COPY

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

CASE NO: UM192/2022

RECORDS OFFICE
NORTH WEST HIGH COURT
PRIVATE BAG X2010 MMABATHO 2735
2025 -10- 10
COUNTER NO.5
REPUBLIC OF SOUTH AFRICA

In the matter between:

SAKELIGA NPC	First Applicant
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	Second Applicant
BAREND LOURENS SNYMAN	Third Applicant

and

DITSOBOTLA LOCAL MUNICIPALITY	First Respondent
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	Second Respondent
PREMIER OF THE NORTH WEST PROVINCE	Third Respondent
PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE	Fourth Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	Fifth Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	Sixth Respondent

DOCUMENTS FILED BY:
GEYER LABUSCHAGNE
Tel:018 381 6828
Cell:083 256 6313
litigation2@labuschagneatt.co.za

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Seventh Respondent
MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Eighth Respondent
MINISTER: NATIONAL DEPARTMENT OF FINANCE	Ninth Respondent
MINISTER: WATER AND SANITATION	Tenth Respondent
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	Eleventh Respondent
ESKOM SOC LTD	Twelfth Respondent
MAGALIES WATER BOARD	Thirteenth Respondent
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	Fourteenth Respondent

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NOTICE OF MOTION

TAKE NOTICE that the first and third applicants (the "**applicants**") intend to make application to this court at the hearing of this application for an order:

1. THAT the applicants be granted leave to file the supplementary affidavit of **CHRISTO BESTER**, a copy of which is attached to this notice marked "**X**", and that such supplementary affidavit be admitted as evidence in the main application under the above case number;

2. THAT there be no order as to costs in this interlocutory application, save in the event that any party opposes this application, in which event the costs of the application be paid by the party/ies so opposing, the one to pay the other/s to be absolved, such costs to include the costs of two counsel on Scale C;

3. THAT the applicants be granted such further and/or alternative relief as the Court deems meet.

TAKE NOTICE FURTHER that the applicants will rely on the allegations contained in the affidavit, annexure X to this notice, in support of this application.

DATED at **PRETORIA** on 8 day of **OCTOBER 2025**

KRIEK WASSENAAR & VENTER INC.
ATTORNEYS FOR THE APPLICANTS
3rd Floor, HB Forum Building
13 Stamvrug Street, Val de Grace
Pretoria
Tel: 012 803 4719
E-mail: rohann@kriekprok.co.za
REF: R Eloff/CV/QB1272
C/O LABUSCHAGNE ATTORNEYS
19 Constantia Drive
Riviera Park, Mahikeng
Tel: 018 381 6828
Fax: 018 381 2420
E-mail: litigation2@labuschagneatt.co.za
Ref: Mr Labuschagne/GW1763

TO: **THE REGISTRAR OF THE HIGH COURT**
MAHIKENG

AND TO: **M.E TLOU ATTORNEYS & ASSOCIATES**
ATTORNEYS FOR THE FIRST AND SECOND RESPONDENT
No 43 Cnr Baden Powell and Visser Street
P.O Box 1921, Mahikeng, 2745
Golfview, MAHIKENG
Tel: 018 011 0036/7/8/9
Fax: 018 011 052/28
E-Mail: naledi@tlouattorneys.co.za
Ref: Mr Tlou/NT/DLM/0001

COPY RECEIVED WITHOUT PREJUDICE
Date: 10/10/25
Time: 11:57
Signed by:
M.E. Tlou Attorneys & Associates

AND TO: **THE STATE ATTORNEY: MMABATHO**
ATTORNEYS FOR THE THIRD - SIXTH, EIGHTH AND TENTH RESPONDENTS
First Floor, East Gallery
Mega City Complex
Cnr Sekame Road & Dr James Moraka Drive
Mmabatho
(T) 018 384 0269
REF: 0955/21/P3
Email: MasLetsoalo@justice.gov.za
smalao@justice.gov.za
sinmorule@justice.gov.za

KGETSANAPOSO / P. BAG X 1
MMABATHO, 2745
2025 -10- 10
REPUBLIC OF SOUTH AFRICA
MMUELEDI WA PUSO / STATE
STAATSPROKUREUR
12:30

AND TO: **THE STATE ATTORNEY: PRETORIA**
ATTORNEYS FOR THE NINTH RESPONDENT
Salu Building
255 Francis Baard Street
Cnr Thabo Sehume (Andries) and Francis Baard (Schoeman) Street

Pretoria

(T) 012 309 1575

REF: 1685/2021/Z32

Email: nokuthula.khumalo@treasury.gov.za

lChowe@justice.gov.za

Enq: Ms N Khumalo

C/O STATE ATTORNEY: MMABATHO

First Floor, East Gallery

Mega City Complex

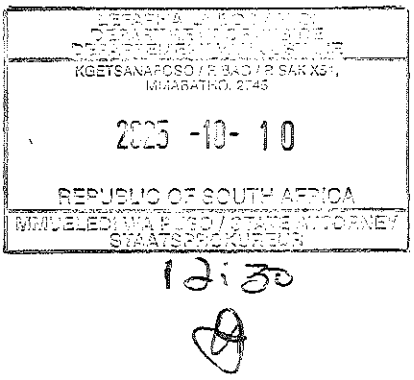
Cnr Sekame Road & Dr James Moraka Drive

Mmabatho

(T) 018 384 0269

Email: MuMoholo@justice.gov.za

MMoholo@justice.gov.za



12:30

AND TO: **MOLEFE ATTORNEYS**

ATTORNEYS FOR THE ELEVENTH RESPONDENT

2 Jakaranda Ave

Riviera Park

Mafikeng

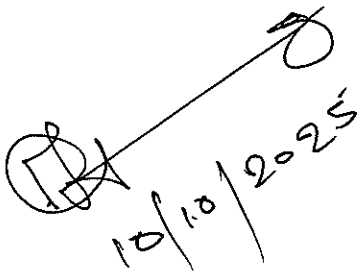
(T) 073 260 5691

(F) 086 694 9053

(C) 073 260 5691

REF: Molefe/nmmdm2/um/2022

Email: thapelo@lawyer.com



AND TO: **ESKOM HOLDINGS SOC LTD**

TWELFTH RESPONDENT

02 Maxwell Drive

Megawatt Park

Sunninghill, 2157

Tel: 011 800 6587 / 078 961 4324

E-mail: MaluleTP@eskom.co.za

"X"

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

CASE NO: UM192/2022

In the matter between:

SAKELIGA NPC	First Applicant
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NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	Eleventh Respondent
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THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	Fourteenth Respondent

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FIRST AND THIRD APPLICANTS' SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

CHRISTO BESTER

hereby make oath and say that:

1 I am the same deponent to the supplementary founding affidavit and the replying affidavits in the application for relief in terms of section 139(7) of the Constitution (the "**main application**"), with full and further particulars set out therein.

2 The facts contained in this affidavit fall within my personal knowledge, save where otherwise indicated or where the contrary is evident from the context hereof. The facts herein are true and correct.

3 This is an application by the first and the third applicants (the "**applicants**") in terms of rule 6(5)(e), read together with rule 6(11), of the uniform rules of court to request the court to permit the filing of this affidavit, and to grant leave for this affidavit to be accepted as evidence in the main application.

4 The purpose of this supplementary affidavit is to place new evidence before the court relating to recent events which occurred since the applicants filed their replying affidavits. The evidence sought to be introduced in this affidavit is highly relevant and will serve to assist the parties and the court by narrowing the issues in dispute between the parties. It is necessary for the court to consider such evidence, and the interests of justice compel the admission thereof for purposes of determining the main application.

LEAVE TO FILE THIS AFFIDAVIT

5 The applicants are advised that they do not have a right to file this affidavit in these proceedings, but that the court enjoys a broad discretion to permit it to do so, in terms of rule 6(5)(e) of the uniform rules of court.

6 The applicants are further advised that the fundamental principle that guides the exercise of this discretion is that a matter should be adjudicated on all the facts relevant to the issues in dispute, and that a court will therefore permit a litigant to

place such facts before the court in a further affidavit unless to do so would be unfair to the other party.

