



GOOD GOVERNANCE AFRICA

# Enhancing political accountability in South Africa

Coalitions, the electoral system and  
an evolving social contract

By Pranish Desai and Mxolisi Zondo

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### Executive Summary

Enshrined in the founding provisions of South Africa's democratic constitution is the commitment to a "multi-party system of democratic government, to ensure accountability, responsiveness and openness".<sup>1</sup> Today, South Africa is entering a new form of multi-party governance through the emergence of coalition governments in municipalities across the country. Following the Constitutional Court's June 2020 decision to strike down parts of the Electoral Act of 1998, there have also been critical discussions about whether our national and provincial electoral framework of proportional representation fosters the accountability and responsiveness to which our constitution aspires.<sup>2</sup>

Both the nascent era of widespread coalition governance and the debate over electoral reform occur while the confidence that citizens have in our democracy is depreciating. In order to revive South Africans' belief in our democratic system, we must renew that system to improve accountability. Many of the policy proposals that Good Governance Africa (GGA) considers in this briefing already exist,<sup>3</sup> but we evaluate them in specific relation to how they can deepen political accountability in South Africa. The upshot is that a shift in approach from our institutions, political parties, civil society and citizens themselves is required.

1 Department of Justice and Constitutional Development. (1996). "The Constitution of the Republic of South Africa". Pretoria: Government Printer.

2 New Nation Movement NPC and Others v President of the Republic of South Africa and Others (CCT110/19) [2020] ZACC 11; 2020 (8) BCLR 950 (CC); 2020 (6) SA 257 (CC) (11 June 2020).

3 Beukes, J., & de Visser, J. (2021). "A Framework for Coalitions in Local Government". Report prepared by the Dullah Omar Institute for the South African Local Government Association (SALGA); Mbete, S. (2022). "Electoral Reform in South Africa". Report prepared for the Organisation Undoing Tax Abuse and My Vote Counts. Available: <https://www.outa.co.za/web/content/232269>

### Recommendations

- Upon its election in 2024, South Africa's seventh democratic parliament should prioritise comprehensive electoral reform.<sup>4</sup>
- Parliament and the Department of Co-operative Governance and Traditional Affairs should ensure that a suitable framework for the stabilisation of local government coalitions is established before the 2026 local government elections.
- In coalitions, political parties should commit to publishing coalition agreements, preserve a basic political-administrative divide, and should recognise the importance which citizens attach to socio-economic transformation.
- There ought to be mechanisms in place to ensure that larger political parties cannot engineer political systems which unfairly benefit them.<sup>5</sup>
- For legitimacy, there needs to be more widespread and inclusive public consultation than normal as part of these legislative processes. Citizens and civil society should actively indicate their priorities in these consultative forums.

4 GGA favours a system where half of all parliamentary and provincial legislative seats are directly elected through single-member constituencies, while the other half should be distributed to ensure proportionality. This was the majority recommendation of the recent Ministerial Advisory Committee on election reform.

