



Oversight in Coalition Governments

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Introduction

- Since 2016, many coalitions formed in most metropolitan councils (City of Johannesburg, Tshwane, Nelson Mandela Bay) continue to be unstable
- Current State of Coalition in the City of Johannesburg: Coalition between DA coalition is facing threats of disintegration due to smaller parties in collusion with councillors from the DA coalition voted in support for the motion of no confidence in the Council Speaker and planning to do the same with the Executive Mayor, arguing that the DA is using a big brother approach to manage the coalition
- Fragile and Unstable coalitions at local government level have been a challenge in South Africa, which raises uncertainty for future formations of coalitions at provincial and national government level as this becoming a perennial feature in our democracy.
- But Western European countries such as Germany and Norway have managed to maintain stability for long periods until recent under the global economic stagnation and consequences of the Ukraine and Russia conflict, coalitions have made valuable contributions in:
 - Promoting policy stability (Finding Common ground between Right and Left Wing Parties)
 - Domestic Economic development
 - Promoting inclusive democracy
 - Increased oversight (checks and balances)
- ***How does the continuous coalition instability affect oversight in council?***

Understanding Coalitions in Legislative - Executive Oversight

- Coalitions typically form after interested parties bargain over and reach a coalition agreement when there is no overall majority.
- Coalition governments are only possible when parties are willing to compromise on these preferences in order to govern jointly. In many countries, a formal coalition agreement sets out the compromise (see Muller and Strøm, 2008).
- Agreements are negotiated using allocating executive portfolios between them, with each side's MMCs acting as partisan 'barons' in their departments (redirecting resources for the benefit of their party in South Africa).
- Coalition governments requires governing parties to **cooperate over the production and implementation of public policy** which becomes the binding factor for coalitions to come together

Stages to negotiation

- Stage 1: identify parties to establish a coalition
- Stage 2: determine the suitability of parties to enter coalitions
- Stage 3: declare decision to establish a coalition government and publish a coalition agreement
- This agreement must be policed because those who will be appointed in the executive, can deviate towards the preferences of the party to which they belong to in the coalition.
- At the same time, potential for conflict exists because parties in a coalition govern in the shadow of electoral competition where they will typically compete directly against each other for votes.
- In the parlance of principal-agent theory in accountability: **coalition parties in the legislature are principals and executive members act as agents**



Coalitions in Legislative Oversight: Lessons from Developed Democracies

- Recent studies on West European Legislative Systems, have pointed to the importance of the legislative process as a means to police the coalition agreement (Martin and Vanberg, 2011; Carroll and Cox, 2012; Zubek, 2015; see Andre et al. 2016)
- Parliaments with strong portfolio committees,) suggest, are uniquely positioned to police coalition agreements, just as committees provide an informational advantage in legislatures more generally.
- Parties in western democracies strategically assign committee chairs to keep tabs on their coalition partners, which provides further evidence of the committee structure's central position in intra-coalition monitoring.
- Parliamentary portfolio committees' engagement in the legislative process is not only important to opposition parties, but also parties in coalition government can also keep tabs on each other
- Its has been found in Western European studies, reforms expanding committee power are most likely when ideological or policy conflict within the coalition government is greatest.
- Weak committee systems, including weak Public Accounts oversight committee reduces the ability of the council chamber to provide oversight of the executive (Norton 2013). This has been a case for South Africa, and local government, remains the weakest due to the political context in an African developing coutry
- **Advanced Democracies with experience of coalition government and strong committee systems tend to develop rules and institutions to mitigate executive unaccountability, subjecting them to committee and legislative scrutiny and oversight over policy proposals and passing of legislative regulations.**



South African Local Government: Modelling Oversight in Coalitions that 'Cannot Coalesce'

Weak oversight in South African local government institutions has been subject to political fragility and instability, even before the 2016 local government elections:

- One party with large majority but fractured and factionalised party group loyalty and cohesion
- One party group with slender majority
- Adversarial inter-party relations
- Weak political leadership
- Strained administrative-political interface (political interference in the administration)
- A history of Political schisms reinforced by territorial conflict (Kwa-Zulu Natal violence)
- Fragile coalitions and frequent changes in political control in council chambers



South African Local Government: Modelling Oversight in Coalitions that 'Cannot Coalesce'

- Oversight in local government is a process whereby councillors who are not the council's executive can play an influential role in the shaping of policy and decisions that will have a real benefit on behalf of the community they represent.
- The process involves oversight committees monitoring performance, reviewing and evaluating services, questioning decision and plans made by the council's executive, listening to the concerns of local people, and where appropriate making recommendations for action and change.
- Four key roles for oversight are:
 - Holding executive, the mayor, individual MMCs and senior managers to account and ensuring municipal development priorities are met
 - Policy development, financial expenditure and budget implementation compliance
 - Performance management, Audit Outcomes and Best Value for Service for Communities (Citizen's everyday experiences and encounters with service delivery)



