality has a valid IDP in place, and unlike many municipalities in the province, several sectoral plans exist. However, having regard to the evidence, the Commission finds that several of these plans are outdated and require urgent revision. While planning frameworks are nominally present, their implementation has been weak.

National and provincial departments have provided some support, particularly in relation to debt management and water and sanitation planning. The Department of Water and Sanitation has issued directives and developed reliability and development plans for the municipality. National and Provincial Treasury have also assisted with debt-related planning. Despite this, the Commission finds that the scale and persistence of institutional and financial failure indicate that existing oversight and support measures have been insufficient to stabilise the municipality or restore compliance with basic governance and service delivery obligations.

Further, in light of the evidence of financial misconduct and fraud involving vendors and prepaid electricity tokens within the Municipality, the Commission finds that it is unclear whether the Member of the Executive Council (MEC) responsible for local government in the Northern Cape Province has exercised the powers vested in them in terms of section 106(1) of the Local Government: Municipal System Act 32 of 2000.

7.18.4 Service Delivery and Community Experience

The Commission finds that the evidence demonstrates a long-standing pattern of serious and persistent service delivery failures, particularly in water and sanitation. The Municipality acknowledged under oath that human rights violations are occurring as a result of poor service delivery.

The Commission further finds that aging and severely under-capacitated infrastructure, combined with inadequate technical staffing and unreliable procurement of essential consumables, has resulted in prolonged water shortages, supply of inadequately treated water, frequent sewerage spillages, and pollution of watercourses. Entire

communities remain dependent on water tankering, while wastewater treatment systems operate far beyond their design capacity.

These failures have been documented over many years, with repeated complaints from residents, civil society organisations, and findings by oversight bodies. The Commission finds that in light of the Municipality's financial distress and lack of institutional capacity; it is unlikely that the Municipality will be able to resolve these challenges independently without sustained and effective intervention.

7.19 Dawid Kruiper Local Municipality

7.19.1 Institutional Capacity

The Commission finds that the Municipality is operating with a significant staffing shortfall, with an overall vacancy rate of approximately one third of posts. Critical vacancies persist, particularly within the finance function, where nearly 40% of posts are unfilled. While the Municipality remains operational, this level of understaffing constrains institutional effectiveness and places sustained pressure on existing personnel. The difficulty in attracting suitably qualified staff, linked to the Municipality's rural character and uncompetitive remuneration, further entrenches these capacity limitations.

7.19.2 Financial Position

The Commission finds that the Municipality faces notable financial challenges, though these do not yet amount to full fiscal distress. Audit outcomes reflect weaknesses in financial management and capacity constraints, consistent with the high vacancy rate within the finance department. Underspending of grants and the existence of outstanding creditors further illustrate limitations in financial administration. Of particular concern is the ongoing SIU investigation into alleged tender irregularities, which constitutes a serious red flag for potential financial misconduct and governance failures. While some internal controls appear to function adequately, the evidence suggests that financial management systems are vulnerable and insufficiently resilient.

7.19.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan in place, and documentary evidence confirms that sectoral planning is generally in order and up to date. Oversight and support have been provided by various stakeholders, including National Treasury through debt relief mechanisms and Eskom-related interventions. The Commission, however, finds that despite these measures, there is limited evidence that such support has translated into material or sustained improvements in institutional performance or service delivery outcomes. The Commission further finds that the persistence of structural and operational challenges suggests that oversight interventions have been fragmented or insufficiently impactful.

7.19.4 Service Delivery and Community Experience

The Commission finds that the Municipality is beset by serious and persistent service delivery failures, particularly in relation to water and sanitation. Communities have experienced prolonged and recurrent water supply interruptions over several years, with tanker-based interventions proving inadequate to meet demand or ensure

safe, reliable access. Sanitation challenges remain acute, including reliance on pit toilets, sewage spillages, and environmental pollution, notably affecting the Orange River. Despite assurances from the Municipality and the existence of complaint-handling mechanisms, residents continue to report inadequate responses and limited improvement. The Commission further finds that these conditions point to an ongoing breach of service delivery obligations that has not been effectively resolved.

7.20 Kareeberg Local Municipality

7.20.1 Institutional Capacity

The Commission finds that the Municipality's institutional capacity is constrained. Although the overall vacancy rate is relatively moderate, senior management operates at approximately 50% capacity, which significantly undermines strategic leadership, continuity, and oversight. Evidence further shows that the Municipality struggles to attract and retain suitably qualified senior managers, resulting in repeated re-advertisement of posts and prolonged vacancies. These challenges are exacerbated by the Municipality's rural location and uncompetitive remuneration packages. The instability created by prolonged senior vacancies, including the recent retirement of the CFO, has materially weakened institutional performance.

7.20.2 Financial Position

The Commission finds that the Municipality exhibits serious financial management deficiencies. These are evidenced by a disclaimer audit opinion, the absence of effective internal controls, and the existence of at least one material irregularity. The UIFW balance of R26 million, coupled with multiple active investigations into financial misconduct, reflects systemic weaknesses in financial governance and consequence management.

The Municipality is currently operating without a permanent CFO and relies on consultants to perform core financial management functions. Evidence further shows a revenue collection rate below 50%, billing system challenges, and difficulties enforcing credit control in Eskom-supplied areas. The Commission further finds that the underspending of conditional grants, particularly MIG, due to skills shortages and non-compliance with reporting requirements, further demonstrates limited financial and administrative capacity. Collectively, this points to financial distress driven primarily by weak financial management rather than resource scarcity alone.

7.20.3 Planning and Oversight

The Commission finds that although a valid IDP is in place, sectoral planning is inadequate. Most mandatory sector plans are outdated, with some dating back more than a decade. The absence of updated sector plans undermines coherent service planning, prioritisation, and implementation.

The Commission further finds that there is no evidence of sustained or effective oversight or support from provincial or national departments that has resulted in material improvements to institutional stability, financial management, or service delivery outcomes. Despite known financial and governance challenges, the Municipality continues to operate without critical stabilising interventions that would reasonably be expected under the prevailing circumstances.

7.20.4 Service Delivery and Community Experience

The Commission finds that the Municipality is experiencing serious and persistent service delivery challenges, particularly in relation to water and sanitation services. Informal settlements are disproportionately affected, with continued reliance on communal taps, pit latrines, bucket systems, and inadequate wastewater treatment infrastructure. Several wastewater systems operate beyond capacity, resulting in overflows and environmental risks.

Although the Municipality has identified planned infrastructure interventions, evidence shows that implementation is constrained by financial management failures, skills shortages, and underspending of grant funding due to non-compliance with reporting requirements. The cumulative effect of these constraints has resulted in ongoing human rights impacts, particularly in relation to access to water, sanitation, and a safe environment.

7.21 Siyathemba Local Municipality

7.21.1 Institutional Capacity

The Commission finds that the Municipality is operating with limited institutional and skills capacity, particularly in technical and professional functions critical to service delivery. While the CFO has been in office for an extended period, the Municipality continues to experience high vacancy rates, especially at senior management level, and prolonged vacancies in key leadership positions, including the Office of the Municipal Manager.

Of particular concern is the existence of nine active labour matters, the majority of which involve allegations of serious misconduct, including fraud. The Commission finds that this points to systemic governance and control weaknesses and places additional strain on an already constrained administration. The contradictory evidence regarding the municipality's ability to attract and retain skilled personnel further suggests organisational instability and capacity deficits that impair effective administration and oversight.

7.21.2 Financial Position

The Commission finds that the Municipality is in a state of financial distress, characterised by persistent and severe financial management failures. Despite apparent stability in the CFO position, the evidence shows very large unauthorised, irregular, fruitless and wasteful expenditure, much of which has remained unaddressed for extended periods, contrary to the requirements of section 32 of the Municipal Finance Management Act.

The municipality's financial position is further compromised by:

- Extremely long creditor payment periods;
- The absence, until recently, of a functional Municipal Public Accounts Committee;
- The lack of effective internal financial controls;
- The underspending of conditional grant funding due to non-compliance with grant conditions; and
- A low revenue collection rate, particularly in areas supplied directly by Eskom.

The Commission further finds that the existence of multiple active fraud-related cases, together with investigations by the Special Investigating Unit and Provincial Treasury, indicates not only poor financial management capacity but also serious governance failures and heightened financial risk. Taken together, these factors demonstrate an inability to manage public finances lawfully, efficiently, and transparently.

7.21.3 Planning and Oversight

The Commission finds that although the Municipality has a valid Integrated Development Plan, the evidence shows that sectoral planning is inadequate, with mandatory plans either missing, insufficiently detailed, or not integrated into implementation frameworks. This undermines the municipality's ability to plan, prioritise, and systematically address service delivery challenges.

While certain forms of support and oversight have been provided — including training facilitated by SALGA, assistance from COGHSTA in implementing a new valuation roll, and financial investigations initiated by Provincial Treasury —the Commission finds that these interventions have had limited practical impact on stabilising governance, financial management, or service delivery outcomes.

Given the scale and persistence of the Municipality's institutional, financial, and service delivery failures, the Commission finds that provincial and national intervention has been insufficient, both in scope and in effect, relative to the severity of the challenges faced by the municipality.

7.21.4 Service Delivery and Community Experience

The Commission finds that the Municipality is battling serious and persistent service delivery failures, particularly in relation to water, sanitation, roads, and waste management. These failures have been ongoing over the period under review and are most pronounced in Prieska, Marydale, and Niekerkshoop.

Notably, the Municipality acknowledged in its own testimony that human rights violations are occurring as a result of poor service delivery. The Municipality further attributed these violations, at least in part, to financial constraints, ageing infrastructure, and delayed capital upgrades.

Despite some remedial actions being initiated, including targeted infrastructure projects and interim mitigation measures, the Commission finds that these efforts have not been sufficient to reverse or stabilise the persistent service delivery failures. The Municipality's financial and institutional constraints materially limit its ability to meet its constitutional and statutory service delivery obligations.

7.22 Ga-Segonyana Local Municipality

7.22.1 Institutional Capacity

The evidence indicates that the Municipality's human resource capacity is relatively stable when compared to other municipalities in the province. Vacancy rates are low overall, including within senior management and the finance department. The presence of four active disciplinary processes and two matters referred to SAPS demonstrates that consequence management mechanisms are being utilised.

The Commission finds that, the contradictory information regarding the tenure of the Municipal Manager and CFO points to weaknesses in record consistency and institutional reporting within the Municipality. While the Municipality denies corruption or serious financial mismanagement, the Commission finds that the existence of disciplinary and criminal matters shows that governance challenges do arise and require ongoing oversight.

7.22.2 Financial Position

The Commission finds that the Municipality's financial position appears generally stable. This is supported by an unqualified audit outcome, a high revenue collection rate, prompt payment of creditors, and the full expenditure of conditional and unconditional grants. These indicators suggest that the Municipality is not experiencing serious financial mismanagement problems.

At the same time, the evidence shows a significant and sustained reliance on consultants for core financial, legal, and information technology functions, at considerable cost. While lawful, the Commission finds this level of outsourcing concerning and raises questions on internal capacity, value for money, and long-term sustainability. Internal controls, although functional, were identified by the Auditor-General as requiring improvement.

7.22.3 Planning and Oversight

The Municipality has a valid Integrated Development Plan in place and has engaged with provincial and national institutions, including SALGA, National Treasury, and Provincial Treasury, for training and technical support. Evidence further shows limited but notable attempts to address the needs of vulnerable population groups.

The Commission finds however, that sectoral planning is incomplete, with several mandatory sector plans outdated. While oversight structures and external support exist, the evidence suggests that these interventions have had limited material impact on resolving core service delivery challenges.

7.22.4 Service Delivery and Community Experience

The Commission finds that a pattern of serious and persistent service delivery failures, particularly in water, sanitation, roads, refuse removal, and electricity provision exists within the Municipality. These failures are confirmed both by community complaints and by the Municipality's own testimony and written submissions.

While ageing infrastructure, population growth, vandalism, and dependence on external bulk service providers contribute to these challenges, the evidence does not point to acute institutional collapse or financial distress as the primary cause. Rather, the scale and duration of service delivery failures appear disproportionate to the Municipality's relatively stable institutional and financial position.

The municipality has acknowledged that human rights violations are occurring as a result of service delivery failures. Despite identified plans and remedial actions, the Commission finds that the evidence shows that these measures have not yet resulted in sustained or adequate improvements, particularly in informal settlements and rural villages.

7.23 Joe Morolong Local Municipality

7.23.1 Institutional Capacity

The Commission finds that the Municipality is operating with significantly reduced institutional capacity. Overall staffing levels are below two-thirds of the approved establishment, while approximately half of all senior management positions are vacant. Key posts, including permanent financial and technical leadership positions, are either vacant or filled in an acting capacity.

The Commission further finds that there is a clear shortage of technical skills, particularly in areas critical to infrastructure management and service delivery. While some disciplinary processes are underway, the scale of vacancies and reliance on acting appointments materially undermines continuity, accountability, and the Municipality's ability to fulfil its constitutional and statutory obligations.

7.23.2 Financial Position

The Commission finds that the Municipality is in serious financial distress. The most concerning indicator is the UIFW balance of approximately R1.1 billion, which remains largely unaddressed. This is compounded by poor audit outcomes, multiple material irregularities issued by the Auditor-General, and weaknesses in internal financial controls.

The evidence further reflects structural operating deficits, low revenue collection, exceptionally high water and electricity losses, and prolonged delays in creditor payments. Although internal controls formally exist, they are ineffective in practice. The Commission further finds that the scale of UIFW, combined with persistent audit findings and reliance on extensive outsourced financial services, demonstrates systemic financial mismanagement rather than isolated shortcomings.