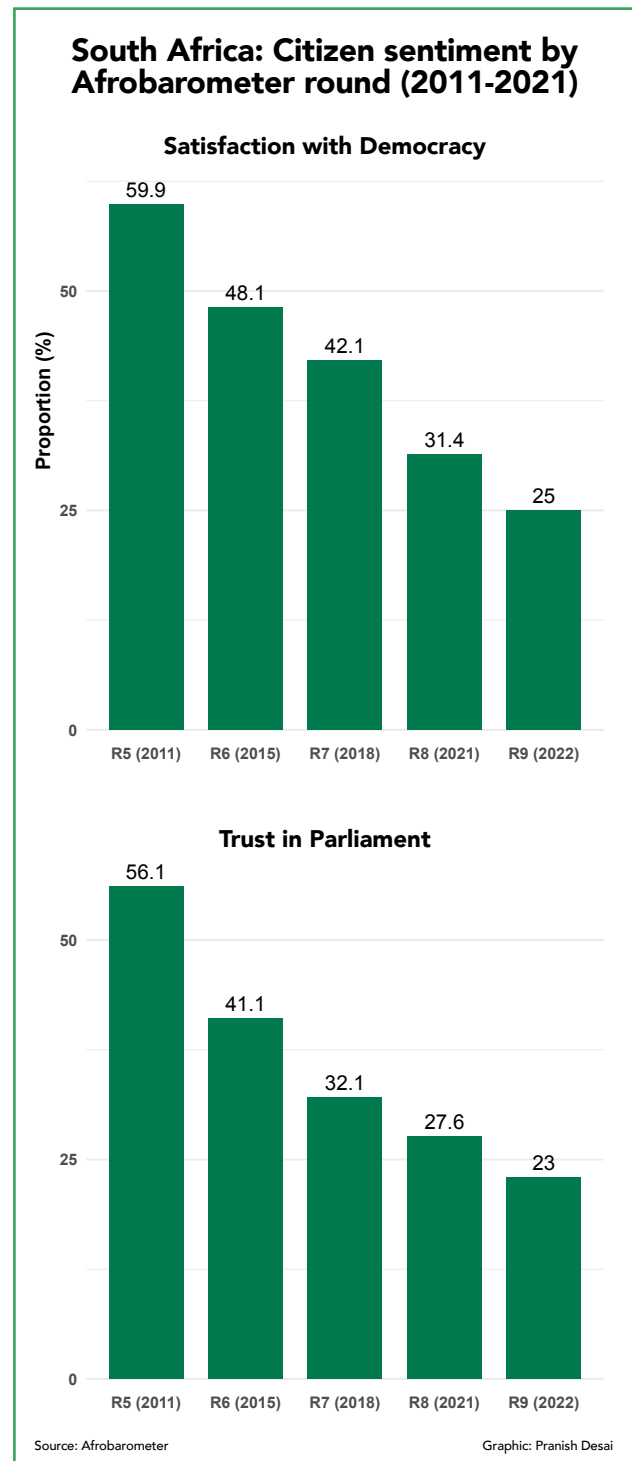
5 An example is ensuring that the drawing of constituency boundaries, where required, is managed by an independent body free of political interference (similar to the Municipal Demarcations Board). Similarly, in the case of legislation to stabilise local government coalitions, CoGTA should seek the advice of a non-partisan panel. See: <https://gga.org/the-case-for-an-independent-panel-on-party-coalitions/>.

## Introduction

South Africa is experiencing a period of political transition. The African National Congress (ANC), which has dominated South African politics at the national, provincial and local levels, is no longer guaranteed regular majorities. This was apparent during the 2021 local elections when the ANC’s total vote share fell below 50% for the first time.<sup>6</sup> One corollary is that coalition governments will become increasingly common at all levels of government.

This shift from a dominant-party system to a more competitive party system is happening while citizens display increasingly negative public sentiment towards the state of our democracy.<sup>7</sup> As Figure 1 illustrates, satisfaction in democracy, and trust in parliament essentially halved between 2011 and 2021, a trend which has substantive implications for South Africa’s ongoing efforts to entrench democratic norms and maintain a social contract. The recent ratification of the Electoral Amendment Act has also revived discussions of how our electoral framework can encourage both inclusivity and direct accountability.<sup>8</sup>

This policy briefing informs policymakers, political parties, civil society and citizens about how to enhance political accountability in contemporary South Africa.<sup>9</sup> GGA’s focus is to assess the related issues of coalition governance and electoral reform to prescribe how South Africa can modify its political system into one more capable of elevating confidence in our democracy, improving accountability and preserving political stability.



**Figure 1: South Africa: Citizen sentiment by Afrobarometer round (2011-2021)**

6 The Electoral Commission of South Africa (IEC). (2023). "IEC election results portal". Available: <https://results.elections.org.za/home/>

7 Human Sciences Research Council (HSRC). (2022). "Election Indicators Report: 2021". Report prepared for the Electoral Commission of South Africa (IEC); Moosa, M., & Hofmeyr, J. (2021). "South Africans' trust in institutions and representatives reaches new low". The Institute for Justice and Reconciliation (IJR) and Afrobarometer. Afrobarometer Dispatch Papers Series: No. 474.

