POLITICAL PARTY CO-OPERATION AND THE BUILDING AND SUSTAINING OF COALITIONS

Challenges Faced and Lessons Learned: A High Level Exchange between South African and German political leaders



WHEN FOES BECOME FRIENDS AND FRIENDS BECOME FOES:
PARTY POLITICAL CO-OPERATION AND THE BUILDING AND SUSTAINING OF COALITIONS

BACKGROUND PAPER

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1. INTRODUCTION

1.1 The Game-changing 2016 Municipal Election

The 2016 Municipal Election was a watershed moment for South African politics, dramatically changing the face of the political landscape. After 22 years of almost complete electoral dominance by the African National Congress (ANC), signs began to emerge that their grip on power was starting to wane, and a more competitive multi-party framework was beginning to emerge.

Of South Africa's nine Metropolitan Councils, the ANC only managed to win an outright majority in four; of South Africa's four major metropolitan councils, the ANC now only has a majority in one – eThekwini in the region of Durban. It had once controlled all nine Metropolitan Councils, and in the previous Municipal Election in 2011 had won an absolute majority in eight of the Councils. In 2016, the ANC lost control of South Africa's capital city (Tshwane), its economic hub (Johannesburg) and its surrounds (Ekurhuleni), and the major Metropolitan Council of Nelson Mandela Bay in Port Elizabeth in the province that is often regarded as its political heartland (the Eastern Cape). Less surprisingly, it also once again came a distant second to the Democratic Alliance (DA) in the City of Cape Town. Perhaps most strikingly, the ANC's overall share of the popular vote fell to just 53.3%, down from 62.2% in the general election in 2014. Whilst one must be wary of extrapolating the outcome of local government elections into the national sphere, 2016 was a clear indication that the ANC's electoral dominance is not infallible.

Despite its losses, only one opposition party was able to win an absolute majority in one of the councils, with the DA retaining its firm grip on the City of Cape Town. The ANC, just one seat short of a majority, was able to retain control of Ekurhuleni through a coalition with the African Independent Congress (AIC). However, in the other three 'hung' major Metropolitan Councils, the opposition parties rallied together to vote the ANC out of power, electing DA mayors in Tshwane, the City of Johannesburg and Nelson Mandela Bay.

As a result of this significant shift in power, coalition politics is now an integral part of South Africa's political scene, and voting trends and polling suggest that it may play an even bigger part in provincial and even national politics in the years to come.

1.2 What has happened since 2016?

After a somewhat stable start, we are now beginning to see that the coalition game is a complex one, with power struggles and in-fighting starting to emerge especially in the closely contested Nelson Mandela Bay Municipal Council. This should have been expected. All the evidence from elsewhere suggests that coalition politics is one of the most complex and difficult political art forms, requiring a range of expertise and skills to manage the tense power dynamics as foes become friends. Parties seek to retain their independence in the eyes of the electorate, but at the same time are forced to collaborate with perceived adversaries whilst in office. They may have to support policies and legislative reforms that are deemed necessary by the coalition partners but that conflict with that specific party's manifesto or which clash with its worldview (Moury and Timmermans 2013: 17).



Coalitions can take years to build, and even longer to stabilise, and, due to the relative lack of coalition experience in South Africa, it is our submission – and the premise that underpins both this paper and the initiative to which it is a part – that every effort should be made by South Africa's political establishment, and especially the political parties and their leadership, to draw from lessons from the long and rich experience of coalition politics across the world, to help ensure the effective functioning of coalition governments in service of the electorate and South Africa's Constitution.

One of the key operating principles of South Africa's Constitution is "multi-party democracy". Clearly, the shifting electoral landscape has presented opposition parties with a huge opportunity to gain power. But there are great risks associated with the building and sustaining of coalitions – one of which is that if handled clumsily, the parties may face an electoral backlash.

Equally, for the ANC, this is an important moment to recognise the changes in electoral power and reflect on what they imply for the ruling party and its own relations with other political parties and how it should handle those relations strategically and tactically in the future.

1.3 Drawing from the long and rich global experience of coalition politics

There are many lessons to be learnt from elsewhere. Hence, this paper seeks to identify the main issues and challenges prevailing in coalition politics globally. For example, national coalitions are common in Europe. Germany, Belgium, the Netherlands and Scandinavian countries provide prime examples. India has arguably the richest coalition history outside of Europe, where all national elections since 1989 have resulted in coalition governments in a period that has coincided with considerable economic growth (McMillan 2014: 203). Although a plurality-based electoral system means that different considerations are in play, South Africa can learn many lessons from the Indian experience where parties collaborate extensively despite vastly contrasting ethnic and ideological backgrounds. Coalitions have also been frequent in Africa, especially since the turn of the century, notably in Mauritius and Kenya where much data is available and substantial research can be drawn upon and transferred as lessons for the South African context.

That being said, there is no blueprint for a successful coalition. Furthermore, whilst lessons can be learnt from coalitions in other countries across the world, one must be very cautious of imposing models that have worked efficiently in one country on another with the expectation that that model will also be successful. Coalitions in each country must be viewed in light of that country's particular institutional, electoral, legal and socio-economic context, as well as any ideological or cultural factors that influence the operation of its political parties (Kadima 2014: 8).

South Africa has to an extent already experienced coalitions on several different levels and different forms, and so has begun to build up its own reservoir of knowledge. Between 1994 and 1999, after the first democratic election, a coalition government was essentially a constitutional requirement. The Interim Constitution of 1993 laid out several transitional provisions which were aimed at ensuring a smooth transition of power. It prescribed a power-sharing arrangement during those first five democratic years, requiring any party that achieved a minimum of 5% of the national vote to participate in government. The ANC, the previous ruling party (the National Party), and the Inkatha Freedom Party (IFP) achieved this threshold and hence formed what is known as the "government of national unity" ('GNU'). The rivalries between these three parties had been a major source



of (at times violent) conflict, and incorporating all three into the first democratic government was a vital means of ensuring peace – this was the particular historical backdrop, and underlying rationale, to that form of coalition.

Coalitions have played out in South Africa at provincial level with more frequency. Up until 2009, when South Africa's current second largest party, the Democratic Alliance (DA), won a majority in the Western Cape, coalitions operated in this province, for example, between the Democratic Party (DP) and the New National Party (NNP) in 1999 and the ANC and NNP in 2003. In KwaZulu-Natal, the ANC and IFP formed an alliance in 1994 which lasted a decade. There have also been and continue to be several coalitions operating at local levels.

Following from this introduction, Part 2 of this paper identifies the main reasons why coalitions form and the potential benefits and risks that they pose for participating political parties, and for the broader democratic and constitutional regime. We then set out in Part 3 the many forms of coalitions, and both the formal and informal means by which political parties co-operate. Part 4 discusses the critical moment of coalition formation and Part 5 analyses the various challenges and strategic questions that impact on the sustaining of a successful coalition once it has been built. In Part 6, we look at how coalitions influence the electoral strategy of parties intending to enter into a coalition after elections. Finally, we draw from lessons from the comparative analyses in the previous sections and offer some reflections for the future of coalitions in South Africa.

In this last regard, we wish to record that while we have drawn liberally from the global experience of coalitions, we have hesitated to expound in much detail at this stage on the German experience since it will be the focus of the Symposium for which this version of the paper is being prepared. Armed with the information and comparative analysis gathered at the Symposium we will revise this paper, sharpening the comparative analysis and drawing far more extensively on the German experience.

