



Discussion Paper:
A Policy Framework Towards Stable
Governance

A. Introduction

Twenty-three years after its re-configuration, local government has descended into the contrast of its *raison d'être*. The newly configured municipalities were intended to maximise popular participation in government and spearhead development in local communities. Residents were urged to become part of ward committees, tasked to lead the formulation of plans to improve their communities, monitor progress and report hurdles. This supposedly development-oriented and people-centred local government inevitably heralded the promise that progress would be the mainstay of its existence.

Today, municipalities no longer inspire hope that tomorrow will be different. Instead of life getting better, progress has stagnated. Some communities even seeing a reversal of the previous gains. The number of dysfunctional municipalities increased from 64 in 2021 to 66 in 2022.¹ Thirty-three municipalities were under administration in February 2022, compared to eight in 2017.² Forty-three municipalities have collapsed, according to the Treasury report in 2022, whilst 151 were on the verge of collapsing. Development is increasingly making way for underdevelopment for a substantial number of residents throughout the country. Several factors, both unintended and intended, are responsible for this dispiriting situation. They range from lack of skills, inadequate revenue, indifference from both administrators and politicians, and the substitution of the public good with self-interest.

Notwithstanding the range of these root-causes, this discussion paper focuses on the instability of municipalities. There is a direct correlation between constant collapse of municipal executives and them being coalition governments. This correlation, however, does not imply causality – that is, coalitions trigger collapses. Both the coalitions and their turbulence, have separate triggers, albeit somewhat inter-related. Coalitions are an unmistakable expression of choices that the electorate have made. It is democracy at work! Their frequent collapse is deliberate, sometimes even unrelated to the pursuit

¹ Businesstech.co.za, 10 November 2022, “More municipalities in South Africa declared dysfunctional”.

² Auditor General: Consolidated General Report on Local Government Audit Outcomes, MFMA 2020-21.

of the public good, and can be minimized down to a healthy level, with little detrimental effect on municipal administration.

The purpose of this discussion paper, therefore, is not to propose eliminating coalitions. That is an impossibility in a lively democracy like ours. It would be an oxymoron. Rather, the purpose is to initiate a process of collective deliberation aimed at formulating a policy framework to optimise prospects of coalitions being stable, and thus limiting paralysing disruptions on administrative functionality. Thus, the paper is structured into five parts: firstly, immediately below, it provides a background to the problem at hand – i.e. what enables coalitions, how they've evolved over the last 23 years, the layout and account for their distribution throughout the municipal landscape. Secondly, the paper examines the impact of coalitions, both negative and positive. Thereafter, and thirdly, we look at the ongoing debate, from different perspectives and actors, to tease out the various proposals that have been proffered as a remedy to the detrimental effect of unstable coalitions. Fourthly, the paper casts its gaze beyond the national boundary to see what lessons the country can borrow from the experiences of other jurisdictions. Fifthly, and lastly, based on South Africa's own specific conditions, the various proposals that have been advanced and usable lessons from elsewhere, the paper posits possible proposals towards the envisaged policy framework.

B. Background

The sudden prominence of coalitions – since the 2016 local election – is potentially misleading. It suggests that coalitions are a recent phenomenon. On the contrary, they're as old as re-demarcated municipalities, introduced back in 2000. They're a product of South Africa's changing party structure and voting behaviour in the various provinces and communities. The country's history and spatial arrangement bequeathed, the democratic era, racially oriented political parties. This meant that a historically black, or white, party would be hegemonic in a predominantly black, or white, community. Political repression and ethnic manipulation, or chauvinism, also ensured that some parties dominate provinces and regions.

Albeit coalitions made their debut in 2000, number at nine, there was nothing in law that prevented their emergence in the preceding inaugural tenure.³ The electoral law, before and after 2000, was essentially the same. Voters elected both ward and proportional representation candidates. The only difference was that, in the inaugural term, the formula for allocation of seats in council favoured proportional representation candidates by 60% to 40%⁴. The intention was to dilute the number of ward-based seats, which would have favoured parties that were dominant in relatively more wards. But, the results still yielded outright winners, who went on to elect their own mayors and dominated the executive committee (Exco). The mayor had ceremonial powers, whilst authority rested in the Exco, which was composed based on proportional representation.⁵ This electoral system encourages coalitions.

That the 2000 local election results yielded coalitions affirmed the unevenness of competitive contests in the country. Of the nine provinces, elections were most competitive in KwaZulu-Natal and the Western Cape. This explains why both provinces accounted for 24 coalitions, out of the 29 that came out of that election. Instead of one dominant party, as was the case in the other seven provinces, these two provinces – i.e. Western Cape and KwaZulu-Natal – had multiple parties, of relatively equal strength, competing for votes. The contest in KwaZulu-Natal was largely between the African National Congress (ANC) and the Inkatha Freedom Party (IFP), and between the Democratic Alliance (DA) and the ANC in the Western Cape. Though the ANC was relatively competitive in the Western Cape, however, the 2000 election marked the onset of the weakening of the party in the province. Several of its local activists, who were part of the broad anti-apartheid movement, left the ANC to form community organisations, attracting voters that would have ordinarily voted for the party. This partly accounted for the emergence of coalitions in the Western Cape.⁶

Once it had started, the fragmentation of the party system continued in the subsequent local elections. Splits from existing parties yielded new parties, which, in turn, tended to attract support from the old parties. This was most notable in KwaZulu-Natal both

³ Ndletyana, M. 2021. Local government coalitions across South Africa, 2000-16. In Booysen, Susan(ed). *Marriages of inconvenience. The politics of coalitions in South Africa*. Johannesburg: Mistra.

⁴ The 50%-50% representation in council, equally from the PR and Ward tallies, was introduced in 2000.

⁵ Telephonic conversations: Mandla Madwara, Pascal Moloi and Thozamile Botha, 16 July 2023.

⁶ Ndletyana, op cit.

in the 2006 and 2011 elections, in relation to the IFP. The party's secretaries general, Ziba Jiyane and Zanele Magwaza-Msibi, left to form their own, National Democratic Congress (Nadeco) and National Freedom Party (NFP). Both parties competed for the same voters as the mother-party. Nadeco initiated loss of majority support for the IFP in some municipalities in 2006 and the NFP widened that loss later in the 2011 election. The number of coalitions spiked from eight, in the 2006 election, to 19 in 2011. For the first time since 2000, KwaZulu-Natal had more coalitions than the Western Cape (with 9). The subsequent floundering of the NFP, in the 2016 election, would see the IFP regaining some of the support and municipalities it had lost in the previous election. As a result, the number of coalitions in KwaZulu-Natal dropped sharply to 7, behind the Western Cape at 8.