7 The applicants are advised, and respectfully submit, that it would be in the interests of justice for this court to grant them leave to file this affidavit based on the facts that I address herein.

8 Firstly, the applicants have not been remiss in not placing these facts before this court at any earlier stage. The applicants could not reasonably have anticipated that the third and fifth respondents would, contrary to their opposition before this court (and the statements under oath in their opposing affidavit), make public admissions conceding the need for the relief sought in the amended notice of motion, and so could not reasonably have been expected to deal with these points in their replying affidavits.

9 The concessions made by the third and fifth respondents would ordinarily, logically lead them and the other respondents withdrawing their opposition. They however failed to do so. In aggravation such respondents persist with their opposition in the heads of argument filed on their behalf. Such opposition is dishonest and vexatious.

10 Secondly, I submit that it is clear from the content of this affidavit that the facts that the applicants wish to put before the court are material to the determination of this matter and ought to be placed before the court.

11 Thirdly, the admission of this affidavit will not cause any unfairness or prejudice to the respondents. The facts contained in this affidavit are uncontroversial and incontrovertible. Such facts include *inter alia* statements made by the

respondents themselves. In fact, the provincial respondents ought to have taken steps to place this evidence before the court themselves. They failed to do so. Further, should any of the respondents seek to contradict the facts set out herein, there is sufficient time to do so prior to the hearing of this matter.

12 Finally, I submit that the concessions made by the third and fifth respondents, and the seventh to tenth respondents' inaction in light thereof, have significant cost implications, which need to be brought before the court.

13 I therefore submit that it is in the interests of justice to grant the applicants leave to file this affidavit. The applicants are advised that, insofar as may be necessary, further legal argument on these issues will be addressed to the court at the hearing of the matter.

THE PROVINCIAL RESPONDENTS CONCEDE THE NEED FOR NATIONAL INTERVENTION IN DITSOBOTLA

14 Both the third and fifth respondents have appeared on national television and confirmed the following:

14.1 that provincial intervention has failed to improve the situation in Ditsobotla;

14.2 that the province is no longer able to rescue the failing Ditsobotla municipality; and

14.3 that national government must invoke section 139(7) of the constitution.

15 During or about 4 to 6 August 2025, the fifth respondent, Mr Oageng Molapisi, held a press conference, which was televised by SABC News on 6 August 2025. The fifth respondent stated at the press conference:

> *"National government must invoke Section 139(7) and send an administrator from national (government) because from the province, we have dissolved the municipality, we have sent the... PER we have done everything. Now you need to send the national government to move in. But when the national government moves in, like I said, don't bring an individual to say no, he or she must come and be a municipal manager and accounting officer – bring the team, bring the resources, bring everybody so that you can address the problem."*

16 A transcript of the televised press conference held by the fifth respondent, as televised by SABC News, is attached, marked "S1".[1]

17 On 24 August 2025, the third respondent, Premier Lazarus Mokgosi, appeared in an interview on Newzroom Afrika and discussed the state of affairs in Ditsobotla. He stated that:

> *"We have appealed for National, for assistance. The problem in Ditsobotla, it's not only related to service delivery. There are a number of issues that are involved. There's an element of criminality that is taking place there. So that is why our call for National, is that, when we go there, we can't go there and resolve the problem with a municipal manager who is acting and support from the provincial government. You need the entire system, security system, to come*

[1] https://www.youtube.com/watch?v=dGEP4vM3Bjk

into place, the Hawks, if possible you must bring police, you must bring soldiers if possible, so the element of criminality, gangsterism, hijacking of the municipality, extortionist, and so forth. So the whole element of intervention should encompass all areas of concerns and as a result a multi-disciplinary approach in Ditsobotla will yield the necessary results"

18 When asked if he agreed that this was beyond the provincial government, the Premier stated:

> *"Definitely. The problem in Ditsobotla is not a new revelation. It is a historical issue, and different and a number of interventions were done previously and currently. And that's why we called National to come in and assist because the problem here is beyond the province. The province has done its part. We need assistance of National government..."*

19 A transcript of the Premier's televised interview with Newzroom Afrika is attached, marked "S2"[2].

20 The public statements by the third and fifth respondents are directly at odds with (**a**) the provincial respondents' position in the affidavit and (**b**) the heads of argument filed on their behalf in opposition to the relief sought in this matter.

21 From these concessions, it is incontrovertibly true that the third and fifth respondents are aware that the provincial executive cannot adequately exercise the powers or perform the functions referred to in section 139(5) of the

[2] https://www.youtube.com/watch?v=VUU8ymWgVoo

Constitution. In fact, the third and fifth respondents concede that the relief sought in the amended notice of motion *inter alia* declaring that the provincial respondents cannot, has not and has not adequately exercised the powers and performed the functions in section 139(5) of the Constitution and that the national executive ought to be compelled to intervene in Ditsobotla in terms of section 139(7) of the Constitution.

22 As dealt with below, despite these facts, the provincial respondents continue to raise a spurious and dishonest purported defence to the relief sought. This is vexatious.

THE PROVINCIAL RESPONDENTS' UNMERITED CONTINUED OPPOSITION

23 The provincial respondents are the only respondents who have substantially opposed the relief sought directing the national executive to intervene in Ditsobotla.

24 The provincial respondents filed an answering affidavit deposed to by the Head of Department at the fifth respondent, Dr Mokotedi Samuel Bole.

25 In the answering affidavit, Dr Bole states that the reason why the provincial respondents oppose the application is, in essence, that they regard the relief sought by the applicants in invoking section 139(7) of the Constitution as "*premature*".

26 They premise this on the assertion that the province is still able to rescue the failed municipality through section 139(5) of the Constitution and that the PER ought to be given more time to do so. The refrain that the application is premature

is repeated throughout the affidavit concluding at paragraph 137 (p 747 of the record) that: "*... It is premature for the National Executive to intervene in terms of section 139(7) of the Constitution...*". The 'defence' is not simply devoid of merit – it is opportunistic but also in fact dishonest.

27 The provincial respondents, through their legal representatives, persisted with their opposition of the matter at the Judicial Case Management meeting held before Her Ladyship Madam Acting Justice Matlhape on 5 August 2025. This is confirmed by Mr Rohann Eloff from the applicants' attorneys' offices, who was present at the Judicial Case Management meeting.

28 On 6 August 2025, the applicants' attorneys ("**KWV**"), addressed a letter to the State Attorney, Mahikeng, acting on behalf of the provincial respondents, informing the State Attorney of the third and fifth respondents' public statements (as aforesaid) and demanding that the provincial respondents immediately withdraw their opposition to the relief sought in the amended notice of motion.

29 KWV stated further:

> "*11. In light of the above, our clients demand the immediate withdrawal of the provincial respondents' opposition of the application. Any further attempts to delay the invocation of the interventions which your clients have now admitted to be urgently needed shall be deemed to be constitutionally unlawful and an abuse of process, ostensibly only aimed at frustrating public litigants that seek to address a clear constitutional failure on the part of government.*
>
> *12. Kindly note that our client intends to file further affidavits in the*

matter in order to bring these events and this letter under the attention of the court. Please also note that our client will seek further punitive costs orders, including special cost orders de bonis propriis, if the provincial respondents persist in their opposition of this application. The provincial respondents are already liable for the costs of the application to date and should, in the event of their withdrawal of their opposition, also file a tender for costs.

13. *We should remind the provincial respondents that the High Court, in its judgment of 20 February 2025, already criticised the provincial respondents' improper opposition to our clients' application to place Ditsobotla under section 139(5) intervention. We would also like to remind your clients that a special cost order was granted in favour of our clients.*

14. *Kindly note that we require your response by no later than 14 August 2025, whereafter our clients will be preparing further supplementary affidavits."*

30 A copy of KWV's letter of 6 August 2025 is attached, marked "S3".

31 To date, the applicants have not received a reply to KWV's letter and the provincial respondents persist with their dishonest defence and in their opposition of the matter. The heads of argument filed demonstrate that the provincial respondents are intent on persisting with such vexatious stratagem seeking to mislead the court.

