

‘The Hunter [Administrator] Often Becomes the Hunted’: Interview plus commentary¹

Firoz Khan

School of Public Leadership, University of Stellenbosch, South Africa

and

Louise Scholtz

Independent Development Consultant, Cape Town, South Africa

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1. Introduction

Johann Mettler, easily one of South Africa’s most qualified and technocratic city managers, is an Administrator appointed to stabilise dysfunctional municipalities — Mduduzi (KwaZulu-Natal), Nelson Mandela Metropolitan Bay (Eastern Cape) — and was the Municipal Manager at Drakenstein (Western Cape). Mettler is currently the Municipal Manager at the City of Tshwane (Gauteng). The depth and width of experience positions Mettler to provide insightful critique of the existing challenges confronting Administrators combating corruption and malfeasance in municipalities.

Section 139 of the South African Constitution (RSA 1996) empowers a provincial executive to intervene in a local municipality when it cannot, or does not, fulfil its executive obligations. Administrators are tasked with taking over the executive and administrative powers of the local council to rectify service delivery and governance failures. The powers and functions are comprehensive and include:

- Assumption of executive authority
- Administrative management
- Budget and financial control
- Implementation of recovery plans
- Suspension or rescission of decisions
- Staff and human resources management
- Service delivery oversight

2. Understanding the pathology and disengaging the levers

To meaningfully improve the functionality of non- or under-performing municipalities and root out corruption, the Administrator must ‘*understand the pathology*’ of the municipality’s collapse. The Administrator must ‘*recognise the levers*’ of sustaining the pathology, summarised by Mettler as the ‘*lust for power, insatiable greed and unbridled ambition*.’ Mettler continues:

The key turning points, in my mind, would be when you can recognise the levers and disengage them. So, you have to understand who is corrupt and target these people. You have to understand where things went wrong and put in the controls because often the controls are just gone, and you have to change people. There is no way that you can reach a turning point, an effective turning point, without human [resource] capacity, identifying those driving the disaster and replacing them or getting them out of the system and putting in people in place that can actually drive the change.

The key is to ‘*surround yourself with a team of [good] people, in finance, legal, human resources to weed out phantom employees and assist in determining which pockets we must trust and strengthen in service delivery*’. In addition, Mettler alerts to the need to understand why the municipalities are failing at prosecuting wrongdoers in court. In matters of municipalities losing cases against corrupt officials and/or recovering funds, Mettler quizzes whether ‘*attorneys are not getting proper instructions from the municipality or is information being withheld by the municipality?*’

¹ The commentary reflects the views of the authors and should not be interpreted as representing those of the interviewee or the interviewee’s current or former employer.

3. The past in the present and the context of the future intervention horizon

As far back as 2019, joint briefings to Deputy Ministers by the National Treasury and the Department of Cooperative Government comparing Administrator interventions in local government underscored difficulties with “disengaging levers”. The temporary nature of Administrator appointments; reporting (requirements) routed to national and provincial departments (of local government) rather than the Council of the municipality; and a mandate skewed to support, and rehabilitation (Parliamentary Monitoring Group [PMG] 2019) frustrates engagement of the levers. Moreover, once a Council has been dissolved and an Administrator appointed, the Administrator is left with limited capacity. While it is expected from the relevant national or provincial government Departments to support the Administrator, the Departments themselves have limited financial resources and capacity and other priority areas they need to focus on (PMG 2019).

More than half a decade later (2026), Mettler agrees that the temporary nature of appointments and the inadequate support are meaningful impediments to achieve results. Maladministration and corruption occur over a lengthy period of time; undoing and dismantling it takes much longer. An Administrator, Mettler advises, needs at least a full financial year to execute an improved financial system and appoint ethical, competent and experienced senior managers to drive change.

So, for me, it is a structural thing! If a place has been run down and is bankrupt, the province must have the authority to put a team in place and say: For three years, you run this and decide what must happen, with or without the politicians. Because in order to fix a place, you must be able to make decisions and to execute them. If you must still argue with other people in the system or with politicians, then it is a problem. So, I think our interventions as it relates to how you go about fixing a municipality are not strong enough and the bad guys can sense it. They know that you [Administrator] are not going to be here for an extended period—six months or for three months or a year, maximum—and then you must go. They must just survive you for that period. In my view, if a Council has been dissolved, it must remain dissolved until the next elections to fix the place.

The ‘use of traditional methods of investigations, criminal and civil actions, disciplinary actions and tightening governance measures have limited effect as they fail to send strong messages that wrongful acts and behaviour is under scrutiny’. The limited utility and effectiveness of traditional methods combined with weak investigative and oversight systems compounds failure, that is, the method and system fail in ‘resisting and stopping illicit economies and illegal activities’, entrenching them further, instead.

4. Complicating future intervention horizons further

Mettler does not mince his words when talking about the corruption he encountered at municipal level. For him, it is firstly about ‘individuals that benefit’, and while there are some instances where ‘institutions benefit political parties’, Mettler ‘[does] not necessarily draw a connection between the corruption and the institutions’. However, Mettler does

...draw it, very clearly, between those that associate themselves with a particular party, and the space they occupy either within the party or within the municipality. So, it is about those that are at the head of those institutions, how they use state resources to enable and ensconce themselves. This is about sufficient patronage to ensconce their position and to make space also for those in agreement. They form a cohort of thieves or a band of looters that will come together and then loot an institution. Looting will enable them to win elections within their parties via buying votes that you need cash for.