The debut of the Economic Freedom Fighters (EFF) in the 2016 local election replicated, in Gauteng, what had happened in KwaZulu-Natal in the previous elections. A splinter party from the ANC, formed in 2013, the EFF contested in the same electoral pool as the ANC. This denied the ANC of an outright majority in all three of the province's metros – Tshwane, Joburg and Ekurhuleni. The decline in ANC support, however, did not necessarily portend an improvement in the electoral fortunes of its biggest rival, the DA. The latter got to lead coalitions in Tshwane and Joburg, but quickly succumbed to intraparty rivalry that precipitated a split. Herman Mashaba left to form his own party, ActionSA. Mashaba's new party not only reduced the DA's tally in the 2021 election, but also had a decent showing in the ANC's traditional support base.

Whilst the decline of dominant parties was the primary cause of hung councils, it was not the sole factor. South Africa's public life was, and still is, fraught with serious challenges that are fundamental in building the kind of society the drafters of the Constitution had envisaged in the early 1990s. These are inequality, racial redress, and racism. There's little consensus, if any at all, in acknowledging the saliency of racism. Some berate racial redress as reverse racism, whilst others feel they've been overlooked for redress. Callous rhetoric, on the part of some politicians, has also fed this sense of 'victimhood' and marginalization. These unattended matters, because of their centrality in building a cohesive society, have, in turn, become wedge issues that have spawned new parties and boosted the electoral fortunes of others.

In the light of all the above, it goes without saying that coalitions are not a curse unleashed to plunge South Africans into misery. Nor is their origin mysterious. Coalitions are product of a normal democratic society. So long as South Africa remains a democracy, coalition will remain a salient feature of the country's political life. Obviously, our purpose here, therefore, is not to seek the impossible – by attempting to eliminate coalitions. Rather, it is simply to enable them to execute the democratic mandate they receive with every election, and to fulfill their promises to the electorate. Both the promise and mandate, involves meeting the material needs of the citizenry.

C. Significance and Impact

Both the value and performance of coalitions have been uneven. On the composition of government, they've augured positively, but have fallen short on the performance. The latter has largely been a function of opportunistic political behaviour, enabled by institutional loopholes.

On the positive side, coalitions signal plurality of parties and competitiveness of the electoral system. This underscores fluidity of voting behaviour and preference for a diverse choice of parties. Plurality of choices (in parties) and the fluid voting behaviour exerts the requisite pressure on the incumbent to please voters to avoid being abandoned, in the next electoral round, for other parties. And, the diverse composition of a coalition, means representation of multiple voices and constituencies. Residents that would have previously been neglected, when there was simply a one-party government, find direct representation and lobby through coalitions. Where there may be strong differences, the need to maintain the coalition tends to push partners towards compromises. Several communities, that may have been apathetic due to their negligible size, are encouraged to remain engaged, as they witness that their relatively miniature stature does get them concessions too.

In a country with diverse interests, compromises are inevitable and should be welcomed to ensure progress and optimal participation in the electoral system. The entry of new partners has shone a spotlight on the plight of communities that were previously neglected and led to policy concessions, if not programmes, intended at their amelioration. These have included policies aimed at securing job security for

some municipal workers in certain job categories. In other instances, instead of being part of the executive, a coalition partner opted for appointment as chairpersons of portfolio committees – such as Municipal Public Accounts (MPAC) and Rules and Ethics – to exercise oversight over the executive. This has meant that, instead of simply offering indiscriminate support, such coalition partners have maintained their independence and are critical of the incumbent. This bolstered the ability of council to hold the executive accountable, and thus boosting prospects of the municipality performing optimally.

That said, coalitions have faced a major challenge of durability. Several of them have been marked by an extra-ordinary frequency of collapsing. It is not uncommon for a municipality to have a change of municipal leadership – i.e. mayor and speaker – six times within a single term, even before it concludes. This would not be a problem if these frequent changes, or instability, happened remotely, without any impact on the functioning of the municipality. The first and most affected area, which is critical to the functioning of municipalities, is the convening and conclusion of council meetings. Council meetings adopt budgets, effect budget re-adjustments, approve and monitor municipal programmes, dismiss, and appoint executive managers and exercise oversight and accountability over the executive. Whether a municipality adopts a budget and implements its programmes properly, depends largely on the council convening and concluding its meetings.

Frequent tabling of motions of no confidence disrupts the programme of council. This, in turn, impedes the functioning of the municipality in its entirety. For instance, once the speaker, who convenes council meetings, knows that he/she (or his/her colleague in the mayoralty), is the likely target of a motion of no confidence in the next meeting, the speaker tends to be reluctant to convene that meeting. Then a tussle, over convening meetings, and the agenda there-of, ensues. The speaker provides all manner of excuses, including employing some chicanery, not to convene a meeting whose agenda includes a motion of no confidence in him/her.

In instances where the speaker calls a meeting, which excludes the motion of no confidence, sometimes the other councillors, who are sponsors of the motion, boycott that meeting, denying it of a quorum. Other times, they attend the meeting, in the hope

that they'll force the motion onto the agenda. When they fail to do so, they simply walk-out of meetings, rendering it inquorate. Oftentimes the sponsors of the motion, satisfied that they constitute the majority in council, resort to courts, seeking an order forcing the speaker to convene a meeting. The impasse can last for months. Council meetings are hardly convened, and when they are, are not concluded. The implication is that budgets may not be adopted and/or re-adjusted, programmes will not be approved and monitoring of the performance of municipal administration does not happen.

Admittedly, adoption of budgets is rarely a casualty. This is because, if a council fails to adopt a budget, it is dissolved, and a by-election is convened. It's not far-fetched, therefore, to imagine that the only reason feuding councillors attend meetings, to adopt a budget, is to preserve their jobs. If failure to adopt a budget did not lead to that harsh punishment, it would be common for budgets not to be adopted. This would make consequences of municipal instability even more severe. That said, the status quo is bad enough even without the added severity of not adopting a budget. Irregular meetings means:

- Budget adoption, and re-adjustments are delayed. This means that implementation of programmes is similarly delayed, which limits expenditure on those programmes;
- Budget is underspent, as programmes are not approved on time;
- Unspent budget allocations are returned to the Treasury;
- Future applications for grants are looked at dimly due to a record of poor expenditure;
- Service delivery comes to a halt due to failure to approve programmes;
- Failure to monitor the performance of officials, leading to some council resolutions/programmes not being implemented. Instances of underperformance are many in our municipalities, especially because councils fail to monitor officials, and punish them for such lapses; and
- Revenue collection suffers as council fail to adopt, or agree on, measures to enforce payment of rates and taxes.

Coalitions, therefore, are neither inherently nor entirely objectionable. Their troubled experience is simply an indication of their vulnerability to disruptions. Individual parties exploit the delicate balance of power for their own ends. Most of the time, though claiming to the contrary, their frequent change of government is not intended at improving the quality of governance, for the benefit of the public good. It is self-serving. They're aided, in these disruptive self-centered pursuits, by institutional loopholes. We now turn to explore, in specific detail, the various motivations and interest that parties seek when joining coalitions and how they exploit institutional weaknesses.