7.23.3 Planning and Oversight

The Commission finds that planning and oversight are fundamentally inadequate. The Municipality does not have a consistently valid and current Integrated Development Plan, and mandatory sectoral plans are either outdated, incomplete, or absent. This undermines coherent service planning and compliance with legislative requirements.

While evidence shows that national and provincial institutions have provided training, advisory support, and technical assistance, the Commission finds that these interventions have not resulted in material or sustained improvement. Of particular concern is the absence of decisive escalation or stronger intervention by provincial or national government despite the persistent service delivery failures, the exceptionally high UIFW balance, and the occurrence of severe harm to residents.

7.23.4 Service Delivery and Community Experience

The Commission finds that the Municipality is in serious and persistent breach of its service delivery obligations. Residents experience unreliable access to water, electricity, roads, refuse removal, and sanitation services. At least 35% of households do not have access to reliable water, and service provision levels for roads and basic infrastructure remain critically low.

The Municipality expressly acknowledged that human rights violations are occurring as a result of poor service delivery, citing financial constraints and ageing infrastructure as contributing factors. The most serious manifestation of these failures is the drowning of two minor children in unfenced sewer dams, an incident directly linked to inadequate infrastructure management and access control. Despite the gravity of this incident, the evidence does not show that meaningful accountability measures have been implemented.

The Commission finds that the Municipality is experiencing institutional incapacity, severe financial mismanagement, inadequate planning, and persistent service delivery failures, resulting in ongoing violations of residents' basic rights. The cumulative effect of these failures meets the threshold of a serious and persistent

breach of executive obligations, with clear indicators that the Municipality lacks the capacity to resolve these challenges without substantial external intervention.

7.24. Gamagara Local Municipality

7.24.1 Institutional Capacity

The Commission finds that the Municipality is operating with severely constrained institutional capacity, particularly at senior management level. With senior management vacancies at approximately 67%, executive leadership and strategic decision-making capacity are significantly impaired. This level of instability inevitably affects coordination, accountability, and the municipality's ability to respond decisively to operational challenges.

The Commission further that technical departments are also critically understaffed. High vacancy rates across water services, sanitation, electricity, roads and stormwater, and solid waste management materially undermine service delivery, infrastructure maintenance, and operational oversight. Shortages of certified process controllers, electricians, civil technicians, and mechanical staff directly compromise regulatory compliance and system reliability.

The finance department similarly operates under significant strain, which affects financial management, grant administration, and internal controls. While there is evidence of consequence management, including active disciplinary proceedings and referrals for alleged fraud, the presence of such cases indicates weaknesses in preventative controls and risk management systems.

The Commission finds that the Municipality's involvement in 22 active legal matters—spanning civil, administrative, and environmental disputes—is unprecedented within the provincial context and reflects a Municipality under sustained institutional and governance pressure.

7.24.2 Financial Position

The Commission finds that despite achieving three consecutive unqualified audit outcomes, the Municipality exhibits serious underlying financial management challenges. The existence of a UIFW balance of approximately R 1.3 billion, persistent grant underspending, and an average creditor payment period of 252 days point to structural weaknesses that are not fully captured by audit opinions alone.

These indicators reflect both financial management constraints and limited financial resources, compounded by staffing shortages in key financial roles. The underspending of infrastructure grants further suggests limited institutional capacity to comply with grant conditions and implement capital projects effectively.

The Commission finds that high operational costs associated with water tankering and infrastructure security—amounting to approximately R 48 million per annum on security and R 14.4 million on water tankering—place additional pressure on the Municipality's finances and crowd out resources that could otherwise be directed toward long-term infrastructure solutions.

7.24.3 Planning and Oversight

The Commission finds that the Municipality has a valid Integrated Development Plan in place; however, sectoral planning is incomplete and insufficiently articulated. Critical instruments, including the Water Services Development Plan, are either not referenced or lack clarity regarding their status and implementation.

National and provincial departments have provided meaningful support, particularly in the area of financial management and debt recovery. Assistance from Provincial Treasury, COGHSTA, and National Treasury has had some positive impact, especially in strengthening aspects of financial oversight and compliance. Nonetheless, the Commission finds that these interventions have not fully mitigated the Municipality's systemic challenges, and significant gaps in planning, infrastructure delivery, and operational sustainability remain.

7.24.4 Service Delivery and Community Experience

The Commission finds that he Municipality is in serious and persistent breach of its service delivery obligations, particularly in relation to water and sanitation services. Communities have experienced prolonged water interruptions, reliance on water tankering, poor water quality, and recurring sewerage spillages. These failures are most acute in newer and informal settlements that are not yet fully integrated into bulk infrastructure networks.

The Commission finds the vandalism and theft of infrastructure are especially concerning. The Municipality incurs exceptionally high security costs in an attempt to safeguard critical infrastructure, yet there is no clear evidence of effective law enforcement support to deter or address these crimes. The sustainability of service delivery under these conditions is questionable.

While the Municipality has initiated several multi-year infrastructure projects and remedial measures, the Commission finds that the scale and persistence of service delivery failures indicate that current interventions are insufficient to restore reliable and equitable access to basic services in the short to medium term.

7.25 Khai-Ma Local Municipality

7.25.1 Institutional Capacity

The Commission finds that the Municipality operates with limited institutional capacity sufficient to materially impair service delivery. While the overall vacancy rate of 11% appears moderate, vacancies in senior management (25%) and the finance department (21%), together with repeated failures to appoint a permanent CFO, have weakened executive oversight and financial governance.

Capacity constraints are most acute within the Technical Services Department. The electricity section is staffed by only three officials, responsible for the entire municipal area, creating compliance risks and limiting the Municipality's ability to maintain and manage critical infrastructure. Supervisory capacity is also severely constrained, with a single foreman overseeing multiple service areas, including water, sanitation, roads, stormwater, and solid waste management. The Commission finds that these structural and skills gaps undermine operational effectiveness and contribute directly to service delivery failures.

Although disciplinary action against two senior managers indicates some degree of consequence management, the broader evidence reflects systemic capacity constraints rather than isolated staffing challenges.

7.25.2 Financial Position

The Commission finds that the Municipality is experiencing financial distress, driven by a combination of a limited revenue base, structural socio-economic constraints, and weak financial management. The qualified audit outcome, together with an accumulated UIFW balance of R79 million that has not been addressed, reflects ongoing non-compliance with financial governance requirements.

The Municipality's average creditor payment period of 599 days indicates serious cash flow challenges. The Auditor-General's finding that internal financial controls were either absent or so deficient as to require immediate intervention further supports the conclusion that financial management systems are inadequate.

The Commission finds that high non-revenue losses, 50% water losses and 28% electricity losses, compound the Municipality's fiscal challenges. Revenue collection is particularly constrained in rural areas, most notably in Pella, which is governed by a communal property association. In this area, the Municipality continues to incur bulk water costs of approximately R600 000 per month without being able to recover revenue from consumers. Attempts to introduce prepaid meters have been rejected, and the absence of an indigent framework linked to equitable share mechanisms further limits the Municipality's ability to subsidise free basic services lawfully and sustainably.

Taken together, these factors demonstrate both insufficient financial resources and weaknesses in financial management, contributing to the Municipality's inability to stabilise its fiscal position.

7.25.3 Planning and Oversight

The Commission finds that the Municipality's planning framework is inadequate. While a draft IDP for 2022–2027 exists, the evidence confirms that most mandatory sector plans are outdated, invalid, or non-existent. This undermines coherent service planning, infrastructure investment, and long-term sustainability.

Oversight interventions by other spheres of government, including support from the district municipality, COGHSTA, and SALGA, have provided technical assistance, training, and project-level support. However, the Commission finds that these interventions appear fragmented and limited in scope, and there is no evidence that they have resulted in material or sustained improvements in institutional capacity, financial governance, or service delivery outcomes.

The issuance of directives by the Department of Water and Sanitation in relation to wastewater treatment facilities further highlights regulatory non-compliance and weaknesses in sectoral oversight by the Municipality.

7.25.4 Service Delivery and Community Experience

The Commission finds that there is serious and persistent service delivery failures across multiple service areas, including water, sanitation, refuse removal, electricity, and roads within the Municipality. These failures have resulted in ongoing violations of residents' rights to access basic services.

Seasonal and prolonged water shortages, intermittent water quality concerns, reliance on septic tanks and sewage collection trucks, erratic refuse removal, widespread illegal dumping, deteriorating road infrastructure, and incomplete electrification of housing developments all point to a sustained inability to meet minimum service standards.

The Municipality's own submissions acknowledge that these failures are primarily attributable to institutional incapacity, skills shortages, and financial constraints. While some remedial projects and upgrades are underway,

the Commission finds that the scale and persistence of service delivery failures indicate that the Municipality currently lacks the capacity and resources to resolve these challenges independently.

7.26 !Kheis Local Municipality

7.26.1 Institutional Capacity

The Commission finds that the Municipality is affected by critical skills shortages, particularly within Technical Services and financial management functions, despite the overall vacancy rate appearing moderate in numerical terms. Written submissions show a substantial gap between the staffing levels reflected in the Annual Report and the actual operational capacity required to deliver services, especially in water, sanitation, electricity, and fleet management. These challenges are compounded by political instability, which has negatively affected workplace discipline and governance.

The impoundment of the municipal yellow fleet between November 2021 and August 2023 had a severe and lasting impact on the Municipality's ability to render basic services. Even after second-hand vehicles were procured, service delivery remained unreliable due to frequent breakdowns. The Commission finds that this points to institutional fragility, where the Municipality lacks sufficient resilience to absorb operational shocks.

7.26.2 Financial Position

The Commission finds that the Municipality is in a state of critical financial distress. The evidence shows a UIFW balance of R 107 million, outstanding creditor obligations amounting to R 68 million, and court judgments resulting in the attachment of municipal bank accounts and vehicles. Revenue collection rates between 20% and 25%, combined with high unemployment and distribution losses exceeding 60%, further constrain financial sustainability.

The Commission further finds that the Municipality is not liquid and lacks sufficient financial management capacity. While some payment arrangements are in place, written submissions confirm that no effective action has been taken to address UIFW, and internal financial controls have been inadequate. The reliance on grant funding as the sole source of capital investment has left the municipality unable to address infrastructure backlogs when funding is delayed or unavailable. Furthermore, a lack of financial skills has made the Municipality unable to apply for and administer grant allocations.

The evidence also highlights structural challenges linked to service provision on communal property association (CPA) land, where the municipality incurs service delivery costs but is unable to recover revenue or classify households within a formal indigent framework. The Commission finds that this undermines both cost recovery and equitable share optimisation, further aggravating financial stress.

7.26.3 Planning and Oversight

The municipality has a valid IDP for 2024/25 and an up-to-date Water Services Development Plan, indicating partial compliance with planning requirements. However, the Commission finds that the IDP lacks detailed articulation of individual sector plans, and written submissions confirm that many sector plans are outdated, invalid, or non-existent.

While intergovernmental support has been provided particularly by COGTA, Provincial Treasury, SALGA, and LGSETA this assistance has largely been limited to training, planning support, and grant facilitation. The evidence does not show that these interventions have been sufficiently robust or timely to prevent systemic failures, including the prolonged financial deterioration that culminated in the impoundment of the municipality's fleet.

The Commission finds that the failure of provincial and national oversight mechanisms to intervene decisively in circumstances where the financial position of the Municipality was dire enough that debt enforcement actions directly crippled essential service delivery raises serious concerns about the adequacy of intergovernmental supervision and support.

7.26.4 Service Delivery and Community Experience

The Commission finds that the Municipality is beset by serious and persistent service delivery failures across water, sanitation, refuse removal, and fleet-dependent services. Significant numbers of households lack access to piped water, adequate sanitation, and formal refuse removal, with continued reliance on pit toilets, bucket systems, and communal dumps.

Water supply is unreliable due to the Municipality's inability to consistently procure purification chemicals, compounded by infrastructure constraints and high losses. Sanitation services are limited by fleet shortages and vandalism at pump stations, while refuse removal remains inconsistent, particularly in informal and outlying areas.

The Commission finds that these service delivery failures have resulted in ongoing violations of residents' rights to access basic services, as contemplated in sections 26 and 27 of the Constitution. The Municipality has acknowledged that these failures are partly attributable to institutional incapacity and financial constraints, and the evidence supports this conclusion.

7.27 ZF Mgcawu District Municipality

7.27.1 Institutional Capacity

The Commission finds that the ZF Mgcawu District Municipality currently demonstrates a relatively stable institutional profile. The overall vacancy rate is low, and all critical administrative and financial positions are filled. Although the Municipality experienced a prolonged period of instability at municipal manager level in prior years, this has since been resolved through the appointment of a permanent municipal manager. Taken together, the evidence suggests that institutional capacity constraints are not a primary limiting factor in the District Municipality's current operations.

7.27.2 Financial Position

The Commission finds that the District Municipality is in a comparatively strong financial position relative to many other municipalities in the province. The Municipality received an unqualified audit opinion with findings and reported no closing balances for unauthorised, irregular, fruitless or wasteful expenditure for the period under review. While the Municipality recorded a deficit for the financial year and a liability position exceeding its total assets, the absence of UIFW balances and the maintenance of adequate cash reserves indicate a generally sound financial control environment.

7.27.3 Planning and Oversight

The Commission finds that the District Municipality has most key planning and oversight instruments in place, including an adopted Integrated Development Plan, audit recovery planning, fraud prevention and response frameworks, internal audit plans, and sector-specific strategies such as air quality management. However, the absence of a District Disaster Management Framework and a District Disaster Management Plan constitute a significant gap, particularly given the District's coordination role in disaster management and the challenges identified in relation to fire and disaster services across local municipalities. This omission weakens the Municipality's ability to provide structured oversight and coordinated support in emergency and disaster contexts.

