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Governing Through Coalitions[1]

> *"Cowardice asks the question: is it safe? Expediency asks the question: is it politic? Vanity asks the question: is it popular? But conscience asks the question: is it right?"*
>
> *Martin Luther King*

1. Introduction

To say that the 2016 local government elections ushered in a new era of coalition politics in South Africa would not be entirely correct. South Africa has flirted with coalitions before – in the Western Cape provincial government,[2] the Government of National Unity (GNU) in the immediate post-1994 period, and in a number of municipalities, especially in KwaZulu-Natal, for many years. The African National Congress (ANC), with its tri-partite alliance, is effectively functioning like a coalition. Although the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU) do not contest elections as separate parties, they do support and influence the ANC in much the same way that coalition partners do. But even if coalition politics is a relatively rare phenomenon in South Africa's young democracy, it is very much part of European politics. Nearly two-thirds of the countries that form the European Union are run by coalition governments. How they have fared differs from one to another. However, what they all have in common is a belief that a coalition optimises the efficiency of governance; indeed, in the many cases where two or three parties each win a substantial minority of the vote, it is the only way of constituting a government at all.

With last year's elections the South African political landscape changed significantly. The Economic Freedom Fighters (EFF) consolidated their presence in the political fray – winning the 'second biggest opposition' place on the podium; the Democratic Alliance (DA) made some inroads wooing black voters; and the ANCs internal politics, government corruption, and compromised leadership severely weakened its hold on the voters.

Crucially, the elections resulted in more than 23 hung municipal councils, i.e. no political party garnered more than 50% of the votes cast, thus gaining the right to govern on its own. Before 2016, the ANC governed alone in seven of the eight metropolitan municipalities; now, it governs alone only in Ethekwini (Durban), Buffalo City (East London) and Mangaung (Bloemfontein); and it governs in coalition with the African Independent Congress in Ekhuruleni. It is in opposition to DA-led coalitions in Johannesburg, Tshwane (Pretoria) and Nelson Mandela Bay (Port Elizabeth) and to the DA in Cape Town.[3]

More than a year has passed since the elections and the forging of these coalitions and, to explore how the coalitions are doing in the metros and what lies ahead in 2019 for coalition governance, the Catholic Parliamentary Liaison Office, in collaboration with the Johannesburg Archdiocese's Justice and Peace Commission, recently hosted two roundtable discussions on this topic.

2. The 2016 Municipal Election Outcomes

Local government in South Africa has huge responsibilities. According to Section 152(1) of the Constitution,[4] the priorities of local government are "to provide democratic and accountable government for local communities; to ensure the provision of services to communities in a sustainable manner; to promote social and economic development; to promote a safe and

healthy environment, and to encourage the involvement of communities and community organisations in the matters of local government". Furthermore, Section 153(a) states that a municipality needs to "structure and manage its administration and budgeting and planning process to give priority to the basic needs of the community, and to promote the social and economic development of the community".

South Africa has a dual local government electoral system, which consists of proportional elections based on party lists (proportional representation or PR) and ward elections (first-past the-post or FPTP) for individual councillors. Fifty percent of the seats at local government level are allocated based on FPTP while the other fifty percent are allocated according to a PR closed party list.

While most of the focus was on the hung councils in the big metros, the elections produced 23 other hung councils across the country. These were:

Municipality	Minimum seats for majority	Seat allocation
Metsimaholo (Free State)	22	ANC 19; DA 12; EFF 8; MCA 2; VF+1
Mogale City (Gauteng)	39	ANC 38; DA 27; EFF 9; VF+ 2; IFP 1
Endumeni (KZN)	7	ANC 6; IFP 4; DA 2; EFF 1
Nqutu (KZN)	17	IFP 15; ANC 14; NFP 2; EFF 1; DA 1
Estcourt/Loskop (KZN)	24	ANC 23; IFP 18; DA 2; Al-Jama-Ah 2; EFF 1
eDumbe (KZN)	9	ANC 8; DA 5; IFP 3
Abaqulusi (KZN)	23	ANC 21; IFP 19; DA 3; EFF1
Jozini (KZN)	21	ANC 19; IFP 18; EFF 1; DA 1; Independent 1
Mtubatuba (KZN)	21	IFP 18; ANC 18; DA 2; EFF 1; AIC 1
Thabazimbi (Limpopo)	12	ANC 10; EFF 5; DA 5; TRA 2; VF+ 1
Modimolle/Mookgopong (Limpopo)	15	ANC 13; DA 7; EFF 6; VF+ 2
Rustenburg (NW)	45	ANC 43; EFF 24; DA 14; F4SD 4; AIC 1; VF+ 1; UDM 1; BCM 1
Ubuntu (NC)	4	ANC 3; DA 2; Independents 2
Kgatelopele (NC)	4	ANC 3; DA 2; KCF 2
Nama Khoi (NC)	9	ANC 8; DA 7; KSR 1; COPE 1
Witzenberg (WC)	12	DA 11; ANC 8; WA 1; ICOSA 1; EFF 1; COPE 1
Hessequa (WC)	9	ANC 8; DA 8; VF+ 1
Bitou (WC)	7	DA 6; ANC 6; AUF 1
Knysna (WC)	11	DA 10; ANC 7; COPE 1; ACDP 1; K.U.C 1; Independent 1
Prince Albert (WC)	4	DA 3; ANC 2; KGP 2
Laingsburg (WC)	4	ANC 3; DA 3; KOP 1
Beaufort West (WC)	7	ANC 6; DA 6; KDP 1
Kannaland (WC)	4	ICOSA 3; ANC 2; DA 2