8 South African Government. (2023). "Electoral Amendment Act 1 of 2023". Available: <https://www.gov.za/documents/electoral-amendment-act-1-2023-english-afrikaans-17-apr-2023-0000>

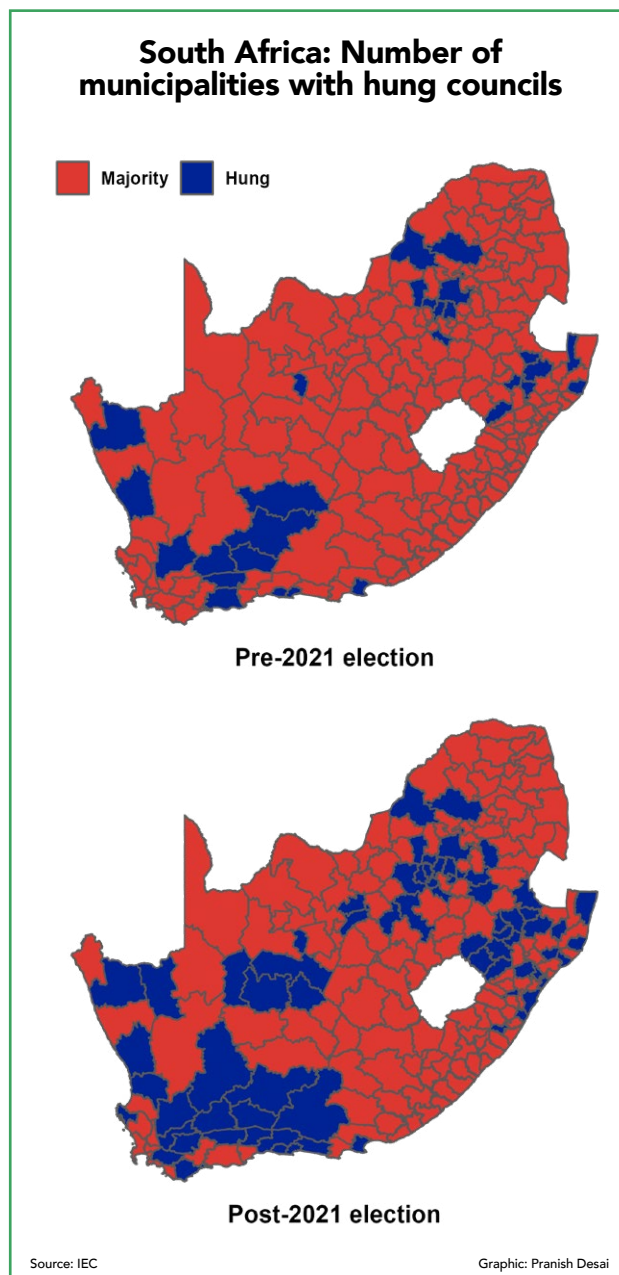
9 The focus of this policy briefing is on "vertical accountability". I.e. The ability of citizens to hold governments accountable. This contrasts with "horizontal accountability" which concerns the system of "checks and balances" by which political institutions hold one another accountable.

## Coalitions in South Africa

Coalition governments most commonly form post-election when no single party is capable of individually forming a majority in a representative council or parliament, creating what is known as a “hung council”, or a “hung parliament”. This requires two or more political parties to work together in some capacity to maintain basic governance functions such as passing budgets or ratifying bureaucratic appointees. The political objective of a coalition is to ensure that together, parties can maintain over 50% of representation within a council. Coalitions vary between formalised, comprehensive agreements and more flexible arrangements which operate on an issue-by-issue basis.<sup>10</sup>

Across nearly three decades of democracy, South Africa has some experience with coalition governments at all levels. However, the electoral dominance of the ANC meant such arrangements have proven the exception rather than the norm.<sup>11</sup> As Figure 2 displays, the 2021 local elections saw a significant rise in the number of hung councils in the country. We went from less than 30 such councils before the election to approximately 80 afterwards.<sup>12</sup> Following these elections, there have been growing concerns raised by citizens,<sup>13</sup> research organisations,<sup>14</sup> and state organs<sup>15</sup> that instability in many hung councils has negatively impacted local governance, including in the provision of basic services.