2. THE RATIONALE FOR COALITIONS

Coalitions exist for a vast number of reasons which differ according to the political and legal landscape of a country's socio-economic, cultural and institutional context and the time at which the coalition is formed in the electoral cycle. The traditional rationale for coalition formation is to win elections and hold office (Kadima 2014: 14). They give the opportunity for certain parties to participate in government that, due to their electoral percentage, would otherwise be unable to do so. Therefore, the primary objective of an opposition party in respect of a coalition is to unseat the incumbent, whilst the primary objective of the ruling party is to ensure that they remain in power (Kadima & Lembani 2006: 131).

Coalitions can create political stability and governability in areas with 'hung' legislatures in which no single party has won a majority or where there is a multiplicity of competitive political parties (Kadima & Lembani 2006: 138). If no political party gains a majority of seats in a specific legislature, the rationale for the formation of a coalition can simply be said to be one of political necessity. Without party co-operation, whether formalised or not, the jurisdiction would effectively be ungovernable. Political parties have a responsibility to the electorate to ensure that a stable government can be formed to respond to the needs of the people.

In addition, coalitions allow medium to smaller parties to raise their public profile or wield disproportionate power by participating in government and acting as king-makers in hung legislatures. In South Africa, it has



been seen how the Economic Freedom Fighters' (EFF) ability to swing municipal councils has aided its political message of being a "government in waiting". To a lesser extent the importance of the Patriotic Alliance's single seat in the tightly contested Nelson Mandela Bay Municipal Council has allowed it to wield disproportionate power and enjoy significantly more media attention that they otherwise may, thus advancing its political interests.

Coalitions have benefits for national unity, cohesiveness and dialogue. They also have financial incentives, allowing parties to share campaign costs in coalitions that have been conceived prior to an election (Dhillon 2003: 5), as well as the financial incentives of holding political office and a greater share of public funding to political parties which can come with electoral gains (Kadima 2014: 14).

2.1 Power v Principle: Office seeking motivations or policy advancement

There is considerable academic debate in the literature as to the motivation behind coalition formation and whether parties form coalitions in order to maximise power or advance their policy objectives.

Two things should be made clear from the outset. The first is that the two rationales are not mutually exclusive. Both may represent a justifiable basis for a party's intention to form a coalition. Second, and perhaps most importantly, a 'power motive' should not be equated with a sinister or cynical political objective. There is nothing inherently undesirable in a political party taking steps to enhance their power to bring about substantive change – that is a primary purpose of a political party: to win power so that it can exercise it on behalf of the people and interests that it seeks or purports to represent. Parties have a responsibility to their voters to ensure that they grow in order to deliver on their mandate.

There are also several instances in countries where parties have formed coalitions for the power motive of unseating a rogue or undesirable government. The best intentions for positive change are of little consequence unless coupled with the power to implement them. The acquisition of power through legal means is therefore a legitimate and fundamental objective of any political party that has the best intentions for the people that it seeks to serve.

The distinction in terms of these two motives is important to draw as it affects the size, ideological positioning and operation of the coalitions. Power maximisation theories are linked with the minimum winning size theory (discussed below) where the coalition size is limited to the lowest number necessary to secure a majority. Coalitions with policy motives require coalition partners to be ideologically aligned, whereas this is not true with coalitions motivated predominantly by the acquisition of power (Kumar 2015: 34).

2.1.1 Office-Seeking Rationale

Office-seeking theories are founded on the belief that the primary goal of political parties is to gain power. Control of the executive and political appointments, as well as the power to pass and implement legislation, are the key incentives (Indridason, 2005: 440). Ideological alignment is not a requirement for coalition partners (Leubbert 1986), and debate and conflict is more commonly around the benefits of office than policy objectives (Sithanen 2003: 3). Many scholars argue that such coalitions seem more prevalent worldwide than policy-based coalitions.



As stated above, office-seeking coalitions tend to be 'minimum-winning' in their size (Riker 1962). Minority coalitions - that is to say, coalitions that even when formed do not constitute a majority in a legislature - do not fit with the office-seeking rationale as the *raison d'être* of that theoretical framing is that the coalition must have a majority to enable it to govern (Indridason, 2005: 441).

There are drawbacks for power-based motives with consequences for the stability of the coalition. They are argued to be more volatile and susceptible to infighting once in office due to their lack of ideological cohesiveness. Global data also suggests that these coalitions are more susceptible to breakdown than policy-based coalitions and have a shorter average lifespan (Sithanen 2003: 3). Personality clashes and personal ambition are much more prevalent causes of conflict in power-based coalitions as opposed to those founded on ideological coherence (Sithanen 2003: 7).

India has one of the richest and longest histories when it comes to coalition politics. Sridharan, who has written extensively on coalitions in India, notes that coalitions in India have almost exclusively been driven by the desire to accumulate power and aggregate votes and not by ideological compatibility (Sridharan 2008: 16). The National Democratic Alliance (NDA) was a thirteen-party coalition led by the Bharatiya Janata Party (BJP) and governed in India from 1998 to 2004. It has since taken power again in 2014. It was formed for the power motive of unseating the ruling party at the time. Therefore, it did not require ideological alignment as a precondition of membership; instead the parties united over the unseating of a common enemy – the ruling party. Despite the fact that it incorporated some thirteen coalition partners who were not ideologically aligned, it remains one of the most striking success stories in worldwide coalitions.

Kadima, who has analysed and written on coalitions in African countries, states that it is "undeniable" that office-seeking motives are predominant in African coalitions where the main reason for the formation of alliances and coalitions has been access to power (although he does not believe this to be unique to Africa) (Kadima 2014: 4). However, the study of coalitions in Africa does not support the idea that power-motivated coalitions tend to be 'minimum winning'. There are several examples of coalitions in Africa which are oversized, viz. they incorporate more coalition partners than are strictly necessary to attain a majority. Whilst these larger coalitions may mean that each party receives a lesser proportion of the payoffs, they are more stable in terms of sustaining a majority; they may have more 'bend', and therefore resilience, in the sense that by definition they are more likely to be able to sustain themselves if one of the partners decides to withdraw from the coalition arrangement (Kadima 2014: 4).

Coalitions in Mauritius, another country with a rich coalition history, have also tended to be founded on office-seeking motives (Sithanen 2003: 7; Kadima 2014: 13). They have been described as a "marriage of convenience" with the objective of fighting a common enemy, rather than uniting over policy aspirations (Sithanen 2003: 8). Similarly, the 'Mgwrizano' coalition in Malawi has been said to have been formed purely for the motive of unseating the UDF government; the coalition partners did not possess ideological affinity (Kadima & Lembani 2006: 132). Kenyan coalitions also tend to prefer office-seeking objectives than ideological compatibility, although ethnic alignment among coalition partners is stronger (Kadima & Owuor 2006: 181).



2.1.2 Policy Rationale

Policy-based coalitions exist between parties that are largely ideologically-connected for the purpose of pursuing particular policy reforms. Size matters less in these coalitions that tend to be smaller due to their need to only incorporate parties that are ideologically aligned. This may even mean that in some cases a policy-based coalition does not reach majority status, which is not destructive to the coalition's rationale as they do not seek cabinet payoffs as their main objective (Indridason, 2005: 440; Strom 1990). However, they are able to create a larger and more united voice behind the advancement of certain key policies.