D. The Rise and Fall of Coalitions - Sources of Instability:

Contestation for power is not uncommon in politics. Each party aspires for incumbency. Besides ambition for power, the performance of the incumbent may itself call for the tabling of a motion of a vote no confidence. Such instance includes misconduct and neglect of duties, on the part of both a mayor and speaker, characterized by, among others:

- defiance of council resolutions;
- acting unilaterally, outside binding decisions taken by a Mayoral Committee;
- meddling in the administration and usurping powers of a municipal manager;
- endangering the financial health of the municipality by refusing to comply with Treasury prescripts;
- refusal to convene legitimate council meetings; and
- lack of disclosure or providing false information pertaining to one's eligibility for being a councillor.

The foregoing instances are legitimate grounds for removing municipal leaders. The removal, in such cases, amounts to a corrective measure to ensure compliance with prescripts and reasserts the obligation to adhere to proper processes of doing municipal business. There have been many instances, however, where the manner and the reasons provided, or lack thereof, suggest that there is more to this than a simple removal of an under-performing, or a misbehaving, incumbent. Two recent incidents are worth mentioning to illustrate the point at hand.

At the Nelson Mandela Bay, the opposition tabled a motion of no confidence based on a query from the Auditor General (AG) one of the office-bearers might have acted unethically. The AG suspected that one of companies that did business with the municipality belonged to the office-bearer, and there was no record of him disclosing such. This was a query, but the opposition latched on it as conclusive evidence, sufficient to call for the removal of the office-bearer. The latter responded to the query, providing evidence to the AG that the suspected company was not his, that he had declared all his other businesses, and none was guilty of conflict of interest. The AG was convinced and cleared him of any wrongdoing.⁷

The opposition went ahead with the motion anyway and succeeded with the support of some of the coalition partners, who wanted to secure themselves positions in the forthcoming coalition. And, they did get positions in the new coalition, as the leader of one of the parties, is the mayor currently. He's the third mayor in this term, which is hardly two years old.⁸

Where grounds have been cited for the motion, they tend to be vague. Consider, for instance, the written submission towards the removal of one of the Joburg mayors in November 2022. The motion was proposed because "the mayor does not care about the residents" and "has no sense of a strategic direction for the City and there is no sign of hope under her leadership".⁹ There were no specific instances to illustrate, or substantiate, the mayor's indifference towards residents or lack of strategic leadership. Not only was the motion vague, but the motion also did not even suggest any breach of the code of conduct – such as non-disclosure of business interests, doing paid work, interfering in the administration, or not paying rates.¹⁰

In other words, the threshold for the admissibility of a motion of no confidence is non-existent. All that is required is compliance with procedures for submission. The aim is simply to get the motion admitted for tabling in council. Once tabled in council, it then becomes a matter of numbers - whether it gets the majority to remove the incumbent.

⁷ Heraldive.co.za, 19 May 2023, "Jack exonerated but EFF continues fight to oust Nelson Mandela Bay leadership".

⁸ Timeslive, co.za, 26 May 2023, "Gary van Niekerk takes over Nelson Mandela mayorship".

⁹ Councillor Magwentshu, 24 November 2022, "Motion on the vote of no confidence against the executive mayor, councillor Mpho Phalatse".

¹⁰ See: City of Johannesburg Metropolitan Municipality Legislature: Standing Rules and Orders of Council, 2016.

This is partly the reason why the speaker is always the first target of removal. The speaker casts a tie-breaking and, most importantly, plays a central role in the processing of submissions of motions. This involves receiving motions and convening the programme's committee to draw up proceedings of a council meeting. Depending on which side of the isle the speaker sits, he/she may either raise all manner of objections, some valid and others not, against the admissibility of the motion; or be too eager to admit the motion and have it tabled, to a point of violating procedures.

One mayor, for instance, had to step-down from the mayoralty, after a few weeks in office, following a court ruling that the tabling of the motion that led to the removal of his predecessor was not procedural. The programme committee meeting, which determined the programme of the meeting where Phalatse as removed, was inquorate.¹¹ The eagerness of the speaker to table the motion made her impatient with complying with the rules. The predecessor was consequently reinstated into the mayoralty.

For incumbents to be removed, therefore, they need not have violated any ethics or be incompetent. It all boils down to whether the sponsor of the motion garners majority support. That support has tended to depend on what a party gets in return for its votes. It's a *quid pro quo*. Some parties even start-off with the incumbent, who's threatened with a vote of no confidence, offering votes to defeat the motion. If the incumbent declines their demands, they move on, with the same demands, to offer their votes to the sponsors of the motion.¹² In such instances, the stated reasons for the change of government are inconsequential. What matters are the interests of party leaders and the individual councillors.

At times, councillors have even voted differently to party instructions and voted with rivals in order to secure benefits for themselves. In some instances, others have resigned their seats for job security in the public service, allegedly with the help of a

¹¹ Judge Keightley - South Gauteng High Court, Phalatse and Another, v Speaker of the City of Johannesburg and Others, Case No: 2022/26790, 25 October 2022.

¹² Sowetanlive.co.za, 23 January 2023, "Johannesburg's Mpho Phalatse faces another possible removal from office".

rival party that enjoys incumbency in that particular municipality. The following instances are instructive on this phenomenon:

- In an ongoing case, before the Port Elizabeth High Court, two former councillors are suspected of having received financial inducements for colluding with the opposition in their bid to oust the incumbent. Part of the prosecutor's evidence shows payments from the bank account of the opposition party's official to the said councillors around the time the voting took place.¹³
- One of the parties at the Joburg municipality expelled two of its councillors for colluding with the opposition in the vote of no confidence against the speaker in September 2022. The affected party believed that the two councillors defied its instruction, on how to vote, because they had received financial rewards. Their votes contributed to the rival parties' vote of no confidence succeeding.¹⁴
- In another incident in Tshwane, one of the parties took its councillors for a lie detection test after suspecting that they had voted with the opposition, against the wishes of their own party. Members of one rival opposition party, which had sponsored the motion, stormed the facility where the testing was being conducted. They claimed to defend the right of the councillors to free speech.¹⁵ The actions seemed geared to keep the identity of the 'culprits' unknown.
- In KwaZulu-Natal, some parties have been at loggerheads over the resignation of councillors, who then resurface as civil servants in the same municipality. This practice suggest that councillors are being lured out of their parties, with the offer of jobs, to weaken them.¹⁶

¹³ News24.com, 29 September 2022, "Three ex-DA councillors held for allegedly taking bribes to 'help' ANC oust ex-mayor Athol Trollip".

¹⁴ *Sowetan*, "Coalition councillors face chopping block as battle for Joburg heats up", 6 September 2022; *City Press*, 9 October 2022, "'Rogue ACDP councilors challenge suspension".

¹⁵ *The Herald*, 7 March 2023, "Tshwane EFF disrupts polygraph testing, ActionSA to lay complaint".

¹⁶ *City Press*, 3 April 2023, "ANC in KZN demands probe into IFP's alleged job, cash offer EFF councillors".

