



NCOP LOCAL GOVERNMENT WEEK

**SALGA PRESIDENT'S INPUT:
PANEL PRESENTATION ON
GOOD GOVERNANCE,
OVERSIGHT AND
ACCOUNTABILITY IN COALITION
GOVERNMENTS**

13 SEPTEMBER '22

**Cllr. Bheke Charles
Stofile**

SALGA President

Programme Director, Hon Amos Masondo, Chairperson of the NCOP and former Chairperson of SALGA

Honourable Ministers, Deputy Ministers, Members of Parliament and Provincial Legislatures and MECs

Members of the SALGA National Executive Committee and Provincial Executive Committee members

All Executive Mayors, Mayors, Speakers, Chief Whips, MPAC Chairpersons, Members of the Executive Committees and Mayoral Committees

My fellow Panel Members: Dr Ntsikelelo Benjamin Breakfast, Acting Head of the Department of History and Political Studies, Nelson Mandela University; Professor Steven Friedman Research Professor in the Politics Department, University of Johannesburg and Dr Thina Nzo from the Public Affairs Research Institute

Invited Guests and Fellow South Africans,

We are thankful as organised local government to contribute to this Panel discussion under the theme ***“Good Governance, Oversight and Accountability in Coalition Governments”***

Honourable Chairperson,

Since its launch in 2013 the key objectives of the NCOP Local Government Week has been:-

- i. To facilitate dialogue on local government issues and foster a common understanding on the challenges at hand, as well as to propose short – medium to long – term systemic and/or legislative solutions;
- ii. To showcase general and innovative good practices as part of knowledge sharing;
- iii. To assess the adequacy of the support and intervention framework from national and provincial government, as envisaged by the Constitution thus introduce a mechanism that within a differentiated environment guarantees relative uniformity; and
- iv. To Review relevant legislation affecting local government.

It is in this context of our understanding of the purpose of the Local Government week that I will respond to the respective questions under the theme of coalition governments.

Honourable Chairperson,

Unlike previous local elections, the 2016 elections already yielded the most dramatic results pertaining to coalition

government. What has subsequently happened post the November 2021 elections, however, suggests that the shock that greeted the results in 2016 was simply an introduction into what would clearly become a permanent feature of our political landscape.

Whilst the 2016 election re-defined the local government political landscape in a drastic manner, it is our considered view that the extra-ordinary prominence given to those results is potentially misleading.

Why do we hold this view should one ask?

The brief response is that, looking at it on the surface one would suggest an occurrence of a new phenomenon, whereas it is in fact, looking at it much deeper and analysing its impact, exposing our general neglect of this very important subject matter. I will later return to unpacking this neglect.

Honourable Chairperson, allow me to start by first unpacking some of the respective questions directed to us under the theme of coalition government:-

1. How do we build Oversight and Accountability measures in Coalition Governments?

At the core of negotiating a coalition government, is the conclusion of a coalition agreement, which reflects and cements the outcome of the negotiation process.

It is our considered view that of critical importance is the monitoring by coalition partners of the implementation of the coalition agreement on an ongoing basis, meaning the creation of the necessary oversight and accountability mechanism that are aligned to the ordinary oversight and accountability measures.

The committees, both Section 79 and 80, as the engine of the council are a critical tool for coalition partners to monitor the implementation of the compromises struck in the coalition agreement.

Section 80 committees are chaired by members of the municipal executive and report to the executive. Section 79 committees report directly to the council and are chaired by councillors that are not members of the municipal executive. Section 79

committees are generally well-suited for oversight over the municipal executive and the administration.

All committees, in one way or another, play a role in overseeing whether the municipal executive and the administration are delivering services in line with the IDP, budget, service delivery budget implementation plan (SDBIP) and other policies and decisions of the council.

In the context of a coalition, the IDP and the budget will be an expression of the coalition agreement. The coalition partners can thus use their representation on committees to monitor the implementation of the coalition agreement. This is important because it is not always possible for the leaders of the coalition partners to know everything that happens in the municipality.

By the time an issue reaches a member of the municipal executive, it could have been processed extensively in the council's committee system. The agendas of, and discussions in these committees are thus a critical thermometer of the state of implementation of the coalition agreement.

If a committee engages on a matter, and it suggests that the municipality is deviating from the coalition agreement, the

coalition-aligned councillors on those committees can raise this early with their coalition partners. This will enable the coalition partners to engage early on in the process of decision making on that matter. It can help to avoid a scenario where one or more of the partners is confronted with a fait-accompli, or a major, public fall-out.

2. How should we ensure Community Involvement and Participation in Coalition Governments?

Honourable Chairperson,

The first order of business for the coalition partners, after the conclusion of the coalition agreement, must be to take communities into confidence and publish the coalition agreement.

