Southern African Catholic Bishops' Conference
PARLIAMENTARY LIAISON OFFICE

SUBMISSION

to the

Department of Co-operative Governance and Traditional Affairs

on the

Review of the White Paper on Local Government (WPLG26 Policy Review)

28 June 2025

PO Box 2910 Cape Town 8000 South Africa ● 12 Bouquet Street Cape Town 8001
Tel: +27 (0)21 461 1417 ● Fax: +27 (0)21 461 6961 ● E-mail: info@cplo.org.za ● Website: www.cplo.org.za

Introduction

1. The Catholic Parliamentary Liaison Office (CPLO) is an office of the Southern African Catholic Bishops' Conference. It is tasked with liaising between the Church and Parliament/Government, commenting on issues of public policy, and making submissions on legislation.

2. This submission is made in response to the Discussion Document on the Review of the 1998 White Paper on Local Government (WPLG98), published by the Department of Co-operative Governance and Traditional Affairs (COGTA). We welcome the opportunity to contribute to this important national conversation on the future of local governance in South Africa. We acknowledge that WPLG98 played a foundational role in establishing a democratic, developmental system of local government post-apartheid, and we commend COGTA for initiating a review process and urge that it leads to a revised approach to local government that is responsive, inclusive, and transformative.

Specific Points

3. Before commenting in general terms on what we consider to be the main problems affecting local governance, we wish to indicate our support for some of the specific goals set out in the discussion document:

- Depoliticisation of the appointment of senior municipal officials and the creation of a professional, career-oriented local public administration;
- Redefinition of the roles of council, mayor and administration to reduce conflict and duplication;
- Revision of the local government fiscal framework, including the equitable share formula and grant system;
- Enhanced financial oversight, enforcement of consequence management, and improvement of debt collection systems;

- A renewed focus on ethical governance, oversight and accountability;
- Streamlining of the intergovernmental relations framework through the District Development Model to ensure an improved alignment between local, provincial and national plans;
- A zero-tolerance approach to irregular and wasteful expenditure; and
- The overhaul of public participation structures, including exploring new digital tools and community forums.

4. We also have some concerns regarding certain specific points which, if not addressed, may negatively impact the effective implementation of the proposed goals:

Fiscal distress

The discussion document assumes that municipalities can improve their revenue collection, but it fails to address structural issues such as poverty, economic decline, and high unemployment, which make revenue collection almost impossible in some areas. Past reforms, such as financial recovery plans, have not been successfully implemented, and the discussion document does not explain how enforcement would be improved.

Lack of capacity and skills

While the discussion document supports professionalisation, the lack of an enforceable mechanism may scupper the ideals of a depoliticised local public service.

Intergovernmental relations

The discussion document proposes refining the District Development Model to realign intergovernmental relations; however, the DDM is contested and lacks legitimacy due its top-down planning approach.

Corruption

While a tougher stance on ethics, improved audits, and transparency mechanisms is welcomed, the discussion document fails to acknowledge that existing anti-corruption frameworks have often been ignored, in many cases due to political protection.

General Concerns

5. We take as our starting point the Summary Question set out in Annex 3 of the Discussion Document:

> *Summary question*
> *Are the evident challenges and failures in the South African local government system a result of (i) 1996 Constitutional provisions for local government within a system of cooperative governance; (ii) the core concepts and propositions contained in the WPLG98; (iii) foundational local government legislation (as implemented and amended) emanating from the WPLG98; (iv) attitudes, behaviours, practices, and cultures that have evolved in government and society since the WPLG98; (v) a lack of individual and institutional capabilities?*

6. There is no doubt that local government is, generally speaking, in a dire situation at present. The Auditor-General's most recent annual report into the financial state of municipalities shows that only 41 out of 257 (one in six) achieved clean audits. If it is considered that 17 of the 25 municipalities that have managed clean audits for four or more consecutive years are in one province, the Western Cape, and that only one metropolitan municipality out of eight achieved a clean audit, the scale of the problem is obvious.