- In a recent by-election in Joburg one of the parties was left without a candidate just a few days before opening of the polls on June 28, 2023. The timing meant that the affected party couldn't register a new candidate to contest the ward and pulled out of the contest. It decried the resignation as sabotage instigated by one of the rival parties in the ward.¹⁷

Essentially, it appears that votes and seats have been monetized. They've been turned into a commodity that can be sold to the highest bidder. Both the lure of financial gain and the zeal to remove the incumbent and install oneself in office, has even seen a disregard for merit in those who succeed the incumbent. After removing one mayor at the Joburg municipality, for ostensibly lacking to provide strategic direction and not inspiring hope, the rivals, in a strange twist, did not seem to care whether her successor was competent. The installation of the successor was immediately followed by public outrage at his glaring unsuitability for the top job.

Even one of the party leaders that had voted for the successor couldn't conceal his disappointment. The successor, he remarked publicly, "has been asked to climb a mountain too high for him. It is not just harming Joburg; it is destroying him too. We will rectify this blunder". He went on to add that the successor "should resign now."¹⁸ After roughly three months in office, during which the successor was a subject of ridicule, he resigned. The resignation happened just a day before the council was to vote on a motion of no confidence against him. The coalition partners had convinced their fellow partner to withdraw the successor, for they knew they were unlikely to vote for his retention. That would have been an inexplicable act, especially because they were already battling to explain his appointment, to start with. It's worth stressing that the election of the successor showed that coalition partners never bothered to verify if he had the requisite competence for the job. This shows that mention of competence, as the reason for removing the predecessor, was insincere. It was simply a pretext to enable the tabling of the vote of no confidence.

¹⁷ News24.com, "By-election: ANC loses Joburg ward to PA, but takes from IFP in KZN", 29 June 2023.

¹⁸ News24.com, "Joburg Mayor Thapelo Amad faces axing after R9.5 loan claim, PA admits it backed 'wrong horse'", 11 April 2023.

Coalitions have, therefore, risen and fallen for several reasons. Some had a precarious beginning, to start with. They were formed without an agreement of co-operation, by rivals brought together by a 'common enemy'. Without an agreement in place nor loyalty towards each other, such coalitions are always bound to collapse. It is simply a matter of time. That said, an agreement amongst coalition partners has proven not to be a guarantor of a lasting coalition. Parties have entered into an agreement, only for one of them to violate it, soon after the coalition is inaugurated. Coalition agreements have not been binding.

Conflicting interests, therefore, has been a major cause of the collapse of coalitions. Some parties seek power to pursue their policies, whilst others are simply content with the prestige and patronage that their presence in a coalition affords. And their pursuit of the financial rewards and elevated status makes them unreliable partners. They are always on the look-out to maximizing these gains, and easily exit from an existing coalition to partner with other parties if they offer more.

There is no gainsaying, therefore, that parties have various, if not conflicting, intentions for entering a coalition government, and pursue similarly different interests. In a nutshell, there are four primary motivations that appear to be in play: policy-implementation; power-play and relevance; ganging-up against the incumbent; and patronage-seeking. The motivations apply differently across parties, and a party may exhibit more than one of these motivations, but to varying degrees. Let us now turn to each of these motivations:

- **Policy Implementation:** A party goes into a coalition with the intention of deploying power to implement its policies. Oftentimes, these are relatively big parties, which itself signals a potential for further growth. Their conduct, in turn, tends to be more responsive and placatory of the electorate, as they seek not only to retain their current support, but also aim to grow it. Their governance style is driven by a long-term view, with an eye at making electoral gains in the next election.
- **Power play and relevance:** Visibility and impact play a central role in growing party support. The potential for parties to achieve these two factors, however,

is uneven, depending on their status - i.e. incumbency or opposition. Incumbents are guaranteed of both visibility and impact due to their control over government and routine public activities.

In contrast, opposition parties must carefully and astutely craft their role and identify strategic issues that enable them maximum visibility and impact. The result is that some have modelled themselves as kingmakers. They make and break coalition governments. At times, their actions are not directed at a poorly performing coalition, with the intention to yield a coalition that would perform better. Rather, they're intended to benefit oneself, to embellish their significance and role.

- **Ganging-up against the incumbent:** Opposition parties coalesce to remove the incumbent. Their collaboration is temporary, not based on any common (or agreed) programme, and they may be bitter rivals themselves. Once the 'common enemy' is removed, they then turn on each other.
- **Patronage-seekers:** Parties go into a coalition purely to access the spoils (for leaders, supporters, and donors) that comes with incumbency. In such instances, the motivation to break a coalition and, build another, is not spurred by failures of the incumbent or a clearly thought-out programme of their own, to implement once in government. It is simply about positions in government, and they earmark portfolio, which they believe have more 'pork' than others.

Patronage-seekers have a short-term view of incumbency. They hardly seek to impress other voters, with the hope of getting their votes in future election but focus largely on satisfying their own interests. They're inward-looking and overly self-centred. Such parties tend to be relatively small, which is fundamentally what influences their disposition. Their prospects of being re-elected into council, in the next election, is doubtful. Instead of conducting themselves in a way that grows their support, they take advantage of incumbency to build a nest for themselves just in case they are not re-elected.

Career politicians, without any prospects of employment elsewhere, face a constant risk of job-insecurity. This is a massive temptation for ‘nest-building’.

And often this also implicates the bureaucracy. An example given earlier, of some councillors in KwaZulu-Natal, who have resigned their seats only to resurface as civil servants, illustrates this point. Although the ANC and EFF, as indicated earlier, suggested that these councillors were lured out of their parties with the offer of jobs to weaken them, in other instances this is used to weaponize the bureaucracy to fight partisan battles in interparty coalitions. Bureaucracy wields administrative power. Coalition councils need it to shore up their continued stay in office. Often this is pursued by dispensing patronage. Coalition partners tradeoff with positions in positions in the bureaucracy in exchange for each other’s support – especially insofar as the position of a municipal manager is concerned.

All this shows how coalitions politics weakens state capacity. And this has prompted many discussions on how to fix them. And these are considered below. But perhaps before we get into this, it is important to make a preliminary point that any attempt to deal with the coalition question should be linked to electoral reform. And the reason for this is simple, as Denis Kadima put it, “the nature and character of electoral system predetermines the natural propensity to parties to opt for coalition or alliances”¹⁹.

E. Coalitions and electoral reforms

Electoral reform in South Africa has gained momentum following a June 2020 constitutional court judgement that the Electoral Act of 1998 (Act 73 of 1998), insofar as it disallowed independent candidates to stand for elections for the provincial legislatures and parliament, was not consistent with the constitution. Consequently, the President signed into law, recently, a change to this piece of legislation to allow individuals to contest national and provincial elections independently of political parties. But, as some may argue, in the local sphere of government, this has always

¹⁹ Denis Kadima. 2014. An introduction to the politics of party alliances and coalitions in socially-divided Africa. *Journal of African Elections*, 13(1): 01-24

been the case. This is true but needs to be nuanced lest it misses the point about the strategic necessity for the confluence of electoral reform and building sustainable coalitions.

