



# **An examination into the reasons for interventionism in selected North-West Province Municipalities**

**T Nxumalo**

 **orcid.org 0000-0003-2013-0665**

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degree *Master of Arts in Political Studies* at the North-West  
University

**Supervisor: Dr S Motloung**

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**Student number: 27608335**

## **DECLARATION**

I **Tshegofatso Nxumalo**, hereby declare that this dissertation is my work, and it has not been submitted for degree or examination purpose at any other university. I fully acknowledge the sources used by complete references. This dissertation is submitted in fulfilment of a Master of Arts Degree in Political Studies at the North-West University.

## DEDICATION

I dedicate this study to my late mother **Tsholofelo Elizabeth Nxumalo** for being such a great ancestor to me throughout my academic years. Her light continues to shine bright, and all her teachings have not been forgotten since her passing in 2013. This study and all my life achievements is evidence of that. The capable hands of my both my grandparents **Gedion** and **Annah Nxumalo** who even in their elderly years continue to encourage and support me in pursuing my goals and dreams. Indeed, I am surrounded by greatness.

*“I love you so much my guardian angel, and my two living ancestors”*

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## **ABSTRACT**

The practice of municipal Intervention is intended to rescue municipalities that have failed to fulfil their executive obligations, to improve municipal performance. However, the declaration of such interventions remains controversial, given the rise of the political-administrative interface. Another factor that exacerbates the ineffectiveness of municipal interventions is the lack of proper implementation of the guiding principles of Section 139(1) interventions, as prescribed in the Constitution. Consequently, municipal Interventions fail to yield the intended results and worsen the state of municipalities instead.

This study used the International Relations theory of interventionism and the good reasons theory to justify the reasons for municipal intervention. Municipal intervention is a phenomenon commonly examined in Public Administration and Law, while the practice of interventionism is commonly used in International Relations and Economics, to prevent human rights violations and influence market prices, respectively. Thus, the significance of the study to examine the reasons for interventionism in selected North West municipalities is a true political science topic.

The case study research design was vital for a thorough analysis of the reasons for interventionism in municipalities. The qualitative nature of this study allowed for the use of document analysis, including accredited academic journals, books and government signed-off reports. The findings of this study indicate a worsening condition of municipalities that have been placed under Section 139(1) interventions. This is caused by non-compliance with the guiding framework for municipal interventions and using interventions as a political weapon (weaponisation of Section 139(1) instruments). The study therefore recommends alternative measures to help ailing municipalities. Such measures include capacity building of municipal officials to institutionalise and implement the resolutions of municipal administrators, in addition to strengthening municipal support and municipal oversight.

## ACRONYMS

AG	Auditor General
CFO	Chief Financial Officer
COGHSTA	Cooperative Governance, Human Settlements and Traditional Affairs
COGTA	Cooperative Governance and Traditional Affairs
DCOG	Department of Cooperative Governance and Traditional Affairs
FY	Financial Year
IGR	Intergovernmental Relations
IR	International Relations
LGTAS	Local Government Turnaround Strategy
MEC	Member of Executive Council
MFMA	Municipal Finance Management Act
MM	Municipal Manager
MPAC	Municipal Public Accounts Committee
MAT	Municipal Assessment Tool
MPAT	Municipal Performance Assessment Tool
NATO	National Atlantic Treaty Organizations
NCOP	National Council of Provinces
NGO	Non-Governmental Organizations
NW	North West Province
NWU	North-West University

PARI	Public Affairs Research Institute
PEC	Provincial Executive Council
PMG	Parliamentary Monitoring Group
POE	Portfolio of Evidence
R2P	Responsibility to Protect
SALGA	South African Association of Local Government
SAPAC	South African Association of Public Accounts Committee
SCOPA	Standing Committee on Public Accounts
UIF&W	Unauthorised Irregular Fruitless and Wasteful Expenditure
UK	United Kingdom
UN	United Nations

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# CHAPTER ONE: THE PROBLEM OF INTERVENTION IN SOUTH AFRICAN MUNICIPALITIES

**Keywords:** Administrative action, Cooperative Governance, Interventionism, Local Government, North West Province, Section 139 intervention

## 1.1 Introduction

After Independence, most, if not all, African countries adopted a multi-tier government system. This system emphasised government formation in National, Provincial and Local spheres to promote “grassroots” participation in political and economic development. (Hofisi & Chisambiro, 2021). The South African government was not immune from such structural designs, and therefore, Local Government became the key driver of decentralisation and a facilitator of development (Niekerk & Sebakamotse, 2020). Legislative instruments such as ‘the White Paper on Local Government 1998, the Municipal Structures Act 117 of 1998, the Local Government: Municipal Systems Act 32 of 2000, and the Local Government Municipal Finance Management Act 56 of 2000’ confirm the developmental role of Local Government. Most municipalities are situated mostly in previously disadvantaged areas with low access to basic services. This reality of having underdeveloped municipalities undermines their efforts to improve the socio-economic conditions of communities (Mamiński, 2022).

The study uses the Municipality as an institution responsible for development initiatives and service delivery. Local Government is a setting/sphere within which Municipalities operate. Cooperative Governance involves intergovernmental relations among different spheres of the government to ensure the well-being of the citizens through effective and sustainable supply services (Mathews & Ohadi, 2008). The principles of cooperative governance include mutual trust, good faith, and respecting the autonomy of other spheres of government (Szumowski, 2019). Mutual trust and faith imply that municipalities ought to believe that spheres of government have good interests in general welfare when collaborating. Collaboration implies not undermining the authority of vulnerable spheres by the strong. Cooperative governance also includes constitutional checks and balances in each sphere to track and ensure the best performance and efficient management through oversight and auditing (Botes, 2011; Hamza, 2021). The provincial legislatures, auditor general, and other spheres [National and Provincial Governments] are essential role players to supervise and oversee without interfering in the affairs of the local

government (Madue, 2013). This process of oversight implies “an active interface between the legislative and executive arms of government” to improve the quality of and delivery of predetermined government objectives and priorities” (Sebakamotse & van Niekerk, 2020).

However, the principles of cooperative governance do not exempt any sphere of government from eroding or disregarding the autonomy of other spheres (Mathenjwa, 2014). This is done to minimise the ‘political-administrative interface’. According to De Visser (2010), the political-administrative interface refers to interfering with administrative matters and undermining officials in a sphere of government by politicians. This makes the practice of intervention relevant in theorising Local Government. The concept of intervention refers only to the interventions stated under Section 139(1) of the Constitution of the Republic of South Africa. As a concept, intervention is the practice of overriding another’s affairs to help them fulfil their obligations (Van der Walddt, 2015a). Overriding happens through administrative action, where an organ of state makes decisions and declarations on behalf of another in pursuit of implementing their legislated mandate (Plasket, 2002). Both administrative action and intervention are empowering provisions that promote the principles of cooperative governance for effective and sustainable delivery of public services.

Historically, the relationship between central and provincial governments and local authorities was unproblematic, and interventions were minimal and proved effective. Since the introduction of democratic Municipalities, the political-administrative interface between politicians and municipal officials has been evident. The consequences of this include the collapse of public infrastructure and rampant corruption, leading to the poor state of local government (Corruption Watch, 2014; De Visser, 2010; Greffrath & Van der Walddt, 2016; Lash & Batavia, 2013). It is for those reasons that provincial interventions in municipal affairs have become commonplace, with “the Eastern Cape Provincial Executive Committee being the first in South Africa to place the Butterworth Transitional Local Council under administration in 1998” (Twalo, 2015). Section 139 intervention was first invoked in 1998, and by 2015, all the provinces in South Africa had had at least one municipality placed under administration (Modise & Nxumalo, 2022). Thereafter, about 140 section 139 interventions have been initiated by the year 2019 in South Africa (Ledger & Rampedi, 2019).

The Eastern Cape, Mpumalanga, KwaZulu-Natal, and North West provinces are among the worst-performing municipalities, with issues of financial mismanagement, corruption allegations, and failure to implement consequence management (Auditor-General of South Africa (AGSA), 2024; Mohale, 2013; Tshandu, 2010; Twalo, 2015). Provinces with the least interventions were the Northern Cape and Free State, with only three interventions, while KwaZulu-Natal and the North West provinces have had 40 and 43 municipalities placed under administration by 2019, respectively, making them the provinces with the most interventions (Hamza, 2021; Ledger & Rampedi, 2019). The first municipality to be placed under Section 139(1) in the North West province was the then Stilfontein Transitional Local Council (Ledger & Rampedi, 2019). Out of the four district municipalities in North West, Ngaka Modiri Molema is the only district municipality in the province to be placed under administration twice, in two consecutive years, in September 2014 and again in March 2015. The problems leading to its placement are identical across the rest of the municipalities, yet those municipalities were not placed under administration (Xasa, 2022).

The reasons for intervention in selected North West Province municipalities need to be examined. This will highlight the nature and justifications of those section 139 municipal interventions, thereby allowing critical analysis of the framework for administrative action in municipal affairs. Intervention in Local Government continues to be a controversial administrative action in South Africa because most municipalities that are placed under administration rarely make a turn to the positive (Select Committee on Cooperative Governance and Traditional Affairs, 2019).

## **1.2 Problem statement**

There is a dynamic ineffectiveness of municipal interventions as they fail to improve the state of local government in South Africa. This study aims to examine the reasons for interventionism in selected municipalities in the North West Province.

Ideally, the autonomy between the spheres of government (National, Provincial and Local) should lead to informed decision-making and efficient implementation of developmental policies for effective basic service delivery. Cooperative governance should also allow support, supervision, and interventions that stimulate local development and horizontal accountability in service delivery. However, interventions have become highly acclaimed mechanisms used to perpetuate a political-administrative interface and

corruption and worsen the state of Local Government. This is evident in the lack of improvements after the intervention has been invoked in various municipalities.

According to a submission made by the Democratic Alliance- North West (2022) to the National Council of Provinces (NCOP), the ineffectiveness of the countless Section 139 interventions in Ditsobotla Local Municipality is due to “ANC political factionalism undermining governance and service delivery.” The submission further cited that employment in the municipality was based on political connections, political affiliation, and party positions instead of appropriate qualifications for senior and middle management positions.

Political elites in Mogalakwena Local Municipality in the Limpopo province were quoted as interfering in the administrative decentralisation of the municipality. “One episode of elite political interference occurred through a section 139 intervention which sought effectively to bypass the administrative leadership of the municipality for factional reasons. This is a unique and underexplored issue in the field of local government today” (Thokozani, 2020:10). It is acclaimed that Mr Willy Kekana, the Municipal Manager of Mogalakwena Local Municipality, was appointed through the instruction of the provincial leadership of the ANC and was opposed by a faction of the Waterberg Regional Executive of the ANC, which caused conflict between Kekana and the Municipal council, the mayor, and senior managers of the administration who belonged to the Waterberg Regional Executive faction (Anon, 2015:8). Lastly, the ANC’s Regional Chairperson (also the MM in the local Municipality) used his political position to influence the removal of the District MM in the Eastern Cape, who was questioning the chairperson’s academic qualifications (Ngamlana, 2011).

The Select Committee on Cooperative Governance and Public Administration (2022) reported that the MEC of COGTA in the North West hired an administrator for Ditsobotla Local Municipality, even though the NCOP had not decided on the intervention, which was a clear sign of undermining the legal processes of Section 139(1)(b) of the Constitution. The Gauteng Provincial EXCO had dissolved the City of Tshwane Municipal Council without following due process. Accordingly, the Provincial government had not adequately engaged the Municipal Council before dissolution. It was, therefore, found to have misconstrued its powers and failed to apply itself to the issues faced by the Municipality instead of dissolving the Municipal Council (Dullah Omar Institute, 2021).

The term for the administrator appointed in Emfuleni ended on the 1<sup>st</sup> of September 2022; however, Mr Dodovu, Chairperson of the Select committee, questioned the effectiveness of the intervention team and expressed disappointment with the worsened audit opinion of the Municipality and the continued challenge of councillors' failure to fulfil executive obligations. Since 2000, Ditsobotla Local Municipality has been subject to about 29 interventions, and according to a submission by the Democratic Alliance- North West (2022), the Municipality is now faced with more issues than before the interventions. After the 2022/23 interventions, Ditsobotla cannot pay suppliers, service providers, contractors, and third-party deductions from employee salaries. Moreover, the municipality is currently facing "constant violent radical extremist demeanour of employees resulting in several hostage situations, and a shooting incident where two people were injured"(Karim, 2023).

A member of the Select Committee on Cooperative Governance and Public Administration (2019) said that the problem with Section 139 interventions was that some administrators performed worse than the municipal officials. He further raised the worsening audit outcomes, with the increasing trends of unauthorised, irregular, fruitless and wasteful expenditure, as a result of administrators who worsen the financial state of municipalities. The Hon. Dliso, the chairperson of the North West Provincial Legislature Standing Committee on Provincial Public Accounts (2023), raised concerns over the deterioration of Ditsobotla Local Municipality, including the non-payment of employee salaries in May and June 2023 and having no money to deliver basic services, despite the bi-elections that occurred in December 2022 after the invocation of Section 139(1)(c) that led to the dissolution of the Municipal Council. Thus, this shows there were no improvements after interventions had been invoked.

Interventions are sometimes invoked without following the necessary procedures, leading to resistance from municipal officials and the failure of interventions to yield positive results. Municipal officials resist interventions because they feel political parties interfere with the local council's autonomy. Based on the Good Reasons approach to interventions, the fundamental point worth noting is that the Provincial Governments fail to provide adequate support to municipalities before instituting interventions. In other words, the need for interventions could be seen as evidence of the failure of Provincial Government oversight.

This study identifies a research gap in that interventionism has failed to improve the significant governance challenges and that misalignment between the provincial

government [political oversight] and local government [administration execution] has led to politically factional interventions that lack the necessary support.

The primary research question in this study is why the invocation of Section 139(1) intervention in ailing Municipalities is justifiable. In other words, why institute interventions when cooperative governance and oversight measures are in place?

### **1.3 Research questions**

To determine the reasons for interventionism in North West municipalities, this study probes:

- Why is interventionism a problem in South African municipalities?
- What are the good reasons for interventionism in local government?
- What is the state of local government in South Africa and selected municipalities?
- How effective are the interventions based on the stated reasons for administrative actions? and
- How can the effectiveness of interventionism be improved in municipalities?

### **1.4 Research objectives**

In keeping with the stated research questions and successfully answering them, this study will at the end:

- Explain the problem of interventionism in South African municipalities,
- Clarify the good reasons for interventionism in local government,
- Describe the state of local government in South Africa and selected municipalities,
- Analyse reasons for and outcomes of interventionism in the selected municipalities and
- Suggest mechanisms for effective interventionism in municipalities.

### **1.5 Theoretical framework**

The theories guiding this study are interventionism and the good reasons approach. Classical and modern-day interventionists have used these theories to examine the nature and justifications of interventions. The two theories are complementary in guiding the theoretical and empirical analysis. The complementary nature of these theories lies in the fact that the good reasons approach are applied to justify interventionism.

Interventionism theory was developed because government interventions were used to influence the price of goods and services in markets (Argyris, 1970; Baldwin, 1979). Interventionism touching the markets has sparked the controversy in political economy analytical approaches in political studies. With every government action, there is a market reaction, as seen when the government enforces price controls, and, in response, markets deter production and consumption (Czeglédi, 2014). Mises (1929) critiques this theory based on the comparative analysis of the capitalist and socialist economic systems and how the government intervenes in the market (using price controls). According to interventionism, the state has a moral and legal obligation to protect common humanity and intervene against large-scale human rights abuses (Candela & Geloso, 2020). The rationale for preventing large-scale human rights abuses links with the good reasons theory (action justified by reason). The theories complement and substantiate the reasons for interventionism. Moseley and Norman (2018) argue that interventionism as a theory was founded and characterised by force or collaboration to influence a certain political or social situation. The development of humanitarian military interventionism was aimed at producing instability.

According to Von Mises (1977) interventionism is about one institution assuming a superior logic and vision overriding the choices and practices of another through administrative action in another government institution. Interventionism can be justified by reasons of economic profit, justice, and the primacy of national interests, as in the case of provincial intervention in local government (Mathenjwa, 2014). One of the assumptions of the good reason approach that bears reference to this study is that any action is justified if the reasons thereof are commendable (Perry, 1984). Setiya (2009) does not oppose the ethical theory but instead posits that conduct is justified by the reasons that the actor provides for that conduct, while Nielsen (1959) argues that good reason is antithetical to wholesale justifications of morality, thereby arguing that moral conduct requires no ontological or other foundation beyond concrete justifications.

As a result, the narrative among municipal officials about interfering politicians is not tenable; likewise, the Big Brother complex is not justified. The Big Brother complex is the narrative among municipalities that the regional and national government spheres think they are better than the local sphere (Lombard, 2018). The negative attitudes are insincere when one side is failing yet accuse others of thinking of being better when they come to their rescue or hold them accountable. It is possible to understand and

sympathise with the affected parties for their negativity. Candela and Geloso (2020) indicate that it is not possible to intervene without disadvantaging those who intervened. Consequently, intervening creates insecurity among the involved parties, where only one party's interests will be prioritised over the others. International law prohibits forceful interventions, favouring those legislated in constitutions or externally initiated strategies for managing social and global problems (Ross *et al.*, 2015). In the context of administrative actions, the South African constitution does not allow arbitrary interventions in municipalities.

Therefore, mutual trust and enforcing cooperative governance is a core principle of interventionism. Furthermore, the actor who interfered can resume their administrative duties once the intervention period is over; however, the failing institution might be dissolved should it continue not to fulfil its mandate (Gelot & Söderbaum, 2012). Interventionism is common in international politics but equally relevant in political affairs at a national level. The South African government seems to have adopted this theory by allowing the central and provincial governments to intervene in the affairs of ailing municipalities to support and strengthen them (Van der Waldt & Greffrath, 2016).

## **1.6 Theoretical statement**

The theoretical argument informing this study is that the state of municipalities in South Africa, particularly in the North West Province, is declining and on the verge of dysfunction, especially those municipalities under Section 139(1) interventions more than once. The ineffectiveness of interventions is worsened by tensions between municipal officials and political party representatives due to a lack of provincial oversight. Most Municipalities face similar challenges, while some tend to be worse than before mandatory interventions. Yet the number of such interventions is still rising.

More focus should be on the extent to which Provincial Governments fulfil their mandate of supporting ailing municipalities and intervene as a last resort only when the support has failed to fix the identified challenges (Department of Cooperative Governance and Traditional Affairs, 2020). However, Provincial Governments consistently place such municipalities under Section 139(1) intervention. A functioning cooperative and coherent government uses interventionism to improve the state of affairs in municipalities that are failing. It follows an approach where municipalities should not be passive recipients of regional and national government support (Ikeda, 2004). This inclusive approach should

dampen political reactionaries from impeding the success of interventions and the functionality of Municipalities (Ikeda, 2002).

Secondly, the interventionism theory is relevant in this study, as it is the cause of the action by Provincial Governments to remedy the failures of municipalities in fulfilling their executive obligations through invoking mandatory interventions, including Section 139(1) of the Constitution.

## **1.7 Research design and methodology**

This study relies on non-numeric data (Hofisi and Chisambiro, 2021) to answer questions of why interventionism is a problem, what the Good Reasons for interventionism are, contrasted with the state of Municipalities, how effective interventionism is based on stated reasons for it, and how to make interventionism better. This study adopts a qualitative method in analysing the reasons for interventionism in selected North West Province Municipalities. The qualitative nature of this study helps in understanding the phenomenon of interventionism, its applicability, practice, and gaps, as practised by the three spheres of government, particularly the sphere of local government. Qualitative research is characterised by non-numeric data that is analysed to understand concepts and social phenomena. It is, therefore, an essential tool to understand the reasons for interventionism in selected North West Province municipalities (Creswell, 1998). The research approach allows for diversity and an in-depth understanding of views about the state of local governance, timing, necessity, nature, and outcome of interventionism in the North West province. (Creswell & Poth, 2016), including the effectiveness of section 139 interventions and support plans in that province. Therefore, the qualitative nature of this study allows for a comparative case study between two case study Municipalities, one district and one local municipality, in the North West province to examine the differences and similarities in the patterns of interventionism in those municipalities.

### **1.7.1 Data collection techniques**

The study uses a purposive case study research design for a thorough investigation into the reasons for interventionism in selected Municipalities in the North West province. Ditsobotla Local Municipality and Ngaka Modiri Molema District Municipalities have been selected as case studies for observation of their performance before and after the

intervention. The Municipalities were selected based on their deteriorating performance, given the number of interventions they have been subjected to.

Therefore, the study is based on a qualitative research design and document review to generate data and meaning related to the stated research questions. This desktop design using secondary sources was suitable because of the ready availability of information from books, council reports, and academic journals.

Furthermore, reports from the Department of Cooperative Governance and Traditional Affairs (CoGTA), South African Local Government Association (SALGA), Department of Cooperative Governance and Traditional Affairs Local Government Turnaround Strategy Report (LGTAS), Parliamentary Monitoring Group (PMG), Auditor General Reports, Mail & Guardian, Public Affairs Research Institute (PARI), YouTube channels, and websites of media houses such as the South African Broadcasting Corporation (SABC), eNCA, Newsroom Africa, and also print media will be vital empirical and secondary sources for document review as an approach towards the fulfilment of this study. The PARI report titled *Mind the Gap*, the South African Constitution, Parliament Portfolio Committee Meeting Minutes, and CoGTA *Local Government Turnaround Strategy: State of Local Government Report* are among the important primary documents in this study. The North-West University EBSCO host repository and other platforms, such as Google Scholar, will help with academic sources for theorising interventionism in Local Government. These documents will help interpret the dynamic political views and contradicting narratives associated with interventionism in the North West province.

### **1.7.2 Data analysis**

Data interpretation is through content and narrative analysis of selected cases that span the period of 2015 to 2024. The analysis of documentary and narrative content is based on the main themes derived from interventionism theory assumptions, as shown in Figure 1.1. below. The significance of the analytical tool is to identify narratives about the jurisdiction/geographical implications of intervention, power limitations involved in the intervention, reasons for Section 139, timing, nature, the outcome of interventions, and resistance to interventions.

## Areas of government influence

- Lack of capacity and skills
- Human rights violations
- Social justice imperatives

## Good reasons for exerting influence

- National interest explanations
- Moral duty explanations
- Legal explanations
- Governance failure and poor leadership

## Reactions of affected institutions to interventionism

- Narratives/framings of intervention
- Feelings/attitudes towards intervention

## Nature of interventionism

- Coercion/arbitrary
- Collaboration/procedural

## Outcomes of interventionism

- Promoting partisan interests
- Promoting the general good

### ***Figure 1.1. Thematic analysis of interventionism (Own construction)***

The above analytical tool will help make connections and theoretical arguments by analysing empirical evidence in selected North West province Municipalities. The tool can also assist in the theoretical expansion of interventionism by other researchers.

### ***1.7.3 Limits and delimitations of the study***

Conducting key informant interviews could have helped strengthen the study through the narrations of the government officials of the periods in question. However, this data collection technique has proven to be difficult to employ, as some of those government officials are no longer in those departments, and some are no longer working for the government. Others are reluctant to discuss the intricacies of Section 139 processes due to confidentiality. However, meeting minutes of the portfolio committees available on the PMG website provide better insight into where actual members of parliament ask critical questions and responses. Also, SALGA workshop reports are important, where local government officials and managers reflect on challenges related to section 139 interventions.

Despite these challenges, document analysis for this study has proven to be appropriate because the documents that have been selected for this study are mostly signed-off reports of the events that occurred in the municipalities in question. It is important to note the validity, authenticity, and reliability of the data because the signed-off State Department reports have not been modified by a third party.

## **1.8 Literature review**

Hofisi and Chisambiro (2021) demonstrated that interventionism-interference is found mostly when ministers from the ruling political party need to intervene in a local authority or metropolitan council that is run by an opposition party. Such ministers may be seen to be interfere with that council's autonomy, which has the potential to compromise the central-local government interventions, as in Zimbabwe. Interference could be seen as an intervention beyond the scope of the law like undermining procedures when introducing interventions. While intervention proper, is based on accurate procedures set in the law. Their conclusion is that interventions have hugely affected the performance of Municipal Councils in Zimbabwe. Additionally, Jonga (2014) agrees with this notion by stating that ministerial interventions in Zimbabwean Municipalities have substituted good governance for political advantages, which have negatively affected service delivery.