INACTION OF NATIONAL EXECUTIVE:

32 The inaction of the national executive, and flouting breach of Constitutional duties by the national executive, should be seen against the facts set out in the supplementary founding affidavit, including the calls for national intervention made in August and September 2024 (at supplementary founding affidavit, paragraphs 182 – 186, p 83 – 86).

33 On 7 August 2025, KWV addressed a letter to *inter alia* the President (the seventh respondent), in his capacity as the head of the national executive, a copy of which is attached, marked "S4". In this letter, KWV stated as follows:

> 5. *It is now unmistakably clear, both from the court record and public statements, that both the Provincial and National Executives are in fact in agreement on the need for intervention in Ditsobotla under section 139(7). However, it remains constitutionally indefensible that such intervention has not yet occurred.*
>
> 6. *In terms of the cooperative governance framework outlined in Chapter 3 of the Constitution, organs of state are enjoined to coordinate their actions and resolve intergovernmental disputes without resorting to litigation (or forcing public litigants such as our clients to do so). The failure of the Provincial and National Executives to reach a resolution and fulfil their obligations under this framework represents a serious breach of constitutional duties. That the Provincial Executive has had to resort to public statements and media briefings to plead for*

national intervention speaks to a systemic failure of constitutional intergovernmental cooperation and communication.

7. *Throughout the prolonged collapse of Ditsobotla, our clients have been compelled to persist with litigation - not due to any bona fide legal dispute from the state respondents regarding the constitutional relief sought, but rather as a result of internal political power struggles, improper and unjustified opposition by the Provincial Executive, and the National Executive's continued failure to discharge its duty under section 139(7) of the Constitution, despite the existence of undisputed facts and clearly established legal obligations.*

8. *This failure has not only burdened our clients and the courts with protracted constitutional litigation - frustrated by irrational and unjustified opposition from the state - but more critically, it has deeply undermined the rights and dignity of the residents, businesses, and communities of Ditsobotla. They continue to endure the consequences of dysfunctional municipal governance and the near-total collapse of service delivery. It is constitutionally untenable that the public must prod the state into fulfilling its most basic duties, and it is equally unacceptable that litigation has become the only available mechanism to compel lawful and necessary intervention.*

9. *The residents of Ditsobotla are not only the victims of municipal collapse, but of a deeper failure of intergovernmental*

cooperation and constitutional accountability. Our clients' application was avoidable. The fact that it is still proceeding to a hearing is a direct result of the National Executive's inertia in the face of a constitutional crisis at the municipal level.

10. In light of the above, we are instructed to demand the following:

10.1 That the National Executive formally invoke its powers in terms of section 139(7) of the Constitution in respect of Ditsobotla without further delay;

10.2 That the National Executive provide our offices with written confirmation of the steps being taken, or to be taken, failing which our clients will seek further judicial relief, including but not limited to punitive costs against the cited members of the National Executive.

34 On 14 August 2025, KWV received a letter in response to their letter dated 7 August 2025 from the State Attorney, Mmabatho, a copy of which is attached, marked "S5", in which the State Attorney informed KWV as follows:

2. This letter serves to confirm our instructions from our clients that the Minister indeed recommended that the National Executive considers intervening in Ditsobotla in terms of Section 139(7) of the Constitution of the Republic of South Africa.

3. Further to the above, our clients instructed us to inform your clients that currently the matter has been referred to Cabinet through the prescribed procedures.

4. *An update will be provided once Cabinet has applied its mind and reverted with its decision.*

35 The applicants submit that the reference to "the Minister" in paragraph 2 is a reference to the Minister of COGTA.

36 The above letter establishes two clear facts:

36.1 This application was a necessary step in order to compel the national executive to comply with its constitutional duties; and

36.2 The national executive, even at this late stage, still had not complied with its constitutional duties and continued to dither all while expecting the people of Ditsobotla to languish.

37 The State Attorney provided no information as to when the issue would be tabled before Cabinet or when a decision ought to be expected.

38 The situation of gross municipal collapse in Ditsobotla was described as a "*Horror story*" by President Ramaphosa when he visited Ditsobotla prior to the elections in 2024. He further stated that Ditsobotla had been captured by criminal elements and promised that there would be an improvement within a few weeks.

39 Ditsobotla has seen no such improvement.

40 It is therefore abundantly clear that President Ramaphosa is well-aware of the true state of affairs in Ditsobotla and has been for the duration of his term in office.

41 As stated by KWV in its letter of 7 August 2025, the fact that such intervention had not already taken place is constitutionally indefensible. The cooperative governance framework outlined in Chapter 3 of the Constitution, enjoins organs of state to coordinate their actions and to resolve intergovernmental disputes.

42 The failure of the provincial and national respondents to reach a resolution and fulfil their obligations is a serious breach of their constitutional duties.

43 This litigation has been required in order to enforce and uphold the people of Ditsobotla's constitutional rights.

44 There can be no clearer picture of a systemic failure of constitutional intergovernmental cooperation and communication than that of Ditsobotla.

45 Notwithstanding the above, after delivery of the demand and on 23 August 2025, the eighth respondent, Minister Velenkosini Hlabisa, also appeared in an interview on Newzroom Afrika to discuss the demand and the state of affairs in Ditsobotla. He stated that:

> *"...As you rightly know, the municipality has parallel structures; there are two mayors, there are two speakers, which is not good for service delivery. As a government at a national level, on Tuesday next week, the matter of Ditsobotla is going to serve before the cabinet committee. We are going to present a proposal for the national government intervention in terms of section 139 subsection 7. And the following Tuesday, the matter will be serving before cabinet, and I'm confident that the cabinet is going to approve the intervention by the national government to bring order and stability in that embattled municipality."*

46 A transcript of the Minister COGTA's interview with Newzroom Afrika is attached, marked "S6"[3].

THE NATIONAL EXECUTIVE HAS NOW APPARENTLY INVOKED SECTION 139(7)

47 The applicants are in possession of a letter dated 3 September 2025 by the eighth respondent, Minister Hlabisa, addressed to the third respondent, Premier Mokgosi, informing him that the national executive had invoked section 139(7) of the Constitution in respect of Ditsobotla. A copy of this letter is attached, marked "S7". In the letter, Minister Hlabisa states:

> ***"INVOCATION OF SECTION 139(7) OF THE CONSTITUTION IN DITSOBOTLA LOCAL MUNICIPALITY***
>
> *I write to formally inform you that the Cabinet, at its sitting on 3 September 2025, approved the invocation of Section 139(7) of the Constitution in respect of Ditsobotla Local Municipality.*
>
> *This national intervention will be implemented in accordance with Section 139(7) of the Constitution, read together with Chapter 13 of the Municipal Finance Management Act (MFMA). In terms of Section 150(2)(a) of the MFMA, the national executive assumes the powers and functions ordinarily exercised by the provincial executive. Accordingly, the Minister of Finance will assume the powers and functions of the MEC for Finance for the duration of the intervention.*

[3] https://www.youtube.com/watch?v=i6ImUV4kyac

To operationalise the intervention and ensure the effective implementation of the recovery plan as contemplated in Section 139(5)(c) of the MFMA, the Cabinet has appointed a National Cabinet Representative (NCR) supported by a multi-disciplinary team of experts. This team will execute the assumed executive responsibilities on behalf of the national executive, guided by clearly defined roles and responsibilities as set out in the Terms of Reference to be issued.

Furthermore, the Cabinet has authorised the Minister of Cooperative Governance and Traditional Affairs to consult with Ministers in the Justice, Crime Prevention and Security (JCPS) Cluster to establish a Joint Operational Task Team. The primary mandate of this Task Team will be to investigate and prosecute specific criminal activities reported to be prevalent within the municipality.