In much of the discourse about electoral reform local government is muted. But its electoral system is no better. If coalition politics have become this mess, primarily in the country's metropolises, and the political origin of this lurks in the electoral system, much about a need to rethink the electoral system lies in the local sphere of government. Attention needs to be equally paid to this lest this lopsidedness spawns the same mistake that was made during the negotiations, where the transformation of local government related to the transition of power was handled separately from national and provincial spheres. And now South Africa contends with different governance configurations for the same system of government this oversight has created²⁰. Here we digressed a bit. We revert to the point of this context setting exercise related to electoral reform and coalition politics.

In an electoral system of proportional representation allocation of seats in the legislatures for all three spheres of government is based on the electoral performance of parties. A winning party needs more than 50% of the votes to constitute a government. The local sphere of governance uses a ward system along with proportional representation. The total number of seats is halved, to be filled respectively based on the electoral performance of the parties that participated in the elections and candidates who got the most votes in their community. Compared to proportional representation, a ward system has an element of constituency-based electoral approach based on the first-past-the-post principle. A candidate with the highest votes in a ward gets a seat in the council as its duly elected representative. Many hails this mixed electoral system for local government as balancing party-list proportional representation with a constituency-based approach and say that it has lessons for the national and provincial spheres of government. But this is only partially accurate.

²⁰ ibid

A ward system also allows candidates to contest elections as representatives of parties. A vote for a ward candidate who represents a party therefore adds to proportional voting of their party in allocating seats in the council. A ward system therefore reinforces the same party system many think it abates. To simply say mixed electoral system for local government is better without this misses the point. The constitutional court's invalidation of the electoral law concerning its exclusion of those who wants to contest elections for national and provincial legislatures without party membership contains an essential constative nuance that electoral democracy does not only obtain through a party system, but it is also possible without parties. But the judiciary cannot prescribe an electoral system. The responsibility to design this belongs to parliament and the executive authority. And this should be a function of consultative process. The change to the electoral law is only about compliance with the Constitution as enjoined by the constitutional court, not much about electoral reform. It has therefore not settled the electoral reform question.

Various civil society formations are headed to court to challenge this change to the law. And this should be embraced as signifying a need to overhaul the electoral system. The contention is that the change to the electoral law corrects the wrong by creating another wrong as it violates the principle of proportionality as it relates to independent candidates. The University of Witwatersrand's professor of political studies, Darryl Glaser, illustrates this somewhat sharply. He says, "fifty percent of all the voters might cast their vote for just one wonderful independent candidate. [But], how many seats would that half of the electorate have in parliament? [Just] one", he quipped. All these contestations are set to intensify even beyond the 2024 elections. This should be leveraged on as the opportunity to overhaul an electoral system in way that contributes towards building sustainable coalitions. And such should start by rethinking the existing one carefully in its entirety, the objective being to create a citizen-centric electoral system that returns power to the people. The constitutional court has placed this aspiration firmly in society's consciousness.

South Africa's proportional representation came from noble intentions in the early nineties to fashion a transition “from racial authoritarianism to multiparty democracy.”²¹ Its adoption in the early nineties followed the African National Congress (ANC) Kader Asmal's persuasive paper on the electoral system for the inclusive polity.²² The essence of this paper found its way into the interim Constitution. As political scientist Andrew Reynolds recalls, this electoral system became “one of the least contentious issues” during the multiparty negotiation for the transformation of South Africa²³. It fosters many party formations to counter a dominant party system. This electoral system is therefore appropriate for inclusive polity but not for democratic consolidation. We kept it for far too long to outlive its contextual relevance. No wonder it has turned against the very democracy it eased its betide. Its negative extremes abound in the local sphere of government. The proliferation of smaller parties that it encourages hacks the operating system of the very multiparty democracy. As George Washington University's sociologist and historian, Xolela Mangcu, has observed, this electoral system, “with its party list system, fosters a culture of obeisance to the party leadership.”²⁴ In the emerging trend where smaller parties are given the mayoralties of cities through the support of major parties, such obeisance also plays itself out in the proxy politics in coalition formations. All this has thrown governance into turmoil, as shown in the metropolises where coalition politics have become internecine and is coming apart at the seams—service delivery tumbles.

The panorama of the contemporary epoch is fraught with grievances, democracy is at the tipping point while state capacity is weakening all because of not responding appropriately to the demands of various epochs in the evolution of the post-apartheid South Africa. Or perhaps we had taken the eye off the ball to only wake up from slumber when much has already gone asunder. To fix local government, we need to start with the politics of its institution lest all the interventions for its reinvention that may only gravitate towards institutional fundamentalism and therefore tinker at the

²¹ Andrew Reynolds. 2004. South Africa: Proportional representation in the puzzle to stabilize democracy. In Colomer, J.M., *et al.* The Handbook of electoral system choice. Macmillan Publishers Ltd. Available https://link.springer.com/chapter/10.1057/9780230522749_25.

²² Kader Asmal. 1990. Electoral systems: A critical survey. Available at https://vital.seals.ac.za/vital/access/manager/Repository/vital:28951?site_name=GlobalView&view=null&fo=sm_creator%3A%22Asmal%2C+Kader%2C+1934-2011%22&sort=null

²³ *ibid*

²⁴ Xolela Mangcu**

edge. Of course, different electoral systems exist across the globe, but there is nothing like a perfect system to pick and replace the existing one. Each electoral system is a function of its political context, and when this change, the electoral system also necessarily ought to change.

The point about the necessity for the confluence of electoral reform and coalition has been made. For coalitions to work better in their service to democracy is as much the function of an electoral system in the same way it is of managing interparty dynamics in the governance of public affairs. But how can they be cobbled together and managed better to endure? Local debates and policy proposals have emerged to try to answer this question.

F. Local Debates and Policy Proposals

Instability of coalitions, and the attendant disruption of municipal business has, inevitably, triggered a debate and policy inputs by political parties, academics, research institutions and statutory bodies. Both the debate and policy inputs center around the desirability of coalitions and how to make them stable. This section looks at the views and proposals of each of these sectors, beginning with political parties, then proceed to research institutions and statutory bodies.

i. Political Parties

Some parties have been more vocal on this subject than others. Amongst the parties, the ANC²⁵ and the DA²⁶ have been the most vocal on coalitions through public writings, policy papers and legislative proposals. This is partly because they've been most affected by unstable coalitions than other parties. Here we focus on both these parties. The attention on the two parties does not suggest that other parties have not said anything worth considering on the subject. It is simply that their views have are easily accessible, as they have documented and circulated widely and may actually be representative of other parties.

²⁵ African National Congress, "Stabilising Hung Councils and Municipal Coalitions: ANC Strategic Framework (Abridged Version)"

²⁶ Steenhuisen, J. 8 February 2023, "How South Africa's coalition can be stabilized", News24.com.

Both parties identify the fragmentation of the party as the cause of unstable coalitions. But, they differ whether fragmentation is positive or not. Whilst seeming to disapprove of the sprouting of multiple parties, the DA also sees it as an inevitable consequence of South Africa's electoral system, especially the allocation of seats based on proportional representation. The ANC, on the other hand, sees fragmentation as an indication of a crisis – i.e. failure of coherence and consensus amongst both parties and the electorate to agree on the problems the country faces and work collectively towards their resolution. Instead, the electorates identify different issues as problems and, consequently, identify similarly different parties to address them.