As opposed to the 'minimum-winning' size theory of the office-seeking approach, theorists predict that policy-based coalitions will be formed on the basis of a *minimum connected* winning coalition. That is to say that the focus will be to minimise fluctuations on the ideological scale between partners so as to agree on major policy issues – a perspective that draws into focus the potentially important distinction between ideological, or values-based alignment, and policy-based agreement: parties may have different worldviews, yet can find agreement on a specific policy issue or set of issues (Kumar 2015: 38). One can quite easily see, for example, such a situation arising as in the case of Brexit, where parties from different parts of the ideological spectrum may decide to coalesce around a specific position on whether, or on what terms, Britain should leave the European Union.

The expectation is that when forming the coalition, coalition partners will agree on policy positions to take forward into the coalition's term of operation, which, in turn, gives the coalition a more stable base and mutual understanding. Empirical evidence shows that policy-based coalitions tend to have less conflict and therefore a longer lifespan (Kumar 2015: 38).

Whilst many argue that office-seeking coalitions are more common, Sridharan states that roughly two-thirds of postwar coalitions in developed countries are ideologically connected (Sridharan, 1996: 54). The contrasting analysis from academics as to which of these motives is the more common lends support to the idea that the two are not mutually exclusive. Indeed, it has often been seen that the underlying rationale of a coalition, as well as the behavior of coalition partners, may change during the substance of their term. For example, following an election the office-seeking theory is more prevalent as parties scramble for cabinet positions and the spoils of office. In contrast, during the months leading up to an election, coalition partners become more policy-based as the political imperative to assert their individual identities and gain the goodwill of the electorate is of greater importance at this point of the 'coalition cycle' (Altman 2000: 264).

2.2 National Unity: Working together for the common good

Coalitions allow perceived adversaries to join hands on divisive issues for the common good of the nation (Kadima & Lembani 2006: 138). They encourage communication, consultation and the sharing of ideas as opposed to the destructive rhetoric of continuously opposing each other. Especially in a country such as South Africa where politics is so often deeply divided upon apparently racial and ethnic rather than ideological grounds, foreign experience shows that party collaboration in such countries can be crucial in enhancing national unity and peace.

There is ample evidence to support this, especially in Africa. Even in South Africa, the forced post-1994 alliance at national level between the NP, ANC and IFP described itself as the 'Government of National Unity' and



elements of the largely peaceful transition of power can be attributed to this constitutional mechanism. It allowed South Africans from different backgrounds and political positions to trust the government and feel that their views were being represented. The alliance between the ANC and IFP in KwaZulu-Natal between 1994 and 2004 was also acclaimed for restoring peace and reducing political violence in the province (Kadima 2014: 16).

Coalitions have been credited with playing a role in somewhat unifying Kenya's stark ethnic divisions in their politics, where the National Rainbow Coalition ("NARC") formed in the early 2000s has been heralded for restoring a degree of national cohesion and ensuring a more equitable distribution of resources (Kadima 2014: 16). Schreiber, a South African academic who conducted first-hand research on the coalition scenario in Kenya, states that "the Grand Coalition brought the country back from the brink of devastation and laid a foundation with the potential to ensure a more stable future" (Schreiber 2016: 27).

In Mauritius, politics has long been contested on religious grounds, with fierce opposition between the Hindu and non-Hindu electorate. The 1967 elections centered on the issue of independence. The Hindu-dominated Independence Party, a three party coalition, won a narrow majority over the anti-independence coalition leaving a deeply divided and volatile society. When that winning coalition broke down a few years later, a new coalition government was sworn in between the main party that fought for the independence movement (the Labour Party) and the one that opposed it (the PMSD). The unification of these deep rivals just two years after a socially-divisive political campaign has long been hailed as the fundamental reason as to why peace ensued in Mauritius; wounds from the past were healed, and all Mauritians, regardless of their religion or political ideology, could feel that they could participate and were represented in government (Sithanen 2003: 6). Since then, it has been commonplace in Mauritius to appoint a Prime Minister and Deputy Prime Minister that come from different ethnic groups. The same has happened with other Cabinet portfolios (Sithanen 2003: 9). The unlikely alliance between the Labour Party and PMSD has also been credited for the substantial economic development that took place in Mauritius following their union (Sithanen 2003: 6).

2.3 Electoral advantages and the opportunity to wield power disproportionate to electoral share

Coalitions can mathematically benefit smaller parties who are able to increase their muscle when it comes to decision-making. Imagine a coalition that holds 5 out of 8 parliamentary seats, of which two are held by Party A. Without a coalition its vote over policy is two in eight, or a power-ratio of 0.25. By being part of a governing coalition, its power-ratio now increases to 0.4, amounting to a 60% increase (Gelman 2003: 3).

Small parties can also wield disproportionate power when they act as king-makers in a hung legislature. If parties B and C each have 5 out of 11 available seats, Party A's single seat effectively puts them in a position of power, whereas if either party B or C has just one more seat, Party A's influence would likely be very modest.

2.4 Potential drawbacks to coalition formation

Coalitions present some of the most nuanced and delicate political dilemmas for political parties and their leadership. While there is much to gain, it is not a straightforward path and, if not managed correctly, there can be a lot to lose as well.



2.4.1 Voter backlash and Party Identity

Parties going into coalition face a trade-off between enjoying the benefits of office and retaining the unique identity of their party (McMillan 2014: 187). Forming a coalition with an electoral opponent makes parties vulnerable, or even likely, to experience some sort of backlash from their supporters – the example from the coalition government that was formed in the United Kingdom after the indecisive national general election in 2010 is a case in point: some Liberal Democrats' supporters were dismayed by the decision to enter into a coalition with the Conservative Party.

When political parties campaign they do so on a certain manifesto where they are likely to make certain assurances to their voters as to the policies that they will pursue. When in coalition, they may need to compromise on these policies and support those which have the majority support of the coalition which may include policies that contrast with those put forward by a specific party whilst campaigning. This may lead voters to believe that they have been misled (Moury & Timmermans 2013: 118). Internal dissent within the Liberal Democrats post-2010 became even fiercer in its criticism of the party leadership after it was compelled to drop the party's flagship election manifesto promise of free tertiary education.

Voters, especially in countries with a hostile political rhetoric, often view the parties that they don't support with disdain. If the party that they vote for goes into coalition with such an opposition party, voters may see it as "siding with the enemy" and lose faith in their party of choice. These concerns are intensified if a party does not announce before an election whether and who they intend to form a coalition with. A party may elect not to disclose its intended coalition partners prior to an election for the fear of upsetting voters and diminishing their electoral prospects. However, if they do this they are susceptible to backlash as voters may feel that the party has betrayed or lied to them, which may cost them more votes in the long run than they would have lost by announcing coalition partners before the election. This has compromised several parties in a variety of countries in the past. Again the Liberal Democrats' case from the UK is relevant: after five years as the junior partner in the Conservative-Liberal coalition government, the Liberal Democrats suffered a calamitous election in 2015, losing 49 of the 57 seats it had held after the 2010 general election.

2.4.2 Government instability and Policy Immobility

It has been argued that coalition governments are less stable than single-party governments (Müller & Miller 2005: 12). Furthermore, a single-party government is able to act quickly and decisively, whereas, due to the multiplicity of views, consultations and debates around policies in coalition governments, it may take longer for prompt action to be taken (McMillan 2014: 202).