7.27.4 Services to Communities and Support to Local Municipalities

The Commission finds that the District Municipality provides a broad range of services to communities, including environmental health services, water quality monitoring, refuse and environmental management initiatives, air quality management, fire-related awareness and training, and EPWP-linked job creation activities. The evidence further reflects extensive support to local municipalities across strategic planning, governance, technical assistance, environmental health, housing, SPLUMA-related functions, ICT advisory support, and infrastructure-related initiatives. In this respect, the District Municipality appears to play an active and sustained support role within the district.

However, the Commission notes that while the Municipality has implemented local economic development initiatives and youth-focused job creation programmes, limited evidence was presented of targeted interventions aimed at particularly vulnerable groups. In particular, there is little indication of dedicated support measures addressing the needs of child-headed households, persons with disabilities, or older persons. This suggests that while service delivery and support functions are broadly implemented, greater differentiation and targeting may be required to ensure that vulnerable groups benefit meaningfully from district-level programmes.

7.28 Frances Baard District Municipality

7.28.1 Institutional Capacity

The Commission finds that the evidence presents a mixed and inconclusive picture of institutional capacity within the Frances Baard District Municipality. The Auditor-General's report reflects severe capacity constraints, including a high overall vacancy rate, extensive senior management vacancies, and a prolonged vacancy in the Chief Financial Officer position. In contrast, the Municipality's Annual Report reflects a lower level of capacity constraints, with fewer vacancies reported across the staff complement.

This inconsistency between reporting sources prevents the Commission from making a definitive finding regarding the Municipality's true capacity position. However, the divergence itself points to weaknesses in record keeping, data integrity, and internal reporting systems, which undermine confidence in institutional oversight and management information.

7.28.2 Financial Position

The Commission finds that the District Municipality does not exhibit major financial management weaknesses. The Municipality received an unqualified audit opinion, no material irregularities have been issued since 2019, internal financial controls were assessed as adequate, and creditor payments are made within prescribed timeframes. While a small closing balance of unauthorised, irregular, fruitless and wasteful expenditure was recorded, the overall evidence indicates a generally stable financial control environment.

7.28.3 Planning and Oversight

The Commission finds that, although the Municipality has adopted a valid Integrated Development Plan and formally recognises the mandatory sector plans required by law, its planning framework is nevertheless inadequate in substance. Several of the plans referred to in the IDP are outdated, in some instances dating back to 2011, which undermines their usefulness as effective tools for current governance, service delivery planning, and regulatory compliance. The mere existence of these plans does not satisfy the Municipality's planning obligations where they are no longer current or responsive to present conditions.

7.28.4 Services to Communities and Support to Local Municipalities

The Commission finds that the District Municipality delivers a wide range of services to communities, with particular emphasis on local economic development and tourism-related initiatives. The evidence reflects sustained support for SMMEs, informal sector development, economic stimulus planning, tourism route development, and post-mining economic diversification. Targeted programmes aimed at unemployed youth, including training, internships, and work-readiness initiatives, were also implemented at scale.

In addition to LED and tourism functions, the Municipality performs notable support roles in housing, including building plan review services for local municipalities, and in environmental health through the deployment of Environmental Health Practitioners across the district. Disaster management support, including assistance to communities affected by disaster incidents, further forms part of the Municipality's service delivery profile.

However, the Commission notes that while economic development and youth-focused initiatives are well articulated, limited evidence was presented of targeted interventions addressing the needs of particularly vulnerable groups. In particular, the evidence does not reflect dedicated programmes or support measures aimed at child-headed households, persons with disabilities, or older persons. This indicates a gap in differentiated service delivery and social inclusion within the Municipality's service delivery framework.

The Commission further finds that the District Municipality provides substantive support to its local municipalities. The evidence indicates that, on average, approximately R13 million per year is allocated to local municipalities in the form of grant funding, subject to application and available resources. In addition to financial support, the District Municipality offers strategic planning and policy development assistance, training initiatives, and ongoing technical advice. This support is delivered through a combination of advisory services, the development and review of plans and governance instruments, and, in certain functions, the deployment of suitably qualified personnel, including environmental health practitioners and technical specialists. Taken together, the evidence reflects an active district-level support role aimed at strengthening local municipal governance, compliance, and service delivery capacity.

7.29 John Taolo Gaetswe District Municipality

7.29.1 Institutional Capacity

The Commission finds that the District Municipality operates with a comparatively small staff structure and experiences notable vacancy levels, particularly in senior management and finance-related positions. While the overall organisational size is limited, the proportion of vacant posts indicates capacity constraints that may affect continuity, oversight, and institutional resilience. The evidence does not suggest a complete breakdown in administration, but it reflects a lean institutional model that remains vulnerable to skills gaps and operational strain.

7.29.2 Financial Position

The Commission finds that the District Municipality's financial management appears generally stable. The District Municipality received an unqualified audit opinion, internal financial controls were assessed as sound, and creditor payments are made within prescribed timeframes. Although a material irregularity has been issued since 2019 and a modest balance of unauthorised, irregular, fruitless and wasteful expenditure was recorded, the overall evidence does not point to systemic financial mismanagement.

7.29.3 Planning and Oversight

The Commission finds that the District Municipality has most key planning instruments in place. A valid IDP has been adopted, and written submissions indicate the existence of extensive plans and strategies addressing core development areas. Mandatory sector plans are largely in place and reflected in the IDP, suggesting a functional planning and oversight framework.

7.29.4 Services to Communities and Support to Local Municipalities

The Commission finds that communities within the District benefit from a range of services delivered by the District Municipality, including support in roads and housing, municipal health services, environmental management, disaster management, and Expanded Public Works Programme initiatives. The District Municipality also plays an active role in disaster preparedness and response, including the operation of a Disaster Management Centre and ongoing work toward the development of a fully-fledged facility with satellite centres to improve coordination and response times.

However, the Commission notes limited evidence of targeted interventions aimed at particularly vulnerable groups. While the District Municipality assisted in the establishment of a forum for older persons in Gamagara Local Municipality, it is unclear whether this initiative serves the broader district or is confined to that local municipal area. The evidence does not reflect specific programmes or strategies addressing the needs of child-headed households or persons with disabilities.

The Commission finds that the District Municipality provides substantive non-financial support to Local Municipalities through planning, coordination, regulatory functions, and technical assistance. This includes support through municipal planning tribunals, intergovernmental forums, performance monitoring mechanisms, disaster management coordination, and advisory services related to land development and catalytic projects.

However, the evidence indicates that Local Municipalities do not receive direct financial assistance from the District Municipality. Certain support services appear to be rendered on a cost recovery basis, which may limit access for Local Municipalities with constrained financial capacity. While the District Municipality plays an enabling and coordinating role, the absence of financial support and the reliance on cost recovery arrangements may constrain the extent to which Local Municipalities are able to fully benefit from district-level services.

7.30 Namakwa District Municipality

7.30.1 Institutional Capacity

The Commission finds that the District Municipality's institutional capacity appears generally adequate. Vacancy levels are relatively low overall, and the organisational structure reflects stability across most functional areas. However, the vacancy in the Chief Financial Officer position, albeit for a limited period, represents a vulnerability in a key financial leadership role. While this does not, on its own, indicate institutional failure, it highlights the importance of maintaining continuity in senior financial management positions.

7.30.2 Financial Position

The Commission finds that the District Municipality does not exhibit major financial management weaknesses. The District Municipality received a clean audit opinion, no material irregularities have been issued, and internal financial controls were assessed as good. Although a balance of unauthorised, irregular, fruitless and wasteful expenditure was recorded and creditor payment periods exceed the prescribed norm, the evidence does not suggest systemic financial mismanagement or loss of control over municipal finances.

7.30.3 Planning and Oversight

The Commission finds that the District Municipality has most key planning instruments in place, including a valid Integrated Development Plan and a range of mandatory sector plans. However, the evidence does not consistently indicate when these plans were last reviewed. As a result, the Commission is unable to make a definitive finding on the extent to which planning instruments remain current, responsive, and aligned with evolving development and service delivery needs.

7.30.4 Services to Communities and Support to Local Municipalities

The Commission finds that the District Municipality renders services to communities primarily through local economic development initiatives. Evidence reflects a strong emphasis on economic stimulation, infrastructure-related skills development, and youth-focused interventions, particularly through the allocation of technicians and graduates to support bulk services and related programmes. These initiatives demonstrate a targeted response to youth unemployment and skills development challenges.

However, the Commission notes limited evidence of targeted services or programmes addressing the needs of particularly vulnerable groups. The evidence does not reflect specific interventions aimed at child-headed households, older persons, or persons with disabilities. While youth development receives focused attention, the

absence of comparable initiatives for other vulnerable groups indicates a gap in inclusive and differentiated service delivery.

The Commission finds that the District Municipality provides substantive non-financial support to Local Municipalities through planning coordination, technical assistance, intergovernmental forums, and shared services. However, the evidence does not indicate the provision of direct financial assistance to Local Municipalities. Support is largely rendered through advisory, planning, and coordination mechanisms rather than through financial transfers.

7.31 Pixley Ka Seme District Municipality

The Commission notes at the outset that the evidence available in respect of this Municipality was limited in scope and detail. This constraint necessarily affects the strength and breadth of the findings that can be made.

7.31.1 Institutional Capacity

Based on the evidence before the Commission, the District Municipality appears to be adequately capacitated from an institutional perspective. Vacancy levels are moderate, no senior management vacancies were reported, and stability is evident in key leadership positions, including the CFO. There is no evidence to suggest systemic institutional instability or widespread capacity constraints.

7.31.2 Financial Position

The Commission finds that the District Municipality's financial position reflects both areas of strength and emerging risk. On the one hand, the District Municipality received an unqualified audit opinion, no material irregularities were issued, and internal financial controls were assessed as acceptable. These indicators suggest that basic financial management systems are in place and functioning.

However, the evidence also reflects significant concerns. The District Municipality takes an extended period to pay creditors, and a substantial balance of unauthorised, irregular, fruitless and wasteful expenditure remains unaddressed. While these issues do not, at present, indicate acute financial distress, the Commission finds that prolonged creditor payment delays and the failure to address UIFW pose a material risk to future financial sustainability. If left unattended, these factors may undermine cash flow, weaken financial discipline, and erode overall financial health over time.

7.31.3 Planning and Oversight

The Commission finds that the District Municipality has a valid Integrated Development Plan in place and that mandatory sector plans have been reviewed and updated. On the available evidence, planning and oversight frameworks appear generally adequate. No evidence was presented to suggest significant deficiencies in planning instruments.

7.31.4 Services to Communities and Support to Local Municipalities

The Commission finds that the District Municipality renders a limited range of services to communities, with a primary focus on local economic development, housing-related support, environmental health, and disaster management. While these services contribute to district-level coordination and support, the evidence does not reflect a broad or intensive service delivery footprint.

Importantly, the Commission notes the absence of evidence relating to targeted interventions for vulnerable groups. No specific programmes or initiatives were identified for child-headed households, older persons, or persons with disabilities.

The Commission finds that the District Municipality provides limited support to Local Municipalities, primarily through coordination mechanisms and technical engagement. No evidence was presented of direct financial assistance to Local Municipalities, and support appears largely facilitative rather than resourced.

7.32 Provincial Stakeholders

7.32.1 Provincial Stakeholders Do Provide Ongoing Support, Primarily Through Training and Capacity-Building Initiatives

The evidence demonstrates that provincial stakeholders, including COGHSTA, Provincial Treasury, SALGA, DWS, and the Auditor-General of South Africa, all contribute in various ways to supporting municipalities. This support is predominantly delivered through training programmes, capacity-building initiatives, technical guidance, and advisory support.

However, despite sustained training efforts over an extended period, significant skills shortages persist within municipalities, particularly in technical, financial, and infrastructure-related functions. The Commission finds that the persistence of these gaps raises concerns regarding the effectiveness, focus, and sustainability of current capacity-building approaches.

7.32.2 Skills Gaps Persist Despite Repeated Training Interventions

The evidence reflects a continued shortage of appropriately skilled personnel within municipalities, alongside high vacancy rates and difficulty attracting and retaining qualified professionals, particularly in rural areas. This persists notwithstanding repeated and long-standing training interventions reported by provincial departments and SALGA.

The evidence does not clearly demonstrate whether training initiatives are sufficiently aligned to critical operational needs, whether trained officials remain in municipal employment, or whether institutional knowledge is retained over time. The Commission finds that the persistence of skills deficits suggests that current interventions have not resulted in measurable improvements in municipal capacity.

7.32.3 Financial Constraints Significantly Limit the Scope of Provincial Intervention and Support

Evidence from DWS and COGHSTA confirms that financial constraints materially limit the extent of support that can be provided to municipalities. In particular, DWS is constrained to funding capital projects and is unable to support operations and maintenance, even where infrastructure failures directly affect service delivery outcomes.

Similarly, COGHSTA indicated that the financial cost of section 139 interventions is substantial and that limited provincial resources restrict the department's ability to intervene, despite the presence of persistent service delivery failures.

7.32.4 Conditions for Constitutional Intervention Are Widespread, Yet Provincial Intervention Has Been Limited

The evidence indicates that conditions warranting mandatory intervention under section 139 of the Constitution have been present in a significant number of municipalities for extended periods. Despite this, provincial intervention has been limited, with COGHSTA acknowledging that financial capacity constraints inhibit the implementation of such interventions.

The Commission finds that where provincial intervention is not feasible due to resource constraints, responsibility for addressing sustained municipal failure should shift beyond the provincial sphere. The evidence suggests that circumstances may exist in which the conditions for national intervention under section 100 of the Constitution are met, yet such intervention has not been activated.