Notwithstanding, their varying characterization of coalitions, both parties agree that the instability that has defined them is not necessarily endemic. That is, coalition instability can be contained, if not minimized, through regulation. The parties, to a large degree, made common proposals. These are:

- A threshold – that only parties with a certain level of support should qualify for consideration in a coalition. This will limit the inclusion of small parties, which they both identify as the root-cause of instability;
- A formal agreement that will be made public and enforced by an independent body – i.e. an ombudsman;
- More time for coalition-formation - i.e. 30 days, instead of the current 14 days.

There are also distinct proposals each party makes. The ANC goes on to propose that:

- The coalition-formation process should be led by the biggest party, instead of any other party initiating its own process;
- Big-parties should constitute coalitions – i.e. grand coalitions. This should, and can, even include parties that may have been regarded as 'arch-enemies'. The party is emphatic about excluding small parties.
- Coalitions should take the form of an executive committee model, where representation in government is based on proportional representation. On this front, the party proceeds to propose eliminating the mayoral committee model throughout the country.

For its part, the DA's additional proposal is that:

- The number of motions that should be introduced within a certain time-span should be limited. This will allow council and the administration to focus on the business of the municipality without the disruption of constant and frivolous motions of no confidence.

ii. Research Institutions and Statutory Bodies

Coalitions have also attracted attention from both research institutions and statutory bodies (i.e. South African Local Government Association). From the research institutions, here we draw specifically from the work done by Mapungubwe Institute for Strategic Reflection (Mistra) and the Dullah Omar Institute. Mistra's seminal volume, *Marriages of Convenience*, shone the spotlight on the evolution of coalitions, their general performance and the intentions of various parties for entering into coalitions. The working of coalitions formed the dominant focus on the Dullah Omar Institute. These varying, yet inter-related, focal areas, provide a useful comprehensive and instructive guide on how to constitute functional coalitions.

Mistra's study draws our attention, amongst others, to detrimental factors that require mitigating. These underscore what has been said above, but is worth mentioning here for emphasis:

- Lack of legally binding agreements: this leaves coalition partners to act as they wish and makes the coalition vulnerable to breaking-up due to increasing disagreements;
- Coalitions are cobbled together for expediency, without any common programme or ideological convergence. This prevents the coalition from gelling into a coherent unit that functions effectively. Instead, it becomes ridden with conflict that soon makes the coalition untenable.

- Parties have conflicting interests. Some have long-term policy objective, whilst others are looking at the immediate term, simply to accumulate patronage in the quickest possible time. Small parties tend to be guilty of patronage accumulation, as their leaders are uncertain of re-election. Being relatively new also makes a party vulnerable to intra-party rivalry, as its leaders have not become accustomed to working together and their rules have not yet been entrenched.
- Patronage-seeking leads to politicians meddling with the administration. They seek to fire executive managers they find in government and appoint their own to influence the awarding of tenders.

In its research conducted for SALGA, the Dullar Omar Institute proposes a series of policy measures, which are not entirely dissimilar from those made by parties and alluded to by Mistra. But, they also differ in many respects. The Institute too proposes, among others:

- more time for coalition formation;
- entering into a binding agreement, enforced by an independent body; and
- having a coalition government based on proportional representation (like the Exco model).

In a telling manner, the Institute also goes on to make noteworthy proposals on the formulation of a common programme and the composition of government. To ensure the accuracy and implementation, it is proposed that:

- the formulation of the programme should be transparent and include locals. This will ensure that the programme is not an elite pact, that may be geared towards addressing matters that are unrelated to the local community, but is informed by local interests;
- Input of the municipal manager be sought on what is possible or not. This is to avoid committing to items are not doable either on account of jurisdiction or finances;

- Parties be clear not only on what they agree upon, but also on their areas of disagreement. This will make ensure tensions are not deferred to a later stage, but the agreement is built on relatively strong ground with clear knowledge of where each party stands. In time, as they build confidence in one another, the partners may even find each other on those points of disagreement.

On the forming of government, the proposal is that:

- merit and interest on a particular matter should guide allocation of portfolios. Because parties tend to focus on some policy issues – i.e. as a niche - over others, they should be given a portfolio that deals with their area of interest. Expertise and activism on an area increases prospects of success.

But, to what extent do all this resonate with global experience, especially from countries with rich and long histories of coalition politics?

G. Lessons from selected countries with history of coalition experience

Lessons on coalition formation from across the global abound. However, for this discussion paper, reference is made only to selected countries considered to have long history in coalition politics. And these are largely in Europe. But, in Asia and our own continent, India, Mauritius and Kenya also have a copious history of coalition politics. A critically important point to emphasize at the outset, though, is that coalition models that worked well in some countries do not necessarily mean they could be replicated with the same success elsewhere.

Countries are unique. Their contextual peculiarities influence their political arrangements, including coalition formations. But, as Denis Kadima has observed, “the theories of party coalitions are essentially based on the experiences of continental Western Europe”, and “do not account sufficiently in their theorization of social cleavage-related factors”²⁷. Kadima makes an important point. Its meaning, in relation to building sustainable coalitions in South Africa, is that Europe has a longer history of

²⁷ Denis Kadima. 2014. An introduction to the politics of party alliances and coalitions in socially-divided Africa. *Journal of African Elections*, 13(1): 01-24

coalition politics from where to draw lessons. Outside experiences, however, should be tested against South Africa's situational peculiarities, lest efforts to fashion strategic policy interventions become a contextless exercise lacking in relevance. South Africa should avoid an uncritical importation of foreign models.

Immanent in the global experiences on coalitions formation and their sustenance is the internalization of what ideally should be the purpose of their creation. And this is to serve the public good not simply access power. Unfortunately, this is not always the case. Amuzweni Ngoma has observed "increasing dynamic of personal interest prevailing over partisan preferences"²⁸. She says Mozambique and Germany exemplify this. And it appears that Mauritius coalition politics has this character. In other words, as Denis Kadima explains, while coalitions in this country are sold "as the only means of accommodating ethnic diversity, building consensus, and promoting social cohesion, the reality is, however, different. This is because coalitions are formed "along ethnic lines and are essentially vehicle that allows politicians to access or maintain power"²⁹. These are bad coalition practices.

