



Coalition Governance – Are We Ready?

1. Introduction

Recent experience with coalition governance in some of South Africa's largest cities has been anything but encouraging. Johannesburg, for example, is now on its fifth mayor since the municipal elections of November 2021. Tshwane (Pretoria), Ekurhuleni and Nelson Mandela Bay (Gqeberha/Port Elizabeth) have also had multiple mayors over the same period. And every time a mayor is removed from office, all the members of the mayoral committee have to vacate their positions too. The disastrous results for stability, service-delivery, financial management and strategic direction are obvious.

It is bad enough when this happens at local government level, but if something similar were to happen at provincial or national level, the consequences would be far more damaging. Even those who consider that the present government's performance has been weak would have to concede that three or four changes of President and cabinet in the space of a couple of years would be, to use the classic South African political cliché, 'too ghastly to contemplate'.

Yet this is exactly what might face the country after the national and provincial elections next year. If the governing ANC's recent electoral decline continues at the same rate, it will dip below 50% of the vote nationally and in a number of provinces, including Gauteng, KwaZulu-Natal and the Northern Cape. It is also quite possible that the Democratic Alliance could lose its outright majority in the Western Cape.

With these eventualities in mind, various experts and commentators have been offering insights into why it appears to be so difficult to establish stable, lasting coalitions, as well as possible solutions to the problem.¹ Broadly speaking, the issues fall under two headings – legal and politi-

cal. But before considering these, it is worthwhile looking back briefly at some examples of shared governance in South Africa since 1994.

2. Background

It will be recalled that the first post-1994 government included a number of ministers from the Inkatha Freedom Party and the National Party; the then Democratic Party was offered a cabinet seat, but declined it. Even after the National Party withdrew from government, the IFP members continued until 2004.

Quite a number of politicians from outside the ANC have served as ministers or deputy ministers since then. To name a few, AZAPO's Mosibudi Mangena was Minister of Science and Technology from 2004 to 2009; the Freedom Front's Pieter Mulder was Deputy Minister of Agriculture, Forestry and Fisheries from 2009 to 2014; and Patricia de Lille, leader of the Good Party, has served first as Minister of Public Works, and then of Tourism, since 2019.

Admittedly, merely having a few opposition members in executive positions does not by itself constitute a coalition government; all of them were effectively implementing ANC policies and administering legislation passed by an ANC-dominated legislature. However, it does suggest that there is some room for co-operation across party lines, and that the fractiousness currently so evident at metropolitan municipality level is not inevitable. This view is reinforced by the fact that the province of KwaZulu-Natal was governed by a coalition of the ANC and IFP from 1994 to 2006, and then by the ANC with the United Democratic Movement and the Minority Front from 2006 to 2009. The Western Cape, too, was governed by various coalitions of parties between 1999 and 2005. In both provinces the coalitions came to an end mainly because a sin-

gle party eventually managed to gain an outright majority, rather than because of infighting and instability.

More to the point, though, since the 2021 local government elections 81 municipalities – almost a third of the total – have been run by coalitions, and of these 50 are regarded as being stable.² Precisely because they are stable, we don't hear much about them.

Nevertheless, the fact remains that in the major cities coalition governance is not working and, if we are to avoid a similar experience nationally and provincially, things must be done differently from both the legal and the political angles.

3. Legal Interventions

Prof Jaap de Visser suggests six ways in which the law can be used to reduce the kind of instability that we have come to associate with coalitions in the big municipalities.³ On their own, none of these will entirely solve the problems, but each of them could constitute an improvement on the current unsatisfactory situation.

3.1. Electoral thresholds

At present there is a plethora of very small parties that hold one or two seats in a council, but which can become kingmakers if their support is needed by one of the big parties. This gives them a level of political power that has no relation to their electoral support, and is in fact a distortion of democracy. A multiplicity of tiny parties also causes fragmentation and makes the business of governing a municipality – developing policy and taking decisions – more cumbersome and laborious. Setting a threshold, for example three or five per cent of the vote, which has to be achieved before a party can obtain seats in a council or parliament, would address this problem. On the downside, of course, it would mean less diversity and representivity in our politics.

3.2. Limiting motions of no confidence

Regular and repeated motions of no confidence in mayors and other office-bearers create massive instability, and make the work of the municipal administration extremely difficult. Forward planning, proper budgeting, and the effective delivery of services all suffer as a consequence. One solution would be to place restrictions on the number of motions of no confidence that can

be brought in a given time period – only one per year or per six months, for example. Another option would be to require parties that move such a motion to have enough votes to replace the dismissed office-bearer immediately, rather than first removing the incumbent and then taking a month or two to haggle with other parties over a replacement, all the while leaving the council leaderless.

3.3. Removing secrecy in elections of office-bearers

At all three levels of government, office-bearers are elected by secret ballot. It is not clear why this should be so, since public representatives such as councillors and MPs are elected to carry out the policies of their parties and, at a deeper level, the mandates given to them by the voters. Secret voting for mayors, speakers, the President, and provincial premiers encourages representatives to deviate from their mandates, and opens the door for bribery, coercion and all sorts of dodgy practices. Coalition agreements are hammered out by parties and, once this is done, the public should be able to see that the representatives of those parties stick to the agreements.