Table based on analysis by Paul Berkowitz[5]

Since the initial post-election formation of coalitions, some have collapsed (or are near collapsing), while by-elections due to resignations or deaths of councillors have changed seat allocations in some municipalities. For example, the coalition between the ANC and the Active United Front (AUF) in the Bitou municipality collapsed after the AUF pulled out. In the subsequent by-elections the DA managed to increase its number of seats, thus allowing it to govern alone.

In Mogale City the DA formed a coalition with the Inkatha Freedom Party (IFP) and Freedom Front Plus (VF+), with tactical support from the EFF. The coalition had 39 seats, one more than the ANC. However, the coalition collapsed after the DA mayor was removed by a secret ballot and subsequently replaced by an ANC mayor. The coalition politics in Mogale City resulted in the EFF threatening to replace their councillors who voted with the ANC to pass the municipal budget, and the DA subjecting their councillors to a lie-detector test after the secret ballot was held. In Rustenburg, a coalition comprising the ANC, African Independent Congress (AIC) and the Botho Community Movement (BCM) is also on shaky ground. The AIC, which joined the coalition on the condition that the ANC return the town of Matatiele to KwaZulu-Natal (the town was moved to the Eastern Cape in 2005), are threatening to leave the coalition if their demand is not met soon.

The DA has signed coalition agreements with four parties - the United Democratic Movement (UDM), Congress of the People (COPE), Freedom Front Plus, and the African Christian Democratic Party (ACDP), while it has the tactical support of the EFF in the big metros. Through these formal and informal agreements, the DA has managed to co-govern the bigger metros of Johannesburg, Tshwane and Nelson Mandela Bay.

A cursory look at the local government election manifestos of the major parties will point to the fact that parties promised very different things,

reflecting their very different ideologies. For example, the DA and EFF are poles apart on most issues; and the ACDP's conservative Christian brand of politics does not sit well with the DA's more liberal stance on social issues. However, across the country, parties with different political ideologies and different constituencies formed agreements to co-govern. These opposition party coalitions were formed to 'provide South Africa with the hope of a new beginning – one free of the evil of corruption and maladministration [of the ANC] and which puts the people first in all that we do.'[6]

The partners in the coalitions all argue that they are putting their constituencies first. But are coalitions really an expression of what the voters want?

3. Coalitions and the Will of the People
Both Dr Ivor Sarakinsky and Mr Keith Gottschalk, speaking at the CPLO roundtables, were of the opinion that coalitions have their place in South African politics.

Dr Sarakinsky argued, however, that coalition politics fall short of giving expression to the will of the people – which is the essential element of any democracy. Political theorists have differed on what they believe constitutes 'the will of the people': – is it divisible, i.e. can it be split up between parties? Or is it cumulative, i.e. can the votes cast for different parties be added up and the will of the people be aggregated from there? The will of the people is generally, and credibly, established through an election where the voters express their will by casting their votes for the particular parties that best represent what they want politically. Elections, with their rules and procedures, allow for the counting of votes and the induction therefrom of the political will of the majority of citizens.

Pragmatically, many democracies around the world use the majority of 50 per cent plus 1 as representing the will of the people. However, when coalitions are formed after an election, parties effectively negotiate the terms of the allocation of political power – without the involvement of the electorate. There are no clear rules on how these coalitions should be constructed, unlike for instance the case for the 1994 Government of National Unity, where Section 88 of the Interim Constitution[7] stipulated how it should be done. There are no such clear provisions in the 1996 Constitution, neither are there any legislative or policy guidelines. A party

that has obtained the largest number of seats on a municipal council (but not an outright majority) does not have an automatic legal right to form the municipal government. Any group of parties who can string together a coalition of 50 per cent plus 1 can form a coalition government, regardless of whether or not the largest party in the coalition is the largest party in the council.

Both Mr Gottschalk and Dr Sarakinsky were of the opinion that coalitions often provide smaller parties with an opportunity to set the agenda, which is unlikely to be what the majority party in the coalition wants. Mr Gottschalk cited the example of Israel, where the ruling party enjoys the support of between only one-quarter to one-fifth of the voters. It is dependent for power on small extremist parties, whose demands in joining the coalition government include support for colonization of the West Bank.