South African Local Government: Hurdles of Modelling Oversight in Coalitions that ‘Cannot Coalesce’

- Clearly identified executive responsibility, separate from the legislative body of councillors in council chambers, with a wider representational and oversight functions, still remains as a major challenge to the way in which party groups under coalition agreement now operate
- The status of ward councillors, who do not hold executive positions, tends to relegate the role of ward councillors as ‘backbenchers’, with far less influential decision-making executive membership or portfolio committee chairperson role
- The role of the party group, also contributes to the way in which oversight exercised by councillors in council.
- Politics of MPAC: majority party and party leading the coalition that holds majority seats in council and also positions in the executive, may attempt to hamper the investigations and implementation of consequence management particularly in local government against political office-bearers and senior managers who breached legislation in order to serve their particularistic interests (embedding a culture of impunity and political protection)



Institutionalising Oversight: Local Government Municipal Structures Amendment Act (2021)

Section 37(b) of the Local Government Municipal Structures Amendment Act (2021) reinforces the role of the Speaker in relations to oversight role of council:

- Must ensure that the legislative oversight over the executive authority of the municipality
- Is responsible for the effectiveness of committee of the municipal council is established in section 79
- Responsible for the ethics and accountability of municipal council
- Must ensure the effectiveness and function of ward committees and public participation



Institutionalising Oversight: Local Government Municipal Structures Amendment Act (2021)

Section 41(B) Institutionalisation of the Whip

- Liaise with different political parties to ensure representation on the council and committees
- Facilitates the interaction between the executive and legislative oversight structures
- Resolves disputes between the mayor/executive mayor or members of the mayoral committee



Institutionalising Oversight: Local Government Municipal Structures Amendment Act (2021)

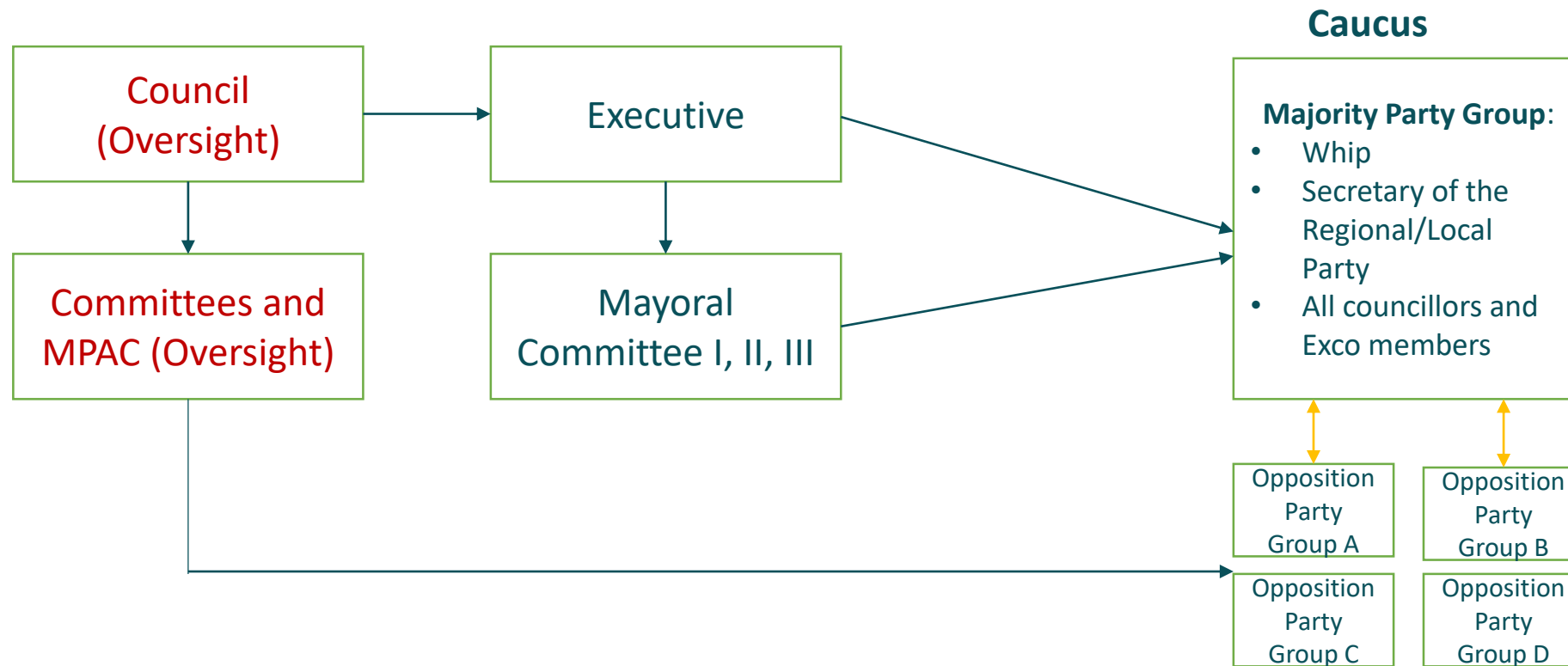
Section 79(A) Institutionalises the establishment of Municipal Public Accounts Committee (MPAC)