In light of the above, I wish to convene a formal engagement with the following stakeholders to communicate the Cabinet resolution and introduce the National Intervention Team:

The meeting will take place as follows:

Item	Stakeholders	Date and Time	Venue
1.	NW PEC, Ngaka Modiri Molema Mayoral Committee and NW SALGA	Tuesday 9 Sept 2025 10H00	Ditsobotla Council Chamber, Lichtenburg
2.	Ditsobotla Municipal Council, the Premier, MECs for CoGTA and Finance, Mayor of NMM District and Chairperson of SALGA	Tuesday 9 Sept 2025 12H00	Ditsobotla Council Chamber, Lichtenburg

I kindly request that the MEC for Cooperative Governance, Human Settlements and Traditional Affairs extend formal invitations to all councillors of the Ditsobotla Municipal Council for the 12h00 session. Additionally, I request that the MEC coordinate the necessary logistical and security arrangements to ensure the smooth conduct of both meetings."

48 It is clear that the national executive's invocation of section 139(7) of the Constitution was finally invoked only because of and in answer to these proceedings brought by the applicants.

49 The concessions made by *inter alia* the third respondent and the eighth respondent and the national executive's invocation of section 139(7) are clearly not the result of a change in the affairs of Ditsobotla since launching this application.

50 This is acknowledged by the eighth respondent in his letter of 3 September 2025 where he acknowledges the pervasive criminality present in Ditsobotla and the establishment of a Joint Operational Task Team to address such criminality. Policing and justice are both national government competencies.

51 Notwithstanding the above, the applicants persist that the national executive "*steps into the shoes*" of the Provincial Executive and is required to immediately take over the operation of the MFRP, subject to such amendments as the national executive deems fit in due course.

52 In the circumstances, the applicants persist with the relief sought and, in particular, the structural interdict to ensure that the national executive's

intervention is effective, failing which, the court can intervene in the interests of the protection of the fundamental rights of the residents of Ditsobotla.

PUNITIVE COST ORDERS SOUGHT

53 The only conclusions that can be made from the above are that:

53.1 The provincial respondents were always aware of the inadequacy of the provincial intervention. Their opposition to this application is (and was always) without merit and only ever intended to delay. The opposition is not simply opportunistic but dishonest.

53.2 The remainder of the respondents, i.e. the national executive, are knowingly in breach of their constitutional duties to protect the rights and dignity of the residents, businesses and communities of Ditsobotla. But for this application, the national executive would not have invoked section 139(7) of the Constitution.

54 The residents of Ditsobotla are not only victims of municipal collapse but also of the failure of intergovernmental cooperation and constitutional accountability.

55 The third, fourth, fifth and sixth respondents have acted in bad faith by continuing to oppose the main application, when they themselves appear on national television stating that national intervention is required.

56 The seventh, eighth, ninth and tenth respondents have neglected their constitutional obligations, and their prolonged inaction in Ditsobotla can only be regarded as gross negligence.

CONFIRMATORY AFFIDAVIT

57 I attach hereto, marked "**S8**", a confirmatory affidavit by Mr Rohann Eloff of KWV who confirms the content of this affidavit insofar as it relates to him, specifically the events at the Judicial Case Management Meeting and the correspondence exchanged between KWV and the State Attorney.

CONCLUSION

58 In the circumstances, this affidavit is filed in order to ensure that the public statements of the provincial respondents accord with their position before the court. There can be no prejudice to them by doing so and a responsible litigant in their position would have done so of their own accord.

WHEREFORE the applicants:

a. Pray for an order in terms of the notice of motion prefixed to this affidavit;

b. Persist with the relief sought in the amended notice of motion in the main application.

DEPONENT

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and sworn to, before me, at _____

on this 8th day of October 2025, the Regulations contained in Government Notice No. R. 1258 dated 21 July 1972 (as amended) and Government Notice No. R.4648 dated 19 August 1977 (as amended) having been complied with.

COMMISSIONER OF OATHS

Herman Kelderman
Commissioner of Oaths
Practicing Attorney
A Wolmarans Inc. Attorneys
Practice No: 26077
3rd Floor, Building 3, Loftus Office Park
402 Kirkness Street, Arcadia, Pretoria
Tel: 012 534 3002, Fax: 086 620 0551

S 1

Transcription of news clip

SABC News: Ditsobotla Municipality – North West province seeks national intervention

Date of recording/clip: 6 August 2025

START OF RECORDING

The provincial government's interventions at the municipality for over 10 years have failed to solve the problems.

The situation continued to deteriorate over the years with the municipality facing challenges like financial mismanagement and political instability which led to a collapse in basic services.

The long-standing political instability has on several occasions led to the municipality having two mayors, two speakers, and two municipal managers. In a 10-year period, audits from the 2010/2011 to 2020/2021 financial years, Ditsobotla had a disclaimer on its reports for 9 years.

North West COGTA MEC has acknowledged that their interventions have failed to improve the situation, hence they want the national intervention to step in.

"National government must invoke Section 139(7) and send an administrator from national (government) because from the province, we have dissolved the municipality, we have sent the... PER we have done everything. Now you need to send the national government to move in. But when the national government moves in, like I said, don't bring an individual to say no, he or she must come and be a municipal manager and accounting officer – bring the team, bring the resources, bring everybody so that you can address the problem".

Molapisi has also stressed that they are not intending to dissolve any municipality in the province.

"But dissolving it, I don't think we should take that, uh, direction. Like I'm saying, unfortunately, voters would continue to, uh, give you the same outcome that they've given us. So it's not an option. So far

where we are we are not considering dissolving any municipality, no matter or whatever the problems that are... intervention would as the last resort".

Lobby group Sakeliga, which has on several occasions taken the local municipality to court over service delivery failures, welcomes the proposal for national government intervention.

"*National intervention will only assist us if there is political will to intervene, to place the needs of the community first, and to involve local private businesses. The only way that we're going to get a permanent solution in Ditsobotla is if we get rid of incompetent political appointees, secondly to involve the private sector, and thirdly to acknowledge that we've got problems in Ditsobotla and we need to continue working together if we want to solve the problems and the challenges*".

Meanwhile, an expert believes that the national government intervention may stabilize the situation.

"*The national government has a track record of, of, uh, you know, positive intervention. Whenever they intervene, they previously did in this province in relation to the provincial administration and what we saw was a stable government after all. So, so we must be hopeful that when it comes into Ditsobotla's situation, it will also stabilize politics and administration and I think that, uh, the point of departure in this case Ditsobotla should actually, uh, accept that it is facing a problem and take the injection so that it heals the situation*".

Earlier this year the ANC in North West proposed that the local municipality be dissolved and all its areas incorporated into nearby municipalities.

END OF RECORDING

Transcription of news clip/interview

Newzroom Africa: 'North West can't fix Ditsobotla Municipality'

Date of recording/clip: 24 August 2025

START OF RECORDING

Interviewer: The Northwest provincial government is today launching its counter-offensive, phase five of the "Thuntsha Lerole" reloaded service delivery initiative, aiming to prove it can fix the Ditsobotla municipality's problems itself with new community facilities, road repairs, and job creation projects. To discuss whether this intervention can stave off a national takeover, we're joined online by the premier of the Northwest, Lazarus Mokgosi. Premier, welcome. Thank you so much for your time. Now, Sakeliga has described Ditsobotla as the poster child for municipal dysfunction with (claims) of collapses and official paperwork blowing in the wind. Does this assessment surprise you, and what is your government's diagnosis of the root cause?

Premier Mokgosi: No, good afternoon, sir, and uh, let me say good afternoon also to your viewers at home. No, I don't think the assessment is far-fetched. Practically also, as the provincial government, we have been, you know, involved in the Ditsobotla Local Municipality to bring stability, in particular at the political level, which to a large extent also affects the administrative part unless it results—it compromises service delivery. So the assessment is not far-fetched, and we are alive to that fact.

Interviewer: Now you talk about bringing stability. You've got two mayors, um, in Ditsobotla. Just how much success have you enjoyed?

