



**MINISTRY FOR COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
REPUBLIC OF SOUTH AFRICA**

**NATIONAL COUNCIL OF PROVINCES
QUESTIONS FOR WRITTEN REPLY
QUESTION NUMBER: 2021/87**

- 87. Mr I M Sileku (Western Cape: DA) to ask the Minister of Cooperative Governance and Traditional Affairs:**

QUESTION:

- (a) How many municipalities were put under Section 139(1)(a) or (b) of the Constitution from 1 January 2016 up to the latest specified date for which information is available and (b) for what period?

REPLY:

Since 01 January 2016 to date, section 139(1)(b) of the Constitution was invoked in forty-four (44) municipalities across eight (8) provinces whilst twenty-four (24) municipalities were subjected to 139(1)(a) of the Constitution, totaling to accumulative sixty-eight (68) invocation of interventions in terms of these two modes.

In terms of the available data, since 01 January 2016 to date, Nelson Mandela Bay and City of Tshwane metropolitan municipalities, and all the 22 municipalities within the North West province, were issued with “Directives” in terms of section 139(1)(a) of the Constitution. The following table enlist and numerate all interventions invoked in terms of section 139(1)(a) or (b) of the Constitution.

Provinces	Total number of Municipalities	Names of Municipalities	Mode/ Type of intervention	Period of intervention	
				Date Instituted	End date/ Expected end date
Eastern Cape	5	Walter Sisulu LM	S139(1)(b) of the Constitution	February 2018	November 2018
		Great Kei LM	S139(1)(b) of the Constitution	June 2018	November 2018
		Enoch Mgijima LM	S139(1)(b) of the Constitution	August 2018	Current
		Nelson Mandela Bay Metropolitan	S139(1)(a) of the Constitution	November 2019	May 2020
		Amahlathi LM	S139(1)(b) of the Constitution	February 2019	November 2019
Free State	4	Mafube LM	S139(1)(b) of the Constitution	December 2017	Current
		Metsimaholo LM	S139(1)(b) of the Constitution	February 2020	Current
		Masilonyala LM	S139(1)(b) of the Constitution	March 2017	September 2019
		Maluti a Phofung LM	S139(1)(b) of the Constitution	February 2018	June 2020
Gauteng	2	Emfuleni LM	S139(1)(b) of the Constitution	June 2018	Current
		City of Tshwane Metropolitan Municipality	S139(1)(a) of the Constitution	January 2020	Escalated to section 139(1)(c) of the Constitution

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				Date Instituted	End date/ Expected end date
					, the Municipal Council was dissolved on March 2020
KwaZulu Natal	16	Ingwe LM	S139(1)(b) of the Constitution	May 2016	Lapsed after August 2016 local government elections when the municipality was merged with neighboring Kwa-Sani LM to form DR Nkosazana Dlamini-Zuma LM.
		Jozini LM	S139(1)(b) of the Constitution	July 2016	Intervention disapproved by the Minister on August 2016.
		Nquthu LM	S139(1)(b) of the Constitution	October 2016	February 2017 [Escalated to a S139(1) (c) intervention]
			S139(1)(b) of the Constitution	January 2021	Intervention disapproved by the Minister on March 2021
		Umzinyathi DM	S139(1)(b) of the Constitution	October 2016	Current
		Edumbe LM	S139(1)(b) of the Constitution	July 2017	February 2019
		Mpofana LM	S139(1)(b) of the Constitution	December 2017	Current
		Inkosi Langalibalele LM	S139(1)(b) of the Constitution	December 2017	Current

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		Emadlangeni LM	S139(1)(b) of the Constitution	January 2017	Intervention suspended on February 2017 by agreement between parties pending finalisation of the review application launched by the municipality, resumed later after the latter failed to proceed with the application
			S139(1)(b) of the Constitution	September 2020	Current
		Dr Nkosazana Dlamini-Zuma LM	Section 139(1)(b) of the Constitution	March 2018	January 2019
		Uthukela DM	Section 139(1)(b) of the Constitution	August 2018	Current
		Endumeni LM	S139(1)(b) of the Constitution	December 2018	November 2019
		Abaqulusi LM	S139(1)(b) of the Constitution	February 2019	Current
		Mtubatuba LM	S139(1)(b) of the Constitution	March 2019	Current
		Richmond LM	S139(1)(b) of the Constitution	March 2019	Current
		Msunduzi LM	S139(1)(b) of the Constitution	April 2019	Current
		Umkhanyakude DM	S139(1)(b) of the Constitution	January 2021	Current
Limpopo	4	Thabazimbi LM	S139(1)(b) of the Constitution	February 2016	October 2016
		Mogalakwena LM	S139(1)(b) of the Constitution	December 2019	Current
		Modimolle Mokgopong LM	S139(1)(b) of the Constitution	June 2018	May 2019