- Review the Auditor General Reports and Annual Reports
- Initiates an oversight report on the Annual Report
- Attends to recommendations made to and from the council
- Reports are submitted to the Speaker
- Ensures the establishment of an Audit Committee

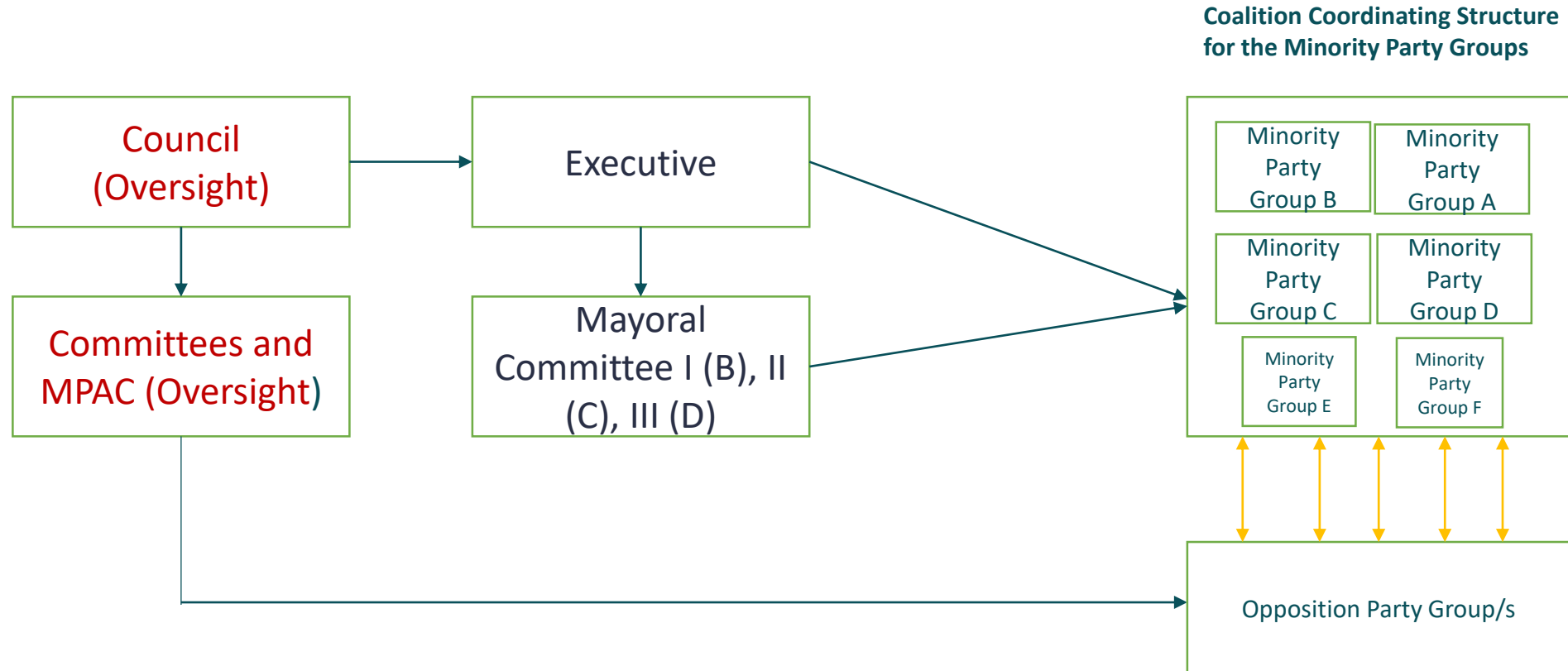
Assumption made that there would be cohesive consensus amongst parties in the convening of council and committee meetings and following legislative rules – but under coalitions, this has proven to be challenge