2.4.3 Consequences for Smaller Parties

There is a strong body of research and evidence that suggests that whilst coalitions may be hugely beneficial to major parties, smaller parties, although able to enjoy short term gains, can be compromised, diminished or even eradicated completely by forming a coalition. There is also evidence that smaller parties become subsumed by larger coalition partners to the point where those parties dissolve completely (Kadima 2014: 17, 19).

The Alliance for Democracy (AFORD), a Malawian political party lost some 80% of its Parliamentary seats in 2004 which has been attributed to supporting the leader of another party (the UDF) (Kadima 2014: 18). It now



has just a single seat. A similar situation took place with the MSM party in Mauritius (Kadima 2014: 19). In Kenya, leaders of small parties who have held government positions have tended to neglect their parties and subsequently move to larger ones (Kadima 2014: 19).

This phenomenon has arguably been seen in South Africa already. Kadima states:

"One such example is that of the NNP, which joined the DP in 1999 to form the Democratic Alliance (DA), only to be progressively 'swallowed' by its partner. Its withdrawal from the coalition and the subsequent formation of a second one – this time with the ANC – angered the majority of its supporters. Ultimately, it was coalition politics that led to the demise of the NNP when its supporters were shared among the DA, the ANC and the Independent Democrats (ID).

Similarly, a study commissioned by the Freedom Front Plus (FF+) showed that its 1994 cooperative arrangement with the ANC was punished by its supporters in the 1999 general elections, when the party lost more than 50% of its seats in the National Assembly. It has also been argued that the DA's Coalition for Change with the IFP and its consequent support for the maintenance of Ulundi as the provincial capital of KZN resulted in lost votes in Pietermaritzburg and surrounding areas in the 2004 provincial election in favour of the ANC, which had expressed a preference for keeping Pietermaritzburg as the provincial capital.

There is also a perception that the decade-long participation of the IFP in a coalition government with the ANC in KZN and nationally might have confused IFP supporters. The steady decline in support for the IFP in KZN since 1999 and the increase in support for the ANC has been interpreted by some in the IFP as the party's supporters preferring to vote for the governing party rather than for its junior partner. In the same vein, the alliance between the DA, which is the main opposition party in South Africa, with the ID, a smaller opposition party, ended in the integration of the ID into the DA" (Kadima 2014: 18).

3. TYPES OF COALITIONS AND POLITICAL PARTY COLLABORATION

For the purposes of this section, we highlight the differences between coalitions according to the stage of their formations as well as the anticipated permanence or otherwise of the form of co-operation.

3.1 Post-Electoral Coalitions v Pre-Electoral Alliances and Coalitions

Coalitions differ according to the timing of their formation. In some cases, political parties prefer to retain their independence until after the results of an election are announced and then form the coalition based on the needs and numbers that emerge from those results. In other cases, parties will form a coalition prior to elections and electoral campaigning and, at times, share campaigning costs or campaign on behalf of the coalition or alliance rather than exclusively for their own party.

A pre-electoral agreement can take the form of an agreement by two or more parties to campaign together under a common mandate (essentially as a single political enterprise) in order to maximise their votes (a pre-electoral alliance) and/or an agreement to work together in government or a legislature following the election (a pre-electoral coalition) (Kadima 2014: 2).



When pre-electoral alliances are formed, *viz.* an agreement by parties to campaign jointly, parties are able to pool resources and focus campaign resources on a specific area, knowing that the success of another party in the alliance in a separate area or constituency is a victory for the alliance as a whole. In other words, instead of two parties each committing X resources to campaign in Area A and another X resources to campaign in Area B, in a pre-electoral alliance either one party can contribute X resources only in Area A and another contribute the same but in Area B, or each party can contribute X/2 resources in each area.

Pre-electoral alliances are more common in countries that have thresholds for representation in their legislatures - where parties who risk falling below the threshold will form an alliance, often registering it as a distinct party, to ensure that they achieve the electoral threshold. Therefore, the relative scarcity of pre-electoral alliances in South Africa, as opposed to other African countries, could perhaps be explained by the fact that it has one of the lowest parliamentary thresholds in the world. This assertion is supported by experiences in Mozambique. Until after the 2004 elections a threshold of 5% of votes was required for representation in Parliament in Mozambique. This forced as many as ten parties who fell below the threshold in 1994 to form pre-electoral alliances for the 1999 and 2004 elections. When the threshold requirement was abolished, so were the pre-electoral alliances and coalitions (Kadima 2014: 10).

Pre-electoral alliances are also more common in majoritarian systems than proportional representation systems due to the requirement of victory in a constituency in order to gain representation in a legislature. Smaller parties and parties whose support is not geographically concentrated are incentivised to form such alliances (McMillan 2014: 193).

Pre-electoral alliances and coalitions tend to be founded on more detailed, specific and precise agreements than post-electoral coalitions, as electoral arrangements need to be laid out and the public requires certainty on policy priorities and portfolio allocations of such coalitions before going to the voting booth (Moury & Timmermans 2013: 124).

Kadima states that in Africa pre-electoral alliances and coalitions are as common as post-electoral coalitions, and observed at least some form of pre-electoral alliances operating in 51% of African democracies Kadima 2014: 1-2). They are commonly seen in Mauritius where eight of the nine general elections prior to 2010 were won by large pre-electoral coalitions (Kadima 2014: 13). The coalition partners in Mauritius have decided on policy priorities and the allocation of government positions including the President, Prime Minister, other ministers and deputies prior to the election. It has been argued that this allows government to act swiftly on delivering its mandate after an election, where there is no delay for parties to scramble for coalition partners allowing a more efficient and responsive government (Sithanen 2003: 2).

The BJP-led 12-party coalition government in India in 1999 was at the time believed to be the largest governing coalition in worldwide democratic history in terms of the number of parties participating in the coalition. It was formed on the basis of 22 national and regional coalition agreements of which all but two were assented to prior to the national election. It is regarded as having been an extremely stable coalition government during its term, perhaps attributable to the early consensus reached by coalition partners as to the operation of the coalition both during the elections and during its term of office, preventing jostling for positions whilst in



government (Sridharan 2008: 17). The success of this pre-electoral coalition has led others in India to followsuit both nationally and regionally by forming these bonds before campaigning begins.

In Europe, Italy is the most striking example of pre-electoral coalitions. The two Prodi administrations of 1994-1996 and 2006-2008, and the Berlusconi government of 2001-2006, were both formed on the basis of a coalition created by a formal agreement prior to the elections (Moury & Timmermans 2013: 122). Pre-electoral coalitions have also been seen in Sweden during the last decade. Generally, however, post-electoral coalitions have been more common in European countries in which coalition politics are commonplace. Germany, Belgium and the Netherlands have predominantly been governed by coalition governments since the 1980s which are almost exclusively formed after an election.

Other than the type of electoral system operating in a country, empirical evidence does not suggest a clear trend that shows whether a pre- or post- electoral coalition is preferable or more effective when certain conditions prevail. However, one consideration appears to be information certainty. Parties need to be certain of their, and their intended coalition partners', electoral success before entering into a pre-electoral coalition. A party that believes it has a chance of gaining an electoral majority is unlikely to commit to a coalition prior to the election as it does not want to be hamstrung by coalition partners if it can attain a governing majority on its own. Similarly, they will not commit to a coalition partner if there is uncertainty as to whether that partner will gain a sufficient number of votes to be an effective, influential and preferably decisive (in terms of taking the coalition arrangement over the governing majority threshold) partner. Parties also fear that forming and announcing a pre-electoral coalition will antagonise voters who disapprove of intended partners or compromise the image and independence of the party and its message during campaigning. However, as seen by the Mauritius example, forming a coalition at the pre-electoral stage can lead to a smoother transition into government. It can also disperse campaign costs and is more transparent *vis-à-vis* the electorate.

