



23 June 2020

Centre for Applied Legal Studies
University of the Witwatersrand
DJ Du Plessis Building - West Campus
BRAAMFONTEIN
2017

Dear Sir / Madam,

RE: SAKHISIZWE LOCAL MUNICIPALITY

Your correspondence dated 11 May 2020 regarding the Sakhisizwe Local Municipality bears reference.

I note with interest the proposal that the Provincial Executive Council should invoke the provisions of section 139(1)(c) of the Constitution in the affairs of the Sakhisizwe Local Municipality whilst you also seem to enquire about various other measures that government has taken in relation to the Municipality.

Kindly be advised that good governance and the delivery of basic services to the members of the Sakhisizwe communities are dealt with as matters of great importance and interest in my office and in the broader Provincial Government.

The Eastern Cape Provincial Administration has over time established sound working relations with the Sakhisizwe Local Municipality and there has since been improvement in the running of the municipality.

The Province has had close engagements with the Municipality to identify challenges that beset the Municipality and to determine measures to resolve those challenges. We have, to this end, invoked the provisions of section 154 of the Constitution to support the functions of the Municipality in line with a clearly defined turn-around plan that was developed with the objective of ameliorating areas of concern in the operations of the Municipality.

The Department of Cooperative Governance and Traditional Affairs has, in the course of supporting the Municipality, seconded a seasoned senior departmental official as an acting municipal manager to implement the turn-around plan. The Provincial Treasury actively joins in facilitating and overseeing change in the municipality for the benefit of the affected communities. The support in the Sakhisizwe Local Municipality in terms of section 154 of the Constitution is well in progress.

I am aware that the provisions of section 139 of the Constitution must be invoked with utmost discernment and careful observance of the constitutional dispensation within which government operates. Section 139(1) affords the Provincial Executive the necessary discretion to consider measures to intervene in the local government sphere where the specific circumstances must warrant the course of intervention.

I am unfortunately not persuaded that the invocation of section 139(1)(c) of the Constitution is required in the Sakhisizwe Local Municipality, at least not at this stage.

I thank you for the interest that you take in the plight of all affected parties in the Sakhisizwe Local Municipality.

Yours faithfully,



MR LO MABUYANE
PREMIER OF THE EASTERN CAPE PROVINCE

Cc: Mr M. Sogoni | Director General: Eastern Cape