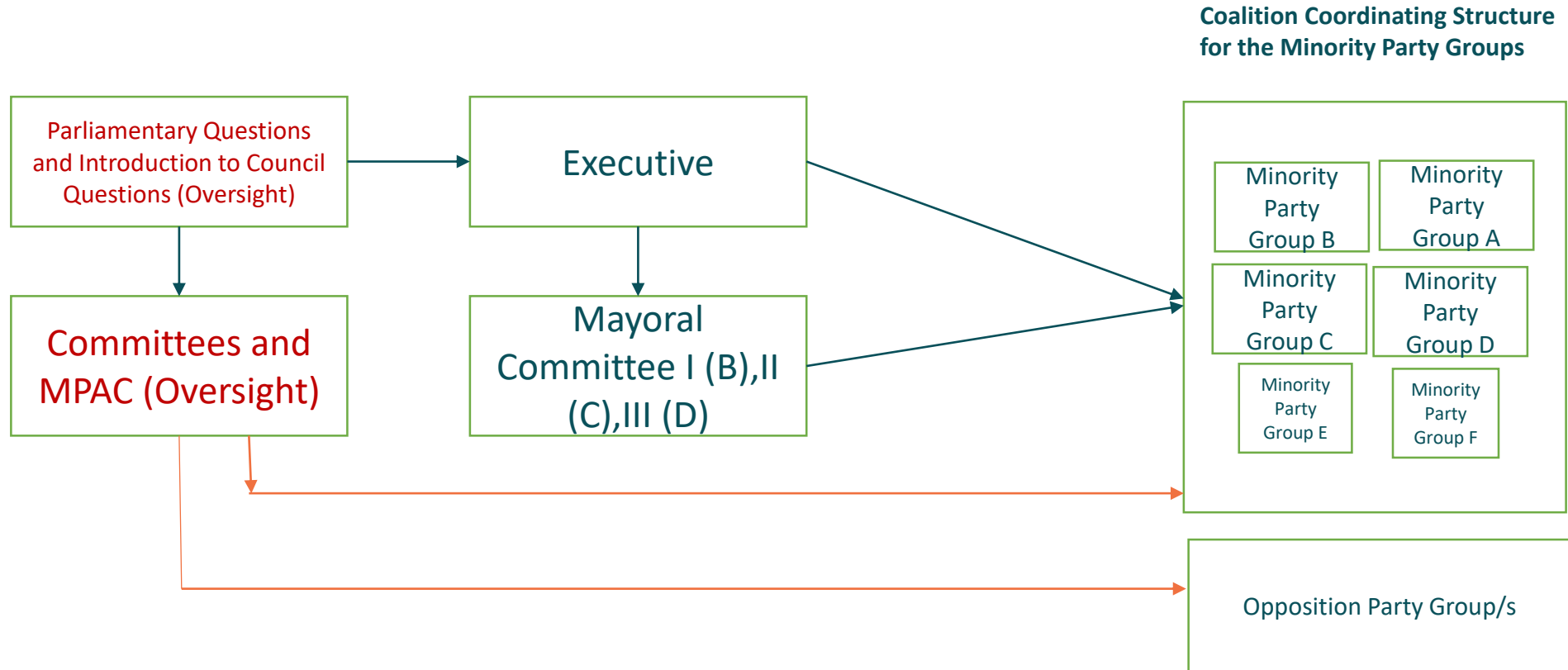
The Majority Party Group in Council and its Relationship to Council Oversight



The Coalition *Parochial* Party Group in Council and its Relationship to Council Oversight



The Coalition *Partner* Party Group in Council and its Relationship with Council /Legislative Oversight: Ideal Situation



Looming Perennial Presence of Coalitions Requires Radical Shift in Party Political Culture Needed for Developing an Oversight Model

- Political Culture of Patronage: coalition government partners struggle to co-operate and to **agree on policy-issues** jointly but concentrate on allocating executive portfolios between them, with each side's MMCs acting as partisan 'barons' in their departments (According to Gamson's Law, the allocation of cabinet portfolios in parliamentary democracies is proportional to the legislative seat shares of the governing parties. However, portfolio allocation by coalition partners departs systematically from perfect proportionality in South Africa).
- Lack of transparency to the public and electorate declared deals and deal breakers, including in designing coalition agreements that can guide parties on how to govern in coalition governments
- Weak Party Discipline: porous group loyalty compromises conduct of councillors and their loyalty to the party group and larger coalitions group agreement when it comes to voting and lobbying
- Inexperienced Oversight Skills: high turnover amongst councillors makes council vulnerable to incumbents that have very little sectoral experience serving as committee chairs
- Canonization of kingmakers: manipulation of council processes and horse trading, compromise smaller opposition parties from exercising scrutiny while scrambling for power when the political balance is fine

Thank you!



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