That being said, in proportional representation systems with a low electoral threshold as is the case in South Africa (where just 0.25% of the vote will secure one seat in the National Assembly), forming coalitions at the post-electoral stage appears to be the preferred approach – at least so far in the relatively short history of coalition politics in South Africa. Without the necessity of coalition partners for electoral success, South African parties are apparently reluctant to make coalition commitments to other parties until they have absolute certainty as to whether a coalition is required and how large the coalition needs to be to gain a majority in the relevant legislature. In addition, the ideological, historic and ethnic divisions amongst South African political parties means that there is a higher risk of voter backlash if a pre-electoral coalition is formed with a partner that is not readily acceptable to the party's core supporters.

3.2 Permanent Coalitions v Issue-by-Issue Co-operation

Coalitions have many variations. Beyond a formalised coalition based on an agreement to act in terms of a united front, political parties collaborate by several other means. In many cases, instead of a permanent coalition, parties may commit or agree to vote with others on a particular issue or set of issues (Gelman 2003: 1). Such issues may be policy objectives or structural aspects such as government formation where parties may agree to collaborate to elect/appoint specific leaders but no more.



In South Africa, we have seen this in recent times. After the 2016 Municipal Elections that resulted in three hung major metropolitan councils, the EFF had the opportunity to act as king-maker. They insisted that they were not interested in a permanent coalition arrangement unless certain strict conditions were met, yet agreed to vote with the DA and its partners to ensure that the ANC were ousted as the governing party in those three Metropolitan Councils. Since then, they have shown a will to switch their allegiance, or adjust the basis of their co-operation with other political parties, according to the specific, changing context.

If a party or parties remain independent in hung legislatures and opt to vote on an issue-by-issue basis, one is likely to see what is called a "minority coalition" which can lead to a "minority government". A minority government is a government comprised of members of a party or coalition that neither on its own nor in terms of a permanent coalition enjoys a majority of seats in the legislature. Therefore whilst a party or a coalition of parties may have a majority in government, it does not have a permanent coalition sufficient to maintain a majority in the legislature. This can result in policy deadlock and compromise the efficiency of both the executive and the legislature. A minority government is also vulnerable to constant power struggles and votes of no confidence as support can swing at any time as the government does not enjoy ongoing majority support from the legislature.

That being said, there is a good deal of merit in a party taking the issue-by-issue approach despite the fact that it may often create problems of trust and reliability from the point of view of other parties. Firstly, it places the party that stays clear of a formalised coalition in a position of power as it may be able to act as a king-maker or hold the swing vote on any governmental appointment or proposed legislative reform. As a result, that party may be able to control legislative policy at least to an extent. The issue-by-issue approach also allows parties to retain their individual identity and be true to their manifesto and mandate without having to compromise their policy to respect the overall will of a coalition.

Permanently hung legislatures can also be vibrant ones, as parties are compelled to negotiate the most appropriate approach to each issue, voting according to their principles and convictions rather than blind loyalty. In addition, a party that remains neutral can have the power to cast the swing vote on important issues, yet it keeps a degree of distance to government, allowing it to be critical of government during later electoral campaigning. It avoids being tainted or associated with a legislature or government that passes and implements controversial or unpopular policies that may also contradict its own core values or policy principles (McMillan 2014: 192). For this reason, it has frequently been seen in India that several parties, whilst happy to participate in a legislative coalition, refuse to accept governments positions in order to retain their identity and ability to criticise government in their electoral rhetoric (McMillan 2014: 199).

However, a party that wishes to remain independent is vulnerable if the minority coalition is able to incorporate another party or parties to elevate it to a majority. A party that wishes to remain neutral therefore runs the risk that its powerful position as a king-maker will be relegated to that of a weak party in a small opposition.



4. COALITION-BUILDING: THE FORMATION STAGE

The formation stage is one of the most delicate, nuanced and potentially volatile stages of the coalition-building cycle. They are often subject to intense and protracted negotiations as parties not only want to ensure that the coalition will be stable, but also that they get the best deal possible for their specific party.

The key issues that emerge at the formation stage are the size of the coalition, which parties to incorporate into the coalition, how to manage their ideological differences, the policy to be pursued, the structure of coalition governance and leadership and the payoffs to be received by each party.

4.1 Coalition 'Formateur' - Coalition Power and the Idea of a Coalition Leader

Coalition formation is often, but not always, led by one specific party, known in the academic literature and in the coalition lexicon as the *formateur*. The size of a party's electoral share is a large determinate of its strength in the coalition. The largest party in the coalition is the most likely to act both as *formateur*, coalition leader and occupy the highest positions in government (Bäch 2005: 2). However, as will be illustrated below, this is not always the case.

The idea of one party leading a coalition can be a controversial one. It should be noted that in almost all cases the *raison d'être* of coalition formation is that no one party won the election (in terms of gaining a majority as opposed to a plurality). Therefore, if one party attempts to assume control of the coalition, this may antagonise the other parties in the coalition. Furthermore, the fact that no party holds a majority in the legislature diminishes the power of any supposed coalition leader. For example, in a legislature of 100 seats controlled by a coalition of parties holding 52 of those seats, a party in the coalition that has 5 seats is just as indispensable to the coalition's majority as a party with 40. Therefore, while it is common for a large party to act as *formateur*, it does not necessarily allow that party to control the coalition during its term (Kumar, 2015: 36).

That being said, it is common for one party to act as a leader of the coalition of sorts. However, it is not always the largest party in the coalition that assumes this role. The ideological positioning of a party is a significant determinant of its power in the coalition. A party with a centralised ideological positioning (as compared to the other parties in the coalition) is more likely to lead the coalition than parties closer to the extremes of the ideological spectrum, regardless of their size (Dhillon 2003: 9; Demirkaya & Schofield 2014: 3). These parties, even if not the largest of the coalition partners, tend to enjoy a higher degree of respect from other parties in the coalition and its leader(s) may enjoy a less adversarial relationship with the leaders of the other parties.

Suppose a coalition between three parties in which Party A and Party B each hold 30 seats in a legislature and are located at opposite ends of the ideological spectrum whilst Party C only has 10 seats and is located around the centre of the ideological spectrum compared to the other two parties. Party A and Party B are likely to have a more adversarial relationship and the supporters of each party are not likely to wish their party to elect a leader from the other or enter into a committed form of coalition or co-operation. A deadlock is therefore reached. Due to its ideological positioning, Party C is now in a position of power, knowing that Party A will likely never vote for Party B's leader and *vice versa*. Party C can either act as king-maker and choose a leader from either Party A or Party B or better still put forward its own candidate to lead the coalition. Party A and Party B, not wanting the coalition to be led by a member of the other, may elect the leader of Party C as the lesser of



two evils. Therefore, due to its positioning at the ideological centre of the coalition, Party C may be in the strongest position of power. The fact that it has fewer enemies than the other coalition partners is more important than the fact that it has fewer seats.