What this demonstrates is that coalitions are notoriously difficult to manage, and force political parties to tread the fine line between principle and expediency. Often parties sacrifice a commitment to principle in the interests of accommodating a partner. Dr Sarakinsky argued that coalition formations after the local government elections were born more out of political expediency than political principles. He cited the case of the socialist-leaning EFF giving its tactical support to the DA in Johannesburg where Herman Mashaba – a free marketer – was elected as mayor. On the other hand, Mr Gottschalk argued that the coalition had done some good work in its fight against corruption. While Herman Mashaba had had to backtrack on his threat to withdraw from the South African Local Government Association (SALGA), he had succeeded in overhauling some questionable municipal economic development projects instituted by the former ANC mayor. As an illustration of how fragile coalitions are to manage, the coalition in Nelson Mandela Bay was cited. Here, the coalition is on the verge of breaking down because one of the partners, the UDM, is unhappy that its Deputy Mayor was booted from his position amid allegations of impropriety.

South African political parties are very hierarchical – the regions refer back to the national executive for decision making – and this has bedevilled decisions to form coalitions. For example, the ANC and the DA formed a coalition in the Kannaland (Western Cape) municipality to keep the Independent Civic Organisation of South Africa from governing. However, both the DA and

ANC councillors were berated by their respective provincial and national executives for forming the coalition, and were ordered to end it.

The will of the people often seems to be forgotten in these coalitions, since parties (as in the case of Kannaland) form coalitions without consent or input from their constituencies. The question arises then – if coalition politics are a way of optimising the efficiencies of governance, but they are also very difficult to manage, how can you strengthen the functioning of coalitions?

4. Making the Coalition Relationship Work

In order to make coalitions stronger and more reflective of the will of the people, Dr Sarakinsky proposes that a set of rules and policies should be agreed upon. These simple rules will ensure that the formation of a coalition is more transparent and democratic instead of being based on backroom horse-trading between parties. They will also provide a better framework to manage the difficult politics of coalition governance.

4.1. First opportunity to form coalition

The party that obtains the most seats/percentage of the vote in a council, provincial legislature or the National Assembly, should be given the first opportunity to form a coalition. If this party fails to do so, the party with the second highest percentage/seats will be given a chance. This will negate the politics of expediency or the 'the enemy of my enemy is my friend' kind of politics.

4.2. Voting percentage reflected in executive

The distribution of seats in the governing executive (in councils, provincially and nationally) should reflect the percentage of the vote a party has obtained. For example, if party A receives 45 per cent of the vote, it should have the first right of refusal to take up 45 per cent of the positions available. This will ensure that a party with significant support cannot be excluded from the coalition unless it chooses not to participate. This is similar to the provisions in the Interim Constitution for the formation of the GNU. If parties take up their seats in this way it would ensure that the diversity of views expressed through the voting process is embedded in the workings of the coalition government.

This way of allowing for multiparty participation at executive level in municipalities will give better expression to democracy – government by the people for the people. However, the workability of this approach is questionable. If the two biggest parties are fairly close in policy and ideology there might not be a problem. But if they are diametrically opposed it would make little sense to force them into a coalition that is bound to collapse.

5. Conclusion

Coalition politics are difficult to manage. However, this does not mean that such arrangements cannot work in South Africa. What it does mean is that the current way of forming coalitions needs a serious rethink to ensure that political expediency does not triumph over the will of the people.

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[1] Much of the information in this paper is drawn from the presentations and comments at the CPLO roundtable discussions on this topic held in Cape Town and Johannesburg on 28th August and 20th September respectively. The main speakers were Dr Ivor Sarakinsky, Director at the Wits School of Governance; and Mr Keith Gottschalk, former Head at the UWC Political Studies Department.

[2] In the election of 2004, no party achieved an absolute majority in the province. An ANC/New National Party coalition government was formed. During the 2005 floor crossing period, all of the NNP members of the provincial legislature moved to the ANC. The City of Cape Town was governed by a multi-party coalition led by the DA after the 2006 municipal elections.

[3] Strictly speaking, we should distinguish between a true coalition and a governance agreement. In Johannesburg and Tshwane, for example, the EFF has agreed to support the DA's governance by voting with it, thus allowing it to govern these cities even though it holds a minority of seats. The EFF holds no positions in the municipal executive, and if it should withdraw its support on a major vote – like the annual municipal budget – the municipal government would most likely fall. A coalition is more formal and entrenched. In Nelson Mandela Bay, for example, the United Democratic Movement holds certain executive positions, including Deputy-Mayor, as the DA's coalition partner. It shares fully in the government of the metro, and does not merely support the DA vote by vote.

[4] Constitution of the Republic of South Africa, Act 108 of 1996

[5] Paul Berkowitz (2016): _Coalition politics: What's possible outside of the metros?_ Available online at http://tinyurl.com/ychwg8qx

[6] Democratic Alliance (2017): Letter written in response to the threat by the UDM to pull out of the coalition in Nelson Mandela Bay. Available online at http://tinyurl.com/y7k7ux4b

[7] (Interim) Constitution of the Republic of South Africa, Act 200 of 1993. Available online at http://tinyurl.com/y9g742mj