Premier Mokgosi: The matter of mayors, it's a court matter. We know that there is a court order, and there's also an appeal, and therefore it's an area that we have left to the

courts to decide. But as provincial government, our focus is on service delivery to ensure that much as there is that political wrangling of the 'who is in charge as a mayor' and so forth, our people must not suffer in as far as service delivery is concerned. That's why we are more focused and that's why we targeted Ditsobotla to ensure that we take and accelerate service delivery to our people.

Interviewer: Okay. So, so let's talk about "Thuntsha Lerole" reloaded, the service delivery initiative. Just walk us through the expectations.

Premier Mokgosi: Well, we, we met the community, and in particular of Itsoseng. But previously, we had been to Biesiesvlei, which is in Ditsobotla. We were at [inaudible] at some point. Now we went to Itsoseng, and the truth is that the community of Itsoseng is very angry and very unhappy as far as the level of service delivery is concerned. But our focus of "Thuntsha Lerole" phase five when we went there, we were focusing on infrastructure. We went there, we visited a project of water which is at Bodibe. It's a 100 million project. It's at 20% progress, thus far. We're happy with the progress to take water, by next year around September the project will be completed to address the, the issue of water. We have also even intervened to ensure that there is a service level agreement between the district and the local municipality to ensure that the responsibilities are clearly defined and who's responsible for water reticulation and who's responsible for bulk water supply, maintenance, and energizing of boreholes and so forth. Thus far, we have managed that, that area of water.

We went also to look at the high mass provisioning of electricity around the area. We have also facilitated the relationship between Eskom and the municipality. So that Eskom must take over some of the accounts so that we should have uninterrupted supply of electricity. We are very happy with that arrangement. Also, we have facilitated that the municipality must put an application for INEP for about 40 million so that by 2026 we have successfully been able to supply more than 5,000 houses around Blydeville in Lichtenburg

with electricity. So far our interventions administratively in the municipalities is bearing fruits.

Interviewer: Now you tell, uh, you paint a great picture, Premier, but your own MEC for COGTA has publicly pleaded for national intervention. Why should the public believe that this provincial initiative will succeed where all previous attempts have so clearly failed?

Premier Mokgosi: We have appealed for National, for assistance. The problem in Ditsobotla, it's not only related to service delivery. There are a number of issues that are involved. There's an element of criminality that is taking place there. So that is why our call for National, is that, when we go there, we can't go there and resolve the problem with a municipal manager who is acting and support from the provincial government. You need the entire system, security system, to come into place, the Hawks, if possible you must bring police, you must bring soldiers if possible, so the element of criminality, gangsterism, hijacking of the municipality, extortionist, and so forth. So the whole element of intervention should encompass all areas of concerns and as a result a multi-disciplinary approach in Ditsobotla will yield the necessary results.

Interviewer: So you're agreeing that this is beyond the provincial government, because Cooperative Governance and Traditional Affairs Minister, Velenkosini Hlabisa, in a conversation I had with him yesterday, says a proposal will be presented to cabinet for national government's intervention in the troubled Ditsobotla municipality, obviously because of the numerous, issues that we are talking about now?

Premier Mokgosi: Definitely. The problem in Ditsobotla is not a new revelation. It is a historical issue, and different and a number of interventions were done previously and currently. And that's why we called National to come in and assist because the

problem here is beyond the province. The province has done its part. We need assistance of National government, and hence there will be that memo that goes to cabinet, and we are part of it, and we supported it, that there is a need for that intervention.

Interviewer: All right, Premier, let's look at specifics. You're reviving a brickmaking plant that broke down three years ago. What guarantees are there that this won't happen again? I mean, what is the new sustainable business model?

Premier Mokgosi: The brickmaking plant, was suspended by the Department of Public Works due to lack of financial capacity and a number of other project-related, problems, not only in Ditsobotla but it was throughout the province of our brickmaking plants. The reality is that due to the high level of unemployment in that area, and as distressed as it is, you need a number of interventions. And in my discussions with Public Works, we agreed that we need to resuscitate it because there are a number of initiatives from the municipality to deal with internal roads in the community, so that we are able to have roads that go to schools, clinics, crèches, and so on. And as a result, that brickmaking plant can create jobs at the level of the municipality. So we believe that it will be part of our interventions as we resuscitate it and ensure that we give the necessary financial resources to the Department of Public Works to address this matter.

Interviewer: Now finally, how does fixing Ditsobotla fit into the larger plan for struggling municipalities in the, in the Northwest?

Premier Mokgosi: We have identified municipalities in the province which are facing serious challenges, and their challenges are different, and as a result, we, we approach them differently depending on their circumstances. But we strongly believe from the local government side, we have sent to different municipalities officials from the Department of Local Government to assist. Whether we assist

from the financial part, that will, we, we have a relationship with the Department of Provincial Treasury. We have since sent the financial recovery teams to different municipalities to assist, and that's why we are happy with progress because a number of municipalities are showing signs of improvement. We can mention Moretele, we can mention Ramotshere Moiloa, we can mention Naledi in Dr RS, and such municipalities have shown such improvement since our intervention, and we believe that slowly but surely, many other municipalities will also come into the picture.

We have also sent what we call provincial EXCO representatives to focus on service delivery in municipalities because you'll find that in some of the municipalities there are no senior officials, but also there are senior officials, but we have sent to capacitate such municipalities so that we stabilize them administratively and focus on service delivery. So we are convinced that with our interventions, ensuring that our municipalities, especially from a revenue collection, which is a critical area which municipalities must focus on, and we believe that they've got potential, but they've got inherent and systemic challenges in different municipalities so our interventions with the final recovery teams, the financial recovery teams which are there. But over and above, it's not only sending these teams to municipalities. The municipalities need to own up and collaborate and cooperate and have a sense of ownership of these interventions because by law, they are a sphere of government, and we're coming in to assist and intervene. So they need to own up, and they need to be part of the implementation so that together we can, uh, jointly agree on a program of implementation and an auditable type of an implementation so that we can also take milestones as we progress with these interventions. So we strongly urge our municipalities to cooperate as we intervene.

Interviewer: Final thoughts, Premier. You're almost a year away from local government elections. How critical is it that this initiative is successful for you?

Premier Mokgosi: We need to move closely to municipalities and monitor them because as we approach local government, our people are interested on service delivery. We know in the process there will be a lot of political opportunism, but we as provincial government must focus on ensuring that our people get the necessary services. So monitoring, it's an important part and integral part of the Department of Local Government and Provincial Treasury to ensure that we put our hands in the pulse so that we can feel if anything goes wrong. And we will be expanding our monitoring system so that we are, we are able to track on a daily basis what progress has been reached, what are the challenges, and how can we unlock challenges which we experience on a daily basis.

Interviewer: Premier of the Northwest, Lazarus Mokgosi, appreciate your time

END OF RECORDING

S 3

KRIEK WASSENAAR & VENTER INC
PROKUREURS · ATTORNEYS

Our Ref: R Eloff / QB1272
Your ref: 0955/21/P3

6 August 2025

THE STATE ATTORNEY: MAHIKENG
ATTORNEYS FOR THE 3rd-6th, 8th AND 10th RESPONDENTS **URGENT**
MAHIKENG (MMABATHO)

By e-mail: isekgota@justice.gov.za
MasLetsoalo@justice.gov.za

Sir / Madam

SAKELIGA NPC & OTHERS / DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS

CASE NO: UM192/2022

1. As you are aware, this matter has been brought in response to the escalating collapse of the Ditsobotla Local Municipality ("Ditsobotla"). The matter relates to basic municipal functions and basic service delivery. It is and remains an urgent constitutional issue affecting the rights and livelihoods of all persons working and residing in Ditsobotla.

2. Amongst the relief sought by our clients are orders to compel the National Executive to intervene in Ditsobotla Local Municipality as contemplated in section 139(7) of the Constitution read together with section 150 of the MFMA.

3. We record that your clients, specifically the Premier of the North West Province (the third respondent), the Provincial Executive of the North West Province (the fourth respondent), the MEC for Cooperative Governance, Human Settlements and Traditional Affairs for the North West Province (the fifth respondent) and the MEC for Finance for the North West Province (the sixth respondent)(collectively referred to as the "Provincial respondents") elected to oppose the application and the relief sought by our clients.