Similarly, the United Kingdom (UK) Parliament, under section 15(6) of the Local Government Act (1999), permits central government intervention in a local authority. In accordance with the Act, the Secretary of State can be appointed in response to a local government's service failure, such as poor waste management, education, or general social services failure (Gill, 2015). A case of central government intervention was reported in Rotherham Metropolitan Borough Council in 2015, following issues of poor social service, education, and waste management systems (Thompson *et al.*, 2015). Other cases were reported in Anglesey Council between 2009-2013 by the Welsh Government and Doncaster Metropolitan Borough Council between 2010 and 2014. In each case, the Secretary of State and Welsh Ministers in Wales, were appointed to take over certain functions of the councils in question (Keating, 2016). However, such interventions are a rare occurrence in the UK. Murphy and Jones (2016) cited that this could be because there are not enough policies to determine when governments should intervene. Hence the small number of only seven interventions dating from 2001 to present, namely, i) London Borough of Hackney between 2001-2007; ii) Hull City Council between 2003-2006, iii) Stoke-on-Trent Council between 2008-2010, iii) Anglesey Council between

2009-2013, iv) Doncaster Metropolitan Borough Council between 2010-2014, v) London Borough of Tower Hamlets between 2014- 2017, and vi) Rotherham Metropolitan Borough Council between 2015-2019.

The dysfunctionality of Municipalities and the implications thereof leading to intervention receive significant attention in South African scholarship (Greffrath, 2015; Yates, 1995; Zarenda, 2013). Similarly, literature on good governance (Bala, 2017) and the anti-corruption regime in the public sector and municipalities is well-established and explored from different perspectives (Ntliziywana, 2010). However, interventionism and the reasons that justify its application are seldomly explored in the sphere of local government, particularly from a political science perspective. This is because of the paucity of attention to the changing political systems and the legal framework guiding the placement of municipalities under administration. The current political system of local government in South Africa has demonstrated the relationship between the three spheres of government (De Visser, 2005a). The distinct yet interrelatedness of the spheres of government may pose challenges to the functioning of government where interventionism is concerned. (De Visser, 2005b).

A mechanism that ensures coherent and cooperative governance within the three spheres of government was deemed necessary. (Mathenjwa, 2014). Intergovernmental supervision in the form of national intervention in provincial government can occur when Provincial departments fail to carry out their executive obligations and constitutional duties, as stated in Section 100 of the Constitution of the Republic of South Africa, 1996 (Mathenjwa, 2014). Moreover, the provincial executive committee also supervises and can intervene in a local government that fails or is unable to fulfil its legislative and executive duties as per the Constitution, in accordance with Section 139. The Provincial Government may only intervene in the local government, while the national government can intervene in both the provincial and local government. The aforementioned are principles of cooperative governance to attain a coherent government in the republic.

From the perspective of cooperative governance, such interventions should be conducted in a manner that promotes harmony in the functioning of government (Makoti & Odeku, 2018). The sphere tasked with intervening in another polity should also do so while respecting the autonomy of the other sphere and not trying to compete with that sphere. Thus, the legal framework for these interventions is legislated in the Constitution under Section 139(1). Consequently, should the provincial government try to impinge on the

autonomy of the local government or the national government on the autonomy of the province, then such an act would be against the Constitution, leading to resistance by the municipality leading to a court case. Standing out among these challenges is the predominant placement of such municipalities under administration. This problem is evidenced by the recent (Select Committee on Cooperative Governance and Traditional Affairs, 2019) and is further emphasised by the (PMG (Parliamentary Monitoring Group), 2013).

In terms of the Constitution of the Republic of South Africa (1996), the three main instances that would instigate provincial intervention in local government include the municipality's inability to fulfil its executive obligation legislated in the Constitution. Secondly, a municipality may be placed under administration if it fails to approve a budget or any revenue-raising measures necessary to give effect to the budget, as per the Constitution. And lastly, a municipality may be placed under administration "if a municipality is in persistent material breach of its obligations to provide basic services, meet its financial commitments or fails to admit that it is unable to meet its financial commitment as a result of a crisis in its financial affairs" (Bole, 2022). After interventions, provincial governments should have early warning systems for ailing municipalities before invoking Section 139 interventions, including conducting periodic auditing on municipalities and playing an oversight role on these municipalities. (Mathiba, 2020). However, if a municipality persists with the issues that have led to its placement under administration, the provincial government is then forced to dissolve that municipality, and a new municipal council should be elected (PMG (Parliamentary Monitoring Group), 2013).

A study by Mohale (2014) examined the financial viability of Masilonyana and Nala Local Municipalities in the Free State Province and concluded that the municipalities were not complying with the MFMA. In the same line, Gaedie (2015) shows the depth of financial mismanagement and qualified audit reports in cases such as Mahikeng Local Municipality in the North West province. However, what Gaedie fails to do is to explore the implications of municipal failure to comply with the MFMA. Commendably, Tshandu (2010) found that failure to comply with MFMA, maladministration issues and a flawed financial system led to the loss of income in the Municipality, and the council not being able to collect rates and service charges, therefore, Thaba Chweu Municipality in Mpumalanga was placed under administration. These scholars have explored the problem with respect of financial

reasons for the placement of municipalities under administration, while this study explores all the reasons specified in selected North West province Municipalities.

The deficient role of the Auditor General and the oversight committee from the Provincial Government and the National Council of Provinces is signalled by recurring faults in municipalities. Kraai *et al.* (2017) gives an instructive perspective in the case of Ekurhuleni Metropolitan Municipality and argues that this deficiency results in poorly performing municipalities and, therefore, a need for intervention in those municipalities. Kraai *et al.* (2017) conclude by recommending an analysis of the current legislative regime to enhance separation of powers and the state of municipalities and that political interference with administration should be avoided. One significant contribution by Mathenjwa (2014) shows that interventions in municipalities are often marred by party political considerations, especially if the municipality and the provincial government are dominated by opposing political parties. He concludes that inappropriate procurement practices as far as party politics and public administration are concerned and lack of commitment towards good governance are exacerbating the poor state of governance in municipalities.

Political governance, service delivery, and administrative and fiscal management are key challenges that make dysfunctional municipalities in South Africa and lead to interventionism (Department of Cooperative Governance and Traditional Affairs, 2021). The CoGTA report was filed after 24 municipalities were put under intervention in August 2021, and there were 64 dysfunctional municipalities in the country. Van der Walldt and Greffrath (2016) share the same sentiments. Despite the broad inquiry into challenges faced by South African Municipalities in fulfilling their executive obligations, a comparative study on the reasons for the placement of selected municipalities in the North West province under Section 139(1) intervention while other municipalities have not been subjected to interventions are not documented, and thus no solution is proffered in that regard.

The complex local government environment makes it necessary to take greater care to ensure that interventions are effective and lead to sustainable outcomes. The literature review can be summarised in the themes of:

- i) Purpose and reasons for implementing interventions. This is where interventions are meant to stabilise and strengthen municipalities that

cannot meet their executive obligations. But there is a continual mismatch between the intended outcomes and actual results of interventions as more municipalities continue to deteriorate,

- ii) The political-administrative interface and interference where interventions fail because of the push-back by affected political factions and patronage networks. Administrators are threatened and shot at while they implement the intervention protocols. Political factions also weaponise interventions to gain the upper hand or weaken their opponents. In other words, party politics shapes decision-making, instead of administrative competence,
- iii) Governance failure and ineffectiveness are a result of poor provincial oversight and strategic support, thereby proving poor implementation and non-compliance to legislative frameworks. This makes municipalities that were once under administration worse than before the implementation of intervention; financial mismanagement, poor service delivery, and lack of capacity just do not end. This means there is a need for a different approach to interventionism. That is, interventions should focus on capacity building and structural reforms of municipalities other than a simple temporary takeover of functions,
- iv) Comparative global examples of interventionism show that financial crisis, tensions between central oversight, and local autonomy are common issues that South African municipalities are facing. But there is more focus on long-term outcomes, as global examples from the U.S., UK, and Zimbabwe show, which is something South Africa is failing at. Political motives behind reasons for interventionism in Zimbabwe threaten the sustainability of municipalities, just like in South Africa. Global examples show that local government autonomy is sacrosanct, even in times of interventions,
- v) Theoretical underpinnings of interventionism support the aspect of local government autonomy. But interventions are justified where municipalities cannot fulfil their core functions and obligations. It is therefore important to protect municipalities from interventions that are inspired by political reasons instead of administrative failings.

## **1.9 Ethical considerations**

This study complies with all the research ethics considerations of the North-West University, so there is no need for anonymity and informed consent as the study is based on data and literature that is already available to the public. The researcher also went through the ethics training that the North-West University provided for postgraduate students. This means that the researcher is aware not to misrepresent facts, falsify information, or steal other people's work and present it as their own. This study presents no risk at all because the researcher does not interact with human respondents or access classified datasets.

## **1.10 Significance of the study**

Most scholars involved in the debate around this subject have a legal perspective, or arguments from the public administration discipline (Koma, 2010). For that reason, their deliberations lack a sense of clarity from the political perspective that this study presents. The application of interventionism in local government is also a vital theory development in the South African setting, where a theory popular in international relations finds expression in national politics, particularly in local government. The researcher has observed little contribution to interventionism from political science. It is worrying that political science scholars have neglected to explore the political dimensions and implications of interventionism. This omits the political science perspective, and an imperative contribution to the body of knowledge. Furthermore, the application of interventionism theory (A theory popular in International Relations) in the context of municipal interventions is an important theory development, as it has found expression in domestic politics. This inquiry is timely in that it is undertaken in the wake of trends of provincial interventions during the period 2015/2023, and the 2024 Auditor General's report on Local Government.

The main publication on interventionism comes from people who work either in Provincial Legislatures or research think tanks, who publish reports and workshop briefs (Glasser & Wright, 2020; November, 2015; PMG (Parliamentary Monitoring Group), 2013; Select Committee on Cooperative Governance and Traditional Affairs, 2019; Xasa, 2022). The existing publications on interventionism focusing on the North West province come from state institutions and news media reports (Department of Cooperative Governance and Traditional Affairs, 2020; Gibbons, 2014; Municipal IQ, 2018; North West Department of

Cooperative Governance and Traditional Affairs, 2023). There is no scholarly focus on analysing the local government dynamics in the North West Province. This study will benefit by explaining the necessity, nature, and impact of interventionism in the North West province.

The context of the study is selected municipalities in the North West Province. The study aims to examine the reasons for placing selected municipalities under administration, and the nature of Section 139 interventions implemented in the North West province. Answering this question will help understand the nature or strategies of administrative actions that can help build capable municipalities. Then a critical reflection would also inform whether interventionism is a necessary strategy to rehabilitate failing municipalities, or if there are alternative solutions to help ailing municipalities. The reason for a critical examination of interventionism is that Section 139 interventions do not result in stable municipalities, implying that there are some gaps in the frameworks implemented.

Lastly, the analytical nature of the study will contribute to the existing literature, and the findings thereof will help determine whether interventions are a necessary strategy to rehabilitate underperforming municipalities, or if there is an alternative solution to improving the state of local government, both domestically and internationally.

### **1.11 Chapter outline**

This study is presented in chapters as outlined below:

Chapter one introduces the orientation and background of the study, outlines the problem statement, theoretical assumption, poses the research question and design, explains the rationale/significance for undertaking the study, presents the literature review, and maps the structure of the study. The study provided the guiding principles of the theory of interventionism and Good Reasons theory to offer substantial explanations of interventionism as a concept and a practice in municipalities in the global context.

Chapter two conceptualises the suitability of interventionism in ailing municipalities by presenting global case studies of good and bad reasons for interventionism. It commences with a brief historical context of global institutions that practice interventionism and concludes by profiling intervention in the South African context.

Chapter three discusses the state of South African local government in terms of the six pillars of the Municipal Performance Assessment Tool and further explores the state of Local Government in the North West Province that necessitated the invocation of interventionism.

Chapter four explores the methodology applicable in study in examining interventionism in municipalities. The study follows a qualitative research approach, which focuses on an analysis of the literature reviewed on Section 139(1) interventions.

Chapter five explores the reasons and outcomes of interventionism in selected North West Municipalities by assessing how Section 139(1) was executed in them. Lastly, the chapter provides alternatives for intervention and how it can be sustained to yield positive results.

Chapter six contains a summary of the entire study. It provides a link to and reflection on the high-level insights on interventionism and links them to the research objectives and aims.

### **1.12 Chapter summary**

This chapter has introduced the study aims and theoretical foundation for the problem analysis. The research design and literature review provide the context and empirical discussion of interventionism in Municipalities of the North West Province.

## **CHAPTER TWO: GOOD REASONS AND GLOBAL PRACTICES OF MUNICIPAL INTERVENTION**

### **2.1. Introduction**

As stated in the previous chapter, interventionism is commonly used in the field of International Relations. This study takes a creative approach to delineate the concept of interventionism and the fundamental principle that operationalises it in the discipline of Political Studies. This chapter therefore conceptualises interventionism as used by different disciplines, its justification, the limitations, and delimitation thereof. This conceptualisation is done such that there can be a thorough investigation into the study of interventionism in municipalities, and the chapter is divided into four sections.

Section one conceptualises interventionism from different disciplines including humanitarian, economic, preventive, and therapeutic interventions, and the limitation and delimitation of interventionism. Section two gives the global context to the practice of interventionism ranging from the support mechanisms, the notice prior to intervening, and the conceptualisation of the failed executives who warrant interventions, and the implementation of interventions. Section three outlines the framework of interventionism and unpacks the practice of municipal interventionism and its application in the global context, which is relevant to analysing municipal intervention in selected municipalities in South Africa in the next chapter. Lastly, section four discusses the controversies surrounding interventionism.

### **2.2. Conceptualising interventionism**

Interventionism is highly acclaimed in both international and domestic politics as a theory and concept (Gelot & Söderbaum, 2012; Kardas, 2003; Kumankov, 2020; Olsson, 2008; Pearson, 1974). Intervention could take the form of merely condemning a certain domestic policy up to imposing trade quotas (sanctions) against another country (Kardas, 2003). To intervene implies getting involved in another's affairs without their request or consent (Gelot & Söderbaum, 2012), while interventionism refers to an action that is forceful or coercive in nature (Candela & Geloso, 2020). Ikeda (2015) considers interventionism as a policy doctrine that is aimed to obliterate the gap between laissez-faire capitalism and collectivist central planning. Similarly, Ikeda (2004) defines interventionism as a system that addresses problems that are identified with laissez-faire

capitalism through limited use of political means, while Muscato (2017) defines Interventionism as a legal and morally dubious action of interfering in another state, and raised the question 'At what point is it okay to intervene?'. In international relations interventionism is defined as an action that is beyond a government's jurisdiction, while in political science it is government's influence and manipulation over the legal actions of another (Finnemore, 2013; Muscato, 2017).

Interventionism in its extreme form may be the use of military, blockades, or economic boycotts to overthrow key government officials, or to invade another countries' sovereignty (Pearson, 1974), such as the French military operation in the Sahel since 2013 to fight the Jihadists movements. Guichaoua (2020) argues that, despite the security-driven agenda that France has in the Sahel, their military operation in the latter poses a threat to the sovereignty of the Sahel. Van der Waldt (2015a) and Olsson (2008) also noted the matter of timing as essential for intervention, knowing when and how to intervene, and that military force should be a matter of last resort when diplomacy and economic sanctions have failed. Kumankov (2020) posits that governments can interfere in affairs that are beyond their jurisdiction through coercion or the threat to use force.

This study relies on interventionism in domestic politics to try to figure out the best approaches to build an efficient Local Government. The problematic issue around the justification for intervention is often around whose values should be employed during the period of intervention? Plant (1993) study posed the question whether it should be the values of the intervener or of the society in which the intervention is proposed. However, intervention cannot be understood without interrogating the social, economic, and medical interpolations of interventionism. In politics, interventionism implies outside interference in domestic politics without the consent of the targeted state, which "makes humanitarian 'intervention' and distinguishes it from peacekeeping, which is based on the consent of warring parties" (Kardas, 2003).

### **2.2.1. Humanitarian Military Interventionism**

According to Wolf (1988) and Maxey (2020), humanitarian military intervention is the prevention of genocide and mass slaughter of human beings through the use of armed force by states. Quinton-Brown (2021) defines it as a dictatorial and coercive interference by states in another to prevent large-scale human rights abuse, while Wheeler (2000) states that it is a non-military form of intervention (such as the use of Non-Governmental

Organizations) or any other legitimate measure that seeks to end an appalling abuse of human rights. Moreover, Carpenter (2020) argues that advocates of humanitarian military intervention often resort to creating excuses that justify their negligence of the responsibility to protect (R2P), once their crusades go away. Furthermore, interventionists seldom anticipate and weigh the repercussions of their intrusions; instead, they focus on what they can achieve through interventions.

Humanitarian intervention is about individual states, an alliance of states, or international organisations (the UN for example) persuading governments across their borders through military force or threat; with or without the consent of the targeted government to prevent or end widespread suffering, death, and gross violations of human rights on behalf of the nationals inside the territory of another state (Easterly *et al.*, 2008; Holzgrefe & Keohane, 2003; Kardas, 2003). Pekdogan and Ciriti (2017) agree with the above discourse that humanitarian military intervention may be an act motivated by 'global war against terrorism' which can be justified discursively in international politics (Aradau, 2004). Thus, the use of armed force, strictly tailored to prevent the aforementioned, is not only morally blameless but ethically commendable and legally justified under current norms of international law (Maxey, 2020; Nielsen, 1959). This type of intervention is justified by the moral duty of international communities to protect civilians from human rights abuses (Liden, 2019).

The justification for humanitarian military intervention is first about preserving the right to life; "win the peace, not the war" (Wolf, 1988), and secondly, holding the government accountable for violating their citizens, thirdly, states should intervene instead of watching as injustices unfold (Kumankov, 2020). Hence, in the past global context, the two international institutions that were most apt to carry out humanitarian interventionism were the North Atlantic Treaty Organisation (NATO) and the United Nations (UN) (Caney, 1997). Kumankov (2020) posits that humanitarian intervention began in the twentieth century as an answer to war. However, even in developing democracies, humanitarian intervention is still a haphazard practice that is unjustly and incorrectly criticised, as the nature, scope, and intentions of such interventions are not always known or clear (Greffrath & Van der Waldt, 2016). In a study about the success or failure of humanitarian military intervention, Seybolt (2007) concludes that, where military intervention is concerned, there ought to be exacerbating violence.

According to Pekdogan and Ciriti (2017), military intervention results in civilian casualties and a very low risk of long-term solutions to causes of conflict. Similarly, Caney (1997) and Easterly *et al.* (2008) reject the notion of humanitarian military intervention, and argue that it violates the principles of Protection of Civilians. Stoilova (2017) also concluded that governments should rather impose sanctions instead of military interventions. The above submission proves the two tensions in analysing humanitarian military intervention; one side considers such intervention as beneficial while the other argues that it is destructive and defeats the purpose of establishing law and order in targeted states. From the works of Kardas (2003); (Kumankov, 2020; Liden, 2019; Moseley & Norman, 2018; Seybolt, 2007), the epistemological foundation to the study of humanitarian military intervention in international relations determines the factors that are thought to discourage such interventionism. If the studies were grounded in the political school of thought, their findings would suggest that interventions be used only to affect government economies, political control over economic transactions, and fiscal interventions. Equally, interventionism would prevent political risks and the crisis of failed governments, and being therapeutic in such a way that it restores function in failing states (Moseley & Norman, 2018). Therefore, the scientific inquiry of interventionism heavily rests on either a political or economic school of thought.

### **2.2.2. Government Economic Intervention**

In a closer inspection of the definitions of government intervention, the most comprehensive definition is from Van der Waldt (2015a), who defines it as government intrusion to prevent or restore function in another government. Other definitions of government economic intervention state that it is a government reaction to an economic crisis through appropriate interventionist policies (Bjørnskov & Rode, 2019), or interference of the state in the economy to stimulate development and economic growth; such interference is often manifested if economic entities or operations clash with public interests (Stanczyk, 2020). However, to fully understand the phenomenon of government intervention, one should not overlook the nature, extent and type of government to leverage certain outcomes in a country (Madumo, 2015). This redistribution is done such that governments monitor, support and oversee other spheres in furtherance of the principles of good governance (Makoti & Odeku, 2018). Despite the prospects of interventionism, Greffrath and Van der Waldt (2016) provide an important starting point for considering the role of economists in interventionism.

Accordingly, Greffrath and Van der Waldt (2016) view economic interventionism as “any action taken by the government to affect its economy”, through political control over economic transactions and fiscal interventions (de Visser & November, 2017). Historically, government and economic interventions have been widely accepted. Governments used price control measures to regulate the flow of money in the economy (Von Mises, 1977). Furthermore, there was central planning and authority especially in the Soviet Union countries and in the United States during World War II and the post-war era to avoid a brutal and chaotic economic life (Spann, 1979). Yates (1995) and Van der Waldt and Greffrath (2016) made similar recommendations, that societies chose to live in an established command system where the government manages all distribution and production, instead of an economic system where the means of production are privately owned. Interventionism in this context can therefore be viewed as a system of policy and permanent economic order that seeks to retain external authoritative command (Quinton-Brown, 2021). There has been a developing epistemological foundation around the study of government interventions. Modern interventionism is now applicable to prevent economic and social crises in a study on *“Anti-Crisis Shield” as an Example of State Interventionism During the Crisis Caused by the Covid-19 Virus Pandemic in Poland*, Stanczyk (2020) posits that with the advent of the Covid-19 pandemic, states intervened by introducing legislative packages known as “Anti-Crisis Shield” and “National Lockdown” in Poland and South Africa respectively.

Through these legislative packages, countries implemented restrictions on movement, closed down most of their economies, and curbed the spread of the deadly Coronavirus (Khambule, 2021). Several scholars found that extensive government control and regulation provide an environment ripe for corruption (Fuo, 2017). Lash and Batavia (2013) argue that government interventions enable corruption through outsourcing services. Similarly, Manzetti and Blake (1996) also concluded that economic government interventions corrupt the feasibility of markets to perform. Mbinjama (2021) agrees with the above discourse, by stating that the government intervention strategy of Personal Protective Equipment (PPE) tenders that were meant to protect those combating the Coronavirus (COVID-19) were unlawfully awarded to African National Congress (ANC) members and their close associates. The controversy around the outcomes of interventionism is that government and economic interventions can either benefit and develop the economy, while in other instances interventions may leave the economy worse than it was (Sadeh *et al.*, 2020). However, the reasons for ineffective outcomes of

municipal interventions and the failure of government interventions to improve governance are yet to be explored.

### **2.2.3. Preventive and Therapeutic Interventions**

This study borrows from the medical discipline the aspect of preventive intervention by (Schwartz & Lellouch, 1967), of minimising the impact of diseases (Kristo *et al.*, 2021) to emphasise the function of interventionism in predicting and acting against political risks and crises before they unfold. Gough (2013) states that preventive interventions can mitigate the effects as a crisis occurs (Ross *et al.*, 2015). The idea is to pre-empt the occurrence and the spread of disease, and, in advance, build defences against loss (Romano, 2020). Such borrowing is not conceptually strange, as Levy (2008) made a similar expansion in talking about preventive war. Likewise, Dragu and Przeworski (2019) alluded to authoritarian leaders who resort to preventive oppression to disorganise opponents from challenging their power. Educating states and civilians about ideal political principles and processes is part of the pre-emptive intervention that helps develop the political culture of active citizens and regimes that uphold human rights (Howse *et al.*, 2020). The theme of preventive interventionism remains less explained in International Relations and security studies. The literature review, *Building Sustainable Peace*, edited by Keating and Knight (2004) has a collection of papers such as that of Labonte (2004), that address preventive action in peace studies.

Paris (2014) also wrote about the problems of preventive humanitarian intervention. The researcher felt it necessary to include its essence in the framework of interventionism, especially when discussing reasons for interventionism in local government. The preventive consciousness in policy-making would help develop sustainable mechanisms to respond to the causes and effects of placing municipalities under supervision (Cairney & St Denny, 2020; Collins *et al.*, 2004). Pre-emptive interventions bear on the nature and history of political institutions, including their anticipated future performance, in upholding the ideals for a peaceable society (Paris, 2014; Romano, 2020). Therapeutic interventions attempt to cure or reduce the severity or duration of an existing disease, and they also have the potential to restore function lost through diseases or injury (Schwartz & Lellouch, 1967). This phenomenon can, therefore, be applied in social studies to help restore function in ailing municipalities. In politics, Local Government Turnaround Strategies (LGTAS) are effective mechanisms of therapeutic intervention and diagnostic therapy (Maclean, 2014). Furthermore, Humphrey (2005) states that

governments established LGTAS programme management units to help with institutional and operational management. Teyisi (2016) built upon Moleli's (2014) findings and went on to redefine therapeutic intervention as mechanisms used by the government to restore function in underperforming municipalities. As recommended by Aradau (2004), governments need to improve their monitoring and evaluation during interventions.

