KRIEK WASSENAAR & VENTER ING
PROKUREURS - ATTORNEYS

Our Ref: R Eloff / QB1272
Your ref:

7 August 2025

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA **URGENT**
THE 7TH RESPONDENT
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THE 10TH RESPONDENT
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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 It is to be noted that the National Executive, via their cited respondents, has either filed notices to abide or has withdrawn opposition to our clients' application.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,



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