4. Furthermore, the provincial respondents, through an opposing affidavit filed by the Head of Department for the North West Department of Cooperative Governance and Traditional Affairs,

Dr Mokotedi Samuel Bole, delivered the province's reasons for opposing the application. The crux of the provincial respondents' opposition in papers is that the relief sought by our clients in regard to the invocation of section 139(7) of the Constitution is premature. This is premised on the assertion that the province is indeed able to rescue the failed municipality in terms of section 139(4) and section 139(5) of the Constitution.

5. The provincial respondents' opposition to the application was reaffirmed by their legal representatives during the case management hearing held before Madam Acting Justice Matlhape on 5 August 2025.

6. The opposition of the matter to date has been without merit.

7. It has come to our attention that during or about 4-6 August 2025, your clients, specifically Mr. Oageng Molapisi, the MEC for Cooperative Governance, Human Settlements, and Traditional Affairs for the North West Province, made certain public statements related to the failed interventions in Ditsobotla. In these statements, he acknowledged that: 1) the provincial intervention has failed to improve the situation in the Ditsobotla 2) the province is no longer able to rescue the failing municipality, and 3) the national government must invoke section 139(7).

8. The following transcript of the MEC's statement as published by SABC News on 6 August 2025, is of particular importance:

> *"National government must invoke section 139(7) and send an administrator from national (government) because from the province, we have dissolved the municipality, we have done everything. Now we need the national government to move in. But when the national government moves in, like I said, don't bring an individual to say he or she must come and be a municipal manager or an accounting officer – bring the team, bring the resources, bring everybody so that you can address the problem."*

9. The MEC has effectively conceded to our clients' application by conceding publicly that the provincial executive *cannot adequately exercise the powers or perform the functions* referred to in sections 139(4) or 139(5) of the Constitution.

10. The Provincial respondents are the only parties to substantially oppose the relief sought by our clients, specifically the relief seeking to direct the National Executive to intervene in Ditsobotla

Local Municipality in terms of 139(7) of the Constitution. Based on the unambiguous statements by the MEC as published on 6 August 2025, no actual defence to our clients' application remains.

11. In light of the above, our clients demand the immediate withdrawal of the provincial respondents' opposition of the application. Any further attempts to delay the invocation of the interventions which your clients have now admitted to be urgently needed shall be deemed to be constitutionally unlawful and an abuse of process, ostensibly only aimed at frustrating public litigants that seek to address a clear constitutional failure on the part of government.

12. Kindly note that our client intends to file further affidavits in the matter in order to bring these events and this letter under the attention of the court. Please also note that our client will seek further punitive costs orders, including special cost orders *de bonis propriis*, if the provincial respondents persist in their opposition of this application. The provincial respondents are already liable for the costs of the application to date and should, in the event of their withdrawal of their opposition, also file a tender for costs.

13. We should remind the provincial respondents that the High Court, in its judgment of 20 February 2025, already criticised the provincial respondents' improper opposition to our clients' application to place Ditsobotla under section 139(5) intervention. We would also like to remind your clients that a special cost order was granted in favour of our clients.

14. Kindly note that we require your response by no later than 14 August 2025, whereafter our clients will be preparing further supplementary affidavits.

15. We await your urgent response.

Yours faithfully,

KRIEK WASSENAAR & VENTER INC
ROHANN ELOFF – SENIOR ASSOCIATE
(t) 012 803 4719
(e) rohann@kriekprok.co.za

CC: **M.E TLOU ATTORNEYS & ASSOCIATES**
ATTORNEYS FOR THE 1ST RESPONDENT
MAHIKENG

By e-mail: naledi@tlouattorneys.co.za

CC: THE STATE ATTORNEY: PRETORIA
ATTORNEYS FOR THE 9th RESPONDENT
PRETORIA

By e-mail: nokuthula.khumalo@treasury.gov.za
lChowe@justice.gov.za
MuMoholo@justice.gov.za
MMoholo@justice.gov.za

CC: MOLEFE ATTORNEYS
11th RESPONDENT
MAFIKENG

By e-mail: thapelo@lawyer.com

CC: ESKOM HOLDINGS SOC LTD
12th RESPONDENT
SUNNINGHILL

By e-mail: MaluleTP@eskom.co.za

S4

KRIEK WASSENAAR & VENTER ING
PROKUREURS · ATTORNEYS

Our Ref: R Eloff / QB1272
Your ref:

7 August 2025

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA
THE 7TH RESPONDENT
PRETORIA

URGENT

By e-mail: president@presidency.gov.za
malebo@presidency.gov.za
Mduduzi@presidency.gov.za
VincentM@presidency.gov.za

THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
THE 8TH RESPONDENT
c/o THE STATE ATTORNEY: MAHIKENG
MAHIKENG (MMABATHO)

By e-mail: isekgota@justice.gov.za
MasLetsoalo@justice.gov.za

THE MINISTER OF FINANCE
THE 9TH RESPONDENT
c/o THE STATE ATTORNEY: PRETORIA
PRETORIA

By e-mail: nokuthula.khumalo@treasury.gov.za
IChowe@justice.gov.za
MuMoholo@justice.gov.za
MMoholo@justice.gov.za

THE MINISTER OF WATER AND SANITATION
THE 10TH RESPONDENT
c/o THE STATE ATTORNEY: MAHIKENG
MAHIKENG (MMABATHO)

By e-mail: isekgota@justice.gov.za
MasLetsoalo@justice.gov.za

Mr President / Minister / Sir / Madam

SAKELIGA NPC & OTHERS / DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS

CASE NO: UM192/2022

1. We refer to the above matter which is set down for a special hearing on 6 – 7 November 2025 in the High Court Mahikeng.

2. Our clients seek relief, inter alia, compelling the National Executive to intervene in Ditsobotla Local Municipality ("Ditsobotla") in terms of section 139(7) of the Constitution, read with section 150 of the Municipal Finance Management Act, 56 of 2003 ("MFMA").

3. We are instructed to direct this correspondence to the President, as Head of the National Executive, as well as to the responsible ministers. This follows public statements by the North West Provincial Executive admitting its inability to fulfil its intervention duties under sections 139(4) and 139(5) of the Constitution. A copy of our letter to the provincial respondents dated 6 August 2025 is attached for ease of reference.

4. It is to be noted that the National Executive, via their cited respondents, has either filed notices to abide or has withdrawn opposition to our clients' application. The sole exception is the Minister of Finance, who, in his answering affidavit, expressly confirms that he does not oppose the relief sought under section 139(7) and limits his opposition only to the additional constructive interdicts sought by our clients regarding the restoration of basic services.

5. It is now unmistakably clear, both from the court record and public statements, that both the Provincial and National Executives are in fact in agreement on the need for intervention in Ditsobotla under section 139(7). However, it remains constitutionally indefensible that such intervention has not yet occurred.

6. In terms of the cooperative governance framework outlined in Chapter 3 of the Constitution, organs of state are enjoined to coordinate their actions and resolve intergovernmental disputes without resorting to litigation (or forcing public litigants such as our clients to do so). The failure of the Provincial and National Executives to reach a resolution and fulfil their obligations under this framework represents a serious breach of constitutional duties. That the Provincial Executive has had to resort to public statements and media briefings to plead for national intervention speaks to a systemic failure of constitutional intergovernmental cooperation and communication.

7. Throughout the prolonged collapse of Ditsobotla, our clients have been compelled to persist with litigation - not due to any *bona fide* legal dispute from the state respondents regarding the

constitutional relief sought, but rather as a result of internal political power struggles, improper and unjustified opposition by the Provincial Executive, and the National Executive's continued failure to discharge its duty under section 139(7) of the Constitution, despite the existence of undisputed facts and clearly established legal obligations.

8. This failure has not only burdened our clients and the courts with protracted constitutional litigation - frustrated by irrational and unjustified opposition from the state - but more critically, it has deeply undermined the rights and dignity of the residents, businesses, and communities of Ditsobotla. They continue to endure the consequences of dysfunctional municipal governance and the near-total collapse of service delivery. It is constitutionally untenable that the public must prod the state into fulfilling its most basic duties, and it is equally unacceptable that litigation has become the only available mechanism to compel lawful and necessary intervention.