Common in various global experiences for optimizing the functioning of coalitions, however, is the size and the ideological compatibility of those parties that constitute them. William Gamson and William Riker say coalitions made up of smaller parties work better³⁰. They are manageable. This is the proposition of the minimum winning theory. In Denmark, the electoral threshold of 2% reduces the number of smaller parties. Its coalition comprises fewer parties because of this. And some are suggesting that the "ideal size of a coalition is no more than four political parties"³¹

Inextricably linked to few coalition partners is ideological compatibility. As the theory of coalition politics propounds, a winning coalition is that which is made up of parties

²⁸ Amuzweni Ngoma. 2021. Political conditions that facilitate coalition formation and workability. In Booysen, Susan(ed). *Marriages of inconvenience. The politics of coalitions in South Africa*. Johannesburg: Mistra. pp. 451-476

²⁹ Denis Kadima. 2014. An introduction to the politics of party alliances and coalitions in socially-divided Africa. *Journal of African Elections*, 13(1): 01-24

³⁰ William Gamson. 1961. A theory of coalition formation. *American Sociological Review*, 26(3); William Riker. 1962. *The theory of political coalitions*. New Haven: Yale University Press

³¹ Embassy of Denmark in South Africa, Pretoria & University of Cape Town. Study Tour Report on "Building a coalition culture: Lessons from Denmark", February 2023

that are ideologically connected. Conversely, those that are said to be ideologically apart are unsustainable. But Germany and Sweden provide an interesting nuance. The centre-right alliance of the Christian Democratic Union (CDU) and Christian Social Union (CSU) worked with the centre-left Social Democratic Party (SDS) in Grand Coalitions that governed the German Bundestag. Doesn't this debunk the theory of ideological compatibility in coalition formation and sustenance? In Sweden, the coalition of centre-right parties partnered with the Sweden Democrats. The latter is a far-right party. It is not part of the coalition but voters the incumbent on legislative issues in exchange for policy gains³².

An important lesson that emerges from the German and Danish experiences is that ideological compatibility, as the condition in negotiating and forming coalitions, needs to be avoided. Instead, their formation should be along policy issues. And this assists in many instances to get parties working together despite their different ideological orientations. This approach to coalitions formation is important. It ensures that they coalesce on policy issues and other related service delivery programmes, not just power. In the Danish experience this finds expression in the notion of a 'legislative coalition'³³.

Equally noteworthy is that coalitions in the Scandinavian countries have been characterized as "consensual democracies"³⁴. This is largely because of their consensus seeking disposition, which is contrary to other polities in Europe that are defined by oppositional posture and tumult. In Netherlands, for instance, a coalition government has just collapsed over irreconcilable differences on migration policy³⁵. Likewise, the collapse of the Belgian coalition, in 2018, was triggered by Prime Minister Charles Michel's attempt to commit the country to the United Nation Global Compact for Safe, Orderly and Regular Migration. This Pact shook coalition politics of many countries in Europe. This has revealed how the issue of migration in Europe could divide a country. For 653 days, Belgium had no government. Makeshift arrangements

³² Jon Henley. 2022. Swedish parties agree coalition with backing of far-right, *The Guardian*, 14 October 2022.

³³ Embassy of Denmark in South Africa, Pretoria & University of Cape Town. Study Tour Report on "Building a coalition culture: Lessons from Denmark", February 2023

³⁴ Jon Henley. 2022. Swedish parties agree coalition with backing of far-right, *The Guardian*, 14 October 2022.

³⁵ Mattea Bubalo and Robert Greenhall. 2023. Mark Rutte: Dutch coalition government collapses in migration row, *BBC News*, 8 July 2023

had to be hatched and put in place for the administration of state affairs. It took seven-party coalition 500 days of negotiations to find each other³⁶.

While the intention of the Pact was to reaffirm human rights and expand broad global cooperation, to avoid the 2015 European migration crisis, many rejected this. They argued that it was set to make their borders porous and would compromise their sovereignty³⁷. Despite Europe's established history of coalitions, these often collapse and take considerably long to either resuscitate or form new ones. This affirms that coalition politics "is one of the most complex and difficult art forms" but no care can be too great to enable it serve democracy the best way³⁸.

In various global experiences, key to the success of coalitions, is communication and negotiations. And these are pursued to facilitate consensus among coalition partners on policy and other key matters that require collective decision. This calls for skills and expertise in strategic political communication and the mastery of the art of negotiation. And this demands a partnership where a label of a junior partner should be avoided - lest this makes "coalition negotiations a long and hard to sell"³⁹. Negotiations are the basis for the emergence of coalitions. In Germany, this is referred to as "talks about talks" – an exploratory exercise of parties finding each other for the possibility of working together. Interestingly, in South Africa of the mid-1980s to early 1990s, there was a practice of "talks about talks". And this paved a way for many political concessions that made the transition from apartheid to democracy possible, including the government of national unity (GNU).

While many regards the GNU as a coalition of sort, it did not come about as the intervention to unlock a hung government but for national unity. Of critically

³⁶ Pauline Bock. 2020. Belgium's new government: Why did the 'Vivaldi' coalition take so long to form? *Euronews*, 7 October 2020

³⁷ Michael Birnbaum. 2018. Belgium's ruling coalition collapses over UN pact on migration. *The Washington Post*, 9 December 2018.

³⁸ Mike Law. 2018. When foes become friends and friends become foes: Party political co-operation and the building and sustaining of coalitions. Paper researched and written under the guidance of Professor Richard Calland and funded by the Heinrich Boll Foundation. It was prepared for "The party co-operation and the building and sustaining of coalitions in South Africa Initiative. Cape Town

³⁹ Kluver, H & Spoon, J.J. 2019. Across Europe, coalition governments are hurting political parties than join them. *The Washington Post*, 23 July 2019

importance, which defined the Mandela legacy at that time, was the pursuit of inclusive polity. Despite this, the principle of co-existence, which had shaped the GNU, is instructive to fashion coalition arrangements. We are making this point to argue that, lurking in the Mandela's GNU are lessons of our own on coalition formations. And, by the way, the personality of the leadership of coalitions and its partners, including how they conduct and relate to each other, matters most. In Denmark, parties instill discipline in their members and act swiftly against any of their members if they conduct themselves in a way that destabilizes the coalition. And this is the reason for the stability of Danish coalitions. Its politicians have developed the skills to adhere to coalition agreements⁴⁰. This instantiates leadership.

What the Danes expects of their leaders explains the success of Mandela's leadership of the GNU. His magnanimity held the GNU together to give transition an opportunity to evolve. Of course, the disputes were many, but the focus remained on the strategic goal, which was to make South Africa democratic society where everybody felt a sense of belong. Germans, for instance, accept the inevitability of disputes or conflicts, despite their coalitions being forged on common objectives. And therefore, the existence of coalitions should not be pinned on effectively resolving conflicts and disputes, as some may well turn out to be unresolvable. Rather, the important thing is managing conflict in a way that keeps coalitions going.

In other words, differences among coalition partners, in various countries where coalition arrangements endure, are understood, and accepted as inherent part of coalition politics. Differences are not used to fracture the edifice of co-existence for the common objective. But this does not happen automatically. It depends largely on the commitment and loyalty of coalition partners, including their ability to rise above their ideological confines to appreciate the strategic importance of working together for the good of society.