Although patronage assists parties in creating clientelist networks to sustain their electoral support, it extends beyond democracy for sale. Patronage affords party leaders with the resources to not only maintain the survival of their political parties but also offer ‘selective benefits’ to party leaders and activists in return for loyalty to the party or other advantages (Vyas-Doorgapersad 2024, 457).

Administrators have access to a variety of institutional, operational and policy tools to weed out the corrupt with undue influence and replace them and recover funds. But the ‘deliberate running down’ of internal controls is of major concern for Mettler. Mettler reports: ‘Key positions are not filled’ and ‘nobody is there to oversee that a certain process is running properly. Or there would be somebody who is acting in that position or acting two positions above their pay grade’. Oversight and applying key legislation like the Municipal Finance Management Act (MFMA) (2003)—regulating the supply chain process—must be managed by senior staff, as well as Council and the municipal Public Accounts Committee. Failure to do so, Mettler asserts, ‘will lead to unlawful outcomes such as in Nelson Mandela Bay, where there was a period when there was no competitive bidding done [and] everything was done by deviation’.

5. Mining data and expanding horizons

As Administrator, Mettler points to the benefits of mining the data and information ‘already’ in the system. In most cases, the appointment of an Administrator would have been preceded by an ‘investigation or audit of some kind that capture the instances of non-compliance—there might even be a report by the provincial government or instances of existing cases already under investigation’. Provincial governments have a ‘*real stake*’ in addressing transgressions. They are ‘*constitutionally enjoined to support municipalities*’ and must intervene where necessary. They are also under pressure from the legislatures to report on what they are doing to address municipal malfeasance. However, Mettler cautions:

It is also tricky, because most times the municipality is politically also run by the same provincial party. So, there is also a trade-off where you would now have to decide: Okay, I am going to rely more on the province than the local party representatives, because you know somebody... So, one must make a trade-off to say: Okay, let me first just rely on the province and then as you start to understand the local dynamic, you can then say there a few good guys here, but that is the tricky part because as an outsider you will never know who knows who. You just won't know, but when you chase these people and go up against them, it [the situation] must change. The change could be in improved service delivery, contracts cancelled, funds recovered, prosecutions initiated, policy fixes, etcetera.

6. Whistleblowing and the criminal justice system: Expanding horizons?

Over and above formal investigations, Mettler invests and encourages investigation of the allegations of whistleblowers and community members fingering specific individuals living beyond their means or benefitting unduly from tenders.

For whistleblowers, certainly there must be institutional support not only from the municipality, but also from the broader state, because there is nothing that we can do without the whistleblower. Whistleblowers must know that they are safe and secure when they make their statements, and that their confidentiality will be protected. The implicated institution and its own whistleblowing system must be beyond reproach. Things must not leak, but that is not the case in all institutions. Whistleblowers need institutional support also from the criminal justice system. Because [when] they are exposed, they will be persecuted by those that are threatened.

Reflecting on his present position as Municipal Manager of the City of Tshwane, Mettler reports of his firsthand experience of the unresponsiveness of the criminal justice system supporting ethical administrators.

I now know here in this city where I am now [Tshwane], which police station I must just avoid in certain cases and so, I must go directly to the provincial Hawks. Our criminal justice system is a very important component of the support that ethical administrators would need, and they are not as responsive or effective as they should be.

7. Communication, community and expanding horizons

Other sources of information about corruption that can be tapped, Mettler says, include the opposition parties and the business community. Moreover, Administrators must plan for the deluge of information from people who were disregarded by the municipality in the past.

You must have a system that you develop. This is what my “Recovery Plan” looks like, and this is how I am going to deal with all this information that is coming. So, you must plot that into your Plan so that you can devise a sustainable and effective Recovery Plan.

Strongly aligned to this, and emphasised by Mettler, is the importance of a ‘*good communication channel with the community*’ be it ‘*interest groups, business chambers, residents’ associations or community safety forums*’. The 2019 review mentioned above confirms Mettler’s view. In terms of Section 139, the “involvement of communities, local business and civil society was crucial for the success of the intervention” (PMG 2019). The review continues: “Most interventions were characterised by a complete breakdown in communication between the local citizens and the municipality” underscoring the need for incoming Administrators to “regain the trust of the community” (PMG 2019).

8. Safeguarding evidence and expanding horizons

Safeguarding evidence is of paramount importance because implicated personnel will conceal and destroy incriminating evidence. In other instances, Mettler highlights, there will be no paper trail. A good example of this are illegal electricity connections done in collusion with corrupt municipal officials. On-site inspections are needed to identify the illegal users and ‘*develop the evidence in retrospect*’ by installing water and electricity meters and retroactively billing them for the period the business has been operating.

9. Conclusion

Whilst never the victim of death threats, Mettler was suspended as Municipal Manager and spent a significant amount of his own money defending himself against charges. Countless ethical officials have had similar experiences leading in many instances—a gross understatement—to destroyed careers and financial ruin. Mettler warns that ‘*risks and reprisals are very real*’ for ethical officials, and in the case of the Administrator, the ‘*hunter often becomes the hunted*’. Unlike the Chief Executive Officer of a company, ‘*you cannot take out professional indemnity insurance and trade union support is unavailable at: Administrator-level*’.

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