9. The residents of Ditsobotla are not only the victims of municipal collapse, but of a deeper failure of intergovernmental cooperation and constitutional accountability. Our clients' application was avoidable. The fact that it is still proceeding to a hearing is a direct result of the National Executive's inertia in the face of a constitutional crisis at the municipal level.

10. In light of the above, we are instructed to demand the following:

    10.1 That the National Executive formally invoke its powers in terms of section 139(7) of the Constitution in respect of Ditsobotla without further delay;

    10.2 That the National Executive provide our offices with written confirmation of the steps being taken, or to be taken, failing which our clients will seek further judicial relief, including but not limited to punitive costs against the cited members of the National Executive.

11. This letter will be brought to the attention of the court. We request a response by no later than 15 August 2025.

Yours faithfully,

KRIEK WASSENAAR & VENTER INC
ROHANN ELOFF – SENIOR ASSOCIATE
(t) 012 803 4719
(e) rohann@kriekprok.co.za

CC: THE STATE ATTORNEY: MAHIKENG
ATTORNEYS FOR THE 3RD-6TH RESPONDENTS
MAHIKENG (MMABATHO)

By e-mail: isekgota@justice.gov.za
MasLetsoalo@justice.gov.za

CC: M.E TLOU ATTORNEYS & ASSOCIATES
ATTORNEYS FOR THE 1st RESPONDENT
MAHIKENG

By e-mail: naledi@tlouattorneys.co.za

CC: MOLEFE ATTORNEYS
11th RESPONDENT
MAFIKENG

By e-mail: thapelo@lawyer.com

CC: ESKOM HOLDINGS SOC LTD
12th RESPONDENT
SUNNINGHILL

By e-mail: MaluleTP@eskom.co.za

55

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE STATE ATTORNEY: MMABATHO

1st Floor, East Gallery, Mega City Complex, Cnr Sekame Road & Dr James Moroka Drive, MMABATHO, 2735 * P/Bag X 51, MMABATHO, 2735 * * Tel (018) 384-0289, 384-0151, 384-0315 *

our Ref : R ELOFF/08/272
Our Ref : 0955/21/P3
Enq : Mr. Letsoalo
E-mail : MasLetsoalo@justice.gov.za Date: 14/08/2025

KRIEK WASSENAAR & VENTER INC
3rd Floor, HB Forum Building
Email: rohann@kriekprok.co.za
13 Stamvrug Road, Val de Grace
Pretoria

Per email: charne@kriekprok.co.za

Dear Sir / Madam

RE: SAKELIGA NPC @ OTHERS // DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS

1. The above matter as well as your letter dated 07th of August 2025 bears reference.

2. This letter serves to confirm our instructions from our clients that the Minister indeed recommended that the National Executive considers intervening in Ditsobotla in terms of Section 139(7) of the Constitution of the Republic of South Africa.

3. Further to the above, our clients instructed us to inform your clients that currently the matter has been referred to Cabinet through the prescribed procedures.

4. An update will be provided once Cabinet has applied its mind and reverted with its decision.

5. Hope you find the above in order.

PLEASE QUOTE MY REFERENCE IN FULL ON ALL CORRESPONDENCE

X B

Yours faithfully

p.p. .....

Mr. M LETSOALO
O.B.O STATE ATTORNEY
OFFICE OF THE STATE ATTORNEY
MAFIKENG

PLEASE QUOTE MY REFERENCE IN FULL ON ALL CORRESPONDENCE

Transcription of news clip/interview

Newzroom Africa: Civil rights group pushes for urgent government intervention

Date of recording/clip: 23 August 2025

START OF RECORDING

Interviewer: Civil rights group Sakeliga is calling for National government's intervention in the troubled Ditsobotla municipality. The organization is threatening legal action against President Cyril Ramaphosa and some ministers over what it says is a collapse of the embattled municipality. Government has until the 15th of August to respond to the organization's demands. For more on this I'm joined by Cooperative Governance and Traditional Affairs Minister, Velenkosini Hlabisa. Minister, I appreciate your time, thanks for speaking to us.

Now, the North West provincial government has demonstrably failed in its constitutional duty to intervene and fix Ditsobotla. Your department is now the last line of defence. What is your immediate concrete plan to ensure that municipal employees who haven't been paid receive their salaries and that basic services like water and electricity are restored?

Minister Hlabisa: Good afternoon, as well as the viewers of Newsroom Afrika. Indeed, the Ditsobotla municipality is always in the public space for not good reasons, but for bad reasons. We have been in close contact with the provincial government. As you rightly know, the municipality has parallel structures; there are two mayors, there are two speakers, which is not good for service delivery. As a government at a national level, on Tuesday next week, the matter of Ditsobotla is going to serve before the cabinet committee. We are going to present a proposal for the national government intervention in terms of section 139 subsection 7. And the following Tuesday, the matter will be serving before cabinet, and I'm confident that the cabinet is going to approve the intervention

by the national government to bring order and stability in that embattled municipality.

Interviewer: Now, business group Sakeliga is threatening to seek personal cost orders against you and your colleagues for what they say is failing to act. How do you respond to this accusation that the national executive is in gross violation of its constitutional duties, according to them.

Minister Hlabisa: My brother, we understand the frustration of the business people in the area. There are processes; the national government cannot simply override the provincial government and intervene. The provincial government has indicated to the national government that they have done all it takes and they are requesting the intervention of the national government. That is why then we are intervening. I don't think we will reach a stage of litigation between us and the business people. We are going to engage them immediately once I pass through the cabinet committee on Tuesday and the cabinet executive on the Tuesday of the following week. That here is our decision, this is how we're going to intervene in order to ensure that they receive the services they want.

Interviewer: Can you walk us through your proposal and the levels of your intervention and how it will remedy this problem?

Minister Hlabisa: I will do as you request, but the process is still going to go to the cabinet committee. It will not be a right thing to say the cabinet committee is going to agree to one, two, three, and the cabinet. But the principle is for the national government to intervene, you need to get the indication from the provincial government, which they have given. We have laid out in terms of our presentation that we will be presenting to the cabinet committee that the national government, COGTA Minister as well as the Minister of Finance will work jointly in resuscitating the systems that have collapsed in the municipality.

We will deploy specialized teams in terms of administration as well as also in terms of finance management.

I'm sure you know that there are 10 councillors who were dismissed by their political party. I think that is going to lessen the problem because if you have two mayors, you will not be able to intervene successfully because there will be two political figures within the council. And if there are two speakers... so now the intervention of dismissing the 10 councillors is going to be a solution which is also going to give an opportunity to the residents to re-elect councillors who will put their interest first in council other than their personal issues. The whole plan will be released after the meeting of the cabinet because it will not be fair to give details yet. I'm still submitting the memo for the cabinet to approve, which I'm confident they will approve because we all want to see Ditsobotla municipality being in the public domain for good reasons.

Interviewer: Minister, now the ANC in the North West has suggested dissolving Ditsobotla and merging it with other municipalities. What's your reaction to this?

Minister Hlabisa: Let us start with dissolving and merging. That process cannot happen even next year because the Demarcations Board has finalized the issue of boundaries re-determination. It can only happen in 2031. And it can be, because the review of the White Paper is going to modify some municipalities, then any proposal to modify boundaries, including Ditsobotla, will only be a product of the review of the White Paper to be introduced in 2031. I do not want to comment much now, but all I can say is it cannot happen within the next 5 years.

The biggest opportunity for our communities is elections. There are going to be by-elections there. People must not stay at home; they must go to the polling stations and vote for councillors who will serve them. And another opportunity is local government elections anytime from 1 November next year. People of Ditsobotla have suffered for many years; their vote is their determinant as to

who should lead the council. That is all they can do, that can happen within the next 5 years. Any other modification can only follow in 2031.

