

Section 139 Municipal Interventions in South Africa: A Review of Case Law, Media, and Academic Outcomes

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Executive Summary

Section 139 of the Constitution of the Republic of South Africa (1996) provides a constitutional mechanism for provincial and national governments to intervene in local municipalities that fail to fulfil their executive obligations or fall into financial crises. While designed as a "safety net" to prevent the total collapse of local governance and service delivery, the practical application of Section 139 over the past two decades has yielded mixed results.

This report synthesises deep research from case law, media reports, and academic studies to evaluate the long-term outcomes of Section 139 interventions. The research indicates that while there are isolated success stories where financial and operational stability was restored, the vast majority of interventions have been unsuccessful. Academic research, such as the comprehensive study by the Public Affairs Research Institute (PARI), highlights that interventions often fail to address the root causes of dysfunction, such as political factionalism, lack of technical capacity, and systemic corruption [1]. Furthermore, a recent trend has seen civil society and businesses successfully turning to the courts to force reluctant provincial and national governments to intervene in collapsing municipalities [2] [3].

The Efficacy of Section 139 Interventions

Academic consensus points to a high failure rate for Section 139 interventions. A 2023 study published in the *Journal of Local Government Research and Innovation* analysed audit outcomes before and after interventions and concluded that Section 139 interventions are largely ineffective in strengthening municipal financial accountability [4]. Similarly, a 2025 brief by the Parliamentary Budget Office (PBO) noted that between 2020/21 and 2022/23, 39 municipalities were under intervention, yet audit outcomes showed no conclusive improvement, and in many cases, regressed [5].

The PARI "Mind the Gap" report (2019) argues that interventions often fail because they are implemented too late, lack proper funding, and face severe political resistance from entrenched local interests [1]. However, PARI also noted that successful outcomes are possible when competent Section 56 managers are appointed and political interference is minimised.

Case Studies of Section 139 Interventions

The following table summarises key Section 139 interventions, highlighting the municipality, the nature of the intervention, and the ultimate outcome based on available research and case law.

Municipality	Province	Intervention Trigger & Context	Outcome Status	Summary of Outcome
Oudtshoorn	Western Cape	Placed under administration in 2015 due to severe political instability and financial collapse (R110m cash deficit).	Successful	One of the few clear success stories. The intervention stabilized the municipality, and by 2020, the R110m deficit was turned into a R177m positive cash flow. Debt collection improved to over 96% [6].
Lekwa	Mpumalanga	Collapsed service delivery (water/electricity cuts, sewage spills) and massive debt to Eskom and Rand Water.	Unsuccessful (Provincial) / Ongoing (National)	A 2018 provincial intervention failed completely. In a landmark 2021 case (<i>Astral Operations v Lekwa</i>), the High Court ordered the national government to intervene under Sec 139(7). The council was dissolved, but financial recovery remains slow [7] [8].
Makana	Eastern Cape	Persistent failure to provide basic services and financial collapse; previous 2015 intervention ignored.	Unsuccessful (Provincial) / Court Ordered	In a historic 2020 judgment (<i>Unemployed Peoples Movement v Premier of the Eastern Cape</i>), the High Court ordered the dissolution of the council under Sec 139(5) after finding provincial supervision was "embarrassing." The province's appeal was dismissed [2] [9].
City of Tshwane	Gauteng	Council deadlocked due to ANC/EFF walkouts, unable to pass budgets or appoint a mayor.	Overtaken by Court	The Gauteng Premier dissolved the council in 2020. However, in <i>Premier, Gauteng v Democratic Alliance</i> (2021), the Constitutional Court ruled the dissolution invalid, stating the province failed to prove the council breached an executive obligation that warranted dissolution [3].