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		Feta Kgomo Tubatse LM	S139(1)(b) of the Constitution	December 2018	July 2019
Mpumalanga	1	DR JS Moroka LM	S139(1)(b) of the Constitution	January 2020	Current
Northern Cape	1	Phokwane LM	S139(1)(b) of the Constitution	April 2019	Current
North West	22	Mafikeng LM	S139(1)(b) of the Constitution	June 2016	June 2017
			S139(1)(a) of the Constitution	June 2018	July 2018
			S139(1)(b) of the Constitution	December 2018	August 2020
		Bojanala Platinum DM	S139(1)(a) of the Constitution	June 2018	July 2018
		Dr Kenneth Kaunda DM	S139(1)(a) of the Constitution	June 2018	July 2018
		Dr Ruth Segemotsi Mompati DM	S139(1)(a) of the Constitution	June 2018	July 2018
		Ngaka Modiri Molema DM	S139(1)(a) of the Constitution	June 2018	July 2018
		City of Mtlosana LM	S139(1)(a) of the Constitution	June 2018	July 2018
		Greater Taung LM	S139(1)(a) of the Constitution	June 2018	July 2018
		Rustenburg LM	S139(1)(a) of the Constitution	June 2018	July 2018
		Moretele LM	S139(1)(a) of the Constitution	June 2018	July 2018
		Moses Kotane LM	S139(1)(a) of the Constitution	June 2018	July 2018
		Kagisano-Molopo LM	S139(1)(b) of the Constitution	September 2018	June 2020
			S139(1)(a) of the Constitution	June 2018	July 2018
		Naledi LM	S139(1)(b) of the Constitution	April 2019	June 2020
			S139(1)(a) of the Constitution	June 2018	July 2018
		Lekwa Teemane LM	S139(1)(b) of the Constitution	June 2016	June 2017
			S139(1)(a) of the Constitution	June 2018	July 2018
			S139(1)(b) of the Constitution	May 2019	June 2020
		Tswaing LM	S139(1)(a) of the Constitution	June 2018	July 2018

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			S139(1)(b) of the Constitution	May 2019	May 2020.
				August 2020	The intervention was terminated by the High Court judgement on September 2020.
		Madibeng LM	S139(1)(a) of the Constitution	June 2018	July 2018
			S139(1)(b) of the Constitution	May 2019	The intervention was for 6 months ending 30 December 2019. Municipal Council requested the MEC to further extend for another 6 months ending in June 2020.
			August 2020	Current	
		Ratlou LM	S139(1)(a) of the Constitution	June 2018	July 2018
			S139(1)(b) of the Constitution	May 2019	June 2020
		JB Marks LM	S139(1)(a) of the Constitution	June 2018	July 2018
			S139(1)(b) of the Constitution	May 2019	June 2020
			August 2020	Current	
		Mamusa LM	S139(1)(b) of the Constitution	July 2016	The intervention was

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					disapproved by the Minister on August 2016.
			S139(1)(a) of the Constitution	June 2018	July 2018
			S139(1)(b) of the Constitution	May 2019	Escalated to section 139(1)(c) of the Constitution, the Municipal Council was dissolved on September 2019
		Ramotshere Moiloa LM	S139(1)(a) of the Constitution	June 2018	July 2018
			S139(1)(b) of the Constitution	March 2017	August 2019
				August 2020	Current
		Ditsobotla LM	S139(1)(b) of the Constitution	June 2016	June 2017
			S139(1)(a) of the Constitution	June 2018	July 2018
			S139(1)(b) of the Constitution	September 2018	June 2020
		Kgetleng- River LM	S139(1)(b) of the Constitution	September 2018	August 2019
			S139(1)(a) of the Constitution	June 2018	July 2018
		Maquassihills LM	S139(1)(b) of the Constitution	September 2018	June 2020
			S139(1)(a) of the Constitution	June 2018	July 2018
Total Number of Municipalities				68	

BACKGROUND:

Section 139 of the Constitution prescribe the manner and instances on which the PEC may intervene in a municipality when a Municipal Council or the municipal administration fails to execute their executive obligations in terms of the Constitution or legislation. Section 139 of the Constitution prescribes five methods or instruments in which the PEC may invoke an intervention in a municipality, namely:

- (a) Issuing of a Directive: section 139(1)(a);
- (b) Assuming responsibility: section 139(1)(b);
- (c) Dissolving the Municipal Council: (section 139(1)(c);
- (d) Taking appropriate steps to ensure that the budget or revenue-raising measures are approved: section 139(4); and
- (e) Imposing a recovery plan and possible dissolution of the Municipal Council: section 139(5).
- (f) If provincial executive council is at stand to invoke intervention in terms of subsection (4) or (5), the national executive may intervene: section 139(7).

The provincial executive must determine the intervention step, or combination of intervention steps it intends to take to ensure fulfilment of the obligation if the conditions for an intervention in terms of section 139(1) of the Constitution in a municipality are met, if the provincial executive assumes responsibility for an executive obligation of a municipality, it may deploy an administrator to fulfil the assumed executive obligation of the municipality, or specific aspects of the assumed executive obligation on behalf of the provincial executive.