This does not mean coalition governance equates to erosion of service delivery. In fact, several hung councils scored well in GGA’s 2019 and 2021 Governance Performance Indexes.<sup>16</sup> In both ranks of municipal performance, five of the 20 best-performing municipalities were governed by coalitions. Most often, governance failures in hung councils happen when competing political and personal interests cause administrative instability and threaten service delivery.<sup>17</sup> Undoubtedly, this impacts public trust because citizens legitimately expect that basic governance such as the provision of water, sanitation and electricity should be free from political instability and political interference.



**Figure 2:** South Africa: Number of municipalities with hung councils

10 Ndou, L. (2022). “An analysis of a coalition government: a new path in administration and governance at local government level in South Africa”. Doctoral thesis submitted to North-West University. Available: <https://dspace.nwu.ac.za/handle/10394/39209>

11 Mapungubwe Institute for Strategic Reflection (MISTRA). (2021). “Marriages of Inconvenience: The politics of coalitions in South Africa”. Booyesen, S. (ed.). Johannesburg: MISTRA.

12 IEC. (2023).

13 Eligon, J., & Chutel, L. (2023). “Johannesburg, Where Mayors Last Just Months, or Even Only Weeks”. New York Times. Available: <https://www.nytimes.com/2023/05/17/world/africa/south-africa-johannesburg-mayor.html>

14 Desai, P., & Acton, H. (2023). “GGA urges independent panel on coalition politics crisis”. Good Governance Africa (GGA). Available: <https://gga.org/the-case-for-an-independent-panel-on-party-coalitions/>

15 Auditor-General of South Africa (AGSA). (2023). “Media Release: 2021-22 MFMA Consolidated General Report”. AGSA. Available: <https://www.agsa.co.za/Reporting/MFMAReports/MFMA2021-2022.aspx>

16 Good Governance Africa. (2019). “Governance Performance Index: 2019”. GGA. Available: [https://www.africaportal.org/documents/20129/Government\\_performance\\_index\\_HC7LSvx.pdf](https://www.africaportal.org/documents/20129/Government_performance_index_HC7LSvx.pdf); Good Governance Africa. (2021). “Governance Performance Index: 2021”. GGA. Available: <https://gga.org/governance-performance-index/>

17 Olver, C. (2021). “The impact of coalitions on South Africa’s metropolitan administrations”. In “Marriages of Inconvenience: The politics of coalitions in South Africa”. Booyesen, S. (ed.). Johannesburg: MISTRA.

## Coalitions and the Evolving Social Contract

Accountability is at the core of any social contract between citizens and their government. This is especially so in South Africa's case because the legacies of colonialism and Apartheid still pervade, exacerbated by present-day corruption. With this in mind, there are three elements of public value that citizens anticipate from their governments:

- well-performing administrations characterised by reliable service delivery;
- institutions that are reliable and effective in attaining envisioned public outcomes; and
- institutions that function fairly and impartially for the benefit of the public.<sup>18</sup>

Realising these objectives in the era of coalition government necessarily means that **political parties should draft coalition agreements which are made public, enabling citizens to hold these parties accountable.**<sup>19</sup> The principle of formalised and published coalition agreements ought to be a cornerstone of any legislation the Department of Co-operative Governance and Traditional Affairs (CoGTA) drafts to improve coalition stability.

Similarly, the long-standing aspiration for a professionalised civil service in South Africa gains new urgency in the era of coalition government when patronage-based lobbying for positions is likely to increase. **So, the Department of Public Service and Administration (DPSA) should actively implement the October 2022 national framework on professionalisation** to insure against an unchecked political-administrative interface negatively affecting government performance.<sup>20</sup>

Tackling unemployment, inequality and poverty consistently rank among the most important governance priorities South Africans identify in public surveys.<sup>21</sup> Therefore, **policymakers addressing coalition instability should consider the importance of socio-economic transformation within our social contract.**<sup>22</sup> Former

Gauteng premier, David Makhura's proposal for a "citizen's charter" to be drafted in each hung municipality is one way in which citizens could hold coalition governments accountable on specific policy issues.<sup>23</sup> However, **these charters should be mandated by law to exist in all provinces and municipalities, regardless of whether they have a coalition government.** Co-ordinated initiatives premised on redistributive and accountable principles are vital for ensuring broad-based economic development capable of resolving South Africans' most pressing concerns.<sup>24</sup>

Ensuring accountability during the era of coalition government will require South Africans across society to reconsider their approach to our social contract, especially to facilitate effective service delivery at the local level. It also requires us to retool our electoral framework at the national and provincial levels.

