



COMMENTS ON THE REVIEW OF THE WHITE PAPER ON LOCAL GOVERNMENT

(7 May 2026)

1. Introduction

- 1.1. The Institute for Governance and Law (IGL) is a non-profit, public benefit organisation that aims to improve governance through the application of the rule of law. The IGL takes great interest in both the procedural and substantive characteristics of the rule of law in South Africa. The IGL holds that office bearers in all branches and organs of state have a particular duty to uphold the Constitution.
- 1.2. The scope of the IGL's activities includes submissions to Parliament on a range of issues, including impending legislation and policy documents. The *White Paper on Local Government* (2026) is of particular interest to the IGL for its role in guiding the governance of local administration.
- 1.3. The updated *White Paper on Local Government* (2026) is filled with promise and hopeful language. Each chapter starts by succinctly describing challenges before proposing policies. This makes it a high-level policy document that is, in its analysis of the current situation, as difficult to refute as its concrete proposals to deal with the situation seem to be abstract and divorced from reality. Most concerning is what it leaves out: the reality of a local government that is generally collapsing without proposing effective solutions.

2. Setting out the problems in local government

- 2.1. It is disheartening that the *White Paper's* recommendations repeat findings from the *National Development Plan 2030*, published in 2012. After more than a decade, local government challenges identified in the *National Development Plan 2030* remain unchanged:

The main challenge has been unevenness in capacity that leads to uneven performance in local, provincial and national government. This is caused by a complex set of factors, including tensions in the political-administrative interface, instability of the administrative leadership, skills deficits, the erosion of accountability and authority, poor organisational design and low staff morale. The weaknesses in capacity and performance are most serious in historically disadvantaged areas, where state intervention is most needed to improve people's quality of life. There have been many individual initiatives, but there is a tendency to jump from one quick fix or policy fad to the next. These frequent changes have created instability in organisational structures and policy approaches that further strain limited capacity.¹

2.2. The tragedy of the *National Development Plan 2030* is that it has been so remarkably ignored.

2.3. The *White Paper* provides neither concrete nor satisfactory solutions to the problems that have simply deepened since 2012.

2.4. Section 4.2 of the *White Paper* is particularly pertinent in this regard as it serves as a diagnostic report of what has gone, and is still going, wrong:

The crisis is not caused so much by flawed policy and missing laws (although there is room for improvement), but by leadership failures, abuse of the system, and weak enforcement. South Africa's local government crisis is, in significant part, a crisis of political leadership and the behaviour of the political system. The evidence highlights inconsistent political leadership, interference and manipulation by political parties outside council structures, (referred to by many as the "invisible hand"), patronage appointments, blurred political-administrative boundaries, unstable coalitions and criminality and unethical behaviour as central drivers of municipal failure.

¹ p. 408 National Planning Commission, *National Development Plan 2030 Our Future-make it work* (2012), accessible at https://www.gov.za/sites/default/files/gcis_document/201409/ndp-2030-our-future-make-it-workr.pdf

A culture of impunity grows when parties and leaders (and officials) protect their own, excuse wrongdoing and avoid disciplinary action, even when the law is clear. In that environment, ethical councillors and officials are punished for doing the right thing, while corrupt individuals and networks learn that the risk of being caught or sanctioned is low.

2.5. Astonishingly, the *White Paper* identifies a system of local government that has already lost legitimacy while claiming that it is only starting to lose legitimacy.

2.6. In section 4.2, the *White Paper* talks about leadership failures. It fails to unpack what it means by leadership and how this essentially differs from management. This failure brings us to the heart of the problem, and we draw your attention to two important political policy interventions which seek to reframe what the *White Paper* elides over when it talks about leadership failures.

2.7. A long-standing policy of cadre deployment, the IGL believes, has facilitated *state pillage* as it did *state capture*, which has resulted in the deformation in South Africa's system of service delivery. A cursory reading of the Pickering's judgement in *Mlokoti v Amathole District Municipality*² and crucially of the Zondo Report would suggest that this problem is long-standing and embedded in the system unaddressed. In the judgement, Pickering stated:

Be that as it may, one fact emerges clearly from VM23, a fact which is not in any way refuted, and that is that the Regional Executive Committee of the ANC instructed the caucus to appoint the second respondent and the caucus carried out this instruction. This is not an example of democracy in action as was submitted by Mr. Quinn, certainly not of constitutional democracy. It, rather than the two legal opinions, amounted to an usurpation of the powers of first respondent's council by a political body which, on the papers, does not appear even have had sight of the documents relevant to the selection process including the findings of the interview panel. In my view, the involvement of the Regional Executive Council of the ANC in the circumstances described in VM23 constituted an unauthorised and unwarranted intervention in the affairs of first respondent's council.

