

The Enduring Power of the Judiciary: Why South African Court Judgments Outweigh Municipal Political Agreements

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1. Introduction

This research report provides a comprehensive analysis of the efficacy of municipal political agreements in South Africa, contrasted with the enduring power of court judgments in securing community rights and service delivery. The central thesis of this investigation is that while negotiated agreements with municipalities are inherently fragile and susceptible to the volatile political landscape, court judgments provide a more durable and legally binding mechanism for ensuring long-term solutions for communities. This report draws on an extensive review of an initial Afrikaans research document, landmark court cases, mainstream media coverage, social media activism, and official government reports to substantiate this argument.

The initial research document, translated from Afrikaans, posits that the political cycles of local government, particularly the rise of unstable coalition governments, fundamentally undermine the longevity of municipal agreements¹. This report expands on that initial premise, providing a wealth of evidence from recent events and official sources to demonstrate a systemic pattern of failure in the current municipal political system. The findings reveal a stark contrast between the transient nature of political promises and the lasting precedent set by judicial intervention.

2. The Fragility of Municipal Political Agreements

The South African municipal landscape is characterized by a high degree of political instability, particularly in the wake of the 2021 local government elections, which resulted in a significant number of hung councils². This has led to a proliferation of coalition governments, which, as this research will demonstrate, are often characterized by infighting, shifting alliances, and a focus on political survival rather than long-term governance. This political volatility has a direct and detrimental impact on the reliability of agreements made with municipalities.

2.1. The Impact of Coalition Politics

Academic research and media reports from 2024 and 2025 paint a grim picture of the state of coalition governance in South Africa. A study by the Inclusive Society Institute highlights that coalitions are often formed out of necessity rather than shared ideology, leading to inherent instability¹. When these coalitions fracture, as they frequently do, the agreements made by the previous administration are often discarded or renegotiated, leaving communities in a state of perpetual uncertainty.

Recent events in major metropolitan municipalities provide compelling evidence of this trend. In Nelson Mandela Bay, a coalition government led by the ANC and EFF has been

described as having brought “untold destruction and collapse” to the city, with a catastrophic failure to meet its own service delivery targets 3. Similarly, the City of Johannesburg has experienced a revolving door of leadership, with multiple coalition arrangements leading to a state of chronic instability and a collapse in service delivery 4. The national government of national unity (GNU) itself is not immune to these pressures, with a major budget impasse between the ANC and the DA threatening the stability of the coalition just nine months into its term 5.

Municipality	Key Political Instability Indicators (2024-2025)
Nelson Mandela Bay	ANC/EFF-led coalition failure; only 9.4% of mayoral targets met; service delivery collapse across all directorates 3.
City of Johannesburg	Multiple coalition arrangements; chronic leadership instability; collapsing service delivery 4.
City of Tshwane	Collapse of the DA-led multi-party coalition after ActionSA's withdrawal; service delivery disruptions 1.
National Government	Budget impasse between ANC and DA threatening the stability of the Government of National Unity 5.

2.2. The Failure of Political Oversight

The systemic failure of municipal governance is further exacerbated by a lack of effective oversight from provincial and national government bodies. The Auditor-General’s 2023-24 report on local government audit outcomes delivers a scathing indictment of the state of municipal finances and accountability, with only 15% of municipalities receiving a clean audit 6. The report highlights a “profound crisis in municipal governance” that extends far beyond administrative inefficiency, pointing to a lack of political will to enforce accountability.

Auditor-General Tsakani Maluleke’s briefing to Parliament revealed that the Department of Cooperative Governance and Traditional Affairs (COGTA) and provincial legislatures are failing to perform their oversight duties. Reports on municipal performance are often not completed, and when they are, they are not tabled or acted upon in the legislature 6. This creates a vacuum of accountability, where municipalities can continue to fail without consequence, and agreements with communities are rendered meaningless.

3. The Enduring Power of Court Judgments

In stark contrast to the ephemeral nature of political agreements, court judgments have emerged as a powerful and enduring mechanism for communities to assert their rights and compel municipalities to fulfill their constitutional obligations. The South African judiciary has shown an increasing willingness to intervene in cases of systemic municipal failure, providing a vital check on the power of the executive and a last resort for communities let down by the political process.