7.32.5 Provincial Interventions Are Narrowly Conceptualised

The evidence indicates that provincial intervention is often understood primarily in terms of either training, financial support or the dissolution of municipal councils. Limited evidence was presented of alternative, less invasive intervention measures being systematically applied, despite their availability within the constitutional and legislative framework.

The Commission finds that this narrow conceptualisation constrains the ability of provincial government to respond flexibly and proportionately to varying degrees of municipal dysfunction.

7.32.6 Weak Enforcement and Follow-Up Undermine Regulatory and Oversight Measures

The evidence reflects the issuance of directives, audit findings, material irregularities, and court orders across several municipalities. However, limited evidence was provided of consistent follow-up, enforcement, or escalation where non-compliance persisted.

In particular, evidence from AGSA demonstrates that material irregularity processes are protracted and frequently reset due to changes in municipal management, delaying accountability outcomes. Similarly, evidence from DWS indicates extensive monitoring and guidance, but with communication and implementation challenges affecting follow-through.

7.32.7 Environmental Degradation and Solid Waste Management Receive Limited Attention in Provincial Support Efforts

Very limited evidence was presented regarding provincial support for solid waste management or for the rehabilitation of environments affected by sewage spills and related infrastructure failures. The Commission finds that environmental impacts associated with service delivery failures are not receiving the same level of attention or support as other service delivery sectors, despite their direct implications for health, dignity, and environmental rights.

7.32.8 Lengthy Planning and Approval Processes Reduce Responsiveness to Service Delivery Crises

The evidence demonstrates that water and sanitation projects are subject to extensive planning, feasibility studies, environmental impact assessments, and grant application processes. While these processes are necessary, the Commission finds that they contribute to lengthy implementation timelines that limit the ability of local government to respond rapidly to service delivery collapse or emerging crises.

This finding is reinforced by evidence showing limited use of emergency procurement mechanisms and disaster management frameworks at municipal level.

7.32.9 Gaps Exist in the Focus of Training and Support Provided to Municipalities

The evidence indicates that while training is widely offered, certain critical areas could benefit from expanded training initiatives. These include:

- emergency procurement processes;
- alternative service delivery models;
- local and provincial disaster management and fiscal response mechanisms;
- interim service delivery arrangements during service delivery collapse;
- proactive and anticipatory procurement practices.

The Commission finds that the absence of targeted support in these areas limits municipalities' ability to respond effectively to crises and to prevent service delivery failure.

7.32.10 Duplication of Support Functions Reduces the Overall Effectiveness of Provincial Assistance

The evidence shows overlapping mandates and support functions among COGHSTA, SALGA, and district municipalities, particularly in relation to training initiatives. This duplication occurs alongside persistent capacity gaps. The Commission finds that support efforts are not optimally coordinated or strategically targeted.



8. Analysis of Recurrent Themes







8.ANALYSIS OF RECURRENT THEMES

8.1 Inadequate Planning and the Absence of Sectoral Plans

The evidence before the Commission indicates that service delivery challenges in the Northern Cape Province are strongly linked to weaknesses in municipal planning, particularly the absence of credible mandatory sector plans. Planning processes are insufficiently integrated, with limited alignment between IDPs, sector-specific plans—most notably water services development plans—and available financial and institutional capacity. In most instances the mandatory sector plans were outdated or non-existent.

Provincial departments and stakeholders consistently identified deficiencies in planning quality, including fragmented sectoral planning, and weak demand management. SALGA and COGHSTA both highlighted that planning decisions are often based on inconsistent or outdated data, further undermining the reliability of long-term projections and infrastructure prioritisation. As a result, planning instruments frequently fail to reflect operational realities, local revenue constraints, or the full extent of infrastructure backlogs.

The evidence before the Commission included instances where municipalities did not have credible or implementable IDPs in place. Municipalities are often compelled to respond to infrastructure failures, water shortages, or environmental incidents in the absence of forward-looking strategies that anticipate risk, plan for asset renewal, or account for the Province's specific environmental constraints. The evidence reflects a reliance on short-term or interim measures, such as prolonged water tankering, rather than the implementation of sustainable, planned solutions.

In the water and sanitation sector, the consequences of inadequate planning are particularly pronounced. Evidence from the Department of Water and Sanitation confirms that provincial and national support is constrained by the content of municipal IDPs and sectoral plans. Where these plans are weak, incomplete, or misaligned with community priorities, opportunities for effective intervention are limited, even where technical expertise or grant funding may otherwise be available. This results in a disconnect between identified needs and the ability of higher spheres of government to respond in a timely and targeted manner.

The evidence before the Commission further suggests that planning weaknesses may be particularly pronounced in communities located on land administered through Communal Property Associations (CPAs), including areas under traditional leadership or tribal land arrangements. Municipalities which are affected include Joe Morolong Local Municipality, Ga-Segonyana Local Municipality, Gamagara Local Municipality, Richtersveld Local Municipality, Kamiesberg Local Municipality, Khai-Ma Local Municipality, Nama Khoi Local Municipality, Hantam Local Municipality, Sol Plaatje Local Municipality, Magareng Local Municipality, Dikgatlong Local Municipality, Phokwane Local Municipality, Siyancuma Local Municipality, Kgatelopele Local Municipality, and Kai !Garib Local Municipality. The evidence indicates that these communities often experience weaker levels of infrastructure provision, while municipalities also face difficulties in revenue collection from properties located within CPA areas.

Taken together, this raises a concern that communal land areas may not always be adequately reflected or prioritised within spatial development frameworks and sectoral planning instruments, including water services development plans. Where spatial planning and sector strategies do not sufficiently account for the particular governance, tenure, and revenue realities of CPA areas, the result may be a persistent gap between identified

service needs and the planning mechanisms intended to address them. This in turn reinforces existing inequalities in access to services and places additional strain on already limited municipal financial and institutional capacity.

The cumulative effect of inadequate planning is that service delivery failures become cyclical rather than exceptional. Without credible sectoral strategies to guide investment sequencing, maintenance planning, and risk mitigation, municipalities struggle to move from crisis response to preventative governance. The absence of coherent planning therefore emerges from the evidence as a structural driver of recurring service delivery breakdowns, rather than a discrete administrative shortcoming.

8.2 Institutional Capacity Constraints and Skills Shortages

The evidence before the Commission indicates that institutional capacity constraints within municipalities in the Northern Cape Province are structural in nature and cannot be attributed to a lack of effort or awareness alone. Persistent skills shortages, high vacancy rates, and prolonged acting appointments point to a pattern of systemic incapacity that undermines the ability of municipalities to plan, implement, and sustain service delivery interventions.

Provincial departments and municipalities consistently identified difficulties in attracting and retaining suitably qualified technical and financial professionals, particularly in remote and rural municipalities. These challenges are compounded by financial constraints, limited local labour markets, and competition with the private sector and larger urban centres. As a result, municipalities remain dependent on acting appointments and external consultants for extended periods, weakening institutional continuity and accountability.

The evidence includes concrete examples illustrating the scale of these capacity constraints. In Thembelihle Local Municipality, testimony indicated that the municipality experiences a severe shortage of technical skills, with financial constraints limiting its ability to train staff. The vacancy rate within the technical department was reported to be between 40% and 50%, significantly impairing the municipality's ability to manage infrastructure and service delivery functions.

Similarly, the Nama Khoi Local Municipality's Annual Report for the 2024/25 financial year reflects acute institutional collapse in key administrative and technical functions. Approximately 50% of senior management positions were vacant, all middle management positions were unfilled, and only three of 55 skilled worker posts, including technical positions, were occupied. The Annual Report further indicates that all positions within the financial services unit were vacant. These figures demonstrate an absence of basic institutional capacity necessary for governance, financial management, and service delivery.

In Magareng Local Municipality, the Auditor-General's report for the 2023/24 financial year shows an overall vacancy rate of 41%. The finance unit operated with a vacancy rate of 32%, while senior management vacancies stood at 50%. Of particular concern, the position of municipal manager was vacant for approximately two years, and the CFO position remained vacant for 18 months. Prolonged vacancies at this level undermine strategic leadership, financial oversight, and compliance, and weaken the municipality's ability to respond to identified risks or implement corrective measures.

These examples illustrate that capacity constraints are not marginal or isolated but affect core governance and service delivery functions across municipalities. In such contexts, training interventions alone are insufficient to address institutional fragility. Where vacancies remain unfilled over extended periods, training efforts cannot translate into improved performance, and institutional knowledge is frequently lost through staff turnover or reliance on temporary arrangements.

The impact on service delivery is particularly acute in technically complex areas such as water services and financial management. Limited internal capacity restricts municipalities' ability to plan infrastructure investments, manage grants, oversee contractors, and maintain compliance with regulatory frameworks. It also constrains the effectiveness of provincial and national support, as external assistance cannot substitute for sustained internal institutional capability.

The evidence therefore supports the conclusion that persistent skills shortages and capacity constraints function as a structural barrier to service delivery improvement. Without addressing the institutional conditions that prevent municipalities from attracting, retaining, and stabilising skilled personnel, service delivery failures are likely to recur despite ongoing training and advisory support.

8.3 Financial Governance Weaknesses and Compliance Failures

The evidence before the Commission demonstrates persistent weaknesses in financial governance across municipalities in the Northern Cape Province, reflected in recurring UIFW, poor audit outcomes, underspending of conditional grants, and ongoing compliance failures. These weaknesses are not isolated or short-term but appear to be entrenched over multiple financial years.

Audit outcomes provide a clear indication of the extent of these challenges. Of all the municipalities in the province, only two municipalities, being District Municipalities, achieved clean audit outcomes, one audit outcome was outstanding at the time of reporting, six municipalities received unqualified opinions with findings, 20 municipalities received qualified opinions with findings, and two municipalities received disclaimed audit opinions. This distribution reflects widespread deficiencies in financial controls, record-keeping, and compliance with legislative requirements.

A significant pattern emerging from the evidence is the persistent accumulation of UIFW that remains unaddressed over extended periods. In several municipalities, UIFW amounts have reached exceptionally high levels. By way of example, UIFW was reported at approximately R1.1 billion in Joe Morolong Local Municipality and approximately R1.3 billion in Gamagara Local Municipality. In many municipalities, UIFW has accumulated over multiple financial years without effective investigation, consequence management, or resolution.

The evidence indicates that weak accountability mechanisms contribute to this persistence. In particular, the absence or non-functioning of Municipal Public Accounts Committees (MPACs) was identified as a factor limiting oversight and follow-up on UIFW. Where MPACs are not established or do not operate effectively, irregularities are less likely to be interrogated, addressed, or prevented from recurring.

Underspending of conditional grants further reflects weaknesses in financial planning, project management, and implementation capacity. Evidence shows that 14 municipalities underspent more than 10% of their allocated conditional grants, including grants intended to address infrastructure backlogs (these municipalities are: Nama Khoi Local Municipality, Hantam Local Municipality, Karoo Hoogland Local Municipality, Dawid Kruiper Local Municipality, Kai !Garib Local Municipality, Tsantsabane Local Municipality, Siyathemba Local Municipality, Thembehlile Local Municipality, Emthanjeni Local Municipality, Umsobomvu Local Municipality, Ubuntu Local Municipality, Gamagara Local Municipality, Phokwane Local Municipality, and Kgatelopele Local Municipality). This pattern of underspending occurs alongside significant service delivery needs, indicating that available resources are not consistently translated into operational or capital improvements.

Procurement practices also feature prominently in the evidence. All municipalities received audit findings relating to uncompetitive or unfair procurement processes, and 28 municipalities received findings on non-compliance with

applicable legislation. These recurring procurement-related findings point to systemic weaknesses in supply chain management controls, contract management, and adherence to statutory prescripts.

Weaknesses in financial reporting and compliance systems further undermine financial governance. The evidence indicates that municipalities frequently rely on external consultants to prepare financial statements, yet material misstatements persist in annual financial reports. This reliance, combined with poor internal controls, limits the reliability of financial information and weakens the ability of both municipal leadership and oversight institutions to make informed decisions.

The impact of these financial governance failures on service delivery is substantial. Persistent UIFW, poor audit outcomes, and grant underspending erode institutional stability, delay infrastructure projects, and constrain the effective use of resources intended for basic services. Over time, these weaknesses reduce public confidence in municipal institutions and impair the ability of municipalities to respond to service delivery challenges in a sustainable manner.

Taken together, the evidence indicates that financial governance weaknesses function as a structural barrier to service delivery improvement. Without effective financial controls, credible reporting, and functioning oversight mechanisms, even well-designed policies and funding frameworks are unlikely to translate into improved outcomes for communities.

8.4 Misaligned Financial Priorities and Costly Stop-Gap Expenditure

The evidence before the Commission indicates a recurring pattern of expenditure directed toward short-term, stop-gap measures rather than toward addressing the underlying causes of service delivery failure. While many of these expenditures respond to immediate and real pressures faced by municipalities, their cumulative effect is to divert limited financial resources away from sustainable, long-term solutions.

A prominent example emerging from the evidence is the prolonged reliance on water tankering as a substitute for functional water infrastructure. Over the past three financial years, average annual expenditure on yellow fleet rentals amounted to approximately R14.4 million in Gamagara Local Municipality, R15.6 million in Kai !Garib Local Municipality, and R7.2 million in Emthanjeni Local Municipality. These figures illustrate the scale of resources devoted to interim service delivery measures that, while necessary in crisis conditions, do not resolve underlying infrastructure failures or reduce long-term vulnerability to service interruptions.

The evidence further reflects significant expenditure on security services, largely linked to vandalism and theft of municipal infrastructure. Reported security costs included approximately R48 million in Gamagara Local Municipality, R4 million in both Magareng and Kgatelopele Local Municipalities. While such expenditure may be required to protect assets in the short term, its recurrence indicates that resources are being directed toward mitigating symptoms rather than addressing the structural and systemic drivers of infrastructure damage and service disruption.