Commitment and loyalty are extracted from the very beginning in negotiating and forming coalition agreements. In countries such as Botswana, formalized agreements

⁴⁰ Danish Institute for Political Parties and Democracy (DIPD). 2015. Coalition building: finding solutions together, a DIPD reader.

are made to also apply to pre-electoral alliances for parties to enhance their electoral prospects. Kenya has a legislative framework for coalition agreements. This framework refers to the Political Parties Act of 2011. Political parties form a coalition agreement before or after an election and submit it to a body, called the Registrar⁴¹. The consensual way in which the Danish coalitions are evolving, and their attendant stability are often attributed to coalition agreements. And these are simply “written documents containing policy intentions endorsed by the party organizations before government inauguration” ⁴² . However, these are not enforceable in various jurisdictions. Yet, their effect in disciplining coalition politics in some countries is noticeable.

There is no universally agreed upon template about how coalition agreements should be drafted. However, at a least, they should be linked to policy commitments or service delivery priority action areas. In some instances, they contain dispute resolution mechanism. But, as some argue, the best way to resolve disputes in coalition politics is through dialogue. Ordinarily, coalition agreements are detailed in clear and concise terms. And this is important to be easily understood, not only by coalition partners but members of the public as well. In countries such as Denmark, Netherlands, Belgium, Britain, and Kenya – all with a long history of coalition government – coalition agreements are made public but the discussion about their contents often takes place behind closed doors⁴³. And, as the Danish Embassy in South Africa and the University of Cape Town’s Report on Building a Coalition Culture enunciates, based on the lessons from Denmark, sharing coalition agreements with the public “not only advance the constitutional imperative of transparent government but is also a crucial enforcement and accountability mechanism between coalition partners”⁴⁴. And, more importantly, this makes it “easier for the public to see who breaches the agreement”⁴⁵.

⁴¹ Section 10 of the Political Parties Act of 2011, Kenya.

⁴² Moury, C. & Timmermans, A. 2013. Inter-party conflict management in coalition government: Analysing the role of coalition agreements in Belgium, Germany Italy, and the Netherlands. *Politics and Governance*, 1(2):117-131

⁴³ Jennica Beukes. 2021. Why coalitions agreements should be public? *Local Government Bulletin*, 16(3). 6 September 2021

⁴⁴ Embassy of Denmark in South Africa, Pretoria & University of Cape Town. Study Tour Report on “Building a coalition culture: Lessons from Denmark”, February 2023

⁴⁵ Ibid

H. Suggestions/recommendations

1. **Courage to answer confront key questions of electoral reform:** Earlier, a point is made that “the nature and character of the electoral system predetermines the natural propensity of parties to opt for coalitions or alliances”. This emphasizes a link between electoral system and coalitions. In other words, the attempts to stabilize the coalitions cannot be pursued without also attending to the question of electoral reforms. And this should entail, we urge, the courage to answer these questions: Do we need all these smaller parties the electoral system has spawned? In other words, are they really serving the cause of the epoch regarding optimizing multiparty democracy and building state capacity for the public good? Their coalition appears largely more about enhancing their prospects, and not to serve the public good.
2. **Electoral threshold:** We suggest that the electoral threshold for allocating seats in the legislatures and municipal councils should be upped to eliminate the proliferation of these smaller parties. This is set to have legislative implications. It should be pursued as part of the electoral reform set to intensify after the 2024 elections. In the Danish electoral system, the threshold is set at 2%. Its coalition comprises of fewer parties and is the most stable.
3. **Coalition formation:** Few partners and big parties tend to make stable coalitions. The initiative to form a coalition, therefore, shouldn’t be open to any other party, regardless of size. Big parties should take the initiative, and be encouraged to approach other parties of similar size. Small parties should be avoided as much as possible.
4. **Executive Committee Model:** Roughly 50% of municipalities are run by an Exco, instead of a Mayco. The Exco model tends to yield a stable municipality. Parties included based on their number of seats in council. This means there are few partners in government and includes the biggest parties.
5. **Coalition agreements:** These should be formalized as part of our electoral system. Perhaps we can also look at the Kenyan practice, where a legislative framework for coalition agreements exists - the Political Parties Act of 2011. In

Kenya political parties form a coalition agreement before or after an election and submit it to a body, called the Registrar. Perhaps in our case the Independent Electoral Commission could administer the coalition agreements.

Should they be legally enforced? This is the question that needs to be thoroughly thrashed out. In many countries with a long and rich history of coalition these agreements are not legally enforceable. But, in countries like Denmark these coalition agreements are used as the political instrument by the political parties to hold their members who serve in coalition government accountable. Should the coalition agreements be made public? We strongly recommend that they should be.

6. **Duration of coalition formation:** Several coalitions don't have agreements. If they do, those agreements lack sufficient level of detail and specificity. This is because parties rush into coalitions, especially in mid-term. Sufficient time should be allowed for parties work-out thorough and useful agreements. This should apply both at the start of a term, and during the term. The 14 days allocated at the beginning is not enough and there's even less during term.
7. **Payoffs among coalition partners and accountability:** When coalitions are cobbled together, key political executive positions such as mayors should go to major parties, not smaller ones. This will prevent a situation where major parties use their numbers to influence policy decisions for implementation by the political executive authority controlled by smaller parties. Yet, when their choices prove faulty, major parties eschew accountability while smaller parties take the blame. This artifice distorts the essence of representative democracy. It is political subterfuge.
8. **Grounds for motions of no vote of confidence:** Only allow submissions that justify the motion on demonstrable grounds of incompetence, neglect of duties and breach of the code of conduct. The point is to avoid tabling frivolous motions.
9. **Times-span for motions:** There should be a longer timespan, within which motions shouldn't be allowed. Exceptions should be made, however. Where an incumbent is guilty of misconduct and shows failures to perform their duties, but

this is discovered at a time when motions are not allowed, an exception should be made.

10. **Partisanship of speakers:** Speakers tend to be biased towards their parties, especially when considering motions and chairing contentious meetings. Perhaps this is inevitable given that they are active party members, and it may be too much to expect them to resign their party membership once elected speaker. There must be a strong deterrence in place. This can involve a mechanism, outside council, where grievances are referred for swift and punitive measures. The point is to avoid partisan behaviour, regardless of gross disadvantage to others, purely on account that one has numbers on their side.
11. **Conclusion of council business:** It's not uncommon for council meetings not to conclude their business. Rival councillors simply walk-out when they don't get their way and the meeting is rendered inquorate. This needn't happen. Speakers should apply the mandamus principle – getting a court order to have councillors sit throughout the meeting in fulfillment of their public duties.
12. **Monetisation of votes and seats:** The proliferation of the use of money to influence councillors to defy their parties on voting is a betrayal of public trust. This means their votes are not aimed at doing the right thing, but are used to make them money themselves. An open vote should be considered a standard practice as a way of discouraging this unbecoming behaviour. Where an individual openly defies the party-line, those will most likely be matters of conscience.
13. **Insulate municipal bureaucracy from coalition politics:** This should be understood as part of efforts to professionalize the municipal bureaucracy as contained in the *National Framework Towards the Professionalisation of the Public Sector*.
14. **Coalesce on policy or service delivery issues:** Coalition should not be formed based on ideological compatibility but policy issues or service delivery programmes.

-ENDS-