#### **2.2.4. Limitations and Delimitations to interventionism**

According to Gelot and Söderbaum (2012), interventionism is deeply problematic, as these external interventions are often designed to benefit only the intervener and not the intended target society. Literature by scholars, including Kardas (2003), concluded that interventions do not offer long-term solutions to violent conflict, nor do they help in the restructuring of political, economic and social systems of war-torn countries, while Easterly *et al.* (2008) question whether superpower interventions lead to less democracy, and conclude that the consequence of interventions is dictatorship. Holzgrefe and Keohane (2003) state that interventions question the ethical, legal, and political will of those organs intervened upon and do not improve the situations that led to the intervention. Seybolt (2007) is of the view that interventions cannot offer long-term solutions to conflicts, especially if there is resistance to the intervention. Other empirical studies on interventionism have proven how states prioritise the protection of citizens against genocide and human rights abuse (Liden, 2019), while neglecting other humanitarian disasters, such as intervening to alleviate starvation, rebuild states, and political order (Gelot & Söderbaum, 2012). Although Van der Waldt (2015a) argues that local authorities are the cause for the need to intervene, he denotes that overthrowing governments and altering their governing structure is unavoidable to achieve the aim of the intervention (Makoti & Odeku, 2018).

Similarly, Gelot and Söderbaum (2012) and Kardas (2003) conclude that overthrowing and replacing underperforming governments should be a matter of last resort. Instead, interveners should try to establish a working political structure to prevent a reoccurrence of the situation that triggered the intervention. This conclusion was made based on the argument that interventions worsen the situation in targeted states and institutions also because, once governments are overthrown, there is often resistance and no capacity to rebuild the emerging governments. The argument opposing interventionism by (Chamberlain & Masiangoako, 2021; Levy, 2008; Paris, 2014; Stoilova, 2017) is that interveners are outside intruders and are not suited or competent to generate solutions

for problems of other people and cultures, especially on issues that do not affect them, as in African political rhetoric about developing 'African solutions for African problems' (Chamberlain & Masiangoako, 2021). In other words, interveners have no right or business in others' affairs. However, international law and conventions, including domestic constitutions, are the basis that gives the right to intervene, especially in furtherance of cooperative governance (Levy, 2008). This ensures that those who abuse state power do not make spurious justifications and rejections of intervention efforts. The common assumption is that interventionism benefits the citizens of the targeted government (Paris, 2014). States defending civilians of targeted states have to defend themselves against those governments that abuse state power by becoming aggressive and rogue states in the international political spaces (Stoilova, 2017). Conversely, the argument goes that external interveners are not competent in matters related to the solutions for the problems of other cultures, and therefore, they are ill-suited to bring solutions that benefit the target societies (Vermeulen & Kok, 2012). In addition, Hoffman-Wanderer and Murray (2007) conclude that the Provincial Government should consider whether a council would be capable of fulfilling its obligations after the intervention period. Notwithstanding the initial aim of any given intervention, which is to restore function in governments intervened upon, Seybolt (2007) notes that interventions have left the target societies as they were, or worse than the state they were in pre-intervention.

Lastly, interventions are costly and often disputed engagements. Kioko (2003) posits that states often weaponise interventionism and, therefore, deploy interveners who cannot investigate a crime scene, hold the suspects in custody, or be held accountable for those failures post-intervention. However, according to Mathenjwa (2014), there have been trends of local military, government and social intervention resistance, which, as a result, tend to prolong the issues instead of providing solutions, as they inadvertently allow political parties to use interventions as an excuse to fulfil their party interests. Assistance from the Provincial Government and the administrators through Section 139 of the Constitution might only be helpful to a local government during the period of the intervention and leave the local authority incapacitated to implement the Turn Around Strategies and recommendations given by the intervention (Gelot & Söderbaum, 2012; Van der Waldt, 2015a).

The three approaches to conceptualising interventionism have shown that the concept can exacerbate inequalities in states (Maxey, 2020), influence economic sanctions, and

prevent or restore state dysfunction (Kumankov, 2020). Thus, the literature on municipal intervention can be divided into the conceptualisation of interventionism and the limitations thereof. However, based on the newly-emerged democracy in South Africa, studies of the reasons for interventions are relatively new, and little scholarly attention has focused on reasons for municipal interventions. Therefore, there is a scanty scholarly enquiry which examines the reasons for interventionism in selected municipalities, specifically in the North West Province. In the context of interventionism, very few studies have attempted to enquire on the nexus between municipal interventions and the reasons thereof in a comparative analysis amongst North West Province Municipalities that are undergoing interventions.

### **2.3. Local governance interventionism**

Under the administrative purpose, Robson (1954) defines Local Government as a sphere of government that serves the purpose of supplying goods and services to communities while Gomme (1987) is of the view that local governance is the representation and involvement of the masses in locating public needs and identifying objectives for meeting those needs. According to Meyer and Meyer (2016), Municipalities have controlled governmental powers to render specific local services and responsibilities to develop, control, and regulate the geographic, social, and economic environments in their area of jurisdiction. Anticevich (2010) explains that Municipalities operate in restricted geographical areas within nations. The determination and implementation of public policy takes place at the local sphere in the form of Integrated Development Plans (IDP) and Local Development Plans, which set out public services to be delivered by municipalities to communities by order of first preference (Malefane & Mashakoe, 2008). Hence, the local government is considered the grassroots level of governance. Rotberg (2014) considers local governance an essential component of local government, where the structure and legislation of municipalities are key instruments or tools in understanding local government because they both set the base for good corporate governance.

However, UI Haque (2012) argues that Municipalities are not entirely sovereign from state governments and that the powers and authority given to Municipalities exist only to a certain extent. Upon their failure to meet their executive obligations, provincial governments have the power to supervise Municipalities without interfering in their affairs. Since the responsibility of any government is to ensure economic growth, development, and sustainable social welfare, all spheres need to work together to accomplish good

governance. Fuo (2017) denotes that in a multi-sphere government, all spheres of government have a constitutional mandate to provide support to the local government for effective service delivery. This notwithstanding, in terms of Section 139(1) of the Constitution. Watson (2021) states that both Provincial and National Governments have a role of supervising Municipalities that are failing to execute their legislative mandates without interfering in their affairs.

In an investigative study of cooperative governance in South Africa, Makoti and Odeku (2018) elucidate the importance of effective intergovernmental relations in multi-sphered governments. Mekgwe (2018) contends that all spheres of government share monitoring and oversight duties as mechanisms to support municipalities in the furtherance of cooperative and good governance. Cooperative governance is a mechanism used by governments to obviate maladministration and corruption (Affairs, 2020). Reynecke (2012) noted that cooperative governance through interventionism is an unjust government intrusion in that can ruin the spirit of collaboration, and is supported by Kossis (2012). In a *Typology Towards Government Interventions*, Van der Waldt and Greffrath (2016) contend that there are at least four levels of government intervention, which include but are not limited to support, policy, strategy and programme, and municipal mergers and municipal takeovers.

### **2.3.1. The global context of Municipal Interventionism**

The concept of municipal takeover emanates from the works of (Cobb & Lindemann, 1943) in their study of *Preventive and crisis interventions* (Baldwin, 1979). Classical Western scholars continued to redefine municipal takeover into state supervision of municipalities (Spaeth, 1932), while Dolan (1992) calls it a state takeover of local districts and Freilich *et al.* (1978) define it as municipal interventions. The study of municipal takeover is relatively new in developing democracies because many developing democracies had illegitimate Municipalities until after independence (Cameron, 2001). This is recent when compared to the West, the origins of municipal interventions emanate from the West (Ferry, 2017), and most of what is known about intervention, from its nature, scope, extent and type, originates from Western studies (Powell, 2019).

The practice of municipal takeover emanates from state-directed policies that declare municipalities under the state of fiscal emergency and, therefore, place that municipality under state receivership (Nickels, 2016a). A municipality may only be placed under

intervention as a matter of last resort when both local government and local economy are unstable and crisis-prone. Municipalities under state receivership are then legislated to “Hand over control of most or all Local Government decision-making to a state-appointed manager, effectively relieving local elected officials of their governing authority, and Implement a combination of tools to stabilise the Local Government’s fiscal condition” (Nickels, 2016b). Dolan (1992) conceptualises state municipal takeover as a practice in the business sector, where a board is appointed to administer the affairs of an organisation that has violated its charter. Spaeth (1932) conceptualises state supervision of municipalities from a legal perspective, wherein a governor legally appoints agents to handle municipal affairs of local communities whenever adverse financial conditions warrant such extraordinary actions. Moreover, Nickels (2019), in his *Unpacking of the paradox Municipal Takeover*, states that municipal takeovers are formal yet temporary interventions with long-lasting consequences irrespective of their intent. Nickels (2016b) considers municipal takeovers as proceeds by a state, declaring that a municipality is in fiscal dismay, placing it in state-led receivership and handing over the local administrative affairs to a state-appointed manager.

In the United States, Municipalities obtain authority from their state constitution (Dragu & Przeworski, 2019), therefore given the subordinate status of these municipalities, municipal authority in these states is subject to the state legislation, and their autonomy is limited (Libonati, 1988; Smith, 2015). However, in New Jersey, the municipalities are governed by Legislative Home Rule, affording them autonomy and restricting state interference in municipal affairs (Hohman, 2012). Similarly, the state of Michigan also enjoys municipal autonomy, away from state interference, under the Constitutional Home Rule (Fasenfest, 2021). Although most states in the United States are under home rule protection, their municipalities are autonomous only on matters purely local in nature (Haas, 2005). However, on economic matters, states have fiscal oversight for local and municipal governments, thereby allowing municipal takeovers, which is a process where a state declares that a municipality is in fiscal crisis, and as a result, it is placed under state-receivership, handing over most of its local processes to a state-appointed manager (Hughes *et al.*, 2021; Nickels, 2016b; Nickels, 2019).

Huang *et al.* (2019) in *Local Government Intervention, firm–government connection, and Industrial Land Expansion in China*, concluded that interventions affect industrial land development significantly, in spatially and heterogeneous ways, leading to an

understanding of rapid industrial land expansion in China, while Nickels (2016a) contends that the practice of municipal takeover removes authority from locally-elected municipal officials and allows states to supersede home rule protections, even in constitutionally home rule states such as the US state of Michigan. Dolan (1992) examined *State takeover in a local district in New Jersey, United States*. The paper found that poor development and operation of the monitoring system led to state takeover in municipalities and concluded that the legislation authorising state takeover in New Jersey lacked provision for additional funding for the target district.

A study by Howse *et al.* (2020) on the *Perceptions of preventive government intervention in Australia* found that understanding the acceptability of interventions is a key part of the effective implementation of preventive interventions. Therefore, there is general support in the Australian community for government intervention. Although Van der Waldt and Greffrath (2016) argued that the nature of interventions is case-dependent, studies by Spaeth (1932), Nickels (2016a) and Trusts (2013) show that municipalities are placed under state receivership for common reasons. The commonly cited reasons for municipal intervention are fiscal contagion, structural deficit, and dysfunctional governance culture. According to Spaeth (1932), the governor of New York City passed Municipal Intervention legislation, wherein states used the interventions to empower municipalities to handle their municipal financial affairs. These municipalities were faced with issues including receiving adverse audit opinions while Nickels (2016a) found credit downgrades and municipal bankruptcy as issues that warranted intervention in Michigan and that the municipality could not meet its debt obligations. Trusts (2013) cited stagnant municipal economies, poverty, unemployment, and municipal budgets being under chronic fiscal distress in United States Municipalities, the state intervened in these municipalities to aid and sustain basic services in these respective distressed municipalities.

### **2.3.2. Mechanisms for the Provincial Government oversight of South Africa Municipalities**

As stated in the previous chapter, municipal oversight is aimed at fostering accountability, efficiency, responsibility, and transparency in government (Van der Waldt, 2015b). South Africa has established Municipal Project Oversight structures, which are responsible for overseeing municipal projects and performance(Bole, 2022). Included in those structures are:

#### 2.3.2.1.1. Council Portfolio Committees

Their responsibilities include advising executive committees on policy matters and overseeing the implementation of municipal projects, and reviewing the financial performance against the projected budgets for municipal projects (Van der Waldt, 2015b). Secondly, internal audit and audit committees advise accounting officers on the internal audit plans, risks, and fraud associated with municipal projects (Bole, 2022). The municipal performance audit committee, however, is responsible for monitoring the performance of the municipality, reviewing the municipal quarterly reports and ensuring that municipal councillors adhere to the legislative frameworks that govern municipalities (Sebakamotse & van Niekerk, 2020).

#### 2.3.2.1.2. Municipal Public Accounts Committees

These oversee the executive functionality of the council to ensure good governance and as the funding associated with municipal projects and the progress of the projects. Lastly, they report on the status of the municipal projects to the Council from their monthly site inspections. (South African Local Government Association, 2011).

#### 2.3.2.1.3. The project steering committee

This directs and steers municipal projects to ensure that the key deliverables therein are met. They are responsible for approving project budgets and monitoring the identified risks and the political risks for municipal projects. Furthermore, they consist of stakeholders, including community leaders and representatives from both national and provincial governments (Van der Waldt, 2015a). The project management unit is responsible for Municipal Infrastructure Grant programmes in the sense of managing the feasibility process of the projects in terms of the Integrated Development Plans and coordinating project-based capacity building to enforce project-based service delivery (Mesolo, 2016). According to Bole (2022), North West municipalities lack the political will to exercise their function over municipal administration, and this hugely affects compliance with performance management and reporting and, therefore, affects service delivery. Sebakamotse and van Niekerk (2020) agree with the above notions and cite the Free State's municipal political office bearers, who failed to fulfil their oversight role over the administration to ensure that municipal council resolutions and policies are executed by the municipal administration, which perpetuated unaccountability in local governance.

Furthermore, Williams (2012) cited the issue of lack of political will to act against non-compliance in municipalities. Madue (2012) states that council capacity is a complexity in achieving effective oversight since councillors lack the skills to concur with technical and financial reports. Other factors that hinder the effectiveness of municipal oversight include the lack of clear roles and responsibilities of committee members, unclear terms of reference as members of oversight committees, the general issue of an oversight horizon whereby the short-term planning hampers the long-term projects due to political redeployments and reshuffling, which create lack of institutional memory for committee members (Isaksen & Andersson, 2002; Munzhedzi, 2016; Nefas *et al.*, 2015; Niekerk & Sebakamotse, 2020).

### **2.3.3. Monitoring evaluation and oversight (support mechanism)**

To fully understand the paradox of municipal intervention, an investigation into municipal support mechanisms, including monitoring, evaluation, and oversight, is important. Mathiba (2020) considers 'monitoring' and 'evaluation' as concepts that are often used together and interchangeably, as if they have the same meaning, although according to Mello (2018), the two concepts are distinct, related, and complementary terms. In the interest of this study, the working definition for monitoring is borrowed from Phetla (2017), who defined monitoring as a continuous managerial function or a systematic process. Callistus and Clinton (2018) cited The National Evaluation Policy Framework - (NEPF, 2011:3), which defines evaluation as "the systematic collection and objective analysis of evidence on public policies, programmes, projects, functions and organisations to assess issues such as relevance, performance (effectiveness and efficiency) and value for money."

Oversight remains a very important yet inadequately researched area of legislative activity. Williams (2012) defines oversight as a constitutionally mandated function of the legislative organs of the state to scrutinise and oversee the executive action of any organ of state. Legislative oversight is the supervision of policies and programmes enacted by the government. Pelizzo and Stapenhurst (2006) argue that oversight should not be limited to the supervision of what the executive branch of government has or has not done but extended to the executives' legislative proposals as well. A common discourse that surrounds oversight posits that effective oversight is good for the proper functioning of a democratic political system, as it can contribute to the improvement of the quality of the policies/programmes initiated by the government (Marata, 2013; Pelizzo *et al.*, 2006).

Furthermore, oversight legitimises the government policies that are enacted by the executive branch of government (de Visser & November 2017; Senay & Besdziek, 1999).

However, Hamza (2021) argues that oversight is an intrusion into municipal affairs, and abuse of oversight powers by upper governments may limit the flexibility and capacity of municipalities to perform their duties. Accountability can be understood differently and in diverse contexts. For instance, Gardner (2006) contests that “accountability has a rational aspect that responsibility lacks,” while Schedler (1999) posits that two primary elements of accountability are answerability and enforcement. The definition of accountability by Shah (2006) in *The Dictionary of Politics And Government* refers to a situation whereby one is required to explain what has happened while Collin (2004) describes accountability as the exercise of counter-power to balance arbitrary action. In the context of Local Government in South Africa, municipalities are accountable to Municipal Public Accounts Committees (MPACs) and provincial Standing Committees on Public Accounts, known as SCOPA.

MPACs were introduced in response to the widely-held perception that there is a persistent lack of accountability in South African municipalities (Mofolo & Adonis, 2021:2). According to Van Niekerk and Dalton-Brits (2016:5), MPACs are supposed to ensure that municipalities meet their constitutional mandate and carry out oversight over their respective municipalities, and hold them accountable to ensure value for public money. In other words, MPACs assist Parliament by holding municipal officials and executives accountable, such that there is an effective and efficient use of public resources and funds. The aim of these support mechanisms is to ensure that Municipalities are accountable and able to fulfil their constitutional mandates. Therefore, municipalities are required to report and justify the decisions that they make and ultimately face the consequences should those decisions contradict legal and democratic rules and expectations. (Jenkins, 2007). Municipal accountability then implies that municipalities account for those affected by their decisions, including citizens and upper governments.

Notwithstanding the degree of autonomy possessed by municipalities, accountability in the form of monitoring, evaluation, and oversight is a way of ensuring a democratic governance system. In this regard, national and provincial governments give directions to Municipalities through legislation; they monitor and evaluate their operations, review the implementations of municipal policies, and oversee that municipalities meet the national minimum standards for a developmental local government (Affairs, 2020). In a

study of *National Government intervention in Provincial Government*, Munzhedzi (2014) conceptualises monitoring, evaluation, and oversight as indirect municipal interventions by provincial and national governments that are limited and do not have immediate consequences. Munzhedzi (2014) concludes the study by stating that Section 139(1) interventions are only consequential interventions once the support provided through monitoring, evaluation, and oversight has failed to improve and empower the state of a particular municipality. Additionally, Teyisi (2016) states that for an effective and efficient local government, the provincial government should be given a role to intervene by monitoring and evaluating the standard of public service and good governance without impeding municipal functions, as seen in South African municipalities. Hughes *et al.* (2021) agree with this discourse and add that state oversight in local affairs is an intervention which allows a state to oversee and review any executive organ of a state to ensure that it fulfils its obligations as legislated.

Contrary to the aforementioned discourse, Engela and Ajam (2010) argue that monitoring and evaluation systems are not municipal interventions; they rather have the notion that monitoring, evaluation, and oversight systems are not municipal interventions and posit that they are just support mechanisms aimed at empowering municipalities. According to Madue (2013), monitoring, evaluation, and oversight are done by oversight committees that include but are not limited to MPAC and SCOPA, the provincial legislature, and the municipal council in furtherance of the principles of good cooperative governance. Hence, (Napier, 2018; Van Niekerk & Dalton-Brits, 2016) agree with (Mekgwe, 2018; Van Niekerk & Sebakamotse, 2020; Zwane, 2014), that the abovementioned support mechanisms cannot be conceptualised as interventions, as municipal councils cannot hold themselves accountable, nor oversee municipal processes and functions, nor can they place themselves under municipal intervention. These support mechanisms are therefore implemented to strengthen and empower Municipalities such that they can fulfil their executive and legislative obligations and prevent interventions (Dragu & Przeworski, 2019; Labonte, 2004; Van der Waldt, 2006).

#### **2.3.4. Policy strategy and programmes**

According to De Visser (2009) national and provincial governments intervene in local government affairs by supervising the performance of municipalities and establishing institutional frameworks for municipalities to ensure compliance of municipal activities with the legislation stated in the frameworks. Some of this programmatic support may be

about water and sanitation, capacity-building workshops and training, local economic development, and anti-corruption programmes. This level of generalised support often takes the form of guidelines and training, tools and other resources (including grants), coaching and mentoring (Department of Cooperative Governance and Traditional Affairs, 2020). These policy strategies and programmes are efforts by provincial governments to support ailing municipalities so that they can fulfil their executive obligations; therefore, failure of these strategies and programmes to stimulate service delivery and the fulfilment of executive and legislative roles by municipalities then affords the province the chance to invoke Section 139 intervention in those municipalities. Moreover, Mathebula (2011) posits that for sustainable service delivery, the state's intergovernmental relations system should be inherently dependent on the state's capacity to coordinate policies and intervene through monitoring and evaluation systems and oversight across all spheres.

### **2.3.5. Prior notice before Section 139(1)**

Prior to the invocation of section 139(1) (a)-(C), municipalities should be afforded a chance to respond to the failures raised by the provincial executives that warrant intervention in those municipalities. Furthermore, upon the application of any of the Section 139(1) interventions, the Provincial Government should inform that municipality by way of a prior notice and allow the municipality to respond to the issues raised in that notice. Included in this notice should be i) the executive obligation in respect of which the municipality is failing, ii) a description of the extent of the non-fulfilment, iii) an indication that there is an intention by the Provincial Government to start a Section 139 procedure, iv) invite the council to make written presentations and v) contain a reasonable period to make representations relative to the concerns (Makoti & Odeku, 2018; November, 2015).

Phindela (2017b) states that for interventions under Section 139(1) (a-c), the provincial executive must submit a written notice of intervention to cabinet members responsible for Local Government Affairs, the relevant provincial legislature, and NCOP within a specified period (usually 14 days) after the intervention has begun. Lastly, the intervention must end should the cabinet member responsible for Local Government affairs disapprove or omit to approve the intervention within the specified period (usually 8 days) or if the NCOP disapproves or omits to approve within 180 days of the intervention (Bole, 2022; Johnstone, 2014).

### **2.3.6. Failing to meet executive obligations**

As per the legislation guiding municipal interventions, the most critically predetermined condition for these interventions is the failure of municipalities to meet their executive obligations in terms of the Constitution. To end the confusion that exists between municipal executive and statutory obligations that necessitate interventions, November (2015) cited the case of Van Zyl J in Mngquma, who differentiates between statutory and executive obligations of municipalities that necessitated Section 139(1) intervention in Mngquma Local Municipality in the Eastern Cape. Accordingly, statutory obligations or duties refer to instances where municipalities attempt to meet executive obligations and fail, as these obligations are aimed at ensuring the effective performance of executive obligations (Bole, 2022). Therefore, failure by a mayor to submit annual performance reports of various departments does not qualify as a statutory obligation but a sign of non-compliance and does not warrant intervention because it is not an executive obligation. (November, 2015). Phindela (2017a) states that executive obligations may mean “the delivery of basic services and improvement of lives of people, and the development of policy and initiation of by-laws; lastly, executive obligations may refer to the implementation and administration of legislation related to Local Government.”

Executive obligations can be linked to the maintenance of essential standards or meeting established minimum standards for rendering services. November (2015) asserts that municipalities’ duties to provide and administer services can be closely associated with executive obligations. While Bole (2022) posits that these obligations refer to the delivery of basic services and improvement of the lives of communities and the development of policies and initiation of by-laws, most importantly, an executive obligation is the implementation and administration of legislation related to local government. Five elements of ‘executive obligation’ include i) implementation and administration of legislation, ii) provision of services, iii) provision of an administration, iv) development of policy, and v) initiation of by-laws (Bole, 2022). It is, therefore, safe to say that executive obligations are the implementation of legislative requirements to provide basic services, which include policy implementation.

All municipalities, without exception, have a constitutional mandate to render sustainable basic services to the communities that they govern (Mathews & Ohadi, 2008). These services include but are not limited to clean and potable water and sanitation, domestic waste and sewage removal services, and proper municipal roads and infrastructure

(Masuku & Jili, 2019). The aforementioned services are mandatory across municipalities, regardless of the challenges they may be facing as an institution, and the failure to fulfil these responsibilities may warrant intervention from the provincial government in terms of Section 139(1) to remedy the lost function and support the municipalities to fulfil their obligations (Sithole & Mathonsi, 2015). Bole (2022) stated that national and provincial governments may invoke Section 139(1) interventions for reasons that include but are not limited to poor governance, allegations of corruption coupled with political infighting, and factionalism (Greffrath & Van der Waldt, 2016), maladministration, and financial mismanagement.

