

North West residents approach court to jail municipal manager

By Ciaran Ryan

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Residents of Kgetlengrivier in the North West are back in court after winning a spectacular judgment in December 2020 that forced the local municipality to hand over control of the area's broken water and sewage systems to the residents association.

This time they want the court to jail the Kgetlengrivier municipal manager Joseph Mogale for failing to comply with the 2020 high court judgment that he be jailed for 90 days, suspended on condition that he fix the municipal water and sewage systems within 10 weeks.

The Kgetlengrivier Concerned Residents Association argues that Mogale is in contempt of court for failing to comply with the order. It was the residents, not the municipality, who restored services to the local community after forking out close to R17 million of their own money to restore water and sewage systems to full operation.

Most of that money has since been repaid by the North West provincial government. The delivery of those municipal services has since been returned to the municipality by order of the same court, but once again

residents complain of taps that run only a few hours a day, and sewage spilling onto streets and nearby rivers – the very complaints which led to the original 2020 judgment in the North West High Court in Mahikeng.

The residents are appealing that decision, citing the local municipality and five others as respondents, including the minister and provincial MEC for environmental affairs.

“This December 2020 order was overturned by another judge, and we were ordered to hand back control of the water and sewage systems to the local municipality,” said Carel van Heerden, chair of the Kgetlengrivier Concerned Residents.

“The result has been catastrophic. Water flows for just a few hours a day and sewage spills are commonplace, reversing the work residents did when we had control of those services.

“We believe the municipal manager must be held to account and jailed, as per the original court order.”

Kgetlengrivier local municipality argued in court that the 2020 order had lapsed and was therefore no longer in force, and that giving it 10 weeks to comply was unreasonable.

That argument was accepted by the court – and is now the subject of the appeal by the Kgetlengrivier Concerned Residents.

Attorney for the residents association, Andreas Peens, said the case will be taken to the Supreme Court of Appeal if necessary.

“The arguments we are making are critical to achieving proper governance and service delivery,” he says.

The 2020 judgment by Justice Gura was scathing of the local municipality and municipal manager, and interdicted them from allowing raw sewage to overflow into the nearby Koster and Elands rivers.

The sewage works were handed over to the residents, who were ordered to employ experts to monitor the sewage and water systems for a period of 10 weeks at the expense of the municipality, and then to report back to the court.

The order also found that the municipality had failed in its obligations to supply potable water to local residents in the towns of Koster and Swartruggens, and that the water works were in a state of disrepair and mismanagement.