3.4. Publication of coalition agreements

Voters have a right to know what is contained in the agreements between coalition partners – which policies have been compromised or abandoned; how positions are to be shared out; how disputes will be resolved, etc. Only by knowing all this can voters judge whether or not their parties have remained faithful to the mandate they received. In addition, if the agreements are not made public it is easy for parties to deviate from them and to act opportunistically, as has been seen repeatedly in some of the metros mentioned earlier. All this adds to the levels of instability and uncertainty bedevilling our councils. Ideally, coalition agreements would be reached and published before the election, affording voters the opportunity to support or reject them at the ballot box.

3.5. Enough time for coalition negotiations

The law requires that municipal office-bearers be elected within two weeks of an election. According to Prof de Visser, this is a “woefully short” time period. In some cases it has meant that mayors or speakers have been elected

before the full coalition agreements have been reached. At national and provincial level the position is broadly similar – the National Assembly and the provincial legislatures must hold their first sittings not more than 14 days after the results of a general election have been declared. At these first sittings, the President and the provincial premiers respectively must be elected, as well as the main office-bearers of the relevant assembly. If it is hard to achieve lasting coalition agreements within 14 days at local government level, how much more so will it be the case at provincial and national levels?

3.6. Use of the executive committee system

Most of our municipalities use the mayoral committee system, in which an executive mayor is elected and he or she then appoints the various members of the mayoral committee, each of whom heads a portfolio such as roads, water supply, municipal finance, etc. If the mayor is dismissed after a no-confidence motion, or because a coalition collapses, the whole mayoral committee loses office, leading to huge disruption and instability. An alternative is to use the executive committee system, in which portfolio positions are awarded more or less proportionately to electoral support, with only the mayor and speaker being voted for by councillors. In this system, even if the mayor loses office the rest of the executive committee retain their positions; in theory at least, this allows for greater stability and continuity. At present, Ethekewini (Durban) is the only metropolitan municipality that uses the executive committee system.

4. Political Interventions

Not all of the legal measures listed above would work nationally or provincially. The executive committee system, for instance, is only applicable at local government level. Others would require major legislative and even constitutional change – the time periods governing the election of the President and the provincial premiers are set down in the Constitution, while the Electoral Act would need to be amended to introduce the idea of thresholds. None of this is going to happen in the near future, if at all.

It is therefore necessary to think about political interventions as well, and here a number of problems can be identified.

One of these is the ***lack of established conventions***. For example, in some countries it is accepted, though not legislated, that the party with the greatest support will take the lead in negotiations, and have the first chance to put together a coalition. It is also a fairly common convention that the largest party will occupy the highest office – president, mayor, etc., and that minor parties will not compete for such positions. Such conventions broadly respect the will of the electorate in situations where no outright majority has been achieved.

This contrasts markedly with the situation prevailing in some of our metros, most notably Johannesburg, where the mayoralty has been awarded to a party, Aljama, which won less than one per cent of the vote in the 2021 local government elections. This is an extreme example, but in a number of other municipalities small parties have demanded, and have been given, powers well beyond their electoral status. In Prof de Visser's words, "it has nothing to do with democracy when a party that represents half a per cent of the electorate suddenly takes the mayoral chain or the speaker's hammer because the coalition partners like to see a puppet in those positions."

Thus far, there has not been sufficient political or electoral incentive for parties to develop and adhere to conventions that encourage stability. This is something that only the electorate can change, by learning to recognise opportunism and expediency, and punishing it at the ballot box. The same applies to the ***undisguised political power plays*** that characterise our coalition process. Rapid switching of allegiance, sudden abandonment of previous partners, and reneging on agreements for short-term advantage are all commonplace, and serve only to degrade and delegitimise the coalition process.

Lukhona Mnguni identifies a further issue – the ***lack of coalitions at provincial level***. This is likely to change after the 2024 elections, especially in Gauteng province. Coalition negotiations would thus have to take account of two levels of government (and quite possibly three, if the ANC fails to gain a majority nationally), which increases the stakes, and in Mr Mnguni's view opens "a window of opportunity for the stabilisation of coalitions in the metros because now you are negotiating power at two spheres of government... this might sift out which parties can participate and which cannot."

South Africa has also not yet managed to put together **pre-election coalitions**, as has been achieved in some other Africa countries, and recently in Türkiye. Branding, logos, and colours are shared, creating what Mr Mnguni calls “an election umbrella” under which the linked parties campaign together. Instead, we have only very loose pre-election agreements, such as the DA’s putative ‘moonshot pact’, under which the parties still appear individually on the ballot, maintaining their separate positions and effectively competing with each other.

Is there any sign of a move towards the kind of political maturity and long-term thinking that could help to bring about these political reforms? To an extent, yes.

5. The ANC’s Proposals

Even if the ANC loses its national majority and its plurality in Gauteng, it is almost certain to remain the largest party everywhere except the Western Cape. Its approach to coalition governance is therefore of crucial importance, and last month it released a ‘framework’ containing a number of principles and commitments.⁴ Most of these apply to municipal coalitions – for example, the framework endorses the idea of electoral thresholds so that only parties with a legitimate degree of support can participate in municipal governance; it proposes that the party with the greatest support should lead the coalition; and it supports the executive committee system in cases where no party has an outright majority.