Interviewer: I'm going to shift focus a little bit, Minister. Have you received correspondence from the DA or whistleblowers from Mogalakwena asking your department to investigate allegations of corruption there?

Minister Hlabisa: We may not be precise in terms of the name, but from time to time I do receive letters from various councillors. And what I do, because the spheres of government, you cannot just simply interfere. When I get a whistleblower raising an issue about allegations of corruption in a provincial government, I write a letter to the MEC and say, "Please investigate". If it is in a local government space, I also write a letter to the MEC, "Can you please investigate this matter in this municipality?" I can only act if the MEC, having written to him or her, doesn't respond over a certain period. I make a follow-up, there is no response, it is only then that the national minister can intervene. Yes, there are a number of recommendations I've sent to various MECs, including the MEC of Gauteng, to investigate certain issues. It may only be the name in terms of the municipality you are referring to, because I receive many and refer many.

Interviewer: Cooperative Governance and Traditional Affairs Minister, Velenkosini Hlabisa, I appreciate your time. Thank you so much for speaking to us and unpacking those issues around Ditsobotla municipality. And he says he's writing to cabinet and will expect some response in the next couple of weeks on the new action.

END OF RECORDING

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MINISTRY
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

Private Bag x 802, PRETORIA, 0001 Tel: (+27 12) 334 0705 Fax: (+27 12) 336 5950
Private Bag x 9123, CAPE TOWN, 8000 Tel: (+27 21) 469 6701 Fax: (+27 21) 461 0851

Enquiries: Mr Mpho Mogale
Tel: 0716776009
Email: mphom@cogta.gov.za

Mr Lazarus Kagiso Mokgosi
The Honourable Premier
North-West Provincial Government
University Drive, Garona Building
MMABATHO, 2735

Dear Honourable Premier Mokgosi

INVOCATION OF SECTION 139(7) OF THE CONSTITUTION IN DITSOBOTLA LOCAL MUNICIPALITY

I write to formally inform you that the Cabinet, at its sitting on 3 September 2025, approved the invocation of Section 139(7) of the Constitution in respect of Ditsobotla Local Municipality.

This national intervention will be implemented in accordance with Section 139(7) of the Constitution, read together with Chapter 13 of the Municipal Finance Management Act (MFMA). In terms of Section 150(2)(a) of the MFMA, the national executive assumes the powers and functions ordinarily exercised by the provincial executive. Accordingly, the Minister of Finance will assume the powers and functions of the MEC for Finance for the duration of the intervention.

To operationalise the intervention and ensure the effective implementation of the recovery plan as contemplated in Section 139(5)(c) of the MFMA, the Cabinet has appointed a National Cabinet Representative (NCR) supported by a multi-disciplinary team of experts. This team will execute the assumed executive responsibilities on behalf of the national executive, guided by clearly defined roles and responsibilities as set out in the Terms of Reference to be issued.

Furthermore, the Cabinet has authorised the Minister of Cooperative Governance and Traditional Affairs to consult with Ministers in the Justice, Crime Prevention and Security (JCPS) Cluster to establish a Joint Operational Task Team. The primary mandate of this

Task Team will be to investigate and prosecute specific criminal activities reported to be prevalent within the municipality.

In light of the above, I wish to convene a formal engagement with the following stakeholders to communicate the Cabinet resolution and introduce the National Intervention Team:

The meeting will take place as follows:

Item	Stakeholders	Date and Time	Venue
1.	NW PEC, Ngaka Modiri Molema Mayoral Committee and NW SALGA	Tuesday 9 Sept 2025 10H00	Ditsobotla Council Chamber, Lichtenburg
2.	Ditsobotla Municipal Council, the Premier, MECs for CoGTA and Finance, Mayor of NMM District and Chairperson of SALGA	Tuesday 9 Sept 2025 12H00	Ditsobotla Council Chamber, Lichtenburg

I kindly request that the MEC for Cooperative Governance, Human Settlements and Traditional Affairs extend formal invitations to all councillors of the Ditsobotla Municipal Council for the 12h00 session. Additionally, I request that the MEC coordinate the necessary logistical and security arrangements to ensure the smooth conduct of both meetings.

Your cooperation and support in this regard are highly appreciated.

Yours sincerely,

MR. VELENKOSINI LABISA, MP
MINISTER
Date: 03/09/2025

Cc: - Minister of Finance, Mr. Enoch Gondongwana
- Deputy Minister for Cooperative Governance, Dr. Namane Masemola
- Director General for the Department of Cooperative Governance, Mr. M Tshangana
- Director General of Treasury, Dr. D. Pieterse
- Director General for NW Provincial Government, Mr. M. Motlhare

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IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

CASE NO: UM192/2022

In the matter between:

SAKELIGA NPC	First Applicant
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	Second Applicant
BAREND LOURENS SNYMAN	Third Applicant
and	
DITSOBOTLA LOCAL MUNICIPALITY	First Respondent
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	Second Respondent
PREMIER OF THE NORTH WEST PROVINCE	Third Respondent
PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE	Fourth Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	Fifth Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	Sixth Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Seventh Respondent
MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Eighth Respondent
MINISTER: NATIONAL DEPARTMENT OF FINANCE	Ninth Respondent
MINISTER: WATER AND SANITATION	Tenth Respondent

NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	Eleventh Respondent
ESKOM SOC LTD	Twelfth Respondent
MAGALIES WATER BOARD	Thirteenth Respondent
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	Fourteenth Respondent

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CONFIRMATORY AFFIDAVIT

I, the undersigned,

ROHANN ELOFF

do hereby state under oath as follows:

1 I am adult male attorney at Kriek Wassenaar & Venter Inc ("**KWV**"), 3rd Floor, HB Forum Building, 13 Stamvrug Street, Val de Grace, Pretoria.

2 The facts set out in this affidavit fall within my personal knowledge, save where the context indicates otherwise and are to the best of my knowledge true and correct.

3 KWV is the applicants' attorney of record in the application in the above Honourable Court.

4 I have read the supplementary affidavit of **CHRISTO BESTER** and I confirm the correctness of the contents of the affidavit as far as it relates to me and KWV.

ROHANN ELOFF

I hereby certify that the deponent has declared that the deponent understands and knows the contents of this affidavit and that to the best of the deponent's knowledge and belief it is the truth, which affidavit has been signed and sworn to before me at Pretoria on this 8th day of October **2025**, and that the provisions of the Regulations contained in Government Notice R 1258 of the 21st July, 1972, (as amended) and Government Notice R1648 on the 18th August 1977 (as amended) have been complied with.

COMMISSIONER OF OATHS

ANRICH MALAN OTTO
Commissioner of Oaths
HB Forum
13 Stamvrug Street
Val De Grace
Ex Officio Practising Attorney
Republic of South Africa

From:	Charne van den Berg
Date:	2025/10/08 16:30:00
To:	Naledi Tlhabi; MasLetsoalo@justice.gov.za; smalao@justice.gov.za; sinmorule@justice.gov.za; Nokuthula Khumalo; IChowe@justice.gov.za; MuMoholo@justice.gov.za; MMoholo@justice.gov.za; Thapelo Molefe; 'Tshotofelo Maluleke'
CC:	Rohann Eloff
Subject:	Sakeliga NPC & Others / Ditsobotla Local Municipality & others Case Num: UM192/2022
Attachments:	Notice of Motion & Supplementary Affidavit 2025-10-08.pdf; Notice in terms of Rule 36(10) 2025-10-08.pdf;
Size:	7729,10 KB

Good day,

We refer to the above-mentioned matter.

Kindly find attached hereto:

- Notice of Motion & Supplementary Affidavit
- Notice in terms of Rule 36 (10)

Kindly take note that same will be served on your office.

Kindly acknowledge receipt hereof.

Yours faithfully,

CHARNE VAN DEN BERG
charne@kriekprok.co.za

Candidate Attorney / Kandidaat-prokureur

Kriek Wassenaar & Venter Inc
2012/030418/21
(+27) 12 803 4719
Third Floor, HB Forum Building,
13 Stamvrug Street, Val de Grace, Pretoria