



Strengthening service delivery through collaborations

In a recent visit to the Office of the Ombudsman, Councillor Lefa Modise of Ward 39 brought to light a number of pressing concerns within his community, which he narrowed down to a declining state of service delivery from three municipal-owned entities viz., Joburg Water, City Power and the Johannesburg Roads Agency (JRA).

During his visit, Councillor Modise expressed his frustration regarding several inconsistencies in service delivery which caused great affliction to the daily lives of thousands of residents in Ward 39. From alleged non-responsiveness of employees to electrical emergencies and frequent water supply disruptions to deteriorating road conditions and potholes etc. the councillor sought assistance from our office as his last hope for administrative recourse.

The Councillor and Ombudsman reached a consensus that these challenges required a coordinated effort and open channels of communication between all stakeholders including Group Citizen Relationship and Urban Management (CRUM) Department which will enable all relevant parties to facilitate various civic information clinics in all the regions of the City which will empower communities, that often play a catalytic role in holding local government (and by extension other spheres of government) accountable.



Left: Adv. S'du Gumede (Ombudsman for the City of Johannesburg) and Cllr. Lefa Modise

Through an engaged and organised civil participation, communities often create a communication network that feeds into formal structures, such as ward committees. These committees consist of councillors which provide the City of Johannesburg with an avenue to access on-the-ground intelligence of the real needs of its constituents and help to foster collaboration among spheres of government - enabling it to play to its strengths - especially given growing backlogs, evolving needs and shrinking fiscal space.

Cooperation from the different departments and entities is essential to effective service delivery and can greatly assist to

fast-track and expand delivery, generating associated lessons and sharing of best practices.

With genuine intentions and hard work, collaborating with communities becomes easier and leads to results when combined with an integrated approach across city departments and meaningful, transparent stakeholder engagements. It also helps to build a social compact with communities by providing credibility and accountability to the work of local government, based on tangible results.

“Our Constitution entrenches specific powers and functions applicable to all municipalities in the national government and the same provision is made in Chapter 5 of the Local Government Municipal Structures Act 117 of 1998 as well as Chapter 3 of the Local Government Municipal Systems Act 32 of 2000. However, local authorities have continually assumed functions which are of a wider nature sometimes for historical reasons and at other times from sheer force of circumstances.”

As an office, our objective is to provide oversight and cultivate a culture of accountability and transparency which will enable all residents to know and enjoy their rights.

And while we may appreciate that there remains a need to recognise that due to the effects of limited local government mandates on service delivery, the City may not necessarily have some of the resources to address all community needs, especially those of under-served, marginalised urban communities. A better understanding is needed of the barriers that limited mandates pose to local government service delivery and the importance of intergovernmental collaboration in overcoming them.

Understanding the role of a Councillor

A ward councillor represents a specific ward on the municipal council and is elected through the “first past the post system” in which the candidate that receives the most votes wins becomes the chairperson of their ward committees and must give special attention to their respective wards.

Their duties range from representing the people in the municipality and cooperate with other councillors in the best interest of the community, communicating the needs of the community to the municipal council and raising issues of concern with the relevant bodies and provide feedback on the municipality's performance to monitoring the performance of the municipality in terms of service delivery output.

Note: All councillors are guided by a Code of Conduct, which, if breached, the respective councillor may be reported to the Office of the Speaker of Council for the City of Johannesburg for disciplinary action i.e. a warning, reprimand or fine issued by the municipal council.





Basic human right to water vs responsible citizenship

On 4 September 2024, a resident from Kyalami Estates sought the court's intervention after Joburg Water disconnected her water supply from her residential property. The city cited the reason for the disconnection was due to non-payment resulting in a substantial debt of over R 200 000 in unpaid municipal services. The municipal-owned entity further stated that multiple notices had been issued, detailing the impending disconnection due to the default.

However, the resident petitioned the court, describing the disconnection as "unlawful and in violation of her basic constitutional rights to access to water". This request highlighted a problem within city governance; the duty to balance resident's basic human right to essential services against the resident's responsibility to meet her financial obligations to the service rendered by the City.



Image Source: Shutterstock

In the ruling, the judge reinforced the City's position by acknowledging that notices issued on 8 August and 8 November 2023, provided residents with enough time over 14 days to respond before any disconnection took place. The court confirmed that the City had acted within its rights to implement its credit control measures, including terminating water service and removing the water meter from the applicant's property.

However, while the onus remains on the residents to play their part and pay for services in order to enable the City to maintain vital infrastructure, our Constitution together with the Water Services Act state that: "Everyone has a right of access to basic water supply and sanitation services" and our belief as the Office of the Ombudsman is this right not only requires water services to be affordable for all, but also that nobody should be deprived of access because of an inability to pay,

The City of Johannesburg as with many other municipalities then finds itself in a quagmire where it is mandated to encourage residents facing financial difficulties to reach out for assistance re: payment arrangements yet, they are also authorised to enforce credit control measures for defaulting.

Click [here](#) to learn more about the City's Credit Controls.

Human rights in the digital age

Human rights are universal, meaning that they apply to everyone. They are indivisible, meaning that all human rights have equal status. They are interdependent and interrelated, meaning the improvement of one human right can facilitate the advancement of others. Likewise, the deprivation of one right can also negatively affect other human rights.

While there are sometimes complex interrelationships between different rights, governments must ensure everyone's human rights are protected.

The arrival of the digital era has transformed our world into a global village, revolutionising the way we live, interact and access information. These rapid changes raise critical questions regarding the protection and promotion of human rights.

Human rights must be at the heart of our digital journey as we traverse this complex landscape and the linkage between those rights and technology presents both opportunities and challenges. On one hand, technology has given us unmatched access to information, communication and mobilisation. On the other hand, it has created new risks, such as online surveillance and digital marginalisation.

As an office, we understand that we do not function as a silo and are committed to using innovation to improve service delivery and enhance one's human rights to efficient access to information. It's on that premise that we are slowly transforming towards digital organisation not only internally through our CMS platform where all received complaints are captured and processed but also through the launch of our new redesigned website which will have new cutting-edge features such as a Chatbot that will offer self-service options for accessing information conveniently, 24/7 support to residents with instant query responses to limit waiting times, and resource direction for the resolution of concerns efficiently. This new feature will provide a user-friendly interface as well as accessibility functions to ensure that all residents are provided with fair and equal access to our services regardless of age, ability or socio-economic status.

Additionally, our office will host its second annual webinar this month, under the theme "Here to Hear You" in commemoration of the Annual Ombuds Day this October. This live online event will include features such as live streaming and interactive Q&A, demonstrating our commitment to using an inclusive platform to assist us to be more accessible to a wider audience and promote open dialogue, albeit remotely.

Follow us on our social media platforms for the announcement of the date to register and join in the conversation!

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