Makoti and Odeku (2018) agree with the above discourse and assert that municipalities may endure interventions if they fail to discharge their constitutional responsibilities and functions. Municipalities may be faced with violent protests, threats by indebted suppliers to cut their services, and issues of governance where councils are unable to perform as required by legislation, which may trigger various forms of intervention. However, the perception that provincial governments only use Section 139(1) to usurp power from municipalities through implementing these interventions makes the justification thereof questionable. For instance, when a Provincial Government finds that a municipal system is non-operational and close to a financial collapse, even after support mechanisms have been put in place, they are justified to invoke Section 139(1) as a last resort in that municipality, after other intervention mechanisms have failed to remedy that failure. The audit outcomes, corruption, and political infighting can lead to the collapse of the municipal system, causing deteriorating finances and non-operation of the Council. (Ledger & Rampedi, 2019).

However, subsequent to these interventions, Chamberlain and Masiangoako (2021) argue that there should be central support and strengthening of the capacity of municipalities to achieve effective performance of its functions. In a study of the Reviewed Municipal Support and Intervention Framework, the Department of Cooperative Governance and Traditional Affairs (2023) posits that national governments should ensure that they provide adequate training, capacity building, funding and relevant support mechanisms to under-capacitated municipalities prior to interventions. These interventions should be done without prejudice or bias. The growing scholarly interest in municipal intervention shows that there is a great decline in municipal governance and stability. Municipal councils are failing to fulfil their executive obligations because of poor

governance, financial mismanagement, and maladministration; as a consequence, provincial governments place such municipalities under provincial intervention. The aim of these interventions is to remedy the instability in municipalities and support them in fulfilling their constitutional mandate. However, these interventions ought to be justified and unbiased. Otherwise, there will be resistance to their implementation. The implementation of interventions is therefore discussed in the next section.

### **2.3.7. Implementation of Section 139(1) intervention**

South Africa has a well-documented history of intervening in Municipalities in terms of Section 139(1) of the Constitution. Glasser and Wright (2020) contend that these municipal interventions should be seen within the context of corrective measures, as they are designed to assist incapacitated and underperforming municipalities to become fully functional and self-sufficient, to meet their constitutional mandates, and to implement the prospects of a developmental local government. Section 139(1) of the Constitution of the Republic of South Africa, 1996, reserves a far-reaching right to national and provincial governments to intervene in the affairs of underperforming Municipalities. Under the circumstances mentioned earlier, it is enshrined in the Constitution that:

*“when a Municipality cannot or does not fulfil an executive obligation, is in persistent breach of (...) in terms of the Constitution or legislation, the provincial executive (PEC) may intervene by taking any appropriate steps to ensure fulfilment of that obligation by either; Issuing of a Directive: Section 139(1)(a); Assuming responsibility: Section 139(1)(b); Dissolving the Municipal Council: Section 139(1)(c); Taking appropriate steps to ensure that the budget or revenue-raising measures are approved.”*

In line with the Constitution, the Municipal Finance Management Act (MFMA) has foreseen that municipalities are faced with serious financial problems, which warrant discretionary and/or mandatory interventions (Chamberlain & Masiangoako, 2021). Municipalities in persistent breach of their obligations to meet executive and financial commitments in their communities may trigger such interventions. The MFMA sets out the conditions that qualify provincial and national governments to invoke a particular intervention and the extent to which the intervention may be invoked. These conditions serve as a benchmark for determining which intervention is necessary. In addition, Niekerk and Sebakamotse (2020) are of the view that as per the MFMA, provincial and national governments may be required to impose financial recovery plans that are aimed

at securing a municipality's ability to meet its obligation. The recovery plan may propose liquidation of specific assets, except for assets that are needed in the provision of a minimum level of basic municipal services.

Finally, Wright *et al.* (2022) and Hamza (2021) argue that the MFMA sets out intervention instruments applicable in municipalities, such as giving authority to national and provincial governments to stop the transfer of funds dedicated to municipalities in the case of serious financial problems, provided that it has been determined that the financial problem does exist and the municipality appears to be spending more than it is collecting in revenue, and, among others, does not submit its financial statements to the Auditor General, or that the statements submitted are incomplete.

## **2.4. The Framework for Section 139(1)**

In the event that the Municipality in question has failed to or has inadequately addressed the concerns raised in the notice prior to intervention over a failed executive obligation, then the provincial executive may issue a directive in terms of Section 139(1) (a) (SALGA, 2020).

### **2.4.1. Section 139(1) (a) Issuing a directive**

According to Makoti and Odeku (2018), provincial executives issue directives to local councils to perform an identified constitutional and executive task, including the full description of the nature and extent of the non-compliance and the remedial steps needed to comply with the defined obligation. Although issuing a directive in terms of Section 139(1)(a) of the Constitution is regarded as the least intrusive intervention, it is still important, as it lays the ground for further interventions (November 2015). Furthermore, included in the directive should be an instruction to the municipal council to report to the provincial executive on the implementation and highlight how failure to implement those recommendations may lead to the assumption of the responsibilities in terms of Section 139(1)(b). Despite the distinct advantages of Section 139(1)(a), this sort of intervention is underutilised. Often, provincial executives intervene using Section 139(1)(b) and (c).

### **2.4.2. Section 139(1)(b) Assuming responsibility**

If the municipality fails to implement the directive issued by the provincial executive under Section 139(1)(a), "the provincial executive may then proceed to assume the

responsibility for that particular failed obligation” through Section 139(1)(b) for a specified period (November, 2015). This legislation allows the Provincial Government to take over the authority on issues relevant to the unfulfilled executive obligation and appoint an administrator to assume the responsibilities of the municipal council. Furthermore, the assumption of the responsibility is to the extent necessary to “Maintain essential national standards or meet established minimum standards for the rendering of a service, and to prevent that Municipal Council from taking unreasonable action that is prejudicial to the interests of another Municipality of the province as a whole; lastly, to maintain unity” (SALGA, 2020). According to Mdledle (2015), the assumption of responsibilities of failed executive obligations by Provincial Governments is limited, and it can only be done to the extent necessary to ‘maintain essential national standards or meet established minimum standards for rendering a service’ and ‘prevent Municipal council from taking unreasonable action that is prejudicial to the interests of another Municipality or the province as a whole’ or ‘maintain economic unity’. There is a limitation to this intervention, as municipalities may be guarded from the abuse of power by provincial governments and have assurance that the intervention is done in accordance with Section 139(1)(b) of the Constitution.

#### **2.4.3. Section 139(1) (c) Dissolution**

Both (SALGA, 2020) and (Phindela, 2017a) are of the view that the dissolution of municipal councils and the appointment of an administrator should only take place under exceptional circumstances. Citing the Mquma judgement, SALGA (2020:47) posits that the order of Section 139 interventions “do not necessarily have to follow one another; rather the circumstances under which a municipality may be dissolved need to be so dire such that the provincial executive is left with no option but to dissolve that municipal council”. Among the circumstances for the dissolution of municipal councils, (Uwizeyimana, 2014) noted that the Provincial Government should first issue a directive and assume the responsibility of that municipal council before suspending or dissolving the municipal council. Therefore, for intervention under Section 139(1)(c) to prevail, the first two remedies must have failed in fulfilling the executive obligation, and the provincial executive is left with no option but to replace the municipal council with an administrator until a new council has been elected (Hoffman-Wanderer & Murray, 2007). Lastly, the MEC of Local Government still has the discretion and is not compelled to dissolve a

municipal council if it has failed to approve an annual budget; however, other methods of intervention are permitted (Ross *et al.*, 2015; Zolani & Nzewi, 2018).

## **2.5. Controversies around municipal takeovers**

The controversy around municipal interventions is that the interventions are often implemented unevenly and are biased, hence their failure to yield the desired outcomes of enhancing and responding to structurally challenged municipalities. Hughes *et al.* (2021) revealed that interventions do not have long-lasting effects on the financial health of municipalities or on the quality to provide efficient public services, such as the intervention that took place in Michigan, where the state of local government after the intervention was worse than before the intervention. Kossis (2012) in *Examining the conflict between Municipal receivership and local autonomy*, it argued that due to the conflicts that erupt from interventions, local officials end up challenging the interventions in the high court. In Missouri and Memphis, the court ruled that they had the right to intervene; however, local authorities were still resistant to the intervention, thus its poor outcomes. Lastly, Nickels (2019) and Fasenfest (2021) are of the view that the poor outcomes of the interventions in Michigan and New Jersey were because the interventions were perceived as a way to undermine the authority of local officials, and local power was absorbed by state power, but the budget was not. Laube (2021) concluded that during the intervention period, unelected officials have the power to make long-lasting decisions on behalf of communities they do not govern, which can prolong issues of service delivery, resulting in violent protests.

Notwithstanding the complex relationship between historical circumstances and changing federal relations on municipal takeovers, Kelly *et al.* (2009) assert that important lessons can be learnt from a critical assessment of the episodes that led to federal interventions in regional and Municipalities in furtherance of cooperative governance. Manzetti and Blake (1996) investigated municipal takeovers as efforts aimed at combating corruption in municipalities through anti-corruption units, secondly, to improve the poor state of municipalities through Local Government Turn Around Strategies, and to stabilise municipalities (Lash and Batavia, 2013). Thirdly, to restore function and ensure that municipal powers are exercised for the good of the republic (Chantler, 2005). Hughes *et al.* (2021) draw the same conclusion as Nickels (2019) that state interventions are necessary for municipal financial crises to ensure a continuation of public services and to minimise the long-term ramifications for municipal budgets and capacities.

According to Munzhedzi (2014), these Section 139(1) interventions are often weaponised and fail to bring desired improvements; instead, they worsen the state of municipalities, bringing overall regression in audit outcomes from the results of past years. Hamza (2021) agrees that municipal interventions are “not immediate remedies to minimise the failures of the local governance systems; hence post factum interventions yield only limited results”. Although Monyepao (2017) concludes that all public institutions are not immune to interventions, his study recommended that administrators appointed to take over municipal functions should be appointed based on fit-for-purpose instead of cadre deployment to remove the controversies surrounding interventions. Despite Municipal interventions being mechanisms for obviating maladministration and corruption, some provincial governments are intrusive, unconstitutional, and illegal; so, Municipalities contest these interventions in court (Greffrath & Van der Walddt, 2016; Makoti & Odeku, 2018).

Building on the above notion, the implementation of municipal interventions continues to cause tension between different role players, particularly the provincial governments and the affected municipalities. (Bole, 2022; Ledger & Rampedi, 2019; Mdledle, 2015) found that these tensions can cause resistance to these interventions, resulting in municipalities taking PECs to court to contest interventions. These scholars concluded that many times, court rulings favour the municipalities. Gussmann *et al.* (2019) and Mdledle (2015) posit that a council may challenge in court any intervention that it believes is unwarranted under the Constitution, and if a minister responsible for local government or the National Council of Provinces (NCOP) disapproves of the intervention, the intervention must then end. Moreover, Mathenjwa (2014); Reddy and Govender (2018) found that there has been resistance from municipalities over unjust interventions, leading to intergovernmental disputes, where municipalities had to take provincial governments to court to contest interventions that were applied improperly.

According to November (2015), the fragmented approach by provincial governments when intervening is caused by the existing uncertainties that are coupled with Section 139(1) interventions; as a result, there is no consistency in terms of the scope and nature of municipal interventions. Similarly, Mokgoro (2018), in a brief on provincial overview of Section 139 intervention, explored three institutional arrangements that influence municipal functioning: executive authority in municipalities, mechanisms of municipal oversights, and the legal framework for provincial intervention in local government. In that

regard, a breakdown of municipal interventions by Ledger and Rampedi (2019) shows that by 2019, there had been about 140 municipal interventions in South Africa, varying from Section 139(1), (4) and (5). Out of the 140 interventions, 125 were instituted. November (2015) recorded that by 2014, 4 out of 9 provinces managed to get five or fewer interventions, namely, Limpopo (1), Gauteng (1), Northern Cape (2) and the Western Cape (5), while the Free State Eastern Cape and Mpumalanga endured 10 interventions (Ledger & Rampedi, 2019) . Lastly, KwaZulu-Natal and the North West province had the most interventions, with 18 and 15 invocations, respectively, since 1998.

The trend for municipal interventions per municipal term since 1998 ranged from 8 in 1996-2000, 9 in 2001-2006, 37 in 2007-2011, 44 by 2012-2015, and 42 in the 2015-2019 municipal terms (Hamza, 2021; Modise & Nxumalo, 2022). Furthermore, a documented summary by The Department of Cooperative Governance and Traditional Affairs (2020) on municipalities placed under intervention for the 2019/20 financial year revealed that 34 of the 257 Municipalities in South Africa were placed under intervention in the 2019/20 financial year. Among the 34 Municipalities under intervention, 82% were local municipalities, while 12% were district and 6% metropolitan municipalities. On average, more than 50% of municipal interventions are a result of municipal failure to retain a certain level of service delivery and the general failure to fulfil municipal executive obligations as per the Constitution (Hamza, 2021). A conclusion can be drawn from this increase that municipal interventions have not been able to yield positive results, hence the need to place more municipalities under Section 139.

## **2.6. Chapter summary**

The study conceptualised interventionism as a practice by different disciplines. In particular, the chapter explained what interventionism is and how it is practised internationally. Notwithstanding the fact that the study is about examining the reasons for interventionism in Municipalities, the practice of interventionism is widely used for economic and military purposes and as a preventive and therapeutic method to remedy a failed system. It became evident that when municipalities fail to execute their executive obligations, such a failure warrants intervention from upper spheres of government, and this practice is still practised in the contemporary world. The chapter then outlined the framework for municipal intervention. Although the main reason for municipal intervention is failure to fulfil executive obligations, there have been controversies around its practice and implementation. Among the controversies around municipal intervention is its inability

to yield effective outcomes, hence, the reasons that necessitate interventions in selected North West Municipalities are to be examined in the next chapter.

The next chapter focuses on the general overview of the state of South African municipalities, and the specific North West Municipalities, in terms of the Monitoring and Performance Assessment Tool. The analysis of the state of municipalities forms the basis of why the interventions in terms of Section 139 of the constitution were necessitated. Thus, a description of the historical overview of the placement of North West Municipalities under Section 139 intervention.

## **CHAPTER THREE: THE STATE OF LOCAL GOVERNMENT IN SOUTH AFRICA AND IN SELECTED NORTH WEST PROVINCE MUNICIPALITIES**

### **3.1. Introduction**

The previous chapter conceptualised the theory of interventionism from various disciplines and practices thereof. Lastly, the chapter outlined the framework for Section 139(1) to give an overview of the constitutional and legal context of Section 139(1) intervention, and the support required from Provincial and National Governments before intervening in the affairs of local government. Historically, South Africa had illegitimate local government institutions, and the transformation into democratic Municipalities took place only after 1994 (De Visser, 2009). Furthermore, municipalities were classified: Category A are Metropolitans, which are sited in developed areas, have a high population density and rapid movements of goods and services; Category B are Local Municipalities, which share executive and legislative authorities, with Category C, which are District Municipalities and are mostly sited in small areas (Provincial & Government, 1998).

The South African National Department of Cooperative Governance (DCoG) then developed the Municipal Performance Assessment Tool (MPAT), which is to be used to uniformly assess the performance of municipalities to report on the state of local government in the country (Municipal Assessment Tool (MPAT), 2012). This chapter, therefore, uses the six pillars, namely, putting people first, building capable Local Government institutions, Local Economic Development, Good Governance, delivering basic services, and sound financial management, to assess the state of South African municipalities. These pillars, as identified by DCoG in the MPAT tool, will be used to assess the state of Local Government in South Africa and in the selected North West Province Municipalities. The findings made from the six pillars will, therefore, warrant the categorisation of the Municipalities into three categories, namely, dysfunctional, at risk, and stable.

In that regard, this chapter is divided into two sections; the first section analyses the state of local government based on the six assessment pillars, while the last section categorises municipalities into three categories to determine if their state of governance warrants interventions in terms of Section 139(1) of the Constitution.

### **3.2. General overview of the state of governance in South Africa**

Generally, South African municipalities have been labelled as either poor, distressed, at the risk of dysfunction, or dysfunctional (Auditor-General of South Africa (AGSA), 2024; Van der Waldt & Greffrath, 2016) following the high level of political opportunism, public dissatisfaction (de Walle, 2018), slow local economic development growth (Abrahams, 2018), financial mismanagement (Glasser & Wright, 2020), poor implementation of LED (Nxumalo & Naidoo, 2018), and deteriorating levels of service delivery (Reddy, 2016). All of these factors lead rapidly to political unrest as a way to demonstrate dissatisfaction and the classification of municipalities into one of the three mentioned categories (Khale & Worku, 2013). In light of the dysfunctional nature of South African municipalities, this study agrees with Maseng (2014), that the predominance of the ruling party in policymaking affects the productivity of government officials, especially in the local sphere, as the policies seldom address the needs of the communities but rather those of the political party. Thus Boraine (2014) and Modise (2023) made the conclusion that the origin of institutional dysfunction in any state is inherited from poor implementation of developmental policies and not overseeing the policies to benchmark their impact in societies.

Reddy (2012) posits that there is a need for South Africans to reconsider the quality of leadership in both the elected political office bearers and the managers in municipalities (Professionalization of Municipalities) to promote effective and efficient delivery of services. The above assertion is also evident in municipalities across the country, where the political/administrative interface prevails and affects administrative processes aimed at accelerating service delivery. The Department of Cooperative Governance and Traditional Affairs (2023) shows that there were 33 Municipalities under administration by January 2023. The Eastern Cape, Free State, and Gauteng each had three municipalities under administration. Limpopo had no municipality under administration, Western Cape had only 1, Northern Cape had 2, while Mpumalanga had 5, and North West had 9 Municipalities under administration in 2024. Table 3.1 below shows the state of municipalities based on the reasons for the intervention.

**Table 3.1 The state of Municipalities based on reasons or intervention**

Total # of Municipalities Province	Municipality	Type (Campbell <i>et al.</i> , 2020) of intervention	Date Instituted	Status
<b>Eastern Cape: 3</b>	Enoch Mgijima LM	S139(7) of the Constitution (National intervention in the stead of the provincial executive in terms of Section 139(5)(a) and (c))	April 2022	Ongoing
	Amathole LM	S139(5) of the Constitution	January 2021	Ongoing
	Makana LM	S139(5) of the Constitution	2019	Ongoing
<b>Free State: 3</b>	Mangaung Metropolitan Municipality	S139(7) of the Constitution (National intervention in the stead of the provincial executive in terms of Sections 139(5)(a) and (c))	April 2022	Ongoing
	Mafube LM	S139(5)(a) &(c) Of the Constitution	June 2022	Ongoing

Total # of Municipalities per Province	Municipality	Type (Campbell <i>et al.</i> , 2020) of intervention	Date Instituted	Status
	Tokologo LM	S139(5)(a) &(c) Of the Constitution	June 2022	Ongoing
<b>Gauteng: 3</b>	Emfuleni LM	S139(5) of the Constitution	June 2018	Ongoing
	West Rand DM	S139(5) of the Constitution	February 2019	Ongoing
	Merafong LM	S139(5) of the Constitution	September 2022	Ongoing
<b>KwaZulu-Natal: 7</b>	Umzinyathi DM	S139(1)(b) of the Constitution	October 2016	Ongoing
	Mpofana LM	S139(1)(b) of the Constitution	December 2017	Ongoing
	Inkosi Langalibalele LM	S139(1)(b) of the Constitution	December 2017	Ongoing
	Mtubatuba LM	S139(1)(b) of the Constitution	March 2019	Ongoing

Total # of Municipalities per Province	Municipality	Type (Campbell <i>et al.</i> , 2020) of intervention	Date Instituted	Status
	Msunduzi LM	S139(1)(b) of the Constitution	April 2019	Ongoing
	uThukela DM	Section 139(1)(b) of the Constitution	August 2018	Ongoing
	uMkhanyakud e DM	S139(1)(b) of the Constitution	January 2021	Ongoing
<b>Mpumalanga: 5</b>	Emalahleni LM	S139(5) of the Constitution	October 2018	Ongoing
	Govan Mbeki LM	S139(5) of the Constitution	October 2018	Ongoing
	Msukaligwa LM	S139(5) of the Constitution	October 2018	Ongoing
	Thaba Chweu LM	S139(5) of the Constitution	October 2018	Ongoing
	Lekwa LM	S139(7) of the Constitution (National intervention in the stead of the provincial executive in terms of	April 2021	Ongoing

Total # of Municipalities per Province	Municipality	Type (Campbell <i>et al.</i> , 2020) of intervention	Date Instituted	Status
		section 139(5)(a) and (c))		
<b>Northern Cape: 2</b>	Phokwane LM	S139(5) of the Constitution	July 2020	Ongoing
	Renosterberg LM	S139(5) of the Constitution	August 2020	Ongoing
<b>North West 9</b>	Madibeng LM	S139(5) of the Constitution	January 2022	Ongoing
	Tswaing LM	S139(5) of the Constitution	January 2022	Ongoing
	Ditsobotla LM	S139(5) of the Constitution	January 2022	Dissolution of Municipal Council effective from 19 September 2022
		S139(1)(C) of the Constitution	September 2022	

Total # of Municipalities per Province	Municipality	Type (Campbell <i>et al.</i> , 2020) of intervention	Date Instituted	Status
	Dr Ruth Segomotsi Mompoti DM	S139(5) of the Constitution	January 2022	Ongoing
	Kgetleng Rivier LM	S139(5) of the Constitution	January 2022	Ongoing
	Mahikeng LM	S139(5) of the Constitution	January 2022	Ongoing
	Ramotshere Moiloa LM	S139(5) of the Constitution	January 2022	Ongoing
	Naledi LM	S139(5) of the Constitution	January 2022	Ongoing
	Kagisano-Molopo LM	S139(1)(b) of the Constitution	September 2022	Ongoing
<b>Western Cape:1</b>	Beaufort West LM	S139(5)(a) of the Constitution	August 2021	Ongoing

Source: <https://www.cogta.gov.za/index.php/2023/01/27/provincial-intervention-in-local-government-in-terms-of-section-139-of-the-constitution-and-the-municipal-finance-management-act-as-of-january-2023/>

Table 3.2. below depicts a summary of the state of Local Government, as categorized into high risk, medium risk, low risk, and stable municipalities per province, for the period 2021/22. The table further shows a significant increase in the number of stable

municipalities, from 16 in 2021 to 27 in 2022. This is notwithstanding the increase of high-risk municipalities from 64 to 66, from 2021 to 2022. It is against this background that an interrogation into the causes of the current state of local government in South Africa be examined in terms of the six pillars of MPAT.

**Table 3.2 South Africa State of Local Government Overview 2021/2022 FY**

Province	Total No.	High Risk		Medium Risk		Low Risk		Stable	
		2021	2022	2021	2022	2021	2022	2021	2022
Eastern Cape	39	11	11	14	14	14	14	0	0
Free State	23	11	11	11	11	1	1	0	0
Gauteng	11	2	2	7	7	1	0	1	2
Kwa-Zulu Natal	54	11	12	20	17	22	14	1	11
Limpopo	27	3	3	21	21	3	3	0	0
Mpumalanga	20	6	6	9	9	4	4	1	1
North-West	22	10	10	6	6	6	6	0	0
Northern Cape	31	9	9	16	16	5	5	1	1
Western Cape	30	1	2	7	6	10	10	12	12
<b>Total Numbers</b>	<b>257</b>	<b>64</b>	<b>66</b>	<b>111</b>	<b>107</b>	<b>66</b>	<b>57</b>	<b>16</b>	<b>27</b>

**Dysfunctional increased:** 64 to 66 **Medium-risk decreased:** 111 to 107 , **Low-risk decreased:** 66 to 57 **Stable increased:** 16 to 27

Source: Department of Cooperative Governance and Traditional Affairs (2023)

Drawing from table 3.2 above, 66 Municipalities across South Africa were dysfunctional in 2022, and 10 Municipalities from the North West Province were among these. Some of the contributing factors to the categorisation of a municipality as dysfunctional are non-compliance to the MFMA, and non-submission of Annual Financial Statements on time. Furthermore, a majority of these municipalities fail to convene Council meetings and to submit a portfolio of evidence for the progress they have registered as far as service delivery is concerned (Municipal Assessment Tool [MPAT], 2012). Of serious concern is that there is no single municipality that is considered stable in the NW province. This goes the same as Eastern Cape, Free State and Limpopo.