Similar factors influence the likelihood of a party in a coalition being granted a position in cabinet. As will be suggested below, it is preferable for the coalition's stability to grant as many parties as possible a position in the executive. Yet this may not always be possible, in which case not only the size but the nature of a party can influence its likelihood of participating in government. A comprehensive study of Swedish coalitions conducted by Bäch revealed that the chances of a party in a coalition participating in government increases by 41% if it is located at the ideological centre (Bäch 2005: 12).

That being said, niche parties can lay strong claims to the niche ministries whose portfolios are of greatest relevance to their policy agenda as this is likely to keep them satisfied in terms of the payoffs that they are receiving and therefore more likely to remain loyal to the coalition.

4.2 Coalition Size

One of the predominant theories put forward by political scientists is that the size of a coalition should be the smallest possible required in order to create a majority. In other words, the optimal size of a coalition is that which equates to 50% plus one in relation to the number of seats available in the legislature in question. This allows each coalition partner the opportunity to maximise the gains it receives from forming the coalition by minimising the amount of parties that would expect a share of payoffs and, therefore, maximising the payoffs of the coalition partners (Dhillon 2003: 24; Kumar 2015: 34). This is what Riker dubbed the "minimum winning coalition theory". He argues that "In n-person, zero sum games, where side payments are permitted, where players are rational and where they have perfect information, only minimum winning coalitions occur" (Riker 1962: 32). Therefore a coalition would not contain any party that is not necessary for achieving a majority.

Despite this, empirical evidence suggests that 'minimum-winning' coalitions are not as common as early theorists suggested. A comprehensive study of worldwide coalitions since the end of the 2nd World War until the turn of the century revealed that less than half of the governing coalitions were 'minimum-winning' (Wolendrop et. al. 1998). In fact, of the major democracies in which coalitions have been dominant, only Australia, Belgium and Germany stand out as countries where 'minimum-winning' coalitions are the norm. Elsewhere, surplus majority coalitions and minority coalitions are just as common.

Surplus majority coalitions are coalitions that incorporate more coalition partners than are strictly necessary in order to form a majority. This acts as an insurance policy, allowing the coalition to continue to govern even if some parties leave the coalition (Kumar 2015: 49). Another incentive for a party to form a surplus coalition is to prevent smaller parties collaborating with other parties outside of the coalition to create a viable threat to the power of the governing coalition. Therefore, parties in a coalition may wish to grant such outside parties some benefits of office to ensure that they do not oppose the governing coalition (Demirkaya & Schofield 2014: 2). In such a case, one may even see what is called an "oversized coalition" – that is a coalition where one party in the coalition has a majority in the legislature on its own but yet chooses to enter into a coalition arrangement as an insurance policy to help protect what may be a slim majority.



The side effect of surplus coalitions is that having a higher number of coalition partners means that the payoffs need to be distributed more extensively, meaning that each coalition partner benefits less from the coalition than it would if it was a 'minimum-winning' form of coalition. Surplus majority coalitions are also likely to be much more ideologically diverse, which can lead to conflict and inefficiency (Kumar 2015: 47).

Another factor which tends to create surplus majority coalitions is information uncertainty. If the coalition is formed at the pre-electoral stage, and there is uncertainty as to the electoral prospects of the coalition partners, it is likely that extra parties will be incorporated into the coalition to ensure that even if certain parties underperform in the election, the coalition still has sufficient numbers to gain a majority. At the post-electoral stage, uncertainty as to the loyalty or reliability of a party or parties in the coalition during its term of office, and the consequential threat of motions of no confidence, will mean that extra parties will be incorporated as an insurance policy against unpredictable parties in the coalition (Sridharan 2008: 11).

As stated above, minority coalitions are those that even so formed do not have sufficient numbers to gain a controlling majority in the legislature. Of course, a minority coalition does not by default mean that it is outmuscled by another coalition that has a majority. A minority coalition may still be the largest coalition and it is often the case that such coalitions are voted into government, therefore possessing an executive majority but a legislative minority. If it is not outnumbered by an opposing majority coalition, it can still cobble up the votes to secure a legislative majority on an issue-by-issue basis.

Studies show that minority coalitions were able to govern in 21% of Western democracies between 1945 and 1999, and 43% of cases between 1945 and 1985. In India, minority governments – that is to say, those being minority coalitions that are able to form a government – are the norm. Sridharan observes that 91% of coalition governments in India have been controlled by coalitions that do not have a legislative majority (Sridharan 2008: 16). Minority coalitions are likely to govern in cases where despite falling short of a majority they are still larger than any other party or coalition in that legislature *and* are located at the ideological centre meaning that they are the preferred option for parties outside of the coalition than other parties at ideological extremes if the opposition parties remaining outside of the coalition are split across the ideological spectrum (Sridharan 2008: 12). If opposition parties outside of the coalition are ideologically aligned, a minority coalition is unlikely to be voted into government.

To use current examples in South Africa, the DA-led coalition in the City of Johannesburg is a minority coalition. With its main opponent, the ANC, holding 121 of the 270 seats and the EFF who has announced it will not go into coalition with any party holding 30, any coalition formed by the DA with the other parties holding the remaining 15 seats will still not be enough to hold a majority. However, because of the form of issue-by-issue co-operation that it was able to negotiate with the EFF, it did secure enough support to be able to form a government, hence creating a minority government from a minority coalition.

The DA-led coalition in Nelson Mandela bay can tentatively be described as 'minimum-winning'. The DA holds 57 of the 120 seats and even with the recent defection of the United Democratic Movement (UDM), it just about possesses sufficient coalition partners with the single seats of the Congress of the People (COPE), African Christian Democratic Party (ACDP) and the Patriotic Alliance (PA) to at least block a motion of no confidence. Prior to the UDM's defection on the issue of the support of the DA mayor, Athol Trollip, it could be said that the



coalition was a very slightly 'surplus majority' coalition as, if it wasn't, the UDM's defection would have cost the DA-coalition their majority. The coalition in Ekurhuleni between the ANC and the African Independent Congress (AIC), which holds 113 of the 224 seats, can be described as 'minimum-winning'.

The choice of coalition size is essentially a trade-off between power, payoffs and compromise. The larger the coalition the more secure its power will be in terms of retaining a majority in a legislature, but the payoffs will be more diluted, as will the ideology of each coalition partner as it is forced to make more policy compromises. A smaller number of coalition partners may mean that the coalition's power is not secure, but each party's share of the payoffs is greater and is forced to compromise on policy less, especially if it is part of an ideologically-aligned minority coalition. Larger coalitions also tend to create more conflict and are more difficult to manage and sustain stability (Sithanen 2003: 12).

4.3 Selection of Coalition Partners

The choice of a party's coalition partners is likely to involve several considerations, including the results of the other parties in the previous election, their future electoral prospects, the personalities of the leaders of those parties, and the ideological positioning and policy positions of intended coalition parties (Kadima 2014: 8).

The key question to be answered with regards to the selection of coalition partners is whether ideological affinity is a precondition for coalition partnership or whether a coalition composed of parties that are ideologically diverse can nevertheless be an effective and stable coalition.

Ideologically aligned coalitions are obviously the preferred option for political parties, and are consequentially more common (Kumar 2015: 40). Such partners will ensure that the coalition is more efficient and stable and allow parties in the coalition to remain true to their manifestos without angering their voters by compromising on their policies. Parties will only look to non-aligned partners if a coalition with aligned partners will fall short of a majority. However, international experience and empirical research clearly shows that parties that are not ideologically connected can be effective coalition partners so long as the motive for the formation of the coalition is to govern rather than a policy based incentive. Parties from all parts of the ideological spectrum have come together under the common understanding that "the enemy of my enemy is my friend" (Sridharan 2008: 16).