²Vuyo Mlokoti v Amathole District Municipality and Mlamli Zenzile, unreported judgment, Case No: 1428/2008, 6 November 2008

3. What is to be done?

- 3.1. For the *White Paper* to become effective it should focus on the core problems that it identified while proposing effective and workable solutions. These core problems include:
- 3.2. Local government demonstrably lacks effective, ethical leadership. The rule of law, at its core, is a set of ethical propositions that align with notions of accountability, responsibility, and consequence. Ethics in government are about guiding and mediating relationships between centres of power and ordinary citizens to ensure that there is respect for rights without arbitrary abuses of power. Ethical problems emerge where there is little concern shown about people and constituents, and very visible when leaders focus on self-enrichment. What is one to make of a recently published *News24* article where the Johannesburg council proposed to hire even more executives despite the municipality lacking funds to fix potholes?³
- 3.3. There is poor management with a wondrous disregard for accountability. Local government managers seemingly demonstrate little concern about the value for money, or its scarcity. This compounds with an insufficient understanding or care about the importance of maintenance, leading to a collapse of life-cycle management. Continued staff incompetencies are a result of poor managerial behaviour. For local government to improve, it requires a cadre of managers who are competent, understand what corruption is, and the dangers of corruption.
- 3.4. There are serious human resources issue at stake. An ouster of professional skills has exacerbated a skills exodus. Infrastructural collapse is a symptom of these missing professional skills. In Johannesburg, for example, individuals take their lives into their hands when they drive as there are few working street lights, line markings faded to near invisibility, and unstable roads filled with dangerous potholes.

³ Alex Patrick "Joburg: Too broke to fix potholes, not too broke to hire hundreds of executives" *News24* <https://www.news24.com/southafrica/news/joburg-too-broke-to-fix-potholes-not-too-broke-to-hire-hundreds-of-executives-20260526-0207>

- 3.5. This is an institutional problem where those who interact with local government face incompetence, corruption, or both.
- 3.6. The *White Paper* does not identify a clear follow-up in accountability with visible lines of responsibility. Frequently, it is not clear who has the responsibility when there is a problem, allowing queries to bounce between departments without resolution. This may last months or even years. Individuals should easily be able to identify to whom they can go. While the *White Paper* does touch on these issues in the annexes, we believe they should be incorporated into the body of the document. Policies should become practice, and practice should not be obscured in an annexure.
- 3.7. The *White Paper* fails to present effective mechanisms focused on resolving challenges in local government. There is a need for fast, effective methods to be in place both within government and accessible to concerned citizens to address serious issues. This should include identifying responsible individuals, task groups, or offices that are obliged to act when called upon. They should then have an array of potential mechanisms available, suited to the situation, to hold officials accountable. Section 139 of the Constitution provides a possible route where provinces may choose to intervene but only after the fact, and here the fact has no timelines. On the other hand, the Parliamentary Budget Office, a year ago, identified that Section 154 interventions remain underutilised.⁴ Section 154 opens the path for systematic responses at both the policy, legislative, and institutional levels, and this needs to be carefully utilised with a view to remedying the problems in local government.
- 3.8. The *White Paper* avoids presenting effective consequences for poor behaviour in local government. There is undoubtedly a culture of impunity where officials face very few or no consequences. While the paper does identify the failings of leaders and the managerial class in local government, it only proclaims that there should be consequences. Developing policies for enforcing consequences effectively and consistently would help curb corruption.
- 3.9. The *White Paper* fails to address the very high economic costs of corruption, bad leadership, and missing management. The costs of corruption extend from loss

⁴ Dumisani Jantjies, Mukundi Maphangwa, Lwazikazi Ntinzi and Sbusisiwe Sibeko, (May 2025). "Section 134 and 154 municipal Interventions." *Parliamentary Budget Office (PBO)*

or misappropriation of finances to the widespread devaluation of private and residential property.

3.10. It should not have been possible for Metros and town councils to accumulate debts in the billions of Rands to Eskom without alarm bells ringing, forcing immediate remedial action. The policies should include effective early warning systems with clear lines of accountability and consequences for failures and inaction.

3.11. The *White Paper* should focus on the de-politicisation of the public service. Cadre deployment has been repeatedly identified as being at the core of governance problems. Former Chief Justice Zondo, in the Commission of Inquiry into State Capture, identified political appointments as unconstitutional based on section 197(3) of the Constitution. There is no indication of moving towards a merit or competence-based system. The *White Paper* could rely on the recently published Regulations under the Water Services Act in section 19 and 20, including table one, that provides an example of regulating requirements for staff who have the relevant skills, retraining those who are short of the necessary skills, and removing those who do not have the skills.

4. Concluding Remarks

4.1. The situation in many municipalities and metros has reached such crisis levels that intervention by government at both provincial and central levels is required on an urgent and substantial basis. The *White Paper* should not limit itself to analysing the problems, but should specify what urgent action must be taken by both provincial and central government. For example, the Auditor-General could be empowered to intervene in a more forceful and practical manner.

4.2. Sections 139 and 154 of the Constitution enable such intervention at both provincial and central level. The Policy Proposals set out in Section 4.4 of the *White Paper* are well formulated, but implementing them requires a forceful and expansive effort - and we would assume that the Department of Co-operative Governance would not have the necessary resources at its disposal for the urgent and wide-ranging action that the situation requires. The question then arises whether broader Government action is in any way possible. Here, the role of the Auditor-General will become crucial.

- 4.3. Given the alarming degree to which governance has deteriorated in many municipalities, there is a very real danger that the ensuing crisis of legitimacy may create a situation which threatens to overwhelm our society.

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