Expenditure on external professional services also features prominently in the evidence. Legal fees reported include approximately R2 million in Joe Morolong Local Municipality, and R5.4 million in Ga-Segonyana Local Municipality. In addition, substantial amounts were spent on IT systems and financial management support, including approximately R33 million in Ga-Segonyana Local Municipality, R7.9 million in Ubuntu Local Municipality, and R8.5 million in Kai !Garib Local Municipality. These expenditures reflect heavy reliance on external capacity to perform core governance and financial management functions.

Taken together, these spending patterns indicate a financial posture oriented toward managing immediate risks and operational breakdowns rather than reducing their recurrence. While stop-gap expenditure may be unavoidable in contexts of service delivery collapse, its persistence over multiple years suggests that interim measures have, in some instances, become normalised features of municipal expenditure rather than temporary responses.

The evidence further indicates that municipalities incur significant fixed costs associated with mandatory institutional arrangements and membership obligations, such as annual fees paid to SALGA or auditing fees paid to AGSA. While these arrangements play an important role in governance, oversight, and intergovernmental coordination, the cumulative cost of such obligations may have disproportionate impacts on municipalities with limited revenue bases and severe service delivery backlogs.

The impact on service delivery is cumulative. High recurring expenditure on tankering, security, consultants, and legal services consume resources that could otherwise be allocated to infrastructure rehabilitation, preventative maintenance, capacity stabilisation, or system renewal. Over time, this constrains municipalities' ability to shift from crisis management to sustainable service delivery and reinforces cycles of dependency on short-term interventions. The evidence therefore supports the conclusion that misaligned financial priorities function as a structural impediment to service delivery improvement. Without a recalibration toward investments that address root causes, municipalities remain locked into patterns of expenditure that stabilise immediate conditions but do not alter the underlying trajectory of service delivery failure.

8.5 Weak Revenue Bases and Structural Barriers to Revenue Collection

The evidence before the Commission indicates that weak revenue collection in municipalities in the Northern Cape Province is driven primarily by structural and contextual factors rather than by a lack of effort or awareness. High levels of unemployment, the high number of households receiving free basic services, and fragile local economies significantly constrain municipalities' ability to generate own revenue, while systemic and legal barriers further limit effective billing and credit control.

The official unemployment rate in the Northern Cape Province stands at approximately 31%, with higher rates evident in several local municipalities. This economic context directly affects residents' ability to pay for services and reduces the effectiveness of traditional revenue enforcement mechanisms. Evidence from multiple municipalities reflects persistently low revenue collection rates. In !Kheis Local Municipality, revenue collection fluctuates between approximately 20% and 25%, while in Dikgatlong Local Municipality collection rates range between approximately 49% and 53%. These figures indicate chronic under-collection rather than short-term fluctuations.

Structural weaknesses in billing systems further compound these challenges. Evidence points to outdated or incomplete customer information, inaccuracies in billing data, and limited capacity to update and maintain billing systems. These weaknesses undermine municipalities' ability to issue accurate accounts, pursue debt collection, or implement effective credit control measures. Illegal connections to services further erode the revenue base, particularly in contexts where enforcement is practically and politically constrained.

Additional barriers arise in areas supplied directly by Eskom, here municipalities cannot use the disconnection of electricity as a credit control enforcement mechanism. In some instances, municipalities sell electricity at a loss due to tariff structures that do not reflect input costs. For example, in Siyancuma Local Municipality, evidence

indicates that electricity is sold at approximately R2.89 per unit while being purchased from Eskom at approximately R3.10 per unit, exacerbating financial pressure and undermining revenue sustainability.

Communal land tenure arrangements and traditional authority contexts also present distinct revenue collection challenges. In Khai-Ma Local Municipality, the settlement of Pella operates under a communal property association (CPA). Evidence indicates that while the municipality pays approximately R600 000 per month to Vaal Central Water for bulk water supply to the area, it is unable to recover these costs from residents. Attempts to introduce prepaid water meters were rejected by the community on the basis that residents cannot afford to pay for services. This example illustrates the limits of conventional billing and credit control approaches in communal contexts where legal, social, and economic factors intersect.

The evidence further indicates that municipalities are required to perform functions that are not adequately funded, including aspects of housing delivery. These unfunded or underfunded mandates place additional strain on already limited revenue bases and divert resources from core service delivery and maintenance functions.

The cumulative effect of weak revenue collection is evident in municipalities' ability to meet financial obligations. The Auditor-General's report indicates that municipalities in the province take an average of approximately 566 days to pay creditors. Delayed payments affect service providers, disrupt supply chains, and undermine municipalities' credibility as contracting parties, further increasing costs and reducing service delivery efficiency.

Taken together, the evidence demonstrates that low and unpredictable revenue collection is a structural constraint that directly limits municipalities' capacity to fund operations, maintenance, and service improvements, particularly in water and sanitation. In this context, revenue failure is not simply an administrative weakness but a reflection of broader socio-economic conditions, governance arrangements, and systemic limitations that must be addressed holistically if service delivery outcomes are to improve.

8.6 Insufficient Oversight, Support, and Early Intervention

The evidence before the Commission demonstrates that warning signs of municipal failure are frequently identified through reporting, audit processes, and intergovernmental engagement, yet are not consistently followed by timely, substantive, and coordinated support interventions. While oversight mechanisms are formally in place, their operation has not reliably translated into early remedial action capable of preventing the escalation of service delivery failures.

Evidence indicates that municipalities regularly submit reports to Provincial Treasury, COGHSTA, and other oversight bodies, including annual reports, audit outcomes, and performance information. These reporting processes have enabled the identification of persistent governance, financial, and infrastructure risks. However, the evidence reflects that such information is not consistently followed by diagnostic interventions, structured remedial support, or coordinated planning responses aimed at stabilising municipalities before conditions deteriorate further.

The Commission is concerned that, despite the extent of financial distress evident across municipalities in the province, little to no reference was made to the utilisation of the Municipal Financial Recovery Service. This absence is notable given the widespread indicators of fiscal stress, including escalating municipal debt, prolonged delays in the payment of creditors, and the repeated assertion by municipalities and provincial stakeholders that financial constraints significantly limit the ability to maintain infrastructure and deliver basic services. The lack of engagement with the Municipal Financial Recovery Service suggests that an important statutory mechanism for early financial stabilisation and recovery may not be systematically activated or integrated into responses to municipal financial distress, with implications for the sustainability of service delivery interventions.

The evidence further includes instances of particularly severe and prolonged service delivery failure that were not met with timely or proportionate provincial intervention. In one such instance, service delivery breakdowns persisted over several months and escalated to the point where 26 families lost their homes. Despite the severity and duration of the crisis, provincial engagement was largely limited to the issuing of directives and related forms of oversight. This reflects a failure to escalate the oversight response in a manner commensurate with the scale of harm and demonstrates the limits of compliance-based measures in contexts of sustained municipal incapacity.

Across municipalities more broadly, evidence reflects that various forms of oversight and support have been provided, including training initiatives, technical advice, policy development support, audit findings, material irregularities, and, in some cases, formal directives. However, in instances of deep and sustained dysfunction, these measures have not been sufficient to arrest decline or restore basic service delivery. This suggests that while oversight tools exist, they are not always deployed at a scale or intensity appropriate to the severity of municipal failure.

Weak enforcement and follow-up further undermine the effectiveness of regulatory and oversight measures. Evidence indicates that audit findings, material irregularities, and court orders are frequently issued, yet limited evidence was provided of consistent escalation or enforcement where non-compliance persists.

The scope of provincial intervention is further constrained by financial and institutional limitations. Evidence from COGHSTA confirms that the cost of section 139 interventions is substantial and that limited provincial resources restrict the department's ability to intervene, even where conditions clearly warrant such action. Evidence from the Department of Water and Sanitation similarly confirms that its support is largely limited to capital projects and cannot extend to operations and maintenance, even where infrastructure failures directly undermine service delivery outcomes.

Taken together, the evidence indicates that conditions warranting mandatory intervention under section 139 of the Constitution have been present in a significant number of municipalities for extended periods, yet provincial intervention has remained limited. Where provincial government lacks the capacity to intervene effectively, responsibility for addressing sustained municipal failure may shift beyond the provincial sphere. The evidence suggests that circumstances may exist in which the conditions for national intervention under section 100 of the Constitution are met, yet such intervention has not been activated.

The cumulative effect of delayed intervention, constrained support, and limited escalation is that service delivery failures are allowed to deepen over time, increasing both the scale of harm and the difficulty of recovery. The absence of early, substantive intervention thus emerges from the evidence as a critical factor contributing to persistent service delivery failure and ongoing risks to the realisation of socio-economic rights.

8.7 Communication Breakdowns and Community Frustration

The evidence before the Commission reflects recurring communication breakdowns between municipalities and the communities they serve, particularly during periods of service disruption. Complaints consistently indicated that residents experienced difficulty obtaining information, feedback, or explanations regarding the causes of service delivery failures, the steps being taken to address them, or the anticipated timelines for resolution.

At the same time, the evidence also indicates that many municipalities have established formal complaint-handling mechanisms, including complaint policies, procedures, and, in some instances, complaint registers. These mechanisms demonstrate that a foundational framework for community engagement and responsiveness exists within municipal administrations. However, despite the presence of these systems, the evidence suggests that they do not operate optimally in practice. Complaints were frequently reported as unresolved, insufficiently tracked,

or not accompanied by meaningful feedback to complainants, limiting their effectiveness as tools for accountability and communication.

Community members further reported having approached multiple levels of authority, including municipal officials, political office-bearers, provincial representatives, and, in some cases, national structures, without receiving substantive responses. This contributed to perceptions that complaints were being ignored or minimised, regardless of whether formal processes were technically in place. The absence of visible follow-through or explanation appeared to be as significant as the service delivery failures themselves.

Additional complaints related to inconsistent access to municipal offices, including offices not adhering to advertised operating hours, limited availability of responsible officials, and poor responsiveness to written or verbal enquiries. Evidence also reflected perceptions of dismissive or unresponsive attitudes by municipal officials toward community members seeking assistance. These experiences were repeatedly described by complainants as degrading and contributed to a breakdown of trust between communities and local government.

Importantly, the evidence also highlights instances of constructive practice that demonstrate the potential for improved communication where deliberate measures are implemented. In Thembelihle Local Municipality, evidence indicated that a direct communication line was established between school principals and the municipal manager. This arrangement enables principals to communicate service interruptions directly to a senior decision-maker, allowing the municipality to respond more rapidly where schools are affected. This practice reflects an intentional effort to prioritise responsiveness to a particularly vulnerable group—children—and illustrates how targeted communication mechanisms can enhance accountability and service continuity.

The cumulative effect of communication failures, where they persist, extends beyond inconvenience. In the absence of clear, timely, and respectful communication, service delivery breakdowns take on a heightened social impact. Uncertainty regarding access to basic services, particularly water and sanitation, exacerbates anxiety, fuels mistrust, and undermines the legitimacy of local government institutions. The evidence further indicates that unresolved communication failures have, in some instances, escalated community frustration to the point of protest action.

Viewed holistically, the evidence suggests that communication breakdowns are less a result of the absence of formal mechanisms and more a consequence of ineffective implementation, follow-through, and feedback. This indicates that the institutional foundation for improved communication already exists in many municipalities, but that these mechanisms require strengthening to function as effective tools for engagement, responsiveness, and accountability.

8.8 Operational Responses to Emergencies and Crisis Situations

The evidence before the Commission indicates limited utilisation of available emergency response frameworks in circumstances of acute and localised service delivery failure. While municipalities and provincial stakeholders described severe and recurring service disruptions particularly in relation to water, sanitation, and infrastructure collapse, little evidence was presented of systematic reliance on emergency procurement mechanisms or the formal activation of disaster management frameworks to respond to these situations.

This gap is notable given that the municipal supply chain management regulatory framework expressly provides for deviations from standard procurement processes in defined circumstances. According to regulation 36 of the Municipal Supply Chain Management Regulations, supply chain management policies may permit an accounting officer to dispense with ordinary procurement processes and procure goods or services through alternative means, including direct negotiations, in situations of emergency or where it is impractical or impossible to follow the official

procurement procedures. The framework further allows for the ratification of minor breaches of procurement processes that are technical in nature, subject to proper recording and reporting to council and disclosure in the annual financial statements.

Despite the availability of these mechanisms, the inquiry record reflects a reluctance or inability to invoke emergency procurement provisions, even where service delivery failures posed immediate risks to health, safety, or dignity. In the absence of clearly articulated emergency procurement decisions, municipalities often appeared constrained by standard procurement timelines and compliance requirements that are ill-suited to crisis conditions. This contributes to delays in repair, replacement, or temporary stabilisation measures, particularly in the water and sanitation sector.

Similarly, the evidence revealed limited reference to the use of the Disaster Management Act to address localised disasters arising from service delivery collapse. While the scale and persistence of certain failures, such as prolonged water outages, sanitation breakdowns, and infrastructure damage, suggest conditions that could warrant the declaration of local or provincial disasters, there was little indication that disaster management mechanisms were systematically considered or activated as part of the response.

The absence of evidence relating to emergency response frameworks does not suggest that municipalities lack awareness of their legal authority to act. Rather, it points to uncertainty, risk aversion, or insufficient operational guidance regarding the appropriate use of emergency procurement deviations and disaster management provisions. This is reinforced by the broader evidence of prolonged reliance on interim measures, such as water tankering, without corresponding emergency declarations or fast-tracked procurement pathways.