### **3.3. Analysis of the state of municipalities per the MPAT's six pillars**

The deteriorating state of South African Local Government questions the ability of governmental and administrative systems and practices to address the challenges that inhibit the development of effective and efficient municipal systems. This therefore warrants Provincial and National intervention to support municipalities in carrying out their legislated objectives.

#### **3.3.1. Delivering basic services**

Empirical investigations into the dysfunctional state of Local Government in South Africa is needed because of the high political expectations that surpass the available state resources, thereby leading to the consistent breach of municipal officials' constitutional mandate of delivering basic services to their communities (Gaedie, 2015). Seitheisho (2019) contends that Thabo Mofutsanyana District Municipality, Nketoana, and Setsoto Local Municipalities in the Free State are facing similar challenges as far as delivering the basic services pillar is concerned, where there are unfinished infrastructural projects, incomplete municipal roads and contaminated municipal water, which poses a threat to the livelihood of the people of these municipalities. In the Gauteng province, particularly in the City of Tshwane Metropolitan Municipality, there have been numerous service delivery protests, and some of those protests are a result of the water cuts that occur for up to three weeks, without any form of communication to the community (Khale & Worku, 2013).

According to Mohale (2014), the Free State Local Government is in a state of systematic failure to render basic services, which frustrates and collapses public participation. Furthermore, Khale (2015) reported that Ekurhuleni and Emfuleni Municipalities refuse to service some of their informal settlements, claiming that they fall within privately owned land. As a result, these communities experience high levels of power blackouts, electricity theft, and poor infrastructure maintenance. Lastly, residents of Merafong, Midvaal, Ekurhuleni, and Emfuleni Municipalities, also in Gauteng, have a problem with illegal dumping sites and littering, which affects the service standard of weekly curb side collection. The Municipal IQ (2018) has shown an increase in violent service delivery protests, with 144 in 2018 compared to 113 in 2012. The hotspot provinces are Mpumalanga, where there was a demand for a mayor to resign in 2006; protestors in the Western Cape barricaded roads with burning tyres and rubbish in Mitchells Plain in 2007,

and Diepsloot, Gauteng, in 2009. Furthermore, the Free State and North West provinces experienced protests in 2011, where a boy was killed in Ficksburg, and a few activists injured; there was another victim in Mafikeng at the hands of police (Ntjanyana, 2016).

Other challenges facing the rural areas of Gauteng, and across South Africa, is the general lack of access to, lack of affordability, and poor standard of both health and education services, which are the primary objectives of municipalities (Mngomezulu, 2020). This slow pace of quality services increases the number of service delivery unrests, and these conditions warrant the classification of the state of Gauteng Province in terms of delivering basic services as poor, thereby justifying the interventions invoked in the province, especially in its municipalities.

### **3.3.2. Building capable Local Government institutions**

According to the DCoG MPAT tool, a capable Local Government is a contributing factor towards the situation of municipalities in South Africa and abroad. Seemingly, Marutla (2020) denotes that lack of clear understanding of the supply chain management processes in municipalities exacerbates the governance issues that persist in South African municipalities. In principle, localization of goods and services in South African municipalities entails that the municipality can source goods and services from any South African-owned companies that have a local footing in that municipality, but not necessarily originating from that Municipality. However, the continuous business forum disruptions are a result of citizens challenging the appointment of service providers and questioning the supply chain processes in such appointments (Rapoo *et al.*, 2009). Furthermore, Xasa (2022) cited the Kannaland Local Municipality in the Western Cape, which delayed filling three vacant senior positions (Municipal Manager, and the Executive Managers for Financial services, Infrastructure services and community services), and Mkhondo Local Municipality in Mpumalanga, which delayed filling four vacant posts from Municipal Manager (MM), to Director: Corporate Services, Director: Technical Services and Director: Planning.

The delays in filling vacant senior management posts caused poor governance in those municipalities. Moleli (2014) admitted that the suspension of the Municipal Manager in Koukamma and Sunday's River Valley Local Municipalities collapsed the administration and financial management of the latter, leading to a deterioration in service delivery. Furthermore, the suspension of the Municipal Manager exacerbated the division between

the Municipal administrators, Municipal Council, and the Labour Unions. Lastly, Mofolo (2020) states that Free State Municipalities have weak governance systems and often get nothing other than disclaimers and qualified audit opinions, especially in the category B municipalities. (Department of Cooperative Governance and Traditional Affairs, 2023) posits that national governments should ensure that they provide adequate training, capacity building, funding, and relevant support mechanisms to under-capacitated municipalities prior to interventions. Lastly, Chapter 11 of the MFMA, Act 56 of 2003, brought a significant development in terms of regulating the Supply Chain Management processes in municipalities, as the issue was proving to increase the dysfunction of the latter.

### ***3.3.3. Putting People First Pillar***

The Political/Administrative interface has become a commonly-cited issue that hinders the performance of municipalities, thereby deeming the state of South African Local Government as either dysfunctional or unstable (De Visser, 2010). Municipal officials are faced with issues of political intervention in their administrative duties, as seen in Limpopo, where Thabazimbi, Lephalale and Mogalakwena Local Municipalities are considered to be politically unstable as a result of political infighting regarding the appointment of senior managers and accounting officers (Tsagae, 2023). The most cited base for political instability in municipalities is the failure of political parties to achieve stable coalition governments. Municipalities under coalition government are often politically unstable, and face countless motions of no confidence, and dismissal of municipal councils, as seen in Mkhondo and Steve Tshwete Local Municipalities in Mpumalanga (Xasa, 2022). Reddy (2012) raised that there is a dire need to relook at the competencies of those municipal officials who were deployed into senior management positions on the merits of their contributions to the struggle. A case of the MK Veterans, who threatened the executive Mayor in Nelson Mandela Metropolitan Municipality was cited, where these veterans forcefully appointed themselves in key positions within the municipality.

In Koukamma and Sunday's River Valley Municipalities in the Eastern Cape, political instability was caused by the suspension of the Municipal Managers, and the external political pressure that was put on the Municipal Councils, which badly affected the stability of the municipalities (Moleli, 2014). The instability of municipalities in South Africa as a result of politicization of local bureaucracy is inevitable, especially in the KwaZulu-Natal

province, as stated by the mayor of Umtshezi Local Municipality in an research by Reddy (2016:11), that such “inflight between politicians and management at Local Government sphere have caused the delays in service delivery and perpetuate the lack of accountability by Municipal officials to their constituents on their failures to execute their executive obligations.” Lastly, the increased rate of appointing acting municipal officials is a growing concern in the stability of municipalities, where positions, including Municipal Managers, Directors, and Chief Financial Officers are filled in an acting capacity, which tends to increase the risk of undermining Human Capital in municipalities, thereby preventing the development of experienced and well-trained senior officials who will be able to administer and manage municipal services while being held accountable in their respective positions.

#### **3.3.4. Sound financial management**

Recent studies on the state of Local Government in South Africa show a trend of Unauthorized, Wasteful, and Irregular Expenditure, which exacerbates the state of financial distress in municipalities (Glasser & Wright, 2020). In Limpopo, municipalities have not been strangers to the issue of financial mismanagement, with a total of R2.7 billion unauthorized expenditure, and R1.7 billion overdraft (National Treasury, 2013). Corruption Watch (2014) reported that the state of local governance in Limpopo was poor, citing issues of unpaid employees, allegations of corruption in tender procurements, abuse of government resources, nepotism, and abuse of power, to mention a few, while Uwizeyimana (2014) viewed Limpopo as technically bankrupt, and compared it to an insolvent company that needed liquidation. During the 2018/19 municipal financial years, about 113 South African municipalities were operating with unfunded budgets, resulting in unpaid workers and an increase in the Eskom Debt, as seen when a court ordered the Maluti-a-Phofung Municipality in the Free State to attach its movable assets towards its R30 billion Eskom debt (Ledger & Rampedi, 2019). Furthermore, the Municipal Infrastructure Grant in both Koukamma and Sunday’s River Valley Local Municipalities had ‘disappeared,’ and was unaccounted for, which compromised the supply chain management processes even further, leading to unpaid creditors and failure to raise municipal revenue (Moleli, 2014). The Chief Finance Officers (CFO) herein were then suspended.

Niekerk and Sebakamotse (2020) found in the Free State Municipalities that the challenges of poor oversight and lack of accountability seem to perpetuate financial

mismanagement in the province, leading to the inability to spend MIGs and to pay creditors. Emfuleni Local Municipality in Gauteng is also considered to be in a state of collapse, following its failure to execute financial obligations towards water and electricity supply, underinvestment, and the non-payment of creditors (Pieterse, 2020). Municipalities in Cape Town have been said to experience financial difficulties, especially in terms of the sizeable capital expenditure programme (Reddy, 2012). The municipalities here have lingering expenditure pressure for service delivery and social housing. Furthermore, the media has provided ample coverage on failing municipalities from a generalized perspective, at times characterizing individual municipalities, and have classified municipalities as 'financially failed' institutions on the verge of collapse (Glasser & Wright, 2020). From the above assertions, a conclusion can be drawn that South African municipalities are in a state of paralysis. However, this diagnosis does not reflect a 'failed state' or 'financial failure', but instead a condition of state dysfunction rooted on issues such as political opportunism and hysteria in South African municipalities. It is in that light that government introduced the Municipal Infrastructure Grant, which was aimed at aiding low capacity municipalities in programmes that were designed for the provision of basic services, and to eradicate service delivery backlogs (Mnguni, 2020).

Moreover, a legislation aimed at improving the financial state of South African Municipalities was the Municipal Finance Management Act, 2003. According to Munzhedzi (2021), this Act, the MFMA, was developed to decentralize financial management powers to accounting officers (Municipal Managers) and to identify financial risk factors that included maladministration, and poor financial reporting and control.

### **3.3.5. Good governance**

A significant number of municipalities were classified as high risk between the years 2021/22, and governance has been proven to be one of the main reasons for such a category. Fukuyama (2013) views governance as a predetermining factor that contributes to how effective public organizations are in providing public services and governing citizens, while upholding constitutional values. A systematic review by Bang and Esmark (2013) considers good governance as a politico-administrative way of public policymaking. Rose and Miller (2010) also argue that the result of good governance is the sustainable provision of quality and quantity goods and services to citizens by governments and establishing frameworks for self-governance. Nonetheless, the various or different governance and good governance techniques do not form a consistent field

of intervention itself. According to Mofolo (2020), South African municipalities have weak governance systems, which result in disclaimers and qualified audit opinions, especially in Category B Municipalities. Thabazimbi Local Municipality in Limpopo has been faced by political infighting, which has prevented the municipality from appointing senior managers, and continues to weaken the oversight council from exercising their duties. Furthermore, in Mpumalanga, six councillors were dismissed by their party from Mkhondo Local Municipality (Xasa, 2022).

Twalo (2015) further revealed that Mnquma Local Municipality in the Eastern Cape has governance issues which include political instability, council infighting, and factionalism, which warrants the classification of the state of governance in Mnquma Local Municipality as dysfunctional. South African municipalities have not been strangers to corruption, and the unprecedented Covid-19 pandemic was not left untainted by it, especially during the national lockdown that escalated corruption over the protective equipment (PEE), which put a strain on the economy of the entire country (Khambule, 2021). According to Modise and Nxumalo (2022:759)

“The spread of Covid-19 exposed the failures of governance in South Africa, particularly at Local Government level. The subsequent lockdown and state of disaster in South Africa lasted for 750 days, or two years and three weeks, and the 2021 Local Government elections were conducted during the state of disaster and amid fears of another lockdown”.

### **3.3.6. Local Economic Development**

This pillar looks at the ability of South African municipalities to create job opportunities, through programmes such as EPWP, CWP, and various other LED initiatives. Furthermore, the pillar examines the ability to improve the economies of the respective municipalities to attract investments (Cooperative Governance and Traditional Affairs, 2009). Accordingly, Douglas (2022) conducted a study in the Western Cape municipalities, including Hassequa, Kannaland, Oudtshoorn, Mossel Bay, Swellendam and Theewaterskloof, and found that there are non-impressive derivatives of policy design and implementation as far as LED is concerned. Lastly, Douglas (2022) concluded that the LED policy and frameworks in the respective municipalities are outdated, and do not meet the realities and complexities of contemporary local government concerns. Zululand District Municipality in KwaZulu-Natal Province has implemented the LED

programme as an initiative that deals with social and economic issues in the community, especially since the area is facing potential disaster relating to poverty as a result of over-population and skills deficit (Nxumalo & Naidoo, 2018). However, the challenges have affected the implementation of the LED programme in the municipality, thereby rendering the state of Zululand District Municipality as dysfunctional as far as LED implementation is concerned.






### 3.4. The state of Local Government in the North West Province

The North West Province has a total of 22 municipalities, including 4 Districts and 18 local municipalities. Table 3.3 below shows, only 1 Municipality is stable as of 2023, and 2 more municipalities are at risk, while 1 did not participate (Ditsobotla Local municipality) in the Municipal Performance Assessment Tool, a further 10 Municipalities remain dysfunctional. This shows a very small improvement when no Municipality had a stable outlook as presented in Table 3.2 earlier.

**Table 3.3. Comparison of status of Municipalities (2021/22 & 2022/23 financial years)**

No.	Municipality	2022 Assessment	2023 Assessment
1.	Rustenburg Local Municipality	Low Risk	Dysfunctional
2.	Mahikeng Local Municipality	Dysfunctional	Dysfunctional
3.	Tswaing Local Municipality	Dysfunctional	Dysfunctional
4.	Bojanala District Municipality	Low Risk	Dysfunctional
5.	Ratlou Local Municipality	Dysfunctional	Dysfunctional
6.	Moses Kotane LM	Low Risk	Dysfunctional
7.	Mamusa Local Municipality	Medium Risk	Dysfunctional
8.	Lekwa Teemane LM	Medium Risk	Dysfunctional
9.	Maquassi Hills Local Municipality	Medium Risk	Dysfunctional

10.	JB Marks Local Municipality	<b>Dysfunctional</b>	<b>At Risk</b>
11.	Greater Taung Local Municipality	<b>Low Risk</b>	<b>At Risk</b>
12.	Ngaka Modiri District Municipality	<b>Low Risk</b>	<b>At Risk</b>
13.	Naledi Local Municipality	<b>Medium Risk</b>	<b>At Risk</b>
14.	Kgetleng Local Municipality	<b>Dysfunctional</b>	<b>At Risk</b>
15.	Moretele Local Municipality	<b>Low Risk</b>	<b>At Risk</b>
16.	Madibeng Local Municipality	<b>Dysfunctional</b>	<b>At Risk</b>
17.	Ramotshere Moiloa LM	<b>Dysfunctional</b>	<b>At Risk</b>
18.	Dr KK Kaunda District Municipality	<b>Low Risk</b>	<b>At Risk</b>
19.	City of Matlosana Local Municipality	<b>Dysfunctional</b>	<b>At Risk</b>
20.	Dr Ruth District Municipality	<b>Dysfunctional</b>	<b>Dysfunctional</b>
21.	Kagisano Molopo Local Municipality	<b>Low Risk</b>	<b>Stable</b>
22.	Ditsobotla Local Municipality	<b>Dysfunctional</b>	<b>Not Submitted</b>

Dysfunctional	
At risk	
Medium risk	
Low risk	
Stable	

Source: Department of Cooperative Governance and Traditional Affairs (2023)

### **3.4.1. Assessment of the North West Municipalities in terms of the MPAT six pillars**

#### **3.4.1.1 Delivering basic services**

Notwithstanding the average percentage of 44.76% of delivery of basic services across all 21 Municipalities (except in Ditsobotla Local Municipality) in 2023, recorded by the Department of Cooperative Governance and Traditional Affairs (2023) in the 2022/23 MPAT report, below is the trend of service delivery in the North West Municipalities. The state of the North West Local Government as far as the pillar of delivering basic services is concerned is dysfunctional, considering the number of service delivery protests recorded in 2009 in the following municipalities: Ratlou, Ramotshere Moiloa, Ditsobotla Local Municipalities, and Ngaka Modiri Molema District Municipality. The protests were over the following reasons, among others: poor state of municipal roads, increased crime rates as a result of unemployment, dissatisfaction with the police services, and water and sanitation services (Chuenyane, 2009; Ndingane, 2009).

According to a report compiled by the North West Office of the MEC of COGHSTA (2021)<sup>1</sup>, service delivery has collapsed in Ditsobotla Local Municipality, with poor road maintenance, evident by the many potholes. In terms of this pillar, Ditsobotla Local Municipality had failed to execute its executive obligations in terms of Section 152(1)(b) and (d) of the Constitution, which empowers municipalities to provide services to the community in a sustainable manner, and promote a safe and healthy environment (Constitution of the Republic of South Africa, 1996).

Secondly, the Municipality failed to comply with Section 153(a) of structuring and managing its administration, and budgeting and planning to promote social and economic development. As a water service authority in the Province, Ngaka Modiri Molema District Municipality has failed to execute its executive mandate of delivering water within its jurisdiction, including its Local Municipalities. In Biesievlei, the district had supplied the community with contaminated water, which led to residents suffering from a widespread number of illness and several infant deaths (Niar, 2015).

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<sup>1</sup> Member of Executive Committee of Cooperative Governance, Human Settlement and Traditional Affairs (MEC: COGHSTA).

#### 3.4.1.1.1. Building capable Local Government institutions

Currently, the average percentage for building capable Local Government institutions in the North West province is 49.5%, while the vacancy rate is 45%. However, Ditsobotla Local Municipality is among the few Municipalities with a high vacancy rate of Section 46 Managers (Department of Cooperative Governance and Traditional Affairs, 2023). In terms of Building Capable Local Government Institutions, Ditsobotla Local Municipality has failed, with high vacancy rates of senior management, and a high staff turnover (Office of the MEC of COGHSTA, 2021). Furthermore, (Gaedie, 2015) found that Mafikeng Local Municipality has incapacitated Municipal Councillors who occupy key positions, and their incapacity worsens the performance of the Municipality, which lowers the standards of service delivery.

#### 3.4.1.1.2. Putting People First

Due to political interference in the Administration of Ditsobotla Local Municipality, the intervention team was denied entry into the Municipal offices for the entire duration of the intervention period (Office of the MEC of COGHSTA, 2021). Secondly, the Municipality has instability in governance and administration because of infighting within the council, and there is little to no public participation in the affairs of the Municipality. According to a report by the Department of Cooperative Governance and Traditional Affairs (2023) on the state of Local Government, Ditsobotla is the most unstable among the 4 coalition governments in the province, and its council was disbanded as a result of the Municipality being under Section 139(1)(c) of the Constitution. The Municipal Manager of Ngaka Modiri Molema District Municipality had allegedly appointed a relative as a water service provider for water tankers, without disclosing their relationship prior to the appointment, which is a clear conflict of interests, and there were further irregular appointments in senior management positions by the Municipal Managers, which is a clear gross insubordination (Niar, 2015).

#### 3.4.1.1.3. Good governance

The North West Province has shown significant improvement in terms of the Good Governance pillar with an average of 76%, which shows that the municipalities in the province are holding at least 4 Mayoral, Council, and MPAC meetings, except for Ditsobotla Local Municipality. In Ditsobotla, the mayor was forcefully removed, and there

was poor oversight by the Municipal Council, which was heightened by political infighting and polarization. The MPAC recommendations made to the Municipality have not been implemented, and a total sum of R18 Million was used, yet cannot be accounted for. Furthermore, there are continuous litigation cases between the Municipality and labour, which contributes to labour instability. This has resulted in the Municipality being stagnant in terms of improving on the disclaimer audit opinion which they have maintained for the past 5 years, except in the 2015/16 financial year, where they received a qualified audit opinion.

Lastly, the Municipal Council and its committees are not functional, and there is poor public participation in the affairs of the Municipality (Office of the MEC of COGHSTA, 2021). The Department of Cooperative Governance and Traditional Affairs (2023) reported that there were issues of accountability in Ngaka Modiri Molema District Municipality, especially in the political and administrative leadership, where there is no acknowledgement of the irregularities that have been found in within the Municipality which include but are not limited to non-compliance with the legislation and regulations governing the administration of municipalities, and lack of consequences by management on poor governance.

#### 3.4.1.1.4. Sound financial management

During the 2022/23 financial year, the province recorded an average of 33% for Sound Financial Management, where only 11 Municipalities submitted approved capital budgets (Department of Cooperative Governance and Traditional Affairs, 2023). As a result of mismanagement of municipal funds, Mafikeng Local Municipality lost R83 Million to VBS Mutual Bank, of which R23 Million was meant for the Municipal Infrastructure Grant while R60 Million was for Municipal Equitable shares. An additional R314 millions of Naledi Local Municipality's taxpayers' money was lost in VBS bank (Atikson, 2007). Furthermore, Ngaka Modiri Molema District Municipality has consistently failed to settle and repay the creditors from the past 2010/11, 2011/12, and 2013/14 financial years, which resulted in a court order to attach 40 Municipal vehicles for the debt (Niar, 2015). The district failed to finalize and submit their draft 2013/14 Mid-term Revenue and Expenditure Framework, Draft 2013/14 Service Delivery and Budget Implementation Plan (SDBIP), the 2014/15 mid-year Budget Performance Review Report and the 2014/15 Adjustment Budget, leading the Municipality to receive disclaimer audit opinions. Ditsobotla Local Municipality is classified as a technically insolvent municipality, which has failed to meet its short-term

obligations, seeing how they have incurred an Eskom debt of R679 million by 2020. The Municipality has not been able to implement credit control measures on defaulting consumers, and has increased their Unauthorized, Irregular, Fruitless, and Wasteful Expenditures (Office of the MEC of COGHSTA, 2021).

A municipality that receives an adverse audit opinion shows that that the municipality has prepared unreliable financial statements, and that those financial statements cannot be used for oversight and decision-making (AGSA (Auditor-General of South Africa), 2020), while a disclaimed audit opinion shows that the municipality failed to provide evidence for the information in their financial statements. A Clean audit opinion suggests that a municipality has complied with the legislation with no transgressions, and their financial statements and performance are transparent (AGSA (Auditor-General of South Africa), 2015).

***Table 3.4 Summary of audit opinions for North West Municipalities***

No	Municipality	2022/23	2021/22	2020/21	2019/20	2018/19	2017/18	2016/17
1	Bojanala	Qualified	Qualified	Qualified	Qualified	Disclaimer	Disclaimer	Disclaimer
2	Kgetleng rivier	Qualified	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Unqualified
3	Madibeng	Adverse	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer
4	Moretele	Unqualified	Qualified	Unqualified	Qualified	Qualified	Qualified	Qualified
5	Moses Kotane	Qualified	Unqualified	Qualified	Qualified	Qualified	Disclaimer	Disclaimer
6	Rustenburg	Qualified	Qualified	Qualified	Disclaimer	Qualified	Qualified	Qualified
7	Dr Kenneth Kaunda	Unqualified	Unqualified	Unqualified	Unqualified	Qualified	Qualified	Qualified
8	Matlosana	Unqualified	Unqualified	Unqualified	Qualified	Qualified	Unqualified	Qualified
9	Maquassi Hills	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Qualified
10	JB Marks	Qualified	Qualified	Qualified	Qualified	Qualified	Qualified	Disclaimer
11	Dr Ruth S Mompoti	Qualified	Qualified	Qualified	Disclaimer	Disclaimer	Qualified	Unqualified
12	Greater Taung	Qualified	Qualified	Disclaimer	Disclaimer	Qualified	Qualified	Qualified
13	Kagisano-Molopo	Qualified	Qualified	Qualified	Qualified	Qualified	Disclaimer	Qualified
14	Lekwa-Teemane	Disclaimer	Disclaimer	Qualified	Disclaimer	Disclaimer	Disclaimer	Disclaimer
15	Mamusa	Still under review	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer
16	Naledi	Adverse	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Qualified
17	Ngaka Modiri Molema	Qualified	Adverse	Adverse	Adverse	Adverse	Disclaimer	Disclaimer
18	Ditsobotla	AFSs not submitted	AFSs not submitted	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer
19	Mafikeng	Qualified	Qualified	Qualified	Qualified	Disclaimer	Disclaimer	Qualified
20	Ramotshere Moiloa	Qualified	Qualified	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Qualified
21	Ratlou	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Disclaimer	Qualified	Qualified
22	Tswaing	Qualified	Qualified	Qualified	Qualified	Qualified	Qualified	Qualified

Source:(Department of Cooperative Governance and Traditional Affairs, 2023)

Based on the comparative table 3.4 above, Ngaka Modiri Molema District Municipality has received a disclaimer audit opinion for two consecutive years, starting in 2016/17 to 2017/18 FYs, and moved to an adverse audit opinion from 2018/19 until 2021/22 FY. In 2022/23 FY, the Municipality received a qualified audit opinion (Auditor-General of South Africa (AGSA), 2024). Furthermore, Ditsobotla Local Municipality has not been submitting their financial statements for the past two financial years (2021-22 and 2022-23), which was during the Section 139 interventions, notwithstanding the commitment made by Provincial COGTA and Provincial treasury to assist the Municipality in submitting the financial statements by end of August 2024 (Auditor-General of South Africa (AGSA), 2024).