## An Electoral System in Limbo

Our electoral framework is one reason why coalition governance is becoming more common. South Africa's constitution mandates that the National Assembly (NA), provincial legislatures, and municipal councils generally allocate representation in line with the share of the vote a political party receives during an election.<sup>25</sup> This system is known as proportional representation (PR). One by-product of proportional systems is that parties often struggle to win outright majorities, in part because PR produces some degree of party fragmentation over time.<sup>26</sup>

In South Africa, proportionality was identified during the democratic transition as a key mechanism for fostering inclusivity, while party lists (parties determine individual representatives) were regarded as crucial in ensuring representativity across racial, regional and gender lines. Notwithstanding the general constitutional commitment to proportionality, South Africa's electoral system was never regarded as a permanently settled matter.<sup>27</sup>

18 Bryson, J. M., Crosby, B. C., & Bloomberg, L. (2014). "Public Value Governance: Moving Beyond Traditional Public Administration and the New Public Management". *Public Administration Review*, 74(4).

19 Beukes & de Visser. (2021); MISTRA. (2021); Ndou. (2022).

20 National School of Government. (2022). "A National Framework Towards the Professionalisation of the Public Sector". Pretoria: Government Printer; Olver. (2021).

21 The Institute for Justice and Reconciliation (IJR) and Afrobarometer. (2021). "South Africans rank unemployment as the country's most urgent priority, support jobs program for youth". IJR and Afrobarometer news releases.

22 Mkandawire, T. (2005). "Social policy in a development context". London: Palgrave MacMillan.

23 Masuabi, Q. (2023). "ANC's coalition framework paints a bleak picture for DA and EFF in next year's polls". *Daily Maverick*. Available: <https://www.dailymaverick.co.za/article/2023-05-03-ancs-coalition-framework-paints-a-bleak-picture-for-da-and-eff-in-2024-elections/>

24 By redistributive we mean the allocation of public expenditure toward addressing entrenched inequalities.

25 Department of Justice and Constitutional Development. (1996).

26 Lijphart, A. (1994). "Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990". Oxford: Oxford University Press.

27 Mandela, N., & Langa, M. (2017). "Dare Not Linger: The Presidential Years". New York City: Farrar, Straus and Giroux.

Indeed, the issue was reconsidered by a task team convened by cabinet in 2002, as well as by two parliamentary-appointed panel assessments performed in 2011 and 2017. Each assessment recommended that parliament readjust South Africa's electoral system to balance direct accountability – by having a portion of Members of Parliament (MPs) directly elected through multi-member constituencies – while also maintaining the basis for inclusivity by having the remainder of MPs elected through PR.<sup>28</sup> Successive parliaments did not enact these recommendations.

In June 2020, the Constitutional Court instructed parliament to revise South Africa's electoral laws so that independent candidates could stand for national and provincial elections. This reignited the broader debate around electoral reform and the resultant process was driven by the Department of Home Affairs (DHA) and the Portfolio Committee on Home Affairs. Parliament passed an amendment bill in February 2023 and it was signed into law in April 2023.<sup>29</sup>

The new law also obliges the responsible minister (DHA) to establish an Electoral Reform Consultation Panel, leaving open the prospect of more significant electoral reform taking place following the 2024 elections. The stipulated consultation panel has a strong foundation to build on. In addition to the 2003, 2011 and 2017 reports, the DHA also convened a Ministerial Advisory Committee (MAC) to review electoral reform following the June 2020 ruling. The MAC considered the various implications of having a new election system in place for the 2024 elections and produced both majority and minority recommendations.<sup>30</sup>

