

## Coalitions – important shifts

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Three months ago, in May, I wrote about coalitions, the need to strengthen the middle ground in our politics, as well as a 'grand coalition' between the African National Congress (ANC) and the Democratic Alliance (DA). Since then, three important developments have taken place.

Firstly, on 11 July the Inkatha Freedom Party (IFP) and the DA signed an agreement to cooperate in coalitions at local government level in KwaZulu-Natal (KZN). Their agreement is comprehensive – setting out, in quite some detail, the values the parties commit to, and the priorities they will work to. It spells out 13 commitments, including a strict separation of party and state; merit-based appointments; elimination of corruption, 'a non-negotiable commitment to the rule of law and constitutionalism', correcting the injustices of the past and building an inclusive economy.

The 2 parties also identified 15 priority areas of work. Apart from obvious items, such as water, waste management, sewage, public transport, housing, and health, there are also more unusual items. These include commitments to spend 8% of the value of municipal assets on maintenance, reviewing of organograms and staff complements of municipalities, and reviewing salary scales downwards before filling vacant posts.

Until now coalitions were characterised by WHO will govern, not by HOW. Those letters need to be switched around. This agreement is clearly a move from WHO to HOW, a very welcome shift indeed.

Secondly, during the last weekend of July the ANC Veterans League (the League) had their national conference, attended by 460 delegates from branches across the 9 provinces. (A veteran must be older than 60 and must have served the ANC for 40 years without interruption.) The League came out with a very clear statement against coalitions with the EFF, calling such coalitions 'unethical'. Strong language indeed. The president closed the conference and described the League as the 'lodestar' of the ANC.

Thirdly, in the first week of August Deputy President Paul Mashatile convened a meeting at the University of the Western Cape (UWC) to discuss coalitions. Fikile Mbalula, Secretary-General of the ANC, surprised many by saying that the party is open to the idea of a 'grand coalition' with the DA at local government level. He was not talking about national government, but clearly the door has been opened. It is an important breakthrough. Deputy-President Mashatile closed the conference saying that it was just 'the first step in a journey'.

## Thresholds

At the UWC meeting it became clear that the largest parties agreed on a minimum threshold before a party can be represented in local, provincial, or national government. No numbers were mentioned, but in previous pronouncements the ANC favoured 1% and the DA 3%.

A threshold of 1% would eliminate 8 out of 14 parties from Parliament; in the Johannesburg Metro it would eliminate 9 of 18 parties; in Tshwane a whopping 10 of 15 and in Nelson Mandela Bay 5 of 13.

The ANC and DA argued that such a measure would enhance stability and reduce horse trading. The smaller parties hold that it is undemocratic and would deprive voters of choice. There are plausible arguments on both sides.

Internationally, several countries have minimum thresholds. It ranges between 0,67% (Netherlands) and 6% (Moldova). The most common threshold is 5% in countries like Germany, New Zealand, Poland and Hungary. Denmark has a threshold of 2%, while the thresholds in Sweden and Norway are 4%.

A 1% threshold in South Africa would mean that small parties like the African Christian Democratic Party and Al Jama-ah would be excluded from parliament. Does one really want to force them to go extra parliamentary? A possible compromise is that the threshold applies to participation in the executive, but not for election to the legislature or council.

## Timing

It is theoretically possible, but highly unlikely, that legislation introducing thresholds could be passed before the 2024 elections. If it takes the issue up in 2024, the new parliament can have the legislation ready for the next local

government elections in 2026.

That raises the question of what to do about the chaos at local government level between now and 2026. Must we limp on in metros like Johannesburg, Tshwane, Nelson Mandela Bay, and Ekurhuleni for the next 3 years while waiting for legislation?

A practical way out is for the major parties to come to political agreements that will establish stable coalitions. It is about politics, not legislation. And who knows, we may find in due course that the need for legislation falls away.

### Constitutionality

In any case, such legislation, if adopted, will be challenged in the Constitutional Court. The principle of proportionality is enshrined in section 46 of the Constitution, which states that the electoral system must 'in general' result in proportional representation. What exactly does 'in general' mean? Will a 1% threshold satisfy that provision? 3%? The Constitutional Court will have to decide this.

### The Moonshot Pact convention

The 6 parties of the 'Moonshot Pact' coalition are meeting at a convention on 16 and 17 August.

More people are starting to realise that the Moonshot Pact faces a huge problem in finding a path that will take them to 50% of votes in 2024. If you exclude the ANC and the EFF, as well as smaller parties that will not join the moonshot – like Good, Al Jama-ah and the African Transformation Movement – then how will they get to 50%?

At the convention, will they decide that any party who is willing to work with the ANC is banned from the coalition? That is the line being pushed by Action SA. That means they will have to attack parties who are willing to work with the ANC (perhaps the DA, perhaps the IFP), for being sell-outs.

As I argued in May, the best possible future for South Africa lies in strengthening the democratic centre.

Irrespective of political party support, South Africans are not radical. That implies that a huge section of the ANC is also not radical. They are part of the democratic centre. (The radical economic transformation component of the ANC is clearly not part of this democratic centre, and they belong with the EFF or another such party.) Add to that the fact that it is overwhelmingly likely that the ANC will still be the largest party after the 2024 elections, and realpolitik dictates that anyone who aspires to be in government will have to work with the ANC. Setting yourself up in absolute opposition to any such cooperation will not strengthen the democratic centre. It will be divisive and ultimately self-destructive.

The German ambassador was a guest speaker at the UWC conference. He emphasised a few principles that had been learnt from the German experience with coalitions: avoid the politics of exclusion; coalition is the art of negotiation, not the art of war; issues first, appointments later (not who but how); concrete policies must be agreed on (such as the IFP–DA pact); and transparency and openness are vitally important. In Germany, after their last elections, it took 3 months to install a coalition government. In South Africa, the Constitution allows 14 days.

### Is the middle ground stronger?

Back in April the IFP opened the door to cooperation. That stance was reinforced by the IFP–DA pact in July. In August the ANC, in turn, opened the door to local government coalitions. It is now up to all parties of the middle to reinforce it by cooperation.

### Face the fear

Many people fear that in a coalition a smaller party will get swamped and dragged down, as has happened in the United Kingdom, for example, when the Liberals had gone into coalition with the Tories and were wiped out in the subsequent election. Locally, people fear that the ANC will 'drag down the DA'.

This is a legitimate fear. And even more reason for parties entering a coalition to be very clear in their minds about what they stand for and what they want to achieve. It makes it even more necessary to agree on concrete commitments and policies upfront, as has been the case with the IFP–DA pact in KZN.

### So what?

- The 3 developments since May indicate that the thinking on coalitions have shifted quite substantially. Six months ago, some observers proclaimed that a post-election ANC–EFF coalition was inevitable. Clearly, it is

no longer so certain. On the contrary.

- It will take time to pass legislation dealing with thresholds and it will be challenged in the Constitutional Court before taking effect in any case.
- Therefore, to deal with chaos at local government level, a political agreement between major parties is crucial. It can be implemented now, irrespective of new legislation.
- Such an agreement may well unleash new dynamics and render legislation unnecessary. It could return stability to local governments that are in desperate need of this.
- More importantly, it will help to strengthen the democratic centre and bring together those who belong together.