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Enoch Mgijima	Eastern Cape	Placed under provincial intervention in 2018, escalated to national intervention in 2022 due to lack of progress.	Unsuccessful	Despite years of intervention, the municipality received qualified audits for three consecutive years, passed unfunded budgets, and failed to implement the Financial Recovery Plan (FRP). The AG noted a "laissez-faire" approach to recovery [10] [11].
Emfuleni	Gauteng	Intervened in 2018 due to financial crisis, massive Eskom/Rand Water debt, and service delivery failure.	Unsuccessful	The provincial intervention was terminated in August 2022. While some supply chain improvements occurred, the municipality was left with R5.9 billion in debt, 41% water losses, and ongoing sewage spills into the Vaal River. The intervention failed to create sustainable change [12].
Thabazimbi	Limpopo	Paralysed by parallel municipal councils and management teams (ANC vs DA coalitions) in 2021-2024.	Ongoing (Recently Dissolved)	The Limpopo government dissolved the council in October 2024 under Sec 139(1)(c). Administrators restored basic services temporarily, but December 2024 by-elections resulted in another hung council, raising fears of renewed instability [13].
Butterworth (Mnquma)	Eastern Cape	First ever Section 139 intervention in South Africa (1998).	Mixed / Unsuccessful	While it set the precedent for interventions, Mnquma continued to face severe governance issues, leading to further court cases in 2009 (<i>Mnquma Local Municipality v Premier of the Eastern Cape</i>) regarding the limits of provincial power [14] [15].

The Role of the Courts in Section 139 Interventions

A defining feature of recent Section 139 interventions is the increasing role of the judiciary. Historically, interventions were initiated top-down by provincial executives. However, due to provincial reluctance or political shielding, civil society organizations (e.g., Unemployed Peoples Movement in Makana) and private businesses (e.g., Astral Operations in Lekwa) have successfully petitioned the courts to force interventions [2] [8].

Conversely, the courts have also acted as a check against the abuse of Section 139 for political gain. In the *Tshwane* case, the Constitutional Court protected municipal autonomy by invalidating a dissolution that was deemed a disproportionate response to a political deadlock [3].

Conclusion

In layman's terms, while Section 139 is designed as a hospital for sick municipalities, the treatment rarely cures the patient. The success in Oudtshoorn proves that turnaround is possible with strict financial discipline and competent administration. However, cases like Emfuleni, Enoch Mgijima, and Makana demonstrate that without addressing underlying political factionalism and ensuring consequence management, Section 139 interventions often merely pause the collapse rather than reverse it.

References

- [1] [Mind The Gap: Section 139 interventions in theory and practice - Public Affairs Research Institute \(PARI\)](#)
- [2] [Court dissolves local municipality - Mail & Guardian](#)
- [3] [Constitutional Court invalidates the dissolution of the Municipal Council of Tshwane - Dullah Omar Institute](#)
- [4] [The effectiveness of Section 139 interventions in strengthening municipal accountability in South Africa - Journal of Local Government Research and Innovation](#)
- [5] [Section 139 and 154 municipal Interventions - Parliamentary Budget Office \(PBO\)](#)
- [6] [Oudtshoorn's financial turnaround - Politicsweb](#)
- [7] [Financial recovery in Lekwa Local Municipality - Public Finance Matters](#)
- [8] [South African court orders national government to intervene in municipal financial crisis - Decentralization.net](#)
- [9] [Courts as a check on provincial interventions: the Makana and Tshwane interventions - Dullah Omar Institute](#)
- [10] [Cogta Portfolio Committee Briefed on Troubled Enoch Mgijima Local Municipality - Parliament of RSA](#)
- [11] [National Intervention in the Mangaung Metropolitan and Enoch Mgijima Local Municipalities - COGTA](#)
- [12] [Section 139 intervention: termination of intervention in Emfuleni Local Municipality - PMG](#)
- [13] [Parallel councils and duplicate management teams: The crisis in Thabazimbi Local Municipality - Dullah Omar Institute](#)
- [14] [Section 139 interventions in South African local government, 1994-2015 - New Contree](#)
- [15] [Premier, Gauteng and Others v Democratic Alliance and Others - SAFLII](#)