Viewed alongside evidence of lengthy project planning processes, constrained intervention capacity, and persistent financial distress, the limited operationalisation of emergency procurement and disaster management frameworks emerges as a further factor contributing to slow and fragmented responses to crisis conditions. The inquiry record therefore suggests that while the legal framework provides flexibility to respond decisively in emergencies, this flexibility is not consistently translated into practical, timely action at municipal or provincial level.

8.9 Vandalism, Theft, and Weak Law-Enforcement Presence

The evidence before the Commission indicates that vandalism and theft of municipal infrastructure constitute a significant and recurring external pressure on service delivery systems in the Northern Cape Province. Municipalities reported frequent damage to and theft of critical infrastructure, including components essential for water, sanitation, and electricity services. These incidents contribute directly to service interruptions, infrastructure degradation, and increased operational costs.

The prevalence of vandalism and theft has compelled municipalities to incur substantial expenditure on security services in an attempt to safeguard infrastructure. Evidence shows that municipalities such as Magareng Local Municipality, Gamagara Local Municipality, and Kgatelopele Local Municipality incur particularly high security costs as a response to ongoing criminal activity. While such expenditure may be necessary to protect assets in the short term, it represents a reactive response to persistent threats rather than a sustainable solution.

Despite the scale and recurrence of these incidents, the evidence reflects limited involvement of law-enforcement agencies in supporting municipalities to prevent or respond to infrastructure-related crime. Only one municipality presented evidence indicating direct assistance from the South African Police Service (SAPS) in addressing vandalism and theft affecting municipal infrastructure or seconding law enforcement officers to proactively safeguard infrastructure. In the remaining cases, municipalities appear to bear the primary responsibility for managing the consequences of criminal activity through private security arrangements and emergency repairs.

The impact on service delivery is cumulative and multifaceted. Repeated vandalism and theft undermine the reliability of infrastructure, delay the restoration of services, and divert financial resources away from maintenance, upgrades, and long-term investment. In municipalities already facing severe financial and capacity constraints, the cost of repairing damaged infrastructure and maintaining security further limits their ability to stabilise and improve service delivery.

The evidence therefore demonstrates that vandalism and theft are not isolated incidents but systemic pressures that exacerbate existing service delivery challenges. Where law-enforcement capacity or engagement is limited, municipalities are left to manage the consequences of criminal activity largely on their own, reinforcing cycles of breakdown, repair, and further vulnerability. These dynamic highlights the interdependence between effective service delivery and broader public safety and law-enforcement functions.

8.10 Lack of Environmental Rehabilitation

The evidence before the Commission indicates that environmental harm arising from service delivery failures is widespread across municipalities in the Northern Cape, yet measures aimed at environmental clean-up and rehabilitation are largely absent. While significant attention has been given to the need to restore or improve basic services, far less focus has been placed on addressing the environmental damage caused by prolonged infrastructure failure, inadequate waste management, and repeated sewage spillages.

Municipalities provided evidence and testimony of severe and recurring sewerage spillages, including in urban areas such as Sol Plaatje Local Municipality. Similar evidence was presented regarding poor landfill management, inadequate refuse collection, and, in some instances, the complete absence of refuse removal services in certain communities. Where refuse collection is irregular or unavailable, residents reported that solid waste is often disposed of in nearby open land, vacant terrain, or public spaces such as parks. The evidence further included instances of effluent being discharged or disposed of in public recreational areas, exposing communities to health and environmental risks.

Both municipalities and provincial stakeholders acknowledged that service delivery improvements are required in these areas, including repairing sewer infrastructure, improving refuse removal, and securing landfill sites. However, the evidence before the Commission revealed little indication of systematic efforts to remediate or rehabilitate environments already affected by pollution and degradation. While the need to prevent further harm was recognised, the harm that has already occurred was not shown to have been addressed through clean-up, restoration, or environmental recovery initiatives.

The absence of environmental rehabilitation reflects a narrow framing of service delivery obligations, focused primarily on restoring functionality rather than addressing the full consequences of failure. Environmental management and rehabilitation are not functions of municipalities alone; they implicate broader responsibilities across spheres of government and involve regulatory, environmental, and public health authorities. The lack of coordinated response suggests that environmental harm resulting from service delivery breakdowns is treated as incidental rather than as a substantive outcome requiring targeted intervention.

The impact of this omission is significant. Environmental degradation caused by sewage spills, unmanaged waste, and effluent discharge have long-term consequences for public health, ecological integrity, and community wellbeing. In the absence of rehabilitation, affected areas remain unsafe and degraded even after services are partially restored, perpetuating harm to communities and undermining confidence in public institutions.

The evidence therefore supports the conclusion that environmental rehabilitation has not been adequately integrated into responses to service delivery failure. Addressing infrastructure breakdowns without remediating the

environmental damage they cause results in an incomplete response, leaving communities exposed to ongoing risks and reinforcing cycles of neglect. This gap highlights the need for a more holistic and coordinated approach to service delivery, one that recognises environmental rehabilitation as an essential component of restoring dignity, health, and sustainable living conditions.

8.11 Extensive and Time-Consuming Process for Developing and implementing Projects

The evidence before the Commission indicates that the development and implementation of infrastructure projects in the Northern Cape is frequently characterised by lengthy, complex, and resource-intensive processes. Municipalities and provincial stakeholders consistently described extended timelines associated with feasibility studies, environmental impact assessments (EIAs), planning approvals, and grant application requirements, particularly in relation to water and sanitation projects.

While these processes are designed to ensure legality, environmental protection, and value for money, the evidence suggests that, in practice, they significantly delay the delivery of urgently needed services. In contexts where communities are already experiencing severe service delivery failures, the cumulative duration of planning and approval phases limits the ability of municipalities to respond in a timely and meaningful manner.

The financial cost associated with these preparatory processes further constrains implementation. Evidence from the provincial stakeholders demonstrates that municipalities often rely on external consultants to undertake feasibility studies, EIAs, and technical assessments. These costs are incurred before construction or rehabilitation begins and are borne by municipalities with limited revenue bases and competing service delivery demands. In some instances, resources are expended on studies without projects proceeding to implementation within a reasonable timeframe, raising concerns about whether planning costs consistently translate into tangible service delivery outcomes.

The impact of prolonged project development cycles is particularly evident in the water and sanitation sector. Evidence from the Department of Water and Sanitation confirms that extensive planning and regulatory processes are required before capital funding can be accessed and projects implemented, for example, in Sol Plaatjie Local Municipality one water services project took seven years from conceptualisation to the point where a construction company could start building. However, where infrastructure failure is acute, these timelines result in municipalities relying on interim measures, such as prolonged water tankering, which are costly and unsustainable. As a result, the planning process itself becomes a factor contributing to the normalisation of stop-gap solutions.

The evidence also indicates that a uniform approach is applied to project planning and approval, regardless of project scale, urgency, or context – with the exception of emergency procurement or local disasters. Smaller rehabilitation projects, emergency replacements, or upgrades to existing infrastructure are often subject to similar procedural requirements as large-scale capital developments. This lack of differentiation limits flexibility and responsiveness, particularly for municipalities facing repeated service delivery collapse and environmental harm.

Taken together, the evidence suggests that the current project development and implementation framework does not adequately balance regulatory assurance with urgency and practicality in high-risk service delivery contexts. Lengthy planning processes, high upfront costs, and limited differentiation between project types contribute to delays that undermine the effectiveness of public investment and prolong community exposure to service delivery failures.

The analysis therefore indicates that while planning, feasibility, and environmental safeguards remain essential, their current application in the Northern Cape operates as a structural constraint on service delivery. Without mechanisms to streamline processes, prioritise urgent interventions, or differentiate between categories of projects, municipalities remain unable to move swiftly from identified need to implemented solution, even where funding and institutional support are theoretically available.

8.12 The Roles of District Municipalities

The evidence before the Commission highlights both the strategic importance of district municipalities and the structural limitations that currently shape their role in service delivery and municipal support. District municipalities occupy a unique position within the intergovernmental system, operating between provincial oversight and local service delivery. However, the evidence indicates that this role is not always clearly defined, adequately resourced, or proactively exercised.

Alignment with the Legislative Mandate of District Municipalities

The analysis must be understood within the statutory and finance framework governing district municipalities. District municipalities by their design makes them reliant on intergovernmental grants. Legislation assigns district municipalities a broad range of functions, including integrated development planning, bulk services, municipal health services, fire-fighting services, waste management strategy, tourism promotion, disaster management, and the coordination of grants and infrastructure planning across municipalities. However, dedicated funding does not always follow these functions.

The evidence indicates that while not all these functions are fully exercised—either due to delegation, capacity constraints, or funding limitations—district municipalities remain structurally positioned to coordinate, regulate, and support service delivery at scale. In the Northern Cape context, where geography, infrastructure costs, and limited local capacity present acute challenges, this coordinating role is particularly significant.

The Often Invisible Nature of District Service Delivery

The evidence highlights that many services rendered by district municipalities are not immediately visible to communities in the same way as water, electricity, or road infrastructure. District functions often operate behind the scenes and include environmental health services, municipal health services, air quality management, disaster management, firefighting coordination, cemeteries, and public health monitoring.

While these services are less tangible, they are central to the realisation of socio-economic rights, public health, and environmental protection. The evidence underscores the importance of recognising and strengthening these functions, particularly in provinces characterised by environmental vulnerability, dispersed settlements, and limited local capacity.

Financial and Functional Constraints on Reassigning Core Services

The evidence suggests that the reassignment of key service delivery functions, particularly water and sanitation from local municipalities to district municipalities would have significant financial implications. In the Northern Cape, potable water supply functions have largely been delegated to local municipalities. Removing these functions would likely undermine the already fragile revenue bases of local municipalities, as water services constitute one of the few remaining billable services. With electricity revenues predominantly going to Eskom and limited scope for revenue generation through refuse collection and property rates in rural and low-income contexts,

such a shift could further weaken municipal financial viability. The evidence therefore supports the conclusion that structural reform must be carefully calibrated to avoid unintended fiscal harm to local municipalities.

District Municipalities as Oversight and Governance Support Hubs

The evidence indicates that district municipalities are well positioned to play a stronger and more coordinated role in governance oversight and institutional support. In practice, districts already provide shared services in areas such as internal audit functions, audit committees, risk management, planning support, and technical advisory services. Several districts have also been involved in supporting disciplinary processes, interview panels, and governance compliance functions.

This suggests that districts could serve as institutional hubs for oversight functions that local municipalities struggle to sustain independently. Such an approach would reduce duplication, strengthen consistency in governance standards, and relieve capacity pressures at local level, particularly in financially and administratively distressed municipalities.

Developmental and Social Coordination Role of Districts

The evidence demonstrates that district municipalities are particularly active in local economic development initiatives. District-level LED forums, tourism promotion, infrastructure-linked development projects, and regional economic planning feature prominently across the evidence. Districts are also actively engaged in youth development initiatives, including graduate placement programmes, internships, and skills development linked to infrastructure and bulk services.

However, the evidence reflects a notable gap in relation to targeted support for vulnerable groups. While youth development receives focused attention, limited evidence was presented of district-level initiatives aimed at child-headed households, older persons, or persons with disabilities. Given their regional planning mandate and coordinating role, district municipalities are well placed to integrate social vulnerability considerations into LED, planning, and support programmes in a more systematic and inclusive manner.

Reactive and Cost-Recovery-Based Support Models

The evidence further indicates that much of the support provided by district municipalities to local municipalities operates on an application-based or request-driven model. This means that support is often reactive, with assistance provided only once a municipality has formally applied for help. In circumstances where municipalities lack the capacity to identify problems early or to prepare applications, critical support may not be accessed at all.

In addition, several forms of district support operate on a cost-recovery basis or require annual membership fees. While this model may be administratively necessary, it creates a structural barrier for financially distressed local municipalities, which are often the municipalities most in need of support. As a result, support mechanisms risk being least accessible where they are most required.

Taken together, the evidence suggests that district municipalities represent an under-utilised institutional layer within the system of local government. While districts are actively engaged in planning, coordination, LED, youth development, and selected support functions, their role remains constrained by reactive support models, limited financial flexibility, and an absence of systematic mechanisms to address vulnerability and early municipal distress.

This analysis supports the conclusion that strengthening the role of district municipalities does not lie in wholesale reassignment of service delivery functions, but rather in enhancing their oversight, coordination, developmental, and integrative capacities in a manner that complements, rather than undermines, local government sustainability.

8.13 Conclusion

Taken together, the recurrent themes identified above point to systemic conditions that extend beyond the control or capacity of individual municipalities. While municipalities remain the primary duty-bearers for the delivery of basic services, the evidence indicates that persistent service delivery failures in the Northern Cape are often the result of structural constraints, historical underinvestment, and limited institutional support across spheres of government.

Many of the challenges identified particularly those relating to planning, technical capacity, financial governance, revenue collection, emergency response, and infrastructure protection represent areas where more active, coordinated, and context-sensitive involvement by other organs of state could materially improve service delivery outcomes. Where early warning signs were evident through reporting and audit processes, opportunities existed for targeted diagnostic support, practical guidance, and remedial assistance that could have prevented the escalation of service delivery crises.

These themes therefore highlight critical points of intervention at which the exercise of oversight, support, and cooperative governance has the potential to translate into tangible improvements in the realisation of socio-economic rights. They provide an important foundation for the recommendations that follow.



9. Recommendations



9. RECOMMENDATIONS

9.1 Local Municipalities

All the 26 Local Municipalities in the Northern Cape Province namely: Dikgatlong, Magareng, Phokwane, Sol Plaatje, Ga-Segonyana, Gamagara, Joe Morolong, Hantam, Kamiesberg, Karoo Hoogland, Kai Ma, Nama Khoi, Richtersveld, Emthanjeni, Kareeberg, Renosterberg, Siyancuma, Siyanthemba, Thembelihle, Ubuntu, Umsobomvu, !Kheis, Dawid Kruiper, Kai !Garib, Kgatelopele, and Tsantsabane.