Experiences in African coalitions show that ideological affinity is not necessary for coalition partners, with several examples of ideologically distant parties forming coalitions (Kadima 2014: 14). In 1999 in Mozambique, two rival parties located at the centre-left (FRELIMO) and the centre-right (RENAMO) formed a coalition that would last a decade with 10 smaller parties with clearly differing ideologies (Kadima 2014: 14). As illustrated above, ideologically disconnected coalition partners are common in Mauritius, as is the now long-standing policy of including a member of a party representing a religious minority as Deputy Prime Minister. Sithanen, speaking of the case of Mauritius, states that "very often the binding factor is the necessity to 'get the rascals out of office' rather than policy affinity and ideological resemblance" (Sithanen 2003: 8). Similarly in the DRC, Senegal and Mali, coalitions have been formed between parties of very different ideologies (Kadima 2014: 14). The pursuit of office as opposed to policy was the motivation behind all of these coalitions, supporting the hypothesis above (Kadima 2014: 14).



The Indian example provides the strongest case for ideologically disconnected coalitions. India has one of the longest and richest histories of coalition politics where parties differ drastically on ethnic, religious and several other grounds. Due to the multiplicity of parties representing different ideologies and people groups, forming a coalition with non-ideologically-aligned partners is a necessity if a party wishes to participate in a governing coalition. Sridharan says of the Indian experience "the most important point to be noted in this history of coalitions is that, with the exception of the Left Front limited to three states, coalitions have been driven by the imperative to aggregate votes to win and not by ideological or programmatic cleavages" (Sridharan 2008: 16).

The Swedish case provides a striking example of a large party losing out due to its reluctance to partner with non-ideologically aligned partners. In the most recent Swedish general elections in 2014, Sweden's most popular party in terms of its electoral share, the centre-left Social Democrats, won 31% of the vote. The party that came second was the Social Democrats' historic rivals, the centre-right located Moderate Party who achieved 23.3% of the vote. The leader of the Social Democrats and Prime Minister, Stefan Löfven, was presented with a choice. Either, he could attempt to enter into a two party Grand Coalition with the Moderate Party or his party could form a minority coalition with smaller but more ideologically aligned partners and hope that they could entice enough parties to vote with them to gain a majority on each vote. He chose the latter option, preferring the insecurity of a minority coalition over a more ideologically incoherent governing coalition. The decision was costly, with his minority coalition on the brink of collapse just two months later after being unable to pass a single law and the possibility of a new election was only narrowly avoided (Mounk, 2014).

Ideologically disconnected coalitions have the utopian benefit of incorporating a more diverse range of views into the coalition, enhancing national unity and, if it governs, forming a government where a greater cross-section of society feels represented. Despite this, such coalitions are formed more out of necessity than aspiration. They are often subject to a longer, more intensive and potentially destabilising negotiation process and are more susceptible to conflict during its term. Policy agreements between such partners are likely to be vague with few substantive commitments on policy priorities and multiple veto options for the parties involved (McMillan, 2014: 187).

South African political parties are rich in their collective span of diversity in terms of race, ethnicity, historical underpinnings and policies. There are few potential coalitions in the South African context at the present time, especially between major parties, which could be said to be fully ideologically aligned. Therefore, the integration of coalition partners with differing ideologies and cultural and ethnic underpinnings may well be a necessity in South Africa's political context. Parties can bond over more than policy, including a common enemy or the joint desire to hold office. Ideologically diverse coalitions have the potential to serve a vital nation-building purpose in South Africa. But international experience would also suggest that they may be more conflict ridden and less efficient in achieving policy and legislative reform. However, international experience also shows us that this is neither an insurmountable nor an unmanageable problem, with successful non-aligned coalitions operating in some of the world's most diverse countries. Therefore, the lack of ideological affinity does not serve as a bar against the establishment of an effective coalition, however such coalitions need to be managed carefully and a substantial amount of considerations are in play that do not necessary appear in connected ones.



4.4 The effect of intra-party factors in coalition bargaining

Laver and Schofield argue strongly that intra-party factors can have a substantial effect on coalitions, especially in the negotiation phase (Laver and Schofield 1990: 16). Indeed, intra-party negotiations can be more cumbersome and result in more conflict during coalition formation than external negotiations. A study of coalition politics in 15 Western democracies showed that intra-party tensions were highly relevant both in coalition formation and coalition termination (Müller & Miller 2005: 11).

Evidence suggests that political parties with a high degree of intra-party democracy are more susceptible to conflict during coalition formation than parties with a more hierarchical structure (Müller & Miller 2005: 10). Luebbert seeks to explain this by arguing that the main desire for leaders of political parties is to retain their leadership positions, whereas party activities tend to be more concerned with policy. Therefore party leaders need to ensure that intra-party disunity is minimalised, in order to prevent a coup or contestation for their leadership position within the party (Luebbert 1986). One potential cause of such intra-party disunity or dissent could be a decision by party leadership to enter into coalition negotiations with a party of starkly different policy intentions (Bäch 2005: 4).

Coalition negotiations have shown to risk the creation of factions within a political party, including, in drastic cases, splits from political parties as they negotiate with historical enemies, as occurred in Malawi's MCP party during 1999 coalition negotiations which created an internal leadership contest and a consequent split in the party (Kadima & Lembani 2006: 137). These can be destructive not only to the negotiations but also the parties themselves.

There is often a perception within parties that the leaders of parties have more to gain than its members by forming coalitions, as the leaders stand to gain by attaining cabinet positions. Lower ranking members of parties may therefore be more reluctant to form coalitions than the leadership. Therefore, it is particularly important for leaders of political parties to ensure support and understanding of its members when entering into coalition negotiations (Bäch 2005: 5). Maintaining party discipline and loyalty within a party is also a key determinate of the stability of a coalition during its term (Timmermans 2003: 14).

4.5 The art of the coalition agreement

One of the most crucial stages of coalition formation is the creation of a coalition agreement that cements the terms of the coalition arrangement. These agreements differ drastically according to the context. Some of the main issues that emerge from these agreements are their form, policy specificity, enforceability as well as their structure.

Whilst it can be a lengthy and adversarial process, formalising coalitions into written agreements can go a long way towards creating a stable and effective coalition during its term. Whilst, especially with ideologically divergent partners, it is often difficult to agree on specific policies for the coalition to pursue, the more precise a coalition agreement can be in terms of its policy commitments, structures and dispute resolution processes, the less chance there is of the coalition breaking down. Coalition agreements are also a vital means of reducing distrust and uncertainty among coalition partners, especially if not ideologically aligned (Timmermans 2003: 2). Coalition agreements are also likely to be one of the most decisive factors in determining how effective the coalition will be in government, if they are able to form one. Requiring inter-party negotiation on each issue



when it arises is likely to cause delay to government decision-making and other related processes, and may cause legislative idling. It is hard, therefore, to escape the conclusion that it is essential at the time of formation for coalition partners to reach agreement on the policies and procedures that it will follow during the lifetime of the coalition.