#### 3.4.1.1.5. Local Economic Development

The average percentage for Local Economic Development in North West is currently 51.15% with only 16 out of the 22 Municipalities having approved LED strategies (Department of Cooperative Governance and Traditional Affairs, 2023). The district was over-staffed by 510 employees, which was approximately 300% of the national district benchmark for employees. This put extensive pressure on the expenditure of the municipal finances, and the AG report (2013/14) revealed that the district contracts knowledgeable people to compile and implement a Remedial Audit Action Plan as a corrective measure following the unsatisfactory report. In addition, a close-out report from the office of the accounting officer (Niar (2015), revealed that NMMDM had budgetary constraints and limitations, which resulted in the district failing to fund its monthly recurrent expenditures including the salaries and allowances of employees, and repaying their recurrent creditors. Municipalities in the North West Province have not been able to fully fulfil their objective of ensuring Local Economic Development, as evidently seen by the closure of the Clover factory in Ditsobotla, due to the crumbling municipal infrastructure, resulting in an increase in the production costs for the Clover company (Mosala & Nxumalo, 2023).

#### ***3.4.2. The history of the placement of selected Municipalities under Section 139(1) intervention***

As depicted on table 3.5 below, 14 out of 22 North West Municipalities were placed under Section 139(1) intervention during the 5<sup>th</sup> administration. In some municipalities, including but not limited to Ditsobotla, Ramotshere and Mahikeng Local Municipalities, the interventions were invoked more than once. On average the most-commonly invoked intervention in the North West province is Section 139(1)(b) which, according to Modise and Nxumalo (2022:764), indicates the “worst form of governance failure” wherein the Municipality has consistently failed to execute its executive obligations, and Section 139(1)(a) ‘issuing a directive for the failed obligation’ did not assist the Municipality in fulfilling that obligation. Furthermore, the table shows that Ngaka Modiri Molema District Municipality and all its Local Municipalities were under at least 1 form of Section 139(1) Intervention during 2016-2019.

**Table 3.5. The history of the placement of North West Municipalities under Section 139(1) intervention in the fifth administration**

Municipality	Type of Intervention	Start of Intervention	End of Intervention
1. Ditsobotla LM	S139(1)(c)	Jan 2016	Jun 2017
2. Tswaing LM	S139(1)(c)	Jan 2016	Jun 2017
3. Ventersdorp LM	S139(1)(c)	Jan 2016	Jun 2017
4. Mafikeng LM	S139(1)(b)	Jun 2016	Jun 2017
5. Lekwa Teemane LM	S139(1)(b)	Jan 2016	Jun 2017
6. Ditsobotla LM	S139(1)(b)	Sep 2018	Aug 2019
7. Mamusa LM	S139(1)(b)	Jul 2016	Aug 2016
8. Mahikeng LM	S139(1)(b)	Sept 2018	Jun 2020
9. Kagisano-Molopo LM	S139(1)(b)	Sept 2018	Aug 2019
10. Ramotshere Moiloa LM	S139(1)(b)	Sept 2018	Jul 2019
11. Ditsobotla LM	S139(1)(b)	Sept 2018	Aug 2019
12. Kgetlengrivier LM	S139(1)(b)	Sept 2018	Aug 2019
13. Maquassi Hills LM	S139(1)(b)	Sept 2018	Aug 2019
14. Naledi LM	S139(1)(b)	Sept 2018	Aug 2019
15. Ngaka Modiri Molema DM	S139(1)(b)	Sept 2018	Aug 2019
16. Mamusa LM	S139(1)(c)	Jul 2019	Jan 2020
17. Lekwa Teemane LM	S139(1)(b)	Jul 2019	Jun 2020
18. Ratlou LM	S139(1)(b)	Jul 2019	Jun 2020
19. JB Marks LM	S139(1)(b)	Jul 2019	Jun 2020
20. Tswaing LM	S139(1)(b)	Jul 2019	Jun 2020
21. Madibeng LM	S139(1)(b)	Jul 2019	Jun 2020
22. Dr Ruth Segomotsi Mompati DM	S139(1)(b)	May 2019	Nov 2020
23. Madibeng LM	S139(1)(b)	Jul 2020	Sept 2020
24. JB Marks LM	S139(1)(b)	Mar 2020	Sept 2020
25. Tswaing LM	S139(1)(b)	Oct 2019	Sept 2020
26. Ramotshere Moiloa LM	S139(1)(b)	Sep 2020	Sept 2021

Source: (Modise & Nxumalo, 2022)

Drawing from Ledger and Rampedi (2019) analysis, the first Municipality in the North West Province to be placed under Section 139(1) intervention was the then Stilfontein Transitional Local Council, for issues including lack of financial and administrative skills, corruption, and breach of the code of conduct which led to the Municipality's failure to execute its obligations, prompting the Provincial Government to assume the Municipality's responsibilities under Section 139(1) (b). However, the same issues are evidently still persistent in the province, judging from the number of interventions during the 5<sup>th</sup> Administration.

### **3.5. Chapter summary**

Drawing from the above discussion, a generalization of the state of local government in South Africa can be made that South African municipalities are dysfunctional, with major challenges that are identical; however, such a conclusion does not classify these municipalities as failed institutions, taking into consideration the efforts by provincial and national governments to support the latter, with the aim of improving their status. Furthermore, even though the North West Municipalities have made significant improvements, there is still a considerable number of municipalities that require intense support mechanisms, especially Ditsobotla Local and Ngaka Modiri Molema District Municipalities. Another observation made from the above discussion is the identical nature of challenges facing municipalities across the country, yet the considerable number of Section 139(1) interventions that have been invoked, notwithstanding the failure of such interventions to yield positive results and improve the state of these municipalities.

Judging from the state of Ditsobotla and Ngaka Modiri Molema municipalities amid the repeated Section 139(1) interventions, a conclusion can be drawn that both municipalities have deteriorated in performance after the invocation of these interventions, while municipalities that face similar challenges in the province seem to be improving without being placed under Section 139(1).

## **CHAPTER FOUR: RESEARCH METHODOLOGY**

### **4.1. Introduction**

The previous chapter focused on the state of local government in South Africa, and how that has made it necessary for provincial and national interventions in circumstances of failing and dysfunctional municipalities. This was drawn from chapter two, which conceptualized the practice of interventionism by different disciplines such that the adoption and application of the theory is justified in municipalities. The theorization and conceptual framework for interventionism was done to present the guiding principles of how the practice of interventionism is adopted by other disciplines. Such an exercise is important to show the deficiencies and gaps by Provincial and National Government in implementing the practice of mandatory municipal intervention.

This chapter details the data collection processes that were applicable throughout the development of this research. The chapter will further detail how the theory of interventionism was applied in achieving the main objectives of the study, as stated in 1.7. The first section of the chapter will present the research paradigm, and proceed to the research design, where data collection, analytical concepts and interpretation applicable are detailed.

### **4.2. Research design and paradigm**

The constructivism paradigm was used in this study to understand the phenomenon of municipal interventionism, such that the researcher could construct meanings of interventionism through the experiences of those involved gleaned from the documents analysed. The constructivist paradigm is inspired by the observation of municipal interventions that failed to generate positive results and the improved functionality of local government. It was important to ponder the reasons for interventionism in selected municipalities in the North West Province. The study employed a case study design, which focused specifically on Ngaka Modiri Molema District and Ditsobotla Local Municipality in the North West Province. According to Crowe (2013), a case study research design helps generate an in-depth understanding of a phenomenon and brings the phenomenon into a tangible everyday life context. A case study research design enabled a thorough dig into the reasons for interventionism per Section 139(1) of the Constitution in both Ngaka Modiri Molema District and Ditsobotla Local Municipalities in

the North West Province. Furthermore, the option of a case study allowed for a comprehensive impact of Section 139(1) intervention in both Municipalities which was focused and therefore allowed for conclusive results.

#### **4.3. Purposively sampling of selected Municipalities**

The researcher adopted a purposive selection technique which relies on the judgement of the researcher when it comes to selecting municipalities (Campbell *et al.*, 2020). In this regard, “purposive selection refers to the method of selecting a group of municipalities in such a way that these selected municipalities yield as nearly as possible the same average or proportion as the totality, concerning those characteristics which are already a matter of statistical knowledge” (Rai & Thapa, 2015). Ditsobotla Local Municipality and Ngaka Modiri Molema District Municipality in the North West Province were selected based on their state of governance and their history of placement under Section 139(1) interventions.

Ngaka Modiri Molema District Municipality was specifically selected on the basis that both the district and all its local municipalities were placed under Section 139(1) interventions during the period 2016-2019, yet the state of local government in the North West province after the interventions still shows a decline in terms of the Municipal Assessment Performance Tool conducted herein. Ditsobotla Local Municipality was selected as a case study based on its persistent under-performance, even after the invocation of Section 139(1)(a)(b) and (c). Furthermore, the municipalities selected in the North West Province were chosen such that the problem of intervention in South African municipalities can find relevance within the province, particularly in the selected Municipalities based on their performance and assessment. The purposive selection was applied to focus on the specific municipalities within the province to respond to the research questions and objectives. However, the selected municipalities in this study do not restrict the researcher from comparing the findings from the study with similar case studies.

##### **4.3.1. Data Collection Tools**

The qualitative nature of this study allowed for the researcher to use the document analysis research method for reviewing the literature on the subject of interventionism in selected North West Municipalities while highlighting the relevance of the qualitative research approach (Karppinen & Moe, 2012). The data collection method applied in the

research was both document analysis and computational research. Document analysis may be referred to the analysis of data from examination of documents from secondary sources such as textbooks and reports, etc. (Karppinen & Moe, 2012).

Some of the documents used in the completion of this study include (1) literature written in English, (2) Full academic papers with abstracts, and (3) Close-out reports from municipalities and government departments. The reason for using close-out reports in the study was because of their reliability, as they are often signed off before being made public. The author avoided using reports that were not signed off by government officials, as they may not be a true reflection of the status of the particular department or municipality. Therefore, the close-out reports are more reliable, and they can be linked to government officials. Such close-out reports include but are not limited to *The state of Local Government Report* from the Department of Cooperative Governance and Traditional Affairs (2023); *Municipal Performance and Assessment Tool Report* (Municipal Assessment Tool (MPAT), 2012; North West Department of Cooperative Governance and Traditional Affairs, 2024), and Section 139(1) close-out reports from Ngaka Modiri Molema District Municipality by the Administrator Mr. Niar (2015), among others.

The Department of Cooperative Governance and Traditional Affairs (CoGTA), South African Local Government Association (SALGA), the Parliamentary Monitoring Group (PMG), the Mail & Guardian, the Public Affairs Research Institute (PARI), YouTube channels, websites of media houses like SABC, eNCA, Newsroom Africa, and print media were vital empirical and primary data sources for document review as an approach towards the fulfilment of this study. The PARI report titled *Mind the gap* by Ledger and Ramped (2019), the South African Constitution, the Parliamentary Portfolio Committee meeting minutes, including (Select Committee on Cooperative Governance and Public Administration, 2019, 2022, 2023; Select Committee on Cooperative Governance and Traditional Affairs, 2014, 2019; Select Committee on Cooperative Governance and Traditional Affairs, 2019), and CoGTA Local Government Turnaround Strategy: State of Local Government Report (Department of Cooperative Governance Traditional Affairs (2009) are among the important primary documents in this study. The North-West University EBSCO host repository and other platforms such as Google Scholar helped with academic sources, such as theses and dissertations for theorizing interventionism in local government. Various news reports, institutional reports, social media commentary,

and academic reports helped interpret the dynamic political views and contradicting narratives associated with interventionism in the North West province.

#### **4.3.2. Data Interpretation**

Data interpretation is through content and narrative analysis of selected case studies that span the period of 2015-2023. The analysis of documentary and narrative content is based on the main themes derived from interventionism theory assumptions. The significance is to identify narratives about the jurisdiction/geographical implications of intervention, power limitations involved in the intervention, reasons for invoking Section 139, the timing, nature, and outcome of interventions, and resistance to interventions. These will help make connections and theoretical arguments analysing empirical evidence in selected North West province municipalities. Applying the analytical framework presented earlier in Figure 1.1, the data reveals genuine concerns about interventionism in Municipalities and the areas of government influence as follows:.

##### **I. Human Rights Violations**

Ditsobotla Local Municipality was persistently failing to provide its residents with the most fundamental human right, which is access to safe drinking water and adequate sanitation, as stated in Chapter 2 of the Constitution of the Republic of South Africa (1996). Furthermore, the Water Services Act 108 of 1997 states that every municipality must plan in its water service development plans to realise these rights. Evidently, residents of Ditsobotla had for a prolonged period of time been without access to water, and no proper waste management, leading to refuse piling up and sewage spills (Standing Committee on Provincial Public Accounts, 2023). These human right violations therefore warranted the intervention by the North West Provincial Government in terms of Section 139(1). Lastly, the Municipality has unpaved roads, and dilapidated facilities and infrastructure, which is a clear violation of the human right to adequate living conditions, which prompted provincial intervention.

##### **II. Social Justice Imperatives**

In the close-out report by Administrator Mr. Niar (2015), the Municipal Manager of Ngaka Modiri Molema District Municipality was suspended, after being accused of irregular awarding tenders such as a payment of R500000 was made to a firm of attorneys who have not rendered any services to the Municipality, and awarding a R200 000 tender to

a service provider even though the tender was not publicly advertised, which has eroded public trust and diverted resources away from community needs. This justified the invocation of Section 139 intervention. Dickson (2023) cautioned that “it seems service delivery protests taking place in Ditsobotla will only receive attention once a tragic event like the death of a resident takes place”. This analogy was made after the countless service delivery protests over service delivery failures and lack of sustaining Local Economic Development. For example, the Clover dairy company uprooted itself from the Ditsobotla Municipal area and moved to KwaZulu-Natal following poor infrastructure and complaints of officials treating the municipal coffers as their own private piggy bank, to be raided at will.

### **III. National interest explanations**

According to Sakeliga (2024), the Section 139(5) intervention that was invoked in Ditsobotla Local Municipality by the Provincial Executive had failed to yield the desired outcomes, including restoring the delivery of basic services. A recommendation was therefore made that the COGTA should request the National Executive to replace the intervention with Section 139(7) until such time as a functional local administration emerges in Ditsobotla.

### **IV. Moral duty explanations**

Motivated by the objective to help local business organisations restore a flourishing economic order in their towns, Sakeliga (2024) wrote a letter on behalf of Ditsobotla Local Municipality to Minister Hlabisa of Cooperative Governance and Traditional Affairs, detailing the issues faced by the Municipality, the attempts made by the Municipality and Provincial Governments to address those challenges, and recommendations to invoke Section 139(7) of the Constitution. The letter requested a meeting with the Minister and an intervention in the Municipality in terms of Section 139(7) (Piet le Roux, 2024).

#### **i) Legal Explanations**

A court application to temporarily prevent Mr Nair, the Administrator in Ngaka Modiri Molema District Municipality from gaining access to and working at the municipality during the administration period, was filed by the Municipal Council following their dissolution in terms of Section 139(1)(c) in September 2014 in *Ngaka Modiri Molema District Municipality v Chairperson* (2014). The North West High Court granted and condoned the

Minister of Cooperative Governance and Traditional Affairs and the Administrator for the intervention, dismissing the Municipality's application for the administrator to be prevented from interfering in Municipal affairs. In his defence, the Administrator stated that communities including Dinokana, Madibogo, and Setlagole have not had water for years, which prompted the National Government to issue a warning to the district (*Ngaka Modiri Molema District Municipality v Chairperson*, 2014).

On reactions of affected institutions to interventionism, there is a dominant narrative of a Big Brother complex, which insinuates that regional and national government are trying a power play by using administrative action against municipalities. For example, Mr Bhekumzi Stofile, the National Executive Committee member of SALGA, complained about the many Section 139 interventions instead of there being more emphasis on cooperative governance instruments. According to Mr Stofile, interventionism meant the affected municipality was in "trouble" and that regional and provincial governments "behave as a big brother" who is authoritative or commanding, by stating that "municipalities do not do this, or municipalities do not do that" (Lombard, 2018). What Mr Stofile says reflects a negative attitude about the nature of relationships that interveners have when dealing with municipalities. He also shows a feeling of fear or anxiety, by seeing interventions as meaning trouble, instead of an opportunity for the municipalities to improve their operations.

On the nature of interventionism, there are sentiments that municipalities should find plausible means of improving their financial sustainability, and that early warning systems should help reduce the occurrence of interventions. In this manner, the interventions will be minimal and stand a chance at positive outcomes.

## **V. Coercion/arbitrary**

Although cases of interventions used for coercive or arbitrary reasons in the North West were not cited in this study, in Limpopo and Eastern Cape, Ngamlana (2011) and Thokozani (2020) cited cases where interventions were used to gain an advantage over those under intervention. For example, a District MM used their political influence to have a local Municipal Manager removed from their position using Section 139 (Thokozani, 2020), while another MM was said to have been elected through political influence, and therefore caused factional conflict within the Municipality, where a decision to have the MM removed was debated after the 5-year political term of the other faction came to an end (Ngamlana, 2011).

## **VI. Collaboration/procedural**

Interventions are carried out to strengthen partnerships between the Provincial, National and Municipalities. As such, the recommendation by the Select Committee on Cooperative Governance and Public Administration (2022) to place Ditsobotla Local Municipality under Section 139(1)(C) was done collaboratively, the chairperson of the Committee, Mr Dodovu, called for the MEC for COGTA to appear before the committee, after the MEC had appointed an administrator before the intervention was approved.

The outcomes of interventionism are as follows:

### **a. Promoting partisan interests**

Based on the reports by Sakeliga (2024), Democratic Alliance- North West (2022), and the Select Committee on Cooperative Governance and Public Administration (2022) on the outcomes of interventions in Ditsobotla Local Municipality, the interventions failed to promote partisan interests. Some of the issues highlighted in the reports included lack of transparency and irregularity in the appointment of administrators, failure to conduct oversight on the administrators to ensure value-for-money implementation of their terms of reference. Lastly, there were no regular engagements with the community and stakeholders to ensure that interventions are responsive to the community's actual needs (Karim, 2023).

### **b. Promoting the general good**

In terms of promoting the general good, the interventions were aimed at achieving this. However, the lack of clear and measurable objectives for the intervention resulted in the failure thereof (Karim, 2023). In Ditsobotla Local Municipality, the existence of a parallel municipal council was a clear sign of the failure to promote good governance through interventions, and the further threats to the lives of municipal officials who were tasked with restoring stability in the Municipality (Patrick, 2023).

### **4.3.3. Verification of data and findings**

The study used existing data on the subject to ensure that the results are validated and reliable. This data includes scholarly work from peer reviewed academic journals, Government Departmental and Parliamentary reports, signed-off reports from affected municipalities, and close-out reports from municipal administrators of the period in question. The reliance on the signed-off reports, and peer reviewed academic journals was to ensure that the researcher does not support claims and data that are untested, or

from unreliable sources. Furthermore, the use of existing data was helpful because some of the officials in the selected municipalities are either no longer in those municipalities or no longer in the positions they were during the period in question. It was therefore important that the data used in this study be valid, scientific, reliable, and dependable, hence the study is desktop-based. The results presented in the study were sourced from reports from relevant Government institutions. Thus, the findings of the research do not deviate much from studies in the same area of research, nor does the study make claims about responses from specific municipal officials that scientific publications cannot uphold.

#### **4.3.4. Ethical considerations**

This study complies with all the research ethics considerations of the North-West University. There is no need for anonymity and informed consent, as the study will be conducted based on data and literature that is already available to the public. The researcher also went through the ethics training that North-West University provides for postgraduate students, meaning that the researcher is aware not to misrepresent, falsify information, or steal other people's work and present it as their own. This study is therefore low to no risk at all because the researcher does not interact with human respondents or access classified datasets.

#### **4.4. Interventionism in selected North West provincial municipalities**

As earlier chapters have established the practice for the invocation of interventionism in terms of Section 139(1) of the Constitution, and the international practice of municipal takeover, this section presents the impact of the practice of interventionism in as far as governance is concerned. In so doing the study notes the support mechanisms instituted by both provincial and national governments in the underperforming municipalities, to address their failure to fulfil their developmental and executive obligations.

**Table 3.6. History of the placement of Ditsobotla Local and Ngaka Modiri Molema District Municipalities under Section 139(1)**

Name of Municipality	Type of intervention	The start of the intervention	The end of the intervention
Ditsobotla Local Municipality	139(1)(b)	May 2008	Apr 2009
	139(1)(b)	Apr 2013	Nov 2014
	139(1)(b)	Jan 2016	Set aside by Minister of DCOG in terms of Section 139(1)(b) of the Constitution
	139(1)(b)	June 2016 Sep 2018	June 2017 30 Aug 2019
	139(1) (c)	Oct 2022	
Ngaka Modiri Molema District Municipality	139(1)(b)	Jun 2009	Aug 2010
	139(1)(b)	Jul 2014	Jul 2014 (withdrawn after an interdict by the Municipality)
	139(1)(c)	Sep 2014	Nov 2014 (Dissolution) 2015
	139(1)(c)	Mar 2015	Water provision lapsed after 03 Aug 2016 Local Government elections
	139(1)(c)	Sep 2018	June 2020

Source: (Ledger & Rampedi, 2019)

#### **4.4.1. Ditsobotla Local Municipality**

Ditsobotla Local Municipality has been experiencing long-standing political, governance and administrative challenges, which render it ineffective to execute its executive and legislative obligations, as prescribed in the Constitution of South Africa. As a result, Ditsobotla Local Municipality has faced at least 7 Section 139(1) interventions from the provincial government, in 2008/2009; 2009/2010; 2013/2014; 2016/2017; 2018/2019; 2021/2022 and 2022/2023. Part of the reasons for these interventions has been the adverse dysfunction in administrative, governance, and delivery of basic services by the Municipality (Democratic Alliance- North West, 2022).

##### **4.4.1.1 Administration**

The administration of Ditsobotla Local Municipality has been far beyond dysfunctional, which has significantly collapsed the provision of basic services.

Sowetan Live (2022) reported that the political instability in the Municipality was a result of warring ANC factions, and the battle over power of the public purse, seeing how in just six years, the Municipality has had 14 Municipal Managers, 4 Mayors, and 4 Speakers. The Municipality had two parallel Municipal Councils with two Mayors, two Speakers, and two chief whips, who had both appointed their own Municipal Manager (Mthiyane, 2022), who would hold two parallel council meetings simultaneously. The leadership squabbles between the two Municipal Councils made carrying out of executive and legislative duties ineffective, which exacerbated deficiency in service delivery (Bole, 2022). As a result, the instability and the squabbles between the two offices of the Municipal Councils, and the absence of a municipal manager, Ditsobotla Local Municipality's equitable share was withheld, which resulted in the inability to pay workers' salaries and allowances, and other compulsory third-party payments (Standing Committee on Provincial Public Accounts, 2023). Consequently, the workers held the Municipal Council hostage, demanding their salaries (Office of the MEC of COGHSTA, 2021).

Lastly, due to the existence of parallel Municipal Council offices, and two Municipal Managers, there were inevitable non-compliance issues as far as supply chain management processes were concerned, and issues in the general fulfilment of the executive and legislative obligations, which allowed corruption and malfeasance to flourish (Select Committee on Cooperative Governance and Public Administration, 2022).

Karim (2023) reported that “in October 2022, Mr Bester, the administrator appointed in Ditsobotla, was forcefully prevented from entering the municipal premises by bouncers employed by a company rendering security services to the Municipality, and physically assaulted together with his bodyguard, who was stabbed in the head”. Furthermore, the existence of a parallel council exacerbated the violence in the Municipality with “a manager from one council installing bouncers in the Municipal premises, who possessed guns and live ammunition to control access and deny all opposed to him”. At the same time, the acting manager appointed by another council was refused access to the premises when she tried to place another security company, “gunfire and assaults with pangas evolved” (Karim, 2023). The decision by the Provincial government to dissolve the Municipal Council of Ditsobotla in terms of Section 139(1)(c) of the Constitution, after other interventions had failed to remedy the administrative issues.