Other proposals could apply equally to the other spheres of government: coalition partners must be committed to values such as stability, accountability, and integrity; disputes between partners should be dealt with by independent resolution mechanisms; and there must be more transparency and accountability, with regular reporting back to voters. According to one report, another principle is that the ANC would not join a coalition for the purpose of ‘ganging up’ against other parties.

These principles appear to be a step in the right direction but, inevitably, there is a gap between principle and practice. Within a few days of the framework’s release, the ANC and the EFF combined forces in the Johannesburg council to elect Aljama’s Kabelo Gwamanda as mayor, as noted above. And at the time of writing a similar move was afoot in the Nelson Mandela Bay metro,

where the ANC, EFF and Patriotic Alliance were trying to oust the DA mayor and replace him with a minor party candidate.⁵

6. The DA’s Five-Point Plan

Last October, the DA announced that it would be introducing private members’ Bills in an attempt to stabilise coalition governance, with an eye to the 2024 elections.⁶ The Bills encapsulate the party’s ‘five-point plan’:

- setting electoral thresholds at either one or two per cent of the total vote;
- formalised and public coalition agreements;
- extending the time periods for election of office-bearers;
- limiting the frequency of no-confidence motions and;
- establishing a registrar of political parties to deal with disputes between coalition partners.

Some of these points echo the steps proposed by Prof de Visser, while others coincide with the ANC’s principles, suggesting that the ANC and the DA should be able to find some common ground. However, with little more than a year to go before the 2024 elections, and given that some of the DA’s ideas will require constitutional amendment, it seems highly unlikely that they will come into force any time soon.

Meanwhile, the party is pursuing its ‘moonshot’ pact, in terms of which all opposition parties other than the EFF would be welcome to join in a pre-election coalition agreement, as long as they “share our commitment to building the modern and mature constitutional democracy required to bring economic freedom to all.”⁷ It is far from clear whether this pact is going to take off – it has had a very cool reception from ActionSA, which objected to what it called the DA’s “unilateral decision” to nominate a candidate for Johannesburg mayor, instead of consulting with other parties. ActionSA then went ahead and secured support for its own nominee from the IFP, the FF+, the ACDP and some other tiny parties.⁸ On the other hand, the DA was more successful in Tshwane, where ActionSA, the FF+ and the ACDP helped to get its candidate elected.

7. Conclusion

Even this brief look at current coalition politics shows how difficult it is going to be to achieve

the political maturity, willingness to compromise, fidelity to principle, and genuine respect for the wishes of the voters that are required for the successful sharing of power by two or more parties. All indications are that, with very few exceptions, party leaderships still see coalitions primarily as a way of securing levels of power that the voters have declined to give them. For some, coalitions are no more than an opportunity to deliver patronage and to get their hands on tenders and procurement processes.

We have a long way to go before we establish stable and enduring coalitions at city level, let

alone in the provinces and nationally. Yet there is no doubt that this is where we are heading – the single party dominant system that has obtained virtually throughout the country since 1994 is rapidly coming to an end, and it is as inevitable that parties will have to share power, or even merge completely, as it is uncertain how exactly they will navigate the process.

As always in a democracy, the ultimate power to reward those who conduct their politics in good faith, and to punish those who pursue only narrow and self-serving ends, lies with the voters. Hopefully, they are watching closely.

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¹ Two such experts, Prof Jaap de Visser of the Dullah Omar Institute (DOI) at the University of the Western Cape, and Mr Lukhona Mnguni, acting Executive Director of the Rivonia Circle, spoke at a webinar jointly hosted by the CPLO, the DOI and the Hanns Seidel Foundation on 26th April. A video recording of the webinar can be found at https://youtu.be/p4_RKNrVFW4 Many of the points discussed in this paper are drawn from the speakers' presentations.

² Figures supplied by Lukhona Mnguni.

³ A detailed discussion of these steps can be found in the video recording or at <https://www.news24.com/news24/opinions/analysis/analysis-coalition-governments-6-ideas-for-law-reform-20230403>

⁴ See <file:///C:/Users/mikec/Documents/My%20Documents%202/CPLO/Briefings/Briefings%202023/Dem%20&%20Gov/Coalition%20Governance/ANC%E2%80%99s%20coalition%20framework%20paints%20a%20bleak%20picture%20for%20DA.htm>

⁵ <https://www.news24.com/news24/southafrica/news/anc-and-eff-set-to-topple-another-da-mayor-this-time-in-nelson-mandela-bay-20230520>

⁶ <https://www.da.org.za/2022/10/the-das-5-point-plan-to-stabilise-coalitions-ahead-of-2024>

⁷ <https://www.biznews.com/undictated/2023/05/02/crisis-moonshot-pact-da-alternative-joburg>

⁸ <https://www.biznews.com/undictated/2023/05/02/crisis-moonshot-pact-da-alternative-joburg>



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