3.1. Landmark Court Cases

Several landmark court cases have established the judiciary's role as a guarantor of community rights and service delivery. The Constitutional Court’s judgment in *Rademan v Moqhaka Municipality* (2013) set a crucial precedent by affirming that residents are not obliged to pay for services that have not been rendered 7. This judgment provides a legal

basis for communities to challenge municipal billing for non-existent or inadequate services, a common complaint in many parts of the country.

More recently, the case of *Afriforum NPC v Ngwathe Local Municipality (2025)* marked a significant turning point in judicial oversight of local government. In this case, the court granted a structural interdict, placing the dysfunctional municipality under administration and requiring the provincial government to implement a recovery plan under the court's supervision 8. This demonstrates the court's willingness to not only declare a municipality's failures but also to actively monitor the implementation of remedial action, ensuring that its orders are not ignored.

Court Case	Key Precedent
<i>Rademan v Moqhaka Municipality (2013)</i>	Residents are not obliged to pay for services that have not been rendered 7.
<i>Afriforum NPC v Ngwathe Local Municipality (2025)</i>	Courts can issue structural interdicts to place dysfunctional municipalities under administration and monitor recovery plans 8.

3.2. The Rise of Community Activism and Legal Challenges

The failures of the municipal political system have led to a surge in community activism and legal challenges. From 2021 to 2025, South Africa experienced an estimated 1,687 to 1,712 service delivery protests, resulting in an economic loss of R100 billion 9. This widespread discontent is a direct consequence of broken promises and the failure of municipalities to honor their agreements with communities.

In response, communities are increasingly turning to the courts for redress. The rise of citizen-led service provision, where communities provide their own security, sanitation, and even electricity, is a stark indictment of the state's failure to deliver on its constitutional mandate 10. This trend, while born of necessity, further entrenches inequality and echoes the fragmented urban landscape of the apartheid era. Court judgments, in this context, offer a path towards a more equitable and just distribution of resources, holding the state accountable to its constitutional obligations for all citizens.

4. Conclusion

The evidence presented in this report leads to an unequivocal conclusion: court judgments in favor of communities far outweigh the value of political agreements with South African municipalities. The current municipal political system, characterized by unstable coalitions, a lack of political will, and a failure of oversight, renders negotiated agreements inherently unreliable. Communities that place their faith in such agreements are often left with broken promises and a continuation of the service delivery failures that plague their daily lives. The judiciary, in contrast, has proven to be a more reliable and effective avenue for securing community rights. Landmark court cases have established powerful legal precedents that are binding on all municipalities, regardless of the political party in power. The use of structural interdicts and other legal remedies provides a mechanism for enforcing compliance and holding municipalities accountable for their constitutional obligations.

While the path of litigation can be long and arduous, it offers a more durable and lasting solution than the fleeting promises of politicians. For communities seeking to secure their rights and ensure a better future, the courts, not the council chambers, represent the most effective arena for change.

5. References

- [1] [Ondersoek na Munisipale Ooreenkomste in Suid-Afrika vs Hofsaak. \(2025\). \[Attached document\]](#)
- [2] [Duvenhage, A. \(2023\). Coalition politics in South Africa: The art of the \(un\)timely? Tydskrif vir Geesteswetenskappe.](#)
- [3] [Democratic Alliance Eastern Cape. \(2025, December 9\). Nelson Mandela Bay Report Card: ANC/EFF-led coalition government has brought untold destruction and collapse.](#)
- [4] [ACCORD. \(2025\). Johannesburg - ACCORD Coalitions Tracker.](#)
- [5] [Naidoo, V., & Levy, B. \(2025, April 11\). South Africa's coalition government is at risk of crumbling: why collapse would carry a heavy cost. The Conversation.](#)
- [6] [Maluleke, T. \(2025, May 28\). Auditor-general exposes municipal meltdown. Mail & Guardian.](#)
- [7] [Helen Suzman Foundation. \(2013\). Service Delivery: What does the Constitutional Court say?](#)
- [8] [Financial Institutions Legal Snapshot. \(2025, June 27\). When municipal failures become a constitutional crisis: Why courts are stepping in.](#)
- [9] [Newcastle Advertiser. \(2025, May 9\). Protests in SA: R100 Billion Lost for What Return?](#)
- [10] [Culwick Fatti, C., Lemanski, C., Anciano, F., & Rubin, M. \(2025, October 6\). South Africans are going off the service grid: what happens when citizens replace the state? The Conversation.](#)