#### 4.4.1.2 Governance

Ditsobotla Local Municipality has had the most unstable coalition-led government after the by-elections, with Mayor Lethoko resigning from her position hours after being elected in January 2023 (Patrick, 2023). The resignation was allegedly submitted following what she described as “blatant corruption” within the Municipal Council after a motion to appoint the former Municipal administrator as a Municipal Manager was tabled before council (Patrick, 2023). The Municipality has illustrated the conflict between senior management, councillors and human resource management, which undermines the effectiveness of the Performance Management System in the Municipality (Municipal IQ, 2018). The Municipality has been receiving disclaimer audit opinions for 5 consecutive financial years, except during 2015/16, where it received a qualified audit opinion (Department of Cooperative Governance and Traditional Affairs, 2023). For the 2021/22 and 2022/23 FYs, the Municipality failed to submit its Annual Financial Statements on time (Auditor-General of South Africa (AGSA), 2024). Part of the contributing factors to the audit opinions received by Ditsobotla Local Municipality are poor financial management, inadequate revenue collection, and non-existent control and accountability systems (AGSA (Auditor-General of South Africa) (2016). Furthermore, Koka (2022) reported that the political infighting and dysfunction of Ditsobotla resulted in Clover SA relocating to another province (KZN), which affected the livelihood of the community members who lost employment. Lastly, critical senior management positions remained vacant while only general worker positions were filled, even though there were no job

evaluations performed, and the adopted organisational structure was obviously not fit for purpose, given the vacancy rate in the Municipality Municipal Assessment Tool (MPAT) (2012).

#### 4.4.1.3 Service delivery

Ditsobotla Local Municipality is a licensed electricity provider to Lichtenburg, Coligny, and Blydeville, while Eskom services the rest of the Municipal area (Bole, 2022). Furthermore, the Municipality is a water service provider to its wards, notwithstanding Ngaka Modiri Molema District Municipality being the Designated Water Service Authority within the District (Municipal IQ, 2018). However, the level of service delivery in Ditsobotla Local Municipality is deteriorating, with three of the municipal landfill sites being shut down due to not being maintained, non-existent measuring and reporting performance in service delivery, and no proper records of municipal land, buildings, and infrastructure (Office of the MEC of COGHSTA, 2021). The Municipality has dilapidated water, electricity and sanitation infrastructure, which prevents them from installing meters in households (Karim, 2023). There have been reports of misconduct in the use of the INEP grant funds, and allegations of underspending on capital projects due to the administrative challenges facing the Municipality (Department of Cooperative Governance and Traditional Affairs, 2023). The Municipality has faced numerous service delivery backlogs, which have increased the number of violent service delivery protests recorded over water, electricity, sanitation and other basic services (Municipal IQ, 2018; Sowetan Live, 2022). In short, Ditsobotla is failing to supply basic services, which is the fundamental reason for the existence of a municipality.

#### 4.4.1.4 Interventionism and its recommendations

Following the financial mismanagement, inadequate service delivery and ongoing governance issues witnessed in Ditsobotla Local Municipality, The Office of the MEC of COGHSTA (2021); Select Committee on Cooperative Governance and Public Administration (2022) recommended that the Municipality be placed under Section 139(1)(b), and then (c) of the Constitution, respectively. The administrators were to be appointed specifically to help restore issues, including financial mismanagement, municipal skills audit, and the existence of a parallel Municipal council, as it was rendering the fulfilment of executive and legislative obligation ineffective (Sowetan Live, 2022). However, there were procedural issues regarding the appointment of the administrator,

who was appointed by the MEC of COGTA before the intervention was approved by the NCOP, which rendered the intervention questionable (Mthiyane, 2022). Nonetheless, some of the recommendations for the intervention included fast tracking the implementation of the Municipal Turnaround Plan (a Financial Recovery Plan by the Provincial treasury; Implementation of the Service Delivery Improvements as developed by the Municipal Infrastructure Support Agent (MISA), and lastly, the establishment of a governance structure including a section 79 committee to oversee the implementation of the Financial Recovery Plan). The Administrators were also tasked with taking corrective measures on the UIF&WE (Select Committee on Cooperative Governance and Public Administration, 2022).

The reports by the Democratic Alliance- North West (2022) and the Standing Committee on Provincial Public Accounts (2023) highlighted the issues of political infighting within the Municipality, service delivery backlogs, the protests, and non-payment of employee salaries. The Municipality and its intervention task team have not adhered to the recommendations, and judging from the current State of Local Government report by the Department of Cooperative Governance and Traditional Affairs (2023) and the Auditor-General of South Africa (AGSA) (2024), the Municipality remains dysfunctional and still fails to submit its Annual Financial Statements. It is worth noting that the failure to adhere to the intervention recommendations is due to the violent resistance of the Municipal Council to cooperate with the Administrators (Karim, 2023), and the general disregard of MFMA and other legislations that regulate municipalities by municipal councillors, due to partisan loyalty (Patrick, 2023).

#### ***4.4.2. Ngaka Modiri Molema District Municipality***

Ngaka Modiri Molema District Municipality is a Designated Water Authority and is further responsible for Disaster Management and Construction of Municipal roads and Storm water within its jurisdiction. The District Municipality has undergone 3 Section 139(1) interventions since 2009/2010; twice in 2014/15 and once in the 2018/19 financial year (Bole, 2022:155). In 2009, Ngaka Modiri Molema District Municipality experienced its first Section 139(1) intervention, which was extended into 2010 and continued until after the 2011 Local Government elections. In 2014, the district was placed under Section 139(1)(b). However, the Municipality contested the intervention, citing “the direct result of the unlawful usurping of the powers and functions of the municipal administration” which was not assisting in resolving the service delivery problems in the Municipality, thereby

rendering the intervention unjustified (*Ngaka Modiri Molema District Municipality v Chairperson*, 2014). Furthermore, in September 2014, the District underwent Section 139(1)(c) following its collapse in governance, administration, and service delivery (Mthiyane, 2022). The intervention continued for three months, and upon electing a new Municipal Council, Section 139(1)(b) was invoked in the District, based on further financial mismanagement issues NMMDM (Ngaka Modiri Molema District Municipality) (2015:56).

#### 4.4.2.1. Administration

There were allegations of maladministration at Ngaka Modiri Molema District Municipality, with the mayor being accused of corruption, including soliciting bribes from service providers and misusing municipal funds for personal gain (Makwakwa, 2024). Ngaka Modiri Molema District Municipality had appointed senior managers who did not have the required competencies in terms of Local Government regulations, going against the advice from North West Department of Corporative Governance and Traditional Affairs not to appoint (Department of Cooperative Governance and Traditional Affairs, 2023). Findings from the AGSA (Auditor-General of South Africa) (2015) report revealed irregular appointments in the following senior management positions; the head of the supply chain management unit, and the Chief Financial Officer. It was found that these positions were filled without complying with the prescribed minimum competencies in terms of Section 56(1) of the Municipal Systems Act and Section 83 of the Municipal Finance Management Act. When questioned on the appointments, through a letter from the MEC of CoGTA, the mayor did not respond (Cornel Dreyer, 2024).

Furthermore, the district's Human Resource Department failed to employ skilled personnel, and these employees did not sign performance agreements between themselves and their employers (Bole, 2022; Mabe *et al.*, 2023). As a result there was "no determination of whether employees were performing their duties, and no indication of whether they were permitted to work overtime and/ or receive service bonuses" NMMDM (Ngaka Modiri Molema District Municipality) (2014:158). Following the dissolution of the Municipal Council in terms of Section 139(1)(c), the resolutions of the newly-elected council were not implemented.

Council Resolutions :

- "Restoration of water and repairs to infrastructure

- Reduction of tankering services and the increase of permanent infrastructure
- Consolidated capital infrastructure for water in the district which will include:
  - New sources of water
  - New reservoirs
  - New distribution infrastructure” (South African Government, 2014).

The Senior Management positions remained vacant from 2014 until 2018, which contributed to the district’s placement under Section 139(1)(b) immediately after the election of the new Municipal Council (Select Committee on Cooperative Governance and Traditional Affairs, 2014). The total number of employees in Ngaka Modiri Molema District Municipality was 300% over the national district employees’ benchmark, with 600 municipal officials having been appointed irregularly (PMG (Parliamentary Monitoring Group), 2014). The district further had budgetary constraints, which led to failure to repay creditors, and pay employees’ salaries, as a result of the municipal salary bill being above the threshold (Bole, 2022).

#### 4.4.2.2. Governance

There is a general governance problem in Ngaka Modiri Molema District Municipality due to bad political appointments. Bole (2022) contends that some of the governance issues in the district are owing to the ANC’s cadre deployment policy, as the Municipality has been under the leadership of the ANC. Moreover, the district has failed to comply with Section 88 of the Municipal Structures Act 117 of 1998,<sup>2</sup> which empowers the district to support its local municipalities. The Intergovernmental Forum (IGR), which is intended to coordinate effective service delivery within the district through its local municipalities, is dysfunctional (Bole, 2022), there are no service level agreements between the District and its local municipalities as an Authorised Water service provider, and municipalities were faced with service delivery backlogs (Select Committee on Cooperative Governance and Traditional Affairs, 2014).

Findings from AGSA (Auditor-General of South Africa) (2016) show a concern raised over the lack of support given to the Municipality’s internal audit committee in performing their functions, which could have helped in curbing the non-management of risk assessment

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<sup>2</sup>Municipal Structures Act 117 of 1998. Section 88. (1 ) A district municipality and the local municipalities within the area of that district municipality must co-operate with one another by assisting and supporting each other.

processes. The Municipal Council has failed to exercise its oversight functions over the Municipality's administration, and as a result there were issues of non-compliance with the performance and reporting systems, which affected service delivery in the district. Lastly, there is a failed reporting system, evident by the Municipality's late reporting and non-submission of its Midterm Revenue and Expenditure Budget, Service Delivery and Budget Implementation Plan, Mid-year Budget Performance Assessment Report, and Adjustment Budgets.

#### 4.4.2.3. Service delivery

In terms of service delivery, only 40% of the households in the district had full access to adequately healthy sanitation, while 36% had access to direct clean potable water (Department of Cooperative Governance and Traditional Affairs, 2023). A further 33% of the households had access to piped water (Department of Cooperative Governance and Traditional Affairs, 2023). As a result, the district experienced several violent service delivery protests, particularly for inadequate delivery of water. As a consequence of a non-existent service level agreement between the district and its local municipalities (Bole, 2022), there were constant complaints over lack of service delivery from Ngaka Modiri Molema District Municipality. Some of the service delivery backlogs (water and sanitation) were as a result of the District having no integrated infrastructure plan to address water and sanitation problems, the population growth, dewatering of boreholes, damaged boreholes, and theft and vandalism of municipal infrastructure without any maintenance plans NMMDM (Ngaka Modiri Molema District Municipality) (2019).

The District further failed to appoint fire and rescue service providers, although disaster management is part of the competencies of the Municipality (Department of Cooperative Governance and Traditional Affairs, 2023). Upon entering into a service level agreement with Sedibeng water, Ngaka Modiri Molema District Municipality failed to pay Sedibeng water for the services it rendered, and by June 2021 the service provider suspended all operations and maintenance services (Tshikalange, 2021). Service delivery protests over the insufficient supply of water and sanitation were eminent in communities, including those in Ratlou, Ramotshere Moiloa, and Ditsobotla Local Municipalities (Karim, 2023). This is notwithstanding the R415 million returned to the National Treasury, which was intended to accelerate service delivery in the district (National Treasury, 2019).

#### 4.4.2.4. Interventionism and its recommendations

Ngaka Modiri Molema experienced severe issues of governance and service delivery. As a result, the Municipality was placed under Section 139(1) intervention, with Mr Niar (2015) being appointed as an administrator. The inability of the District to fulfil its developmental responsibility, as cited by Mosala and Nxumalo (2023), and the inability of the Municipality to fulfil its executive and legislated role, particularly of providing water to its communities and local municipalities as cited by Bole (2022), sought the dissolution of Ngaka Modiri Molema District council by the Provincial Government in September 2014 (Select Committee on Cooperative Governance and Traditional Affairs, 2014).

Although contested in court, the terms of reference for the administrator included restoring the delivery of services in the District and its local municipalities (Niar, 2015). The District Council filed an application to have the administrator removed, alleging that he was interfering in the affairs of the Municipality (*Ngaka Modiri Molema District Municipality v Chairperson*, 2014) which undermined the success of the intervention. There was resistance by the Council to cooperate with the administrator. Also the recommendations made by the administrator were not implemented, seeing the deteriorating performance of the Municipality after the intervention (Auditor-General of South Africa (AGSA), 2024; North West Department of Cooperative Governance and Traditional Affairs, 2023).

#### 4.5. Disputed interventionism in the selected North West province municipalities

There is a picture of poor governance throughout the North West Province. This is also seen in the disputed invocations of the interventions in terms of Section 139(1) of the Constitution. In a submission made by the Democratic Alliance- North West (2022) there is a clear trend of intervention being used as a political weapon by the ruling party. Anon (2015) and Thokozani (2020) cited Section 139(1) being used to remove a municipal manager due to factional battles within the party, in Mogalakwena Municipality in Limpopo. Ngamlana (2011) also highlighted the blurred lines on the reasons for interventionism, where a District MM wanted to use his political position to influence the removal of a Local Municipal MM through section 139, in the Eastern Cape.

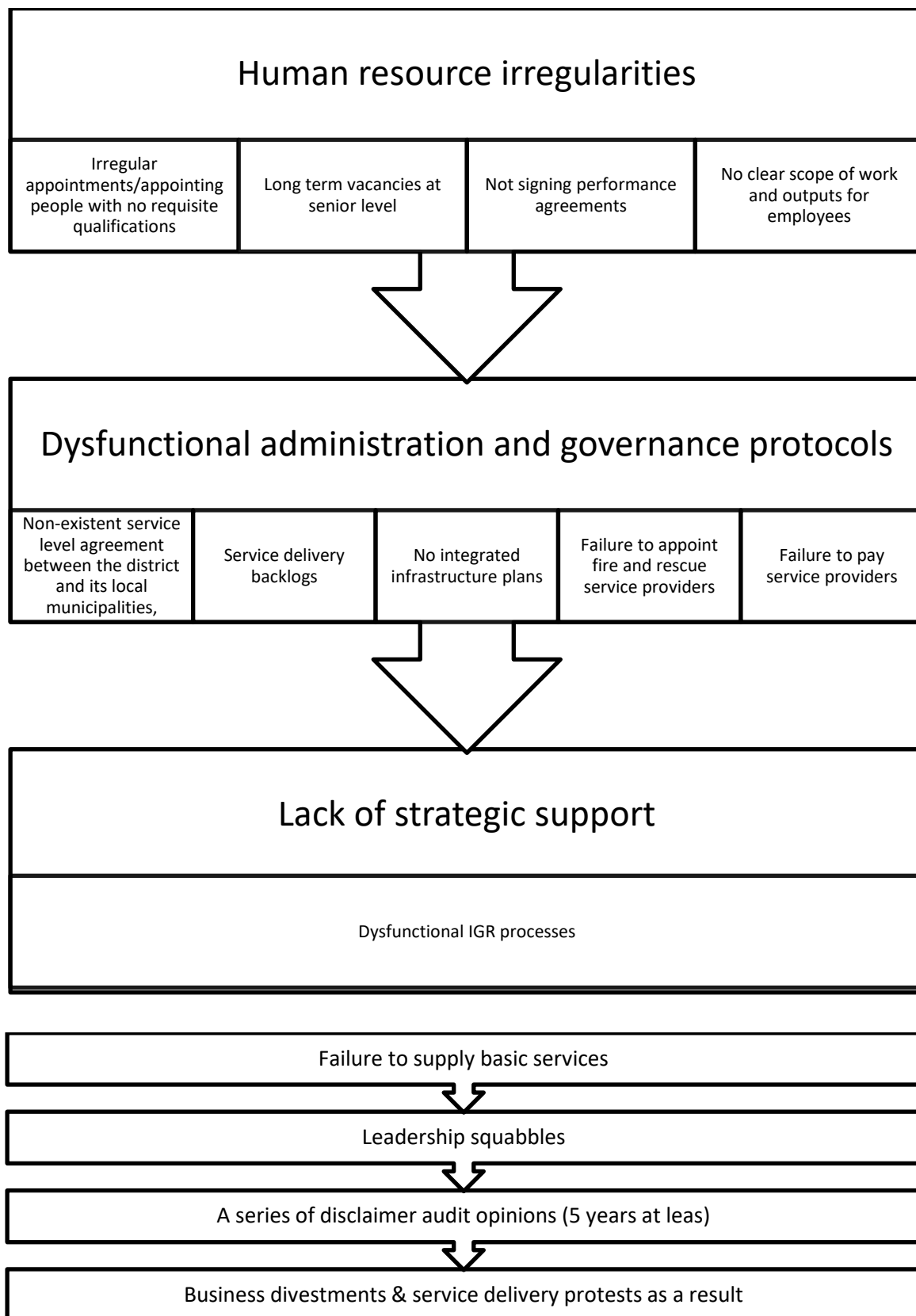
Some of the arguments surrounding the invocation of Section 139(1) interventions in the municipalities is that these interventions were unjustified (Democratic Alliance- North West, 2022). In the case of Ngaka Modiri Molema District Municipality against the

Provincial Executive Council, the Mahikeng High Court dismissed the application by the Municipality, citing their consistent failure to render water and sanitation services to the community (*Ngaka Modiri Molema District Municipality v Chairperson*, 2014).

As such, these administrators often weaken the state of municipalities instead of improving them, due to constant infighting and lack of cooperation from municipal councils. In Ditsobotla, the threats posed to municipal officials and administrators (Karim, 2023) have forced them to abruptly leave the municipality, therefore not being able to present their close-out reports to the Municipal Council. This renders the intervention ineffective in improving the state of the Municipality. One of the reasons given for the lack of success of interventions in Ditsobotla Local Municipality was the lack of support given to administrators by the Municipal Council (PMG (Parliamentary Monitoring Group), 2013).

The findings presented above also prove that once a Municipality has incurred more than one Section 139(1) intervention, the likelihood of the interventions being effective is much less. Evidently, both Ditsobotla Local and Ngaka Modiri Molema District Municipalities have been subject to more than one intervention. However, the municipalities are worse off. Subsequently, the study notes the impact of the failure of government (particularly local government) in fulfilling its developmental role to communities and the impact thereof in society, and in the selected North West Municipalities. Figure 4.1 shows below underscores the research findings. Human resource irregularities are the main concern, where vacant posts are not filled for a long time or are filled unprocedurally. There is also no work scope given to employees, which means poor performance evaluation, leading to more inefficiencies and dysfunctional governance protocols. Lack of governance protocols proves the lack of strategic leadership of Municipalities, which explains the failure to pay supplies, the prevalence of leadership squabbles, persistent poor service delivery records, and audit disclaimers

Figure 4.1 underscores government failure at selected municipalities.



**Figure 4.1. Reasons for placing Ditsobotla and Ngaka Modiri Municipalities under administration (Own construction)**

#### **4.6. Chapter Summary**

The above chapter has detailed the research processes followed by the researcher in the study, which included acquiring information from Government departmental reports, reports from municipalities, and information from accredited and peer reviewed academic journals. The researcher noted the disadvantages of not having conducted interviews as a data collection method. However, the relevance of the research being a desktop study is explained, considering that some of the municipal officials in the Municipalities in question might have resigned from those positions, while others are no longer public servants; still others in managerial positions in the Municipalities in question could not provide valuable information on events that occurred before they were in those positions.

## **CHAPTER FIVE: REASONS AND OUTCOMES OF MUNICIPAL INTERVENTIONS IN SELECTED MUNICIPALITIES IN THE NORTH WEST PROVINCE**

### **5.1. Introduction**

The previous chapter focused on specific methodologies applied while examining the reasons for interventionism in the selected Municipalities and further outlined the data collection procedure followed to draw up results. This chapter presents an examination into the reasons for intervention in selected North West Municipalities. This is done through an investigation of the specific municipal interventions ranging from provincial support mechanisms, policy strategies and programmes, and Section 139(1) interventions that were invoked in the Municipalities. Lastly, the outcomes of these interventions and alternatives to Section 139(1) interventions in the selected Municipalities will be described.

### **5.2. Findings based on stated research questions**

This section presents the findings of the study based on the research questions asked in chapter one, to draw a conclusion for the study.

#### ***5.2.1. Why interventionism is a problem in South African Municipalities***

Based on the findings by Ngamlana (2011), Thokozani (2020), and the Democratic Alliance- North West (2022), interventions in South Africa are used as weapons to settle political scores. For example, the MEC for COGHSTA in the North West Province appointed an administrator in a Municipality where the intervention was not yet approved by NCOP (Select Committee on Cooperative Governance and Public Administration, 2022). The MM (also the regional chairperson of the ANC) in one of the local municipalities in the Eastern Cape threatened to remove a District MM (through Section 139) who was questioning his academic qualifications (Ngamlana, 2011). Lastly, the Provincial Exco decided to dissolve the Municipal Council of the City of Tshwane in Gauteng in terms of Section 139(c) without following the correct procedure, which included consulting the Council. This study argues that the fundamental reason for municipal interventions is *failure to fulfil*, and the outcome of such intervention is to *ensure the fulfilment of* executive obligations. The proper procedure is set in law – first, a directive from the province to the Council as per section 139(a), secondly, the province taking over responsibility for the relevant obligation according to section 139(b), and lastly, as section

139(c) provides, the dissolution of the Municipal Council. The outright intervention by the takeover of obligations or dissolution of a Council without the first step (directive) should be deemed arbitrary intervention. Furthermore, the resistance and contestation by municipal councils not to cooperate with administrators undermines the success of interventions. Interventions have proven to exacerbate violence in municipalities, which erupts from the resistant municipal officials. Greffrath and Van der Waldt (2016) argue that interventions are used as remedial measures to restore function in municipalities, without exploring other means of supporting municipalities.

Lastly, the study agrees with Lombard (2018), that Provincial Governments use interventions as a 'Big Brother' complex, to show authority over municipalities, thereby causing conflict and resistance between administrators and municipal officials. Therefore, the problem of interventionism in South African municipalities is caused by poor applicability and implementation of the framework that guides interventions. As a result, such interventions become problematic and worsen the state of municipalities instead of restoring them to functionality.

### **5.2.2. Good reasons for interventionism in Local Government**

Reasons for interventionism in Local Government should be to restore the ability of a municipality to fulfil its executive and legislative functions (Bole, 2022). Subsequently, municipalities that are seen to be persistently failing to provide basic services to their communities (including water, electricity, and sanitation etc.) warrant intervention, as these basic services are a community's human rights, which ought to be preserved by municipalities (Standing Committee on Provincial Public Accounts, 2023). Lastly, municipal interventions should be invoked to protect communities against social injustices (Dickson, 2023).

In Ditsobotla Local Municipality, the reasons to intervene were motivated by the persistent service delivery backlog, including the water crisis, refuse collection issues, and sewage spillages (Sowetan Live, 2022), failure by the Municipality to improve local economic development (Mosala & Nxumalo, 2023), and the administrative issues including having a parallel municipal council (Patrick, 2023).

In Ngaka Modiri Molema District Municipality, the reasons for the intervention were following the Municipality's governance issues, including the irregular appointment of key

senior managers (Department of Cooperative Governance and Traditional Affairs, 2023). The Municipality was consistently failing to submit its Annual Financial Statements on time (Auditor-General of South Africa (AGSA), 2024) and lastly, the Mayor in the district was accused of accepting bribes from service providers (Makwakwa, 2024), notwithstanding the collapse in delivering basic services to communities, including water and sanitation facilities (Cornel Dreyer, 2024).

### ***5.2.3. The state of Local Government in South Africa and selected Municipalities***

Drawing from the Department of Cooperative Governance and Traditional Affairs (2023), the State of Local Government 2022/23 Report, and the findings from the Auditor-General of South Africa (AGSA) (2024), the performance of Ngaka Modiri Molema District and Ditsobotla Local Municipalities warrants intervention, given their poor delivery of services (Ntjanyana, 2016), poor financial management (Auditor-General of South Africa (AGSA), 2024) and poor governance, with Ditsobotla having two parallel Municipal Councils and administrators (Mthiyane, 2022), who would hold two parallel council meetings simultaneously. Both municipalities are dysfunctional in this respect and are on the verge of collapse.