9.1.1 Financial Governance and Accountability

Each Local Municipality should take immediate steps to address unauthorised, irregular, fruitless and wasteful expenditure (UIFW) in accordance with section 32 of the Municipal Finance Management Act. This includes:

- clearly identifying amounts to be recovered;
- specifying amounts to be written off by Council, with reasons;
- initiating disciplinary action where misconduct or negligence is identified; and
- referring matters involving suspected criminal conduct to the South African Police Service or other appropriate law-enforcement agencies.

Each Local Municipality must within six months of receipt of this Inquiry Report, submit to the AGSA a detailed report on the steps taken and progress made to address UIFW.

Implementation of this recommendation should be supervised and monitored by the AGSA and the AGSA must submit a consolidated report to the SAHRC on the steps taken and progress made to address UIFW in each municipality within nine months of receipt of this Inquiry Report.

9.1.2 Financial Stability and Recovery

Each Local Municipality should formally approach the Municipal Financial Recovery Service for a comprehensive assessment of financial health and the development of a structured recovery plan aimed at progressively restoring financial sustainability.

Each Local Municipality must within six months of receipt of this Inquiry Report, submit to the Provincial Treasury a detailed status update report regarding the progress and outcomes of approaching the Municipal Financial Recovery Service.

Implementation of this recommendation should be supervised and monitored by the Provincial Treasury and the Provincial Treasury must submit a consolidated report to the SAHRC giving a status update on each municipality regarding the progress and outcomes of approaching the Municipal Financial Recovery Service within nine months of receipt of this Inquiry Report.

9.1.3 Improvement of Service Delivery

Each Local Municipality should develop interim service delivery measures for situations of prolonged infrastructure failure, including temporary water, sanitation, or refuse solutions, to mitigate harm while permanent solutions are implemented.

Where immediate restoration of services is not feasible, municipalities must adopt incremental improvement plans that:

- set out short-, medium-, and long-term actions;
- identify responsible officials for the implementation;
- make special provision for improving service delivery in communities on traditional or tribal land, and communal property associations;
- include clear deadlines and performance indicators; and
- provide for regular monitoring and public reporting on progress.

These plans must explicitly identify circumstances where emergency procurement is appropriate and ensure compliance with applicable procurement regulations.

Each Local Municipality must within three months of receipt of this Inquiry report, submit to the Commission a detailed report on the interim service delivery measures adopted and/or service delivery improvement plans developed by the Local Municipality to address service delivery.

Implementation of this will be supervised and monitored by the SAHRC.

9.1.4 Sectoral Planning and Skills Development

Each Local Municipality must review and update all sectoral plans to ensure alignment with current conditions, service delivery realities, and available resources.

Identified critical skills shortages should be documented and used to motivate requests for targeted support from Provincial Treasury, COGHSTA, and other relevant national and provincial departments.

Each Local Municipality must within six months of receipt of this Inquiry report, submit to COGHSTA a detailed report documenting the progress made to review and update all sectoral plans.

Implementation of this recommendation should be supervised and monitored by COGHSTA and COGHSTA must submit a consolidated report to the SAHRC providing a detailed report documenting the progress made by municipalities to review and update all their sectoral plans within nine months of receipt of this Inquiry Report.

9.1.5 Eskom-Related Constraints

Each Local Municipality should engage Eskom to explore the possibility of engaging in cooperative arrangements, including:

- memoranda of understanding for debt collection support;
- options for transferring supply authority to municipalities where feasible; or
- mechanisms enabling municipalities to enforce credit control measures, including disconnections, where rates and taxes remain unpaid.

Each Local Municipality must within six months of receipt of this Inquiry report, submit to the Commission a detailed status update report regarding the progress and outcomes of engaging with Eskom.

9.1.6 Community Engagement and Communication

Each Local Municipality should make greater use of ward councillors as accessible points of engagement to improve communication with communities, particularly during service disruptions.

Improve community complaint-handling mechanisms by developing a register in which the following details are recorded:

- The nature of the complaint.
- The person who received the complaint.
- The feedback that was provided to the complainant on actions taken and anticipated timelines for resolution.
- The date on which such feedback was given to the complainant.

Each Local Municipality must within three months of receipt of this Inquiry report, submit to the Commission a detailed report documenting the progress made to foster and improve community engagement and communication.

Implementation of this will be monitored by the SAHRC.

9.2 District Municipalities

All the 5 District Municipalities in the Northern Cape namely: Frances Bard; John Taolo Gaetsewe; Namakwa; Pixley Ka Seme; and ZF Mgcawu.

Each District Municipality should revise its support service models to move away from predominantly reactive, application-based assistance toward proactive forms of support.

- Proactive support should not depend solely on formal requests from local municipalities, as capacity constraints may prevent distressed municipalities from seeking assistance timeously.

Each District Municipality should review its Integrated Development Plans, Local Economic Development strategies, and relevant sector plans to ensure the deliberate and systematic inclusion of:

- child-headed households;
- older persons; and
- persons with disabilities.

Planning and development frameworks should explicitly reflect how district-level programmes will support these vulnerable groups in a coordinated and sustained manner, rather than through ad hoc or incidental initiatives.

Each District Municipality should consider entering into formal memoranda of understanding with local municipalities to support and strengthen governance and oversight functions at local level. Such memoranda of understanding should enable district municipalities, where capacity exists, to support or host shared oversight structures, including:

- disciplinary committees;
- ethics committees;
- internal audit units;
- municipal public accounts committee (MPAC) support functions; and
- interview panels for senior appointments.

These shared arrangements should be aimed at improving consistency, accountability, and institutional stability within local municipalities, particularly where local capacity is limited.

Each District Municipality must within six months of receipt of this Inquiry report, submit to the Commission a detailed report regarding implementation of the above recommendations.

9.3 South African Police Service

It is recommended that the South African Police Service prioritise the protection of critical municipal infrastructure and strengthen its engagement with municipalities experiencing recurrent vandalism and theft affecting essential services.

SAPS should enhance preventative and responsive policing measures in identified hotspot areas, particularly where vandalism and theft repeatedly disrupt water, sanitation, electricity, and other basic services.

SAPS should work collaboratively with municipalities and other relevant stakeholders to investigate recurrent and organised patterns of vandalism, including potential criminal networks involved in infrastructure sabotage.

SAPS should support municipalities through coordinated operations, information sharing, and joint planning, aimed at deterring infrastructure-related crimes and improving the effectiveness of investigations.

These measures are necessary to reduce ongoing service disruptions, limit financial losses to municipalities, and protect communities from the compounded harms caused by repeated infrastructure damage.

9.4 Eskom

It is recommended that Eskom proactively engage with affected municipalities to explore alternative cooperative arrangements aimed at strengthening municipal revenue collection and credit control in Eskom-supplied areas.

Such engagement should consider, as alternative options, one or more of the following arrangements, depending on local feasibility and context:

- the conclusion of memoranda of understanding to support coordinated or assisted debt-collection mechanisms in Eskom-supplied areas;
- subject to regulatory approval the transfer of electricity supply authority to municipalities, where practicable, to enable integrated billing, revenue management, and credit control; or
- the establishment of mechanisms enabling municipalities to enforce credit-control measures, including coordinated disconnections where rates and taxes remain unpaid, subject to applicable legal and constitutional safeguards.

These alternative arrangements should be assessed and implemented in a manner that strengthens municipal financial sustainability, reduces revenue leakage, and supports the continued delivery of basic services, while ensuring compliance with legal requirements and the protection of vulnerable households as mandated by indigent frameworks and constitutional safeguards.

Eskom must within three months of receipt of this Inquiry report, submit to the Commission a detailed report regarding implementation of the above recommendations.

9.5 Vaal Central Water Board

It is recommended that the Vaal Central Water Board prioritise and implement urgent emergency repair and maintenance interventions on its bulk water supply infrastructure in areas where infrastructure failure has directly compromised the delivery of water services to Ga-Segonyana Local Municipality.

These emergency interventions should be aimed at restoring the functionality, reliability, and integrity of bulk supply systems, reducing water losses, and preventing further service delivery disruptions that adversely affect municipality's ability to meet their constitutional and statutory obligations.

It is further recommended that, the Vaal Central Water Board assess and consider options for expanding bulk water supply capacity, and where feasible, to improve support to the Gamagara Local Municipality and Khai-Ma Local Municipality which are experiencing constrained water availability due to limited infrastructure capacity or insufficient alternative water sources.

Such capacity planning should be undertaken in coordination with affected municipalities and relevant provincial and national stakeholders to ensure that bulk infrastructure development is aligned with local demand, service delivery needs, and long-term sustainability.

The Vaal Central Water Board must within three months of receipt of this Inquiry report, submit to the Commission a detailed report regarding implementation of the above recommendations.

9.6 Provincial Treasury

It is recommended that Provincial Treasury actively oversee and ensure that all local municipalities in the Northern Cape Province are referred to, and engage with, the Municipal Financial Recovery Service.

Provincial Treasury should further monitor the development, implementation, and progress of financial recovery plans arising from Municipal Financial Recovery Service engagements, with a focus on measurable improvements in financial sustainability, creditor payment periods, and governance controls.

Provincial Treasury should support municipalities in addressing critical financial skills shortages, particularly in relation to CFO and finance department positions, through measures such as:

- assistance with advertising and recruitment processes;
- facilitating secondments or shared services arrangements; and
- supporting targeted capacity-building initiatives for financial management personnel.

Provincial Treasury should strengthen its oversight and monitoring of investigations into fraud and financial misconduct within municipalities, including tracking progress on investigations, referrals to law-enforcement agencies, and the implementation of consequence management measures where wrongdoing is established.

Provincial Treasury must within six months of receipt of this Inquiry report, submit to the Commission a detailed report regarding implementation of the above recommendations.

9.7 National Treasury

National Treasury, in collaboration with other responsible stakeholders, should investigate alternative measures to support and strengthen municipal financial sustainability without increasing the risk of mismanagement. This should include consideration of:

- the direct payment of statutory or quasi-statutory obligations (such as Auditor-General and SALGA fees) on behalf of municipalities, rather than transferring equivalent funds directly into municipal accounts; and
- structured non-financial support mechanisms that reduce administrative and financial pressure on municipalities while preserving accountability and service delivery capacity.

National Treasury must within six months of receipt of this Inquiry report, submit to the Commission a detailed report regarding implementation of the above recommendations.

9.8 Auditor-General of South Africa

It is recommended that the Auditor-General of South Africa strengthen oversight of the implementation of section 32 of the Municipal Finance Management Act by systematically tracking how municipalities address unauthorised, irregular, fruitless and wasteful expenditure. This should include monitoring whether municipalities:

- properly investigate UIFW;
- recover losses where required;
- institute disciplinary or criminal processes where applicable; and
- report transparently on outcomes to municipal councils.

AGSA should consider conducting special or thematic audits in municipalities where exceptionally high or recurrent expenditure patterns are evident, particularly in relation to:

- information technology systems;
- financial management consultancies;
- yellow fleet rentals; and
- security services.

Such audits should assess:

- whether municipalities are receiving value for money from these expenditures;
- whether the continued reliance on external service providers reflects genuine capacity gaps or systemic weaknesses in internal financial management;
- whether such expenditure contributes to improved financial stability and institutional capacity; or
- whether it has a disruptive or destabilising effect on municipal financial management and governance.

The findings of these audits should be used to inform targeted recommendations, early warning indicators, and guidance to municipalities and oversight bodies aimed at reducing unnecessary reliance on external providers and strengthening internal capacity over time.

AGSA should consider conducting a special audit that investigates performance, financial and legislative compliance of the Richtersveld Local Municipality involving water services delivery through the service delivery agreement between Richtersveld Local Municipality and Alexcor.

9.9 Provincial Treasury, South African Local Government Association and the provincial department for local government

It is recommended that Provincial Treasury, SALGA, and COGHSTA consider to collaboratively design and offer targeted training programmes to municipalities in areas where recurring capacity gaps have been identified.

Such training should focus specifically on:

- emergency procurement processes and the lawful use of deviations;
- alternative service delivery models, including outsourcing, shared services, and public-private partnerships;
- local and provincial disaster management frameworks and fiscal response mechanisms;
- interim service delivery arrangements during periods of service delivery collapse; and
- proactive and anticipatory procurement practices aimed at preventing emergency conditions.

These training initiatives should be practical, scenario-based, and tailored to the realities of rural and resource-constrained municipalities, with a focus on enabling officials and councillors to respond lawfully, swiftly, and effectively to service delivery crises.

The Provincial Treasury, SALGA, and COGHSTA must within six months of receipt of this Inquiry Report, jointly submit to the Commission a detailed report regarding implementation of the above recommendation.

9.10 National Treasury and the National Department of Cooperative Governance and Traditional Affairs

It is recommended that National Treasury and National Department of Cooperative Governance and Traditional Affairs (COGTA) consider, within their respective mandates and discretion, measures to address the prolonged planning and implementation legislative and regulatory requirements associated with water and sanitation infrastructure projects, particularly in contexts of service delivery collapse or emerging crisis.

The evidence before the Commission demonstrates that while feasibility studies, environmental impact assessments, and grant application processes are necessary for sound governance and sustainability, the cumulative effect of these requirements can limit the ability of municipalities to respond rapidly to urgent service delivery failures, which do not yet reach the seriousness of a disaster.

In considering appropriate measures, National Treasury and COGTA are encouraged to reflect on mechanisms that enable differentiated, responsive, or expedited processes where conditions warrant urgent intervention, while maintaining legal compliance and accountability.