7. This is not just a technical accounting matter. As the AG herself notes,

> *"When municipalities do not effectively manage their performance, finances and infrastructure, it directly affects the delivery of key government priorities that are intended to improve the lives of South Africans. Services and infrastructure in the basic areas of water, sanitation, waste management, electricity, housing and roads are not consistently and sustainably delivered, despite the budgeted funds being spent. When*

money and resources are wasted, there are reduced funds available for service delivery priorities."[1]

Citizens all over the country are all too familiar with this lack of service delivery and with the breakdown in municipal infrastructure identified by the AG.

8. Referring to the summary question, there does not appear to be any reason to believe that the 1996 Constitutional provisions for local government, or the policies set out in the 1998 White Paper, or the main pieces of local government legislation are primarily responsible for the current situation of municipal dysfunction. Indeed, many experts hold South Africa's local government legislation in high regard.[2]

9. The main problem lies with the other two issues raised in the summary question, namely "the attitudes, behaviours, practices, and cultures that have evolved in government and society" and a "lack of individual and institutional capabilities" in the local government sector.

10. A glance at the AG's most recent report confirms this:

"Overall, the outcomes in the three areas that we audit each year paint a picture of municipalities that do not have the institutional capability to produce credible and useful financial and performance reports. They also do not have the institutional integrity to ensure that municipal leadership and officials consistently behave ethically, comply with legislation, and act in the best interest of the municipality and its residents."[3]

[1] https://static.pmg.org.za/mfma_report_2023_24.pdf see page 11
[2] See, for example, du Plessis A and Fuo ON, *When law struggles to deliver: Reflections on service delivery law reform in South Africa, 1996–2024,* https://sajs.co.za/article/view/19336
[3] https://static.pmg.org.za/mfma_report_2023_24.pdf p.7

11. The last sentence is crucial: in too many municipalities, political office-holders and appointed officials behave unethically, fail to comply with the law, and all too often act in their own interests rather than in the interests of the residents of the municipality.

12. Such weaknesses cannot be remedied by legal amendments or adjustments to White Papers. They call for a change of attitude on the part of all those who bear responsibility for the current situation:

- The leadership of political parties must ensure that reliable and competent candidates are chosen to stand in local government elections;
- Political parties must instil a culture of service, rather than self-advancement, in their members occupying local government positions; and
- There must be clear consequences for municipal politicians and officials who make themselves guilty of corruption and other unethical behaviour, or who are incompetent or incapable of doing their jobs.

13. It also bears mentioning that the over-politicisation of local government has had a negative effect on the overall performance of the sector. Local government elections tend to be contested along the same lines as national and provincial elections, with national party leaders and issues of national importance taking centre stage. This contributes to a sense that winning office at local level is not an end in itself, but merely a step on the path to 'higher' ambitions.

14. It also means that pressing local matters of service delivery can end up taking a backseat to what are considered more important issues. The seemingly never-ending flurry of no-confidence votes in mayors and municipal speakers, along with continual chopping and changing of local government coalitions, distracts attention and energy away from the real business of local government – service delivery, social and economic development, and

community involvement. It also shifts the accountability of local level politicians away from the communities they are supposed to serve, and towards their party leadership structures.

15. The Catholic Church upholds the value of subsidiarity – the principle that higher levels of governance should not needlessly interfere with lower levels. "[I]t is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do."[4] The conflation of local with national governance issues undermines the subsidiarity principle and inevitable weakens local government. Once again, this calls for a change of attitude (on the part of political leadership) towards local government – it is not something that can be easily legislated for.

Conclusion

16. The Catholic Bishops of South Africa, writing in a 1993 Pastoral Letter entitled *Towards a Democratic Future,* stated:
"Because it promotes the common good and protects individual rights we see democracy as the best way of building a truly human society which protects the dignity of each person."

Strong, accountable and professional local government is a crucial part of a democratic political dispensation, and we accordingly wish the Department well in its work in developing a revised WPLG.

For further information please contact:

Adv Mike Pothier
Catholic Parliamentary Liaison Office
mike@cplo.org.za
083 309 3512
021 461 1417

[4] https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html para 71