The majority recommendation endorsed comprehensive electoral reform by adapting the local electoral framework to other levels by having half of all MPs, and half of all members of provincial legislatures (MPLs) directly elected through single-member constituencies.<sup>31</sup> The remainder would be elected through the existing PR-list system. By contrast, the minority recommendation was more

limited in scope, and focused on inserting independent candidates into our existing electoral framework. This was the recommendation which had a greater influence on the content of the Electoral Amendment Act.<sup>32</sup>

### Balancing Accountability and Inclusivity

While the adoption of the minority recommendation was understandable given the abridged timeframe that the Constitutional Court gave for electoral reform, preserving the longer-term legitimacy of our political system requires the more wide-ranging reforms of the majority recommendation. This is especially so in light of the increasingly negative attitudes South Africans have toward our democracy, the declining rates of voter participation in our elections, the perception that representatives are more accountable to political parties than voters, and the rise in coalition governments.<sup>33</sup> **So, the seventh democratic parliament should upon its election in 2024, prioritise comprehensive electoral reform.** Prioritising election reform early in the seventh parliament is essential to give the IEC time to effectively implement the new system before the 2029 elections.

As part of a future electoral reform process, **larger political parties should not readjust our electoral system for their own benefit**, especially if this reduces the link between citizens and their representatives. Members of the MAC have implied that larger parties tried to distort the recent debate on the Electoral Amendment Act, including by limiting public consultation processes.<sup>34</sup> MAC members also suggest that the law twists the constitutional imperative for proportionality by causing votes for independent candidates (once they have met the threshold for representation), to fall away.<sup>35</sup>

Any similar attempt by larger parties to subvert a fair and open post-2024 electoral reform process would accelerate public dissatisfaction with our democracy. This also applies if constituencies are introduced in some capacity. There is considerable risk that constituency boundaries

28 Van Zyl Slabbert Commission on Electoral Reform. (2003). "Report of the Electoral Task Team". Pretoria: Government Printer; Parliament of the Republic of South Africa. (2011). "Report of the Independent Panel Assessment of Parliament". Cape Town: Parliament.; Parliament of the Republic of South Africa. (2017). "Report of the High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change". Cape Town: Parliament.

29 South African Government. (2023). "Electoral Amendment Act 1 of 2023". Available: <https://www.gov.za/documents/electoral-amendment-act-1-2023-english-afrikaans-17-apr-2023-0000>

30 The Ministerial Advisory Committee on Electoral Reform. (2021). "Report of the Ministerial Advisory Committee". Pretoria: Government Printer.

31 The candidate with the most votes (a plurality) within a constituency election, would gain representation as an MP or MPL. (Ibid.)

32 Mbete. (2022).

33 See Figures 1, 2 and 3.

34 Mbete. (2020).

35 Moosa, V. (2022). "South Africa's proposed new electoral system is complex to understand, complicated to implement and less fair." Daily Maverick. Available: <https://www.dailymaverick.co.za/opinionista/2022-03-24-south-africas-proposed-new-electoral-system-is-complex-to-understand-complicated-to-implement-and-less-fair/>; Glaser, D. (2023). "Strike down the Electoral Amendment Act – it has been a mess from the beginning." Daily Maverick. Available: <https://www.dailymaverick.co.za/opinionista/2023-04-19-strike-down-the-electoral-amendment-act-it-has-been-a-mess-from-the-beginning/>