The National Treasury and COGTA must within six months of receipt of this Inquiry Report, jointly submit to the Commission a detailed report regarding implementation of the above recommendation.

9.11 Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform and the National Department of Forestry, Fisheries and the Environment

It is recommended that the Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform, in coordination with the National Department of Forestry, Fisheries and the Environment, assist municipalities with the clean-up and environmental rehabilitation of areas affected by sewage spillages. Additionally, the Commission recommends that these departments, assist the Tsantsabane Local Municipality in evaluating the potential risks of mining-related impacts on groundwater resources in the Municipality, and support coordinated engagement with affected stakeholders to ensure that community water security and sustainable service delivery are protected.

Such assistance should focus on restoring environments that have been polluted as a result of prolonged or repeated sewage discharge, including public open spaces, parks, unoccupied land, and areas adjacent to residential communities.

This support should complement municipal efforts to repair infrastructure and improve service delivery, recognising that environmental rehabilitation often falls outside the immediate capacity of municipalities, particularly where pollution has accumulated over time.

The Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform and the National Department of Forestry, Fisheries and the Environment must within six months of receipt of this Inquiry Report, jointly submit to the Commission a detailed report regarding implementation of the above recommendation.

9.12 National Department of Water and Sanitation and Northern Cape Department of Water and Sanitation

It is recommended that the National Department of Water and Sanitation, in coordination with the Northern Cape Department of Water and Sanitation, strengthen follow-up and enforcement of existing directives issued to municipalities in relation to water and sanitation failures.

Such follow-up should include systematic monitoring of compliance, timely escalation where non-compliance persists and coordinated responses where repeated failures continue to undermine service delivery and human rights.

The Departments should further provide practical, hands-on support to municipalities where required, particularly in circumstances where technical capacity constraints prevent the effective implementation of directives or remedial measures.

Assistance should include support to municipalities in procuring or accessing critical technical skills, such as process controllers and other specialised water and sanitation personnel, including through secondments, shared services, or facilitated recruitment where appropriate.

The Department of Water and Sanitation should also support and advise the provincial department responsible for local government and COGTA in circumstances where provincial intervention is required to address persistent or severe water and sanitation failures, ensuring that interventions are technically informed, coordinated, and responsive to on-the-ground condition.

The National Department of Water and Sanitation and the Northern Cape Department of Water and Sanitation must within six months of receipt of this Inquiry Report, jointly submit to the Commission a detailed report regarding implementation of the above recommendations.

9.13 Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs and the National Department of Cooperative Governance and Traditional Affairs

It is recommended that the Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs (NCCOGHSTA), in coordination with the National Department of Cooperative Governance and Traditional Affairs (COGTA), implement without delay the following interventions:

Less intrusive intervention measures including: targeted technical guidance; deployment of specialist skills; structured remedial planning support; and enhanced monitoring and advisory engagement in the following municipalities: Dikgatlong Local Municipality; Kamiesberg Local Municipality; Karoo Hoogland Local Municipality; Hantam Local Municipality; and Kgatelopele Local Municipality due to there being evidence of early signs of distress in these municipalities.

Formal intervention under section 139 of the Constitution including administrative intervention or, and only where warranted by extreme circumstances, the dissolution of municipal councils in Renosterberg Local Municipality, Phokwane Local Municipality; Sol Plaatje Local Municipality; Siyancuma Local Municipality; Thembelihle Local Municipality; Emthanjeni Local Municipality; Umsobomvu Local Municipality; Richtersveld Local Municipality; Nama Khoi Local Municipality; Ubuntu Local Municipality; Magareng Local Municipality; Tsantsabane Local Municipality; Kai !Garib Local Municipality; Dawid Kruiper Local Municipality; Kareeberg Local Municipality; Siyathemba Local Municipality; Ga-Segonyana Local Municipality; Joe Morolong Local Municipality; Gamagara Local Municipality; Khai-Ma Local Municipality; and !Kheis Local Municipality due to there being evidence of persistent failure and rights violations in these municipalities.

Section 139 of the Constitution gives various powers to provincial government to intervene in local government affairs. A provincial intervention does not automatically require the dissolution of municipal council but could include directives or assuming a specified obligation or duty of the municipality concerned. To ensure provincial interventions promote the long-term sustained service delivery in municipalities, NCCOGHSTA and COGTA should consider making the following part of such provincial interventions:

- a comprehensive diagnostic reassessment of the Municipality's financial position, institutional capacity, service delivery systems, and governance failures;
- clearly defined objectives and measurable outcomes, with time-bound milestones against which progress can be assessed;

- the deployment of appropriately skilled technical and financial specialists with decision-making authority, rather than reliance on advisory or oversight functions alone;
- strengthened coordination between provincial departments, National Treasury, and other relevant organs of state to ensure aligned and sustained support; and
- regular public and intergovernmental reporting on progress, obstacles, and corrective measures.

Where the circumstances demonstrate that provincial capacity or resources remain insufficient to achieve meaningful interventions, it is further recommended that consideration be given to escalating support beyond the provincial sphere, including structured engagement with national government, to prevent the entrenchment of long-term municipal failure and ongoing service delivery rights violations.

It is recommended that the COGTA should actively monitor the implementation and effectiveness of provincial interventions and support measures, with a focus on whether interventions are achieving their intended objectives.

Where evidence emerges that the provincial department lacks the capacity, resources, or institutional ability to implement or sustain the required interventions effectively, COGTA should step in without delay to provide additional support, coordination, or oversight, and to ensure that persistent municipal failure does not continue unchecked.

These measures are necessary to ensure that interventions are not only initiated, but meaningfully implemented, monitored, and escalated where required, in order to protect communities from prolonged service delivery failures and the associated violation of socio-economic rights.

The Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs and the National Department of Cooperative Governance and Traditional Affairs must within six months of receipt of this Inquiry Report, jointly submit to the Commission a detailed report regarding implementation of the above recommendations.

9.14 The Member of the Executive Council responsible for the Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs

It is recommended that the Member of the Executive Council (MEC) responsible for the Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs considers exercising powers afforded to the MEC in terms of section 106(1) of the Local Government: Municipal Systems Act 32 of 2000 in the Kai !Garib Local Municipality in respect of the allegations of fraud within the Municipality.

The MEC must within six months of receipt of this Inquiry Report, submit to the Commission a detailed report regarding implementation of the above recommendation.

9.15 Premier of the Northern Cape Province

It is recommended that the Premier of the Northern Cape Province declare a provincial state of disaster, as per section 41 of the Disaster Management Act, in respect of the sewage spillages and associated sanitation failures in Sol Plaatjie Local Municipality.

The evidence before the Commission demonstrates that the sewage failures were severe, prolonged, and widespread, persisted over several months, and resulted in significant harm to affected communities, including the displacement of at least 26 families who lost their homes, as well as ongoing exposure of many residents to unsafe, undignified, and hazardous living conditions.

The Municipality has demonstrated that it does not have the technical, financial, or institutional capacity to manage or remediate the crisis independently. Despite awareness of the scale and duration of the harm, the situation continued to deteriorate, with ongoing infrastructure failure and environmental contamination.

The Disaster Management Act recognises disasters as including human-induced or man-made events where the magnitude of the impact exceeds the ability of the affected municipality to cope using its own resources. The sewerage spillages in Sol Plaatjie meets this threshold.

A provincial disaster declaration would enable the activation of coordinated provincial and intergovernmental response mechanisms, including access to emergency funding, expedited procurement, specialised technical assistance, and structured recovery and rehabilitation measures, necessary to stabilise conditions, prevent further harm, and protect the constitutional rights of affected communities.

The Premier must within six months of receipt of this Inquiry Report, submit to the Commission a detailed report regarding implementation of the above recommendation.

9.16 Municipal Financial Recovery Service

It is recommended that the Municipal Financial Recovery Service evaluate and assess the fiscal health of all local municipalities in the province, with particular attention to indicators of financial distress, cash-flow instability, and structural revenue constraints.

Based on these assessments, the Municipal Financial Recovery Service should develop and support the implementation of tailored Financial Recovery Plans aimed at improving financial sustainability, stabilising municipal finances, and strengthening long-term service delivery capacity.

Where appropriate, and in accordance with applicable legal requirements, the Municipal Financial Recovery Service should consider the application of sections 151 to 155 of the Municipal Finance Management Act, including measures relating to debt relief and financial restructuring, to support municipalities that are unable to restore financial viability through ordinary corrective measures.

These processes should be undertaken in coordination with National Treasury, provincial stakeholders, and affected municipalities to ensure that recovery measures are realistic, monitored, and aligned with broader intergovernmental support efforts.

9.17 SAHRC Undertaking on Monitoring and Follow-Up

The South African Human Rights Commission undertakes to monitor the implementation of the recommendations contained in this report.

The SAHRC undertakes, where appropriate and within its mandate, to support municipalities that request its assistance in facilitating engagement with relevant stakeholders regarding service delivery pressures. This role will be limited to supporting dialogue, introducing relevant stakeholders where necessary, and encouraging cooperation and meaningful participation in engagement processes. The SAHRC's role in this regard does not extend to arbitration or the resolution of technical or regulatory disputes.

The SAHRC further undertakes to engage with relevant state institutions to track progress made in implementing the recommendations and to assess the extent to which these measures contribute to the improvement of service delivery and the protection of human rights.

The SAHRC will communicate publicly on the progress of implementation, including:

- whether the relevant state institutions have elected to implement the recommendations, in whole or in part; and
- where recommendations are not implemented, the reasons provided by those institutions for rejecting or deferring implementation.

This follow-up process is intended to promote accountability, transparency, and meaningful remedial action, and to ensure that the findings and recommendations of the Commission translate into tangible improvements for affected communities.

10. COMMENTS RECEIVED FROM STAKEHOLDERS

Parties and named stakeholders were afforded until **13 April 2026,** to make their written submissions thereto in accordance with the principles of procedural fairness and legality. The SAHRC received comments from five stakeholders namely, Umsombomvu Local Municipality, Tsantsabane Local Municipality, Pixley Ka Seme District Municipality, SALGA and the Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs.

10.1 Tsantsabane Local Municipality

Tsantsabane Local Municipality provided additional evidence which was incorporated into paragraphs 6.17 and 7.17. The Municipality also requested the SAHRC's assistance to facilitate stakeholder engagements. The Municipality further expressed the need for provincial and national stakeholders to help it assist potential environmental risks resulting from mining and renewable energy activities. The SAHRC considered this and made additional recommendations in paragraphs 9.11 and 9.17.

10.2 Umsobomvu Local Municipality

Umsobomvu Local Municipality provided additional evidence which was incorporated into paragraphs 6.7 and 7.7.

10.3 Pixley Ka Seme District Municipality

Pixley Ka Seme District Municipality provided additional evidence, which was incorporated into paragraphs 6.31, 7.31 and 8.12. The Municipality provided some options to be considered as recommendations. Some of these potential solution options fall outside the ambit of the SAHRC's powers and mandate. The SAHRC can therefore not make recommendations to this effect. Overall, the SAHRC acknowledges the commitment from the Municipality to implement the recommendations of this report.

10.4 South African Local Government Association

SALGA provided additional evidence which was incorporated into paragraph 6.32. Additionally, SALGA clarified that its support to municipalities is provided within the scope of its constitutional advisory and representative mandate, which does not include executive authority to enforce implementation at municipal level. It noted that support continues to be provided even where municipalities experience financial constraints, and that efforts are underway to strengthen coordination with provincial departments and other support institutions to avoid duplication and improve impact. SALGA also highlighted that persistent skills shortages in rural municipalities are influenced by structural factors such as geographic location, limited revenue bases, and regulated remuneration frameworks, and indicated that it continues to explore partnerships and targeted interventions to expand access to support programmes and strengthen institutional capacity across municipalities.

10.5 Northern Cape Department of Cooperative Governance, Human Settlements and Traditional Affairs

NCCOGHSTA provided additional evidence involving Renosterberg Local Municipality which was incorporated into paragraphs 6.15 and 7.15.

NCCOGHSTA further suggested that because of the overall importance of the recommendations contained in paragraph 9.4 and the formulation of similar reporting duties placed on stakeholders that Eskom also be required to report back to the SAHRC on their implementation. The SAHRC concedes that this would be just and fair given the circumstances and has made the necessary incorporations in paragraph 9.4.

The SAHRC notes the submission made by NCCOGHSTA involving distressed municipalities and formal interventions. The SAHRC clarifies that it did not make findings or declare a municipality distressed following the same criteria as set out in the State of Local Government Report. The SAHRC noted which municipalities were in financial distress as determined through the criteria set out in the MFMA and reported on by National Treasury every quarter.

Furthermore, the NCCOGHSTA's submissions assumes that a section 139 intervention automatically involves the dissolution of a municipal council. Provincial government has other powers in this regard and paragraph 9.13 has been amended to make this position clear. The SAHRC will not usurp the power to decide what powers would be appropriate for a specific provincial intervention. The discretion to formulate the appropriate intervention in particular circumstances is left to the provincial government guided by the needs of each specific municipality named in paragraph 9.13.

While the SAHRC notes NCCOGHSTA's submission in relation to paragraph 9.15 and the progress made to address the sewage spillages in Sol Plaatje Local Municipality, the SAHRC finds that the recommendation to declare this event a disaster is still just and fair in the given circumstances. Declaring a disaster will enable the municipality and provincial government to access extraordinary legal tools to provide relief to affected residents. The current measures being implemented only addresses the infrastructure and provide no relief to affected residents.

Lastly, the SAHRC acknowledges the overall positive response and commitment by NCCOGHSTA to implement and to provide support to other stakeholders to ensure they implement the recommendations of this report and thereby improve service delivery in the Northern Cape.

SIGNED ON THIS THE 15th **DAY OF** APRIL **2026**



Dr Henk Boshoff

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