Moreover, the previous interventions have proven to worsen the state of municipalities (Democratic Alliance- North West, 2022); the absence of a Post Intervention Action Plan (PIAP), and institutionalization of intervention close-out reports render the efforts to restore the functionality of the state of Municipalities ineffective.

### ***5.2.4. Outcomes of interventionism based on the stated reasons for administrative actions***

The outcome of interventions in the selected Municipalities is unsuccessful (Democratic Alliance- North West, 2022), given how the municipalities have deteriorated, and Ditsobotla Local Municipality in particular is still not submitting its Annual Financial Statements to the Auditor-General of South Africa (AGSA) (2024).

Ngaka Modiri Molema District Municipality is still faced with political instability, which undermines the effectiveness of the Municipality in delivering basic services to its communities (Cornel Dreyer, 2024). To date, the recommendations of the close-out report by the administrator Niar (2015) are yet to be implemented in the District.

### **5.2.5. Strategies to improve interventionism in Municipalities**

As stated previously, in an attempt to respond to the challenges faced by municipalities, National and Provincial Governments have introduced policy strategies which are aimed at supporting municipalities to enhance their performance. Berman (2015) is of the view that in pursuit of a developmental local government, municipalities should identify strategic goals and programmes that will guide their operation, such as a Consolidated Municipal Transformation Programme (CMTP), Consolidated Municipal Infrastructure Programmes, and Integrated Sustainable Rural Development Programmes, to ensure that communities achieve sustainable development (Subban & Theron, 2011). Furthermore, it is worth noting that these developmental agendas and policies are agreed upon and signed by national government and then implemented by local government through processes of adoption and localisation (Valencia *et al.*, 2019).

In 2009, the Department of Planning, Monitoring, and Evaluation (DPME) was established to improve the performance of government and implement a Management Performance Assessment Tool<sup>3</sup> (MPAT) to monitor state management practices. MPATs are evidence-based approaches aimed at improving managerial performance through measuring the individual and organizational performances, and it is supported by DPME, the Office of the Premier, and the national and provincial Treasury, the Department of Public Service and Administration (DPSA) and other Provincial departments (Tirivanhu *et al.*, 2017).

The Municipal Performance and Assessment Tool was used to assess the performance of municipalities across South Africa and in the North West, and findings from the reports suggest that the number of dysfunctional municipalities in South Africa, and in the North West, is on the rise. Moreover, the interventions invoked in the municipalities have proven to be ineffective as a result of politicization, unclear frameworks for interventions, and lack of capacity in municipalities to implement the intervention recommendations and resolutions.

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<sup>3</sup> Management Performance Assessment Tools are tools used to assess and measure individual's performance within an organization through tools including performance agreements and targets stated in organizations' performance plans (Annual and quarterly) while Municipal Assessment Tools are used to assess and measure the performance of Municipalities through tools including dashboard systems.

**Figure 5.1. MPAT key performance areas**



Source: (Tirivanhu *et al.*, 2017)

The following factors were used to score the department’s management practices, and each department was classified according to four levels of performance categories, as listed in table 5.1 below.

**Table 5.1. Departments’ level of performance according to MPAT**

Level	Description
Level 1	Department is non-compliant with legal/regulatory requirements
Level 2	Department is partially compliant with legal/regulatory requirements
Level 3	Department is fully compliant with legal/regulatory requirements
Level 4	Department is fully compliant with legal/regulatory requirements and is doing things smartly

Source: (Tirivanhu *et al.*, 2017)

Similarly, the North West Department of CoGTA launched a Municipal Assessment Tool (MAT), which was developed by the Department of Cooperative Governance (DCoG), to assess the effectiveness and performance of municipalities in the Province, although the tool was launched for all South African municipalities (Municipal Assessment Tool (MAT), 2012). If effectively implemented, the tool can be useful and help reinforce

intergovernmental coordination and support the progress from Provincial to Local Government.

In that respect, six pillars were introduced to help in the assessment of the performance of municipalities, and to report on their state/status. The pillars include i) putting people first, ii) delivering basic services, iii) good governance, iv) sound financial management, v) building capable local government, and vi) local economic development.

**Table 5.2.: North West Provincial Overview of the 2023/23 MPAT results in terms of the 6 pillars**

Municipality	A: Putting People First	B: Delivering Basic Services	C: Good Governance	D: Sound Financial Management	E: Building Capable Local Government Institutions	F: Local Economic Development	Overall Score	Municipal Categorization
Rustenburg Local Municipality	25.0%	30.0%	47.1%	21.1%	44.4%	42.9%	34.0%	Dysfunctional
Mahikeng Local Municipality	60.0%	25.0%	64.7%	36.8%	44.4%	30.0%	41.0%	Dysfunctional
Tswaing Local Municipality	37.5%	16.7%	82.4%	26.3%	33.3%	41.7%	39.0%	Dysfunctional
Bojanala District Municipality	0.0%	0.0%	80.0%	41.2%	66.7%	50.0%	42.0%	Dysfunctional
Ratlou Local Municipality	12.5%	50.0%	58.8%	10.5%	66.7%	25.0%	38.0%	Dysfunctional
Moses Kotane LM	50.0%	20.0%	52.9%	13.2%	66.7%	37.5%	33.0%	Dysfunctional
Mamusa Local Municipality	62.5%	40.0%	80.0%	0.0%	11.1%	58.3%	39.0%	Dysfunctional
Lekwa Taemane LM	37.5%	33.3%	80.0%	47.4%	44.4%	33.0%	48.0%	Dysfunctional
Maquassi Hills Local Municipality	62.5%	31.8%	60.0%	52.9%	33.3%	50.0%	48.0%	Dysfunctional
JB Marks Local Municipality	62.5%	58.3%	80.0%	18.4%	67.0%	45.8%	52.0%	At Risk
Greater Taung Local Municipality	100.0%	100.0%	76.5%	31.6%	33.0%	50.0%	66.0%	At Risk
Ngaka Modiri District Municipality	100.0%	50.0%	64.7%	50.0%	77.8%	40.0%	59.0%	At Risk
Naledi Local Municipality	100.0%	100.0%	70.6%	21.0%	66.7%	87.5%	67.0%	At Risk
Kgetleng Local Municipality	37.5%	25.0%	80.0%	63.2%	33.3%	50.0%	50.0%	At Risk
Moretele Local Municipality	60.0%	66.7%	64.7%	47.4%	66.7%	50.0%	59.0%	At Risk
Madibeng Local Municipality	25.0%	50.0%	64.7%	42.1%	66.7%	58.3%	52.0%	At Risk
Ramotshere Moiloa LM	62.5%	36.4%	82.4%	34.2%	55.6%	41.7%	50.0%	At Risk
Dr KK Kaunda District Municipality	0.0%	0.0%	80.0%	42.0%	0.0%	87.5%	55.0%	At Risk
City of Matlosana Local Municipality	65.2%	65.0%	93.0%	10.5%	55.7%	75.0%	56.0%	At Risk
Dr Ruth District Municipality	0.0%	41.7%	82.0%	42.1%	33.3%	40.0%	55.0%	Dysfunctional
Kagisano Molopo Local Municipality	100.0%	100.0%	80.0%	47.4%	72.0%	80.0%	78.0%	Stable

Source: (North West Department of Cooperative Governance and Traditional Affairs, 2023)

The table above shows the performance of each Municipality according to each pillar. Ten (10) Municipalities are dysfunctional, ten (10) are at risk and one (1) is stable, while (1) Municipality, Ditsobotla LM, did not participate. The North West Department of Cooperative Governance and Traditional Affairs (2023) made a disclaimer that “due to the developmental stage of the MPAT Tool, there are cases where there is some information not accurately available.”

**Table 5.3: Categorization of the Municipal Performances based on the % scored in each pillar referred to in table 5.2**

Good performance in terms of the % scored	Medium performance in terms of the % scored	Poor performance in terms of the % scored
70 – 100 %	50 – 69%	0 – 49%

Source: Author’s own construction

Drawn from table 5.3 above is the North West Provincial Overview of the 2023/23 MPAT results in terms of the 6 pillars; Municipalities that scored below 49% in the assessment are categorised as poorly performing, while those that scored between 50% and 69% are medium performing. Lastly, Good performing Municipalities as per table 5.3 above are Municipalities that scored between 70 and 100%. Such categorizations are informed by the participation of the Municipalities in the Assessment, the submission of a Portfolio of Evidence (POE) to support the progress recorded in the Municipalities, and lastly the verification of the submitted POEs by Provincial Department officials and the Municipal turnaround experts that have been deployed in those municipalities.

Lastly, urgent intergovernmental Local Government Turn-Around Strategies (LGTAS) and other policy intervention measures to guide, direct and control municipal operations were developed, which include the appointment of Municipal Skills audit team to conduct skills audit in the 22 municipalities, to identify the skills gaps and recommend capacity-building measures for those municipal officials. Secondly, the Department appointed the Municipal turnaround team, comprising a team of experts in the 6 MPAT pillars and district engineers, to be placed in the 22 municipalities to help improve the performance of the municipality (Department of Cooperative Governance and Traditional Affairs, 2023).

According to Reynecke (2012), LGTAS have been successful in identifying weak support mechanisms that are persistent deficiencies that undermine Municipalities. Accordingly, in the North West Province, three departmental projects were developed, namely the Municipal Turn Around Strategy, the Municipal Skills Audit projects, and the deployment of 100 unemployed university graduates in 22 North West Province municipalities.

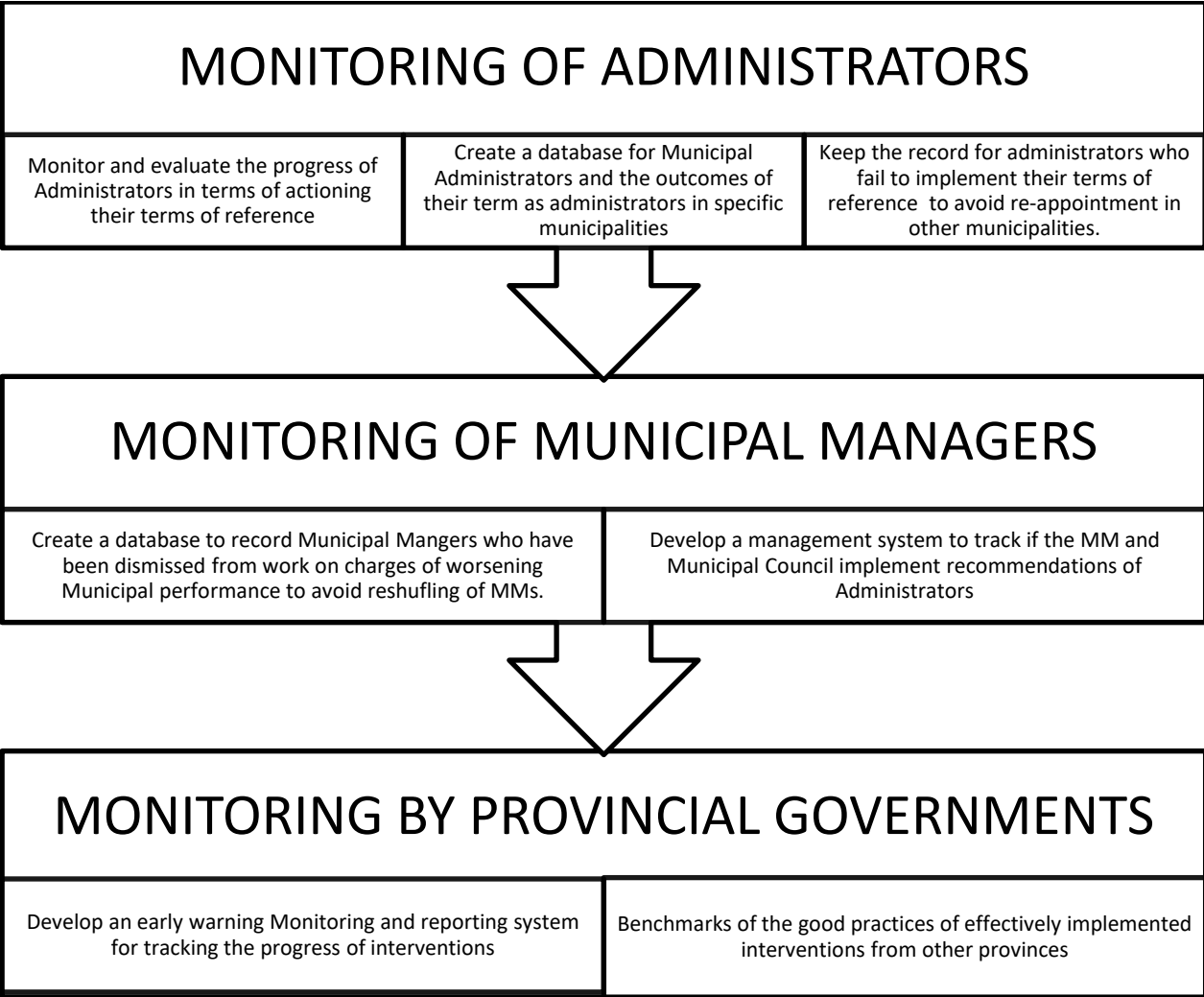
Both projects are aimed at enhancing municipal performance through deploying engineers in the 4 district Municipalities in the province, so that they can monitor and help in implementing the Municipal projects in their local Municipalities (Turnaround). Furthermore, the skills audit team was appointed to help assess the skills of the municipal officials, to identify the skills gaps. Lastly, a total of 100 North-West University graduates have been deployed in 22 municipalities within the North West province, to help capacitate and accelerate service delivery in those municipalities, and to help create job opportunities for the unemployed graduates in the Province (Department of Cooperative Governance and Traditional Affairs, 2023).

### **5.3. Alternatives measures for Section 139 (1) interventions**

This study proposes a framework to guide the sustainability of municipalities after the implementation of interventions. This Post Intervention Action Plan (PIAP) puts more responsibility on the provincial government and administrators who facilitate interventions to monitor and evaluate the effectiveness of their efforts.

As shown in figure 5.2 below, the Provincial Government can develop a database of registered administrators in the municipalities where they are appointed and monitor the effectiveness or ineffectiveness of their term in a particular municipality. The significance of the administrators' database is to avoid re-appointing administrators who worsen municipal performance.

**Figure 5.2. Framework for Post Intervention Action Plan (Own construct)**



Monitoring municipal managers is important because some show incompetency and lead municipalities to collapse, only to be re-deployed to other municipalities. Section 79 and 80 structures in municipalities need to be empowered to deal with governance issues, and mayors should be empowered in dealing with oversight committee issues. Furthermore, the Municipal Manager, as the accounting officer, needs to ensure that the municipal controls and systems are responsive to the municipality’s challenges.

Monitoring of municipalities by the province is more important. There needs to be genuine political will from both municipal officials and officials from Provincial Governments to capacitate municipalities so that they are able to discharge their executive obligations. This can be done by encouraging Provincial Departments to conduct skills audits to identify skills gaps in municipalities, such that the gaps can inform the capacity building workshops that are required in municipalities. The skills audit will also be able to help provinces to deploy relevant personnel with the necessary skills for intervention in the

municipalities and capacitate municipal officials. Lastly, there is a need to enforce consequence management for municipalities that tend to be in persistent breach of their executive obligations, leading to repeated interventions. This could be achieved by ensuring that municipalities implement their developmental goals, visions and missions, with the aim to create sound governance controls for improved municipal performances.

There must be constant monitoring of municipalities by the provincial legislature and the MEC responsible for Local Government, to ensure value for money and to implement the early warning monitoring and reporting systems that have been developed to promote effective and accountable government. Through the effective work of provincial legislature standing committees on Public Accounts and other related committees, municipal oversight can be strengthened, and there will be value for public money, which would reduce the number of mandatory interventions in municipalities.

Lastly, the MEC responsible for local government can take recommendations from the oversight committees and effect (institutionalize) them in municipalities to ensure that municipalities are able to manage their own affairs without interventions. Provincial Departments can also develop improvement plans which will be signed by both the departments and municipalities, detailing interventions required by municipalities to improve their performance. Such improvement plans will be binding on both parties, and failure to implement them may be escalated to the MEC responsible for Local Government. After the improvement plans, departments can further have annual consolidated performance reports wherein they score municipalities based on their performance, and implementation of improvement plans.

Community participation should be encouraged during the intervention period. Lastly, before appointing an administrator, the NCOP, Provincial Governments, and municipalities must develop and adopt a sound exit strategy for the administrators, where the administrators will be monitored on their performance, and implementation and execution of their terms of reference.

### ***5.3.1. Strengthening Support Mechanisms.***

To strengthen the support mechanisms offered by Provincial Governments in municipalities, Provincial Governments should ensure that they oversee the developmental policies and support programmes that they institute in municipalities.

As such, municipalities should be encouraged to participate in the Municipal Performance Assessment Tool programme, as initiated by DCOG and COGTA as a way of measuring the performance of municipalities across the province, so as to make recommendations that can help remedy the challenges that municipalities face. Encourage municipalities to participate in the support mechanisms initiated by COGTA to support municipalities, including but not limited to the Municipal Turnaround Strategy and the Municipal Skills Audit, which are aimed at turning around the status of the municipalities through introducing an early warning dashboard system, and auditing the skills of the municipal officials, to identify, assess, and evaluate the skills gaps in municipalities.

Ensure that the Provincial Government's support programmes are aligned to reduce the burden of over-reporting by municipalities, and the support mechanisms being viewed as interference that disturbs municipalities from carrying out their fundamental objectives of delivering basic services. In the event where all procedures of supporting the municipality have been explored, and the intervention is still required, the intervention task team and/or the administrator must have clear terms of reference to avoid conflict between municipal officials and the intervention task team.

The administrators/ intervention task team should ensure that they send a signed off close-out report and present it to the municipality and the Provincial and National Government for adoption. There needs to be consequence management and strict oversight over the implementation of the recommendations from the administrators and their intervention task team.

### ***5.3.2. Have a clear framework for intervention and intervention periods***

Before invoking Section 39(1) interventions in municipalities, there needs to be documented evidence that the NCOP has conducted the necessary oversight in that municipality, and that the municipality in question is notified of the failure of the executive obligation that they have been set. There needs to be cooperation between the municipal council, the municipal administration and the administrators that are sent to municipalities under Section 139(1) of the constitution. Furthermore, the timelines for the interventions need to be clearly stated, and the terms of reference of the administrators, such that they reduce any potential conflict of interest between municipal administrators and intervention task team members.

Lastly, there is a need to have a clear indication of who the intervention task team should report to during the intervention period, and who the intervention close-out reports should be presented to.

#### **5.4. Chapter summary**

This chapter explored the support mechanisms that were applied by the North West Department of Cooperative Governance and Traditional Affairs in the selected municipalities, which were aimed at aiding municipalities in distress to advance the developmental state. The mechanisms discussed above include monitoring and evaluation systems, which are meant to oversee the implementation of policies by municipal executives, and the policy strategy and programmes that ought to be developed by Provincial and National Governments to assist distressed municipalities. Lastly, the chapter showed the conditions under which the Provincial and National Government invoked Section 139(1) interventions in selected municipalities once the above support mechanism had proven ineffective in improving the state of the municipalities, and how these interventions were implemented. The outcomes of these interventions show that the invocation of Section 139(1) intervention in selected North West municipalities has not been sustainable. Furthermore, the results argued above show that strengthening oversight and support mechanisms by the Provincial Government in municipalities has been and remains the better remedy to the challenges faced by North West municipalities. However, this conclusion does not pre-empt the practice of mandatory interventions; instead, it can assist both governments and their stakeholders, including research institutions and researchers in producing alternatives to mandatory Section 139(1) interventions.

## **CHAPTER SIX: CONCLUSION AND DISCUSSION OF FINDINGS**

### **6.1. Introduction**

The previous chapter explored the reasons for Section 139(1) Interventions in Ditsobotla Local and Ngaka Modiri Molema District Municipalities, and the outcomes of those interventions. It also presented the alternative measures Provincial Governments can use to help municipalities in fulfilling their executive obligations without invoking mandatory interventions. Therefore, this chapter will conclude and reflect on the findings of the study based on the set research objectives and questions.

The chapter is divided into sections. The first section links the research objectives of the study to the arguments raised regarding the reasons for interventionism in the North West province. The second section outlines the study's contribution to the body of knowledge and the applicability of the study in the contemporary world. Lastly, the chapter provides the overall conclusion of the study.

### **6.2. Revisiting the chapters and aim as set in the study**

As previously stated in the problem statement, municipal interventions in terms of Section 139(1) of the Constitution are acclaimed to be mechanisms used to perpetuate the political/administrative interface in the local sphere of government, as seen by their failure to yield positive results in as far as assisting municipalities to fulfil their executive obligations is concerned. The findings of the study confirm this notion and assert that there is an interference issue associated with municipal interventions, which causes the interventions to be ineffective. Those affected by legitimate interventions are also in denial or unwilling to accept it, framing these as interference or some political witch-hunt. Furthermore, the study evidently showed how municipalities that have been subject to municipal interventions have deteriorated in terms of performance after the intervention period is over.

In responding to the primary research question posed in this study, 'what explains the problem of intervention in South African municipalities?' the study has shown that politicization of interventions, non-compliance with the regulations guiding interventions, and lack of consequence management, are the contributing factors to the problems of intervention in South African municipalities. Furthermore, administrators sent to aid municipalities in fulfilling the failed obligations have highlighted that there is resistance by

municipal officials to cooperate with them, going as far as rejecting the recommendations administrators give to municipalities about the failed executive obligations.

Chapter one was intended to provide an understanding of the problem of interventionism in South African municipalities, and the study found that there are no clearly stated reasons to justify municipal interventions; instead, the interventions are often weaponised by political parties and treated as responsive instead of remedial actions in municipalities. The theoretical underpinnings of interventionism and the good reasons theory showed that the action of intervening in municipalities by a provincial government is justified by the means and the reasons to improve the state of and performance of the municipalities.

Chapter two conceptualised the practice of interventionism from various disciplines and revealed that although interventionism is a phenomenon commonly practiced in international relations, it has found relevance in domestic politics. Furthermore, the chapter detailed the global practices of municipal intervention, and the appropriate steps that ought to be taken prior to intervening in municipalities, to avoid interference and the controversies that surround the practice of interventionism.

Chapter three presented the methodology, data collection tools, research paradigm, the data finding, and the verification methods applied in drawing up the findings and conclusions of this research.

Chapter four presented the state of local government in South Africa in terms of the six Municipal Performance Assessment Tool pillars, which demonstrated a decline in as far as the performance of the municipalities is concerned. Subsequently, the state of the North West Local Government was analysed in terms of the six MPAT pillars, and the increase in the number of dysfunctional municipalities, and those that are at the risk of dysfunction, then justified the need for intensified support mechanisms to aid those ailing municipalities.

Chapter five presented the specific reasons and outcomes of municipal interventions in selected municipalities in the North West Province. The findings suggested that the municipalities that have been subject to municipal interventions are at risk of being placed under intervention again, and that the performance of such municipalities tends to be worse than before the interventions.

### **6.3. Conclusion of the study**

This study demonstrated that a significant number of municipalities in South Africa have been subject to Section 139(1) intervention since 1998, which is alarming considering how the number of interventions continues to be on the rise, while the state of local government seems to be deteriorating. In some municipalities, the invocation of Section 139 is repeated more than once, which raises the question of the execution of the interventions, and the impact thereof, in improving the state of those particular municipalities.

The theory of interventionism and good reasons theory were used to form the basis of the nature and justification of the practice of municipal intervention in South Africa. Additionally, the concept of intervention from various disciplines assisted in conceptualising municipal interventions in response to the study's aim and objectives.

In both case studies dealt with in this study, it is clear that the North West Provincial Government did not consider the specific circumstances in each municipality when executing the interventions. In some instances, the Provincial Government used Section 139(1) intervention instead of Section 139(4) for financial challenges faced by municipalities. Furthermore, there is no cooperation between the intervention task teams and the municipal administration and council; as a result, interventions are contested, increasing the cases of litigation and worsening the status of the municipalities.

The study made the recommendations stated in 5.2. for the sustainable, improved and effective invocation of Section 139(1) interventions. Lastly, the study provides alternative measures to interventions, as stated in 5.3, given how ineffective interventions have proven to be in both Ditsobotla and Ngaka Modiri Molema Municipalities.

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