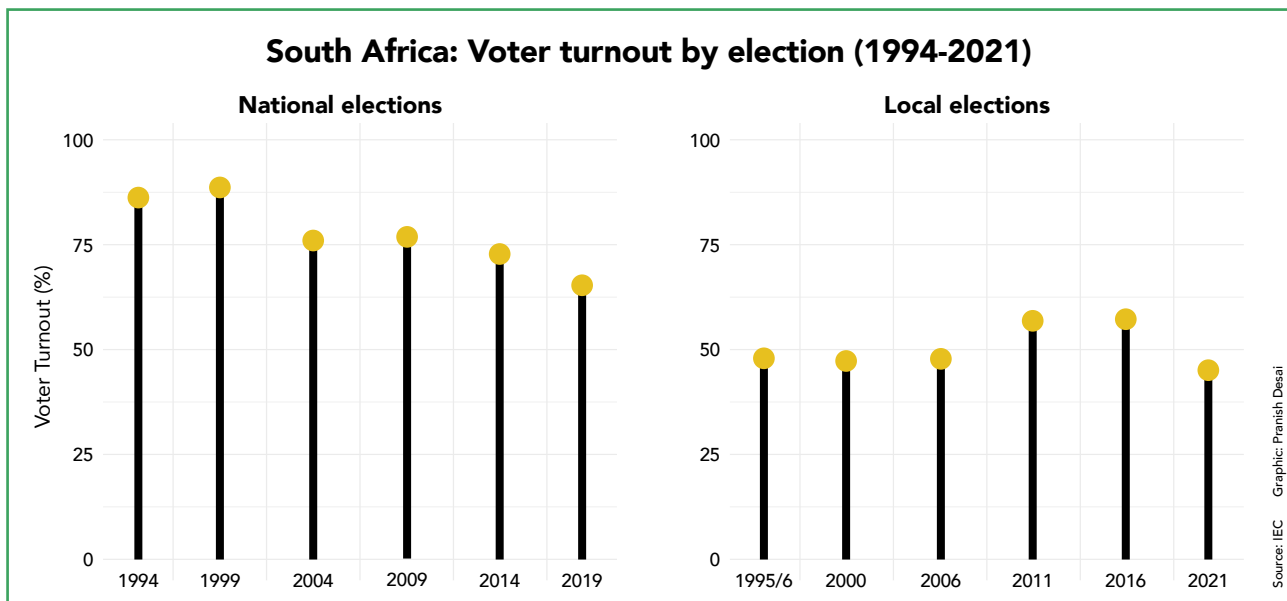


Figure 3: South Africa: Voter turnout by election (1994-2021)

could be drawn to assist larger parties or reinforce existing inequalities. Therefore, legislation seeking to introduce a constituency system at the national and provincial levels should either **expand the remit of the existing Municipal Demarcations Board, or establish an independent constituency demarcation board.**<sup>36</sup>

Adopting the majority recommendation of the MAC will not prevent coalition governance in South Africa as the commitment to proportionality remains. Nevertheless, having half of all MPs and MPLs directly elected would **allow citizens to apply more direct pressure on political parties and their elected representatives outside of the five-year electoral cycle**, embedding public legitimacy as a regular feature of our national and provincial politics.<sup>37</sup> Mechanisms and political culture which facilitate democratic accountability outside of the basic electoral cycle play a critical role in many fully matured democracies.<sup>38</sup>

The introduction of directly elected MPs could also address the long-standing concerns about the lack of citizen engagement in existing constituency offices because **MPs would now have a personal electoral incentive to proactively initiate contact with citizens in these forums.**<sup>39</sup> Having directly elected representatives would grant citizens more scope to express their coalition priorities, including over policy compromises or when it appears likely that one or more parties will leave a coalition arrangement.

Admittedly, the presence of directly elected representatives at the local level has not necessarily translated into greater coalition stability in many of South Africa’s municipalities. However, citizens themselves are still adapting to coalitions. Once they adjust, **GGA expects that an electoral system which incorporates directly elected representatives within a basic framework of proportionality** will offer the best prospects for more consistently responsive, legitimate and democratically accountable coalition governance.

### Conclusion

Next year, South Africans will vote to determine who will govern at the national and provincial levels. For the first time in our democratic history, there is a realistic prospect of no majority party in parliament. Whatever the outcome of the 2024 election, it will fall on the parties represented in our seventh democratic parliament, held responsible by civil society and citizens, to introduce the necessary adjustments to the laws concerning our elections and coalitions. These reforms are essential for the continued legitimacy of our political system. Indeed, considering the widespread dissatisfaction citizens currently have with our democracy, reinvigorating political accountability will help ensure that South Africa’s status as a unitary, democratic nation endures.

36 Van Zyl Slabbert Commission on Electoral Reform. (2003).

37 By-elections are the most prominent example of how a constituency system presents citizens with an opportunity to express their sentiment outside of usual election cycles.

38 Acemoglu et al. (2019). "Democracy Does Cause Growth". *Journal of Political Economy*. 127 (1).

39 Parliament. (2011); Parliament (2017).



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