For reasons, best known by coalition partners, coalition agreements have generally not been made public. It is our considered view that this may be a key contributing factor to why coalitions are so unstable. This is because publishing coalition agreements -

- help to formalise the coalition;
- makes coalition governance more transparent, and more accountable to the public, meaning voters, communities, civil society but also the media and opposition parties in the council - this is what the Constitution demands of local government in section 152(1)(a) and (e) of the Constitution;
- enables the public to consult the agreement, and assess the choices made by the coalition on policy matters and the distribution of political offices; and
- enables the public to hold the parties and councillors in the coalition accountable for promises made in the coalition agreement;

Publishing the coalition agreement can work in favour of coalition stability. It is no secret that, in the past, coalition partners did not hesitate to violate coalition agreements. The fact that there was no transparency surrounding coalition agreements made this easy: the public had no knowledge of the commitments made by the coalition partners so there was no fear of an electoral backlash when one of the partners opted out. However, if the public is aware of the contents of the coalition agreement, it will be more difficult for a coalition partner to violate the agreement.

The public will know that this political party or councillor reneged on a commitment it signed.

3. How should we build Proportionality, Accountability and Integrity in the Allocation of Municipal Portfolios, Political Offices and Functions?

The institutional arrangements of a coalition government shape the incentives for cooperation in a coalition. An important part, and not the exclusive focus as we have seen with many coalition arrangements, is the distribution of political positions. During the bargaining process, coalition parties must consider how political offices will be distributed in the coalition. Importantly, the distribution of political positions in the coalition must also be equally informed by the underlying principle **to consider the knowledge, skills and experience of the individual** to ascertain whether he or she will be capable to effectively discharge his or her governance role and responsibilities.

The question as to how the seats on the municipal executive are distributed between the coalition partners is an important issue in the coalition negotiation.

In municipalities with an executive committee, the law already determines the political composition of the executive committee to a very large extent. Each coalition partner will receive a share

of the seats on the executive committee that is proportional to their share of the seats in the municipal council. The same applies to those parties and councillors that are not part of the coalition: the formula may allocate them seats on the executive committee. However, it is left open to the parties to determine who will fill those seats.

This formula does not apply to municipalities with an executive mayor system. The executive mayor (of course informed by the coalition agreement) has a free hand in deciding which councillors will serve on the mayoral committee.

To ensure fairness in the allocation of seats on a mayoral committee, the coalition parties may adopt a similar approach to the one prescribed for executive committees, in other words: allocate seats proportionally to the size of the coalition partner in the council.

It will often not be possible to achieve strict proportionality: the mayoral committee only has a limited number of seats. It may be necessary to include other incentives, particularly for smaller parties.

Furthermore, deviations from strict proportionality may be necessary to reward smaller parties with a seat, even in cases

where their vote share does not automatically 'qualify' them for a seat on the executive.

Honourable Chairperson,

Coalition partners may be tempted to include in their coalition talks issues related to staff appointments and procurement decisions. For instance, questions may arise as to:-

- Who gets to appoint the municipal manager?
- How many staff members may be appointed by each coalition partner?
- Can we promise that certain municipal procurement decisions will favour a potential coalition partner, just to make sure that this partner joins the coalition?

These types of negotiations are illegal and we have seen instances where this has largely contributed to instability in a municipality.

In Conclusion

Honourable Chairperson,

This would be organised local government's response to some of the questions posed under the theme of coalition government. Allow me though to revert to my earlier statement that:-

“looking at coalition governments on the surface one would suggest an occurrence of a new phenomenon, whereas it is in fact, looking at it much deeper and analysing its impact, exposing our general neglect of this very important subject matter”.

It is common knowledge that from the first democratic local government elections in December 2000, until the 2016 elections and now the 2021 elections, have always produced so-called 'hung councils', resulting in coalition governments. It is further common knowledge and generally accepted that, coalition governments are often unstable as illustrated by the history of problematic coalition governments in municipalities.

What concerns us is that despite this daunting reality, despite coalitions being a relatively common occurrence in South Africa, coalition governments have not become institutionalised and there are no rules or guidelines for coalitions.

There are no rules in the Constitution or in legislation that define the principles, rules, procedures or sanctions that will apply to the political parties and independent councillors that attempt to govern together. They also often don't have any guidelines to follow when they enter coalition talks to establish a coalition government.

Honourable Chairperson,

What is lacking is thus a framework for coalition governments that can be used as a guide by political parties in structuring their coalitions in practice. Without a framework to guide political parties in structuring and managing coalitions, political parties and independent councillors will be required to establish coalitions whilst being uncertain about the rules or mechanisms needed to maximise the incentives for cooperation in the coalition government. This will, in all probability, continue to result in coalitions being unstable or short-lived.

Is this not an opportune time to address "*our general neglect of this very important subject matter?*"

I thank you.