Should the agreement be made public? Whilst coalition negotiations usually take place behind closed doors, the decision on whether to make the agreement public is one which must be given careful consideration by parties. Especially with policy commitments in such agreements formed at the pre-electoral stage, this can be interpreted to be a form of an election manifesto, and the public may very well feel that it has the right to know what policy commitments the coalition will pursue in government. For example, the BJP-led coalition, the National Democratic Alliance, which won an overall majority in 1999 in India, was formed under a coalition agreement involving many policy commitments, which was essentially transformed into a publicly displayed, joint election manifesto named the National Agenda for Governance (McMillan 2014: 199).

4.5.1 Efficacy of coalition agreements

Empirical research establishes a clear link between coalition agreements and effective coalition governance. There is also a very clear link between the creation of comprehensive coalition agreements and the reduction of conflict among coalition partners (Moury & Timmermans 2013: 118-119).

Research conducted in European coalitions show that such agreements can be effective. Walgrave et al. (2006) demonstrate that coalition agreements have been clear indicators of legislative agenda in Belgium. Moury (2013) develops this further, presenting a study that shows that 68% of statements in coalition agreements translated into cabinet decisions in Belgium, Italy, the Netherlands and Germany. In the same four countries, research showed that commitments made in coalition agreements were implemented in 87% of cases, with almost complete adherence to coalition agreements in Belgium and Germany (Moury & Timmermans 2013: 125).

Whilst success in implementing coalition agreements in foreign states does not necessarily mean that the same success will be enjoyed in South Africa, what the evidence from countries with longer coalition histories suggests is that, contrary to many fears expressed as to the enforceability of coalition agreements, well-structured coalition agreements can be honoured and executed by the coalition partners and may, thereby, prove to be a vital source of stability for the coalition.

4.5.2 The content of coalition agreements and the precision of policy commitments

Coalition agreements generally contain both structural commitments such as decision-making and dispute resolution mechanisms, the allocation of benefits and, most contentiously, policy commitments defining the policy to be pursued by the coalition.

Policy commitments are almost always the most controversial and contested elements of coalition agreements, especially when coalition partners are not ideologically aligned. In ideologically disconnected coalitions, one is likely to see much weaker and vague policy commitments than in those which are ideologically connected. Whilst this allows these coalitions to be formed with more haste, it defers policy conflict to a time when it is absolutely necessary to resolve. Some coalition founders do not wish to make any policy commitments at all



and limit their agreements to structural and procedural aspects and dispute resolution mechanisms (Timmermans 2003: 8).

The contents of a coalition agreement tend to be substantially influenced by the rationale for the coalition's formation. For example, coalitions established in Belgium and the Netherlands, where a primary motive was for parties to come together to pursue economic reform, contained substantial commitments to socio-economic and budgetary policies (Timmermans 2003: 8). In Kenya, however, the primary objective of the successful National Rainbow Coalition (NARC) publicly stated by coalition chairperson, Titus Mbathi, was to win the 2002 elections and oust the governing KANU party. Accordingly, Article 1 of the Memorandum of Understanding (MOU) of NARC stated expressly that it was established "for the purpose of winning the next general election." Whilst it was weak on clear policy deals, this allowed all partners to have a clear understanding of the priorities of the coalition (Kadima & Owuor 2006: 204).

Weak, vague or a complete lack of substantive policy commitments are apparent in many coalition agreements. It is argued that the primary reason for this is to prevent disunity and conflict at the formation stage. Especially if the coalition is being formed after an election, parties are in a hurry to secure coalition partners before ministerial voting commences in the legislature in order to control the executive. Instead of risking the derailment of coalition negotiations and the subsequent opportunity to govern by conflict on policy issues, coalition negotiators often defer controversial policy decisions until after the government is formed (Moury & Timmermans 2013: 118). However, vague commitments, expected results and matters of consensus will still be included.

In a study on coalitions in Belgium, Germany, Italy and the Netherlands, it was found that only one third of policy commitments in coalition agreements in these countries were defined in precise terms, despite the fact that ideological alignment among the coalition partners was strong (Moury & Timmermans 2013: 122). Germany was found to have the most precision in policy commitments in these agreements (Moury & Timmermans 2013: 124).

Where the differences between the coalition partners are deeper, policy commitments are likely to be at their most vague. The main coalitions in Mauritius have included major parties that represent very different sections of the citizenry, especially differing on religious grounds. Therefore, policy commitments have been strikingly lacking in detail, including only broad, generalised statements intended to appeal to voters from all sections of the population. This has allowed more peaceful and speedy formation negotiations (Sithanen: 2003: 10).

Weak and broad policy statements in coalition agreements may have benefits. They can prevent conflict at the formation stage, expedite the negotiation process, and appeal to voters across the board. Yet, there are substantial drawbacks to this approach and the evidence in the academic literature from elsewhere suggests that every effort should be made by negotiating coalition partners to reach agreement on as many of the major points of policy as possible before the coalition goes into government. Otherwise, they may simply defer conflict to a later stage, which can result in legislative deadlock that comes at a cost to the citizenry if the coalition is a governing one (Timmermans 2003: 8). In turn, this could severely compromise the future electoral prospects of the coalition partners as they may be seen to have been responsible for an inefficient government. Conflict in a governing coalition, especially on sensitive ideological and policy matters, can lead to high profile fall outs



between party leaders, and the resultant conflict can spill over into public discourse and destabilise the country as a whole.

In simple terms, vague policy agreements make the bargaining phase easier but make implementation more difficult. Precise commitments are harder to reach but ease implementation and the efficiency of government. Coalition partners need to determine whether formation or implementation is their priority when concluding such coalition agreements (Timmermans 2003: 8).

That being said, whilst clearer policy commitments may make the implementation of the agreement easier in the long term, it is far from a failsafe against coalition conflict. Empirical evidence suggests that whilst clear policy commitments do lead to more efficient implementation of the agreement, they do not necessarily reduce coalition conflict. According to a study conducted in Belgium and the Netherlands, only 29% of precise policy pledges that were implemented did not result in new conflict in the coalition (Timmermans 2003: 10). The study also supports the hypothesis that vague policy commitments are difficult to implement and cause conflict. Three of the five coalition governments studied were completely unable to implement vague policy commitments and two terminated prematurely due to conflict caused by the lack of precision in policy pledges (Timmermans 2003: 11).

4.5.3 Enforceability of coalition agreements

Coalition agreements have been described as "incomplete contracts" (Timmermans 2003: 4). This is because, unlike ordinary commercial contracts, they are not considered to be legally enforceable as there are few mechanisms available to restrain coalition partners from dishonouring the deals (Moury & Timmermans 2013: 118). Hence, the question of how to make a coalition agreement self-enforcing is of great importance to any political party entering into a coalition.

The legal status of coalition agreements is discussed in the section below. However, from a logical perspective, there are two ways to compel compliance. The first is the threat of retribution or punishment for non-compliance and the second is to provide an incentive to comply. With regards to coalition agreements, the latter is a much more plausible approach than the former.

Therefore, the question becomes: how best to incentivise compliance with a coalition agreement? The first incentive is power. It is important for all coalition partners to be granted sufficient pay-offs, usually in the form of cabinet positions, that they will stand to lose if they are disloyal to the coalition as a whole (Moury & Timmermans 2013: 118). Therefore, when creating a coalition agreement, it would seem that it is vitally important that each party is given something substantial to lose in the event of non-compliance with the agreement. Arguably, the greatest incentive is a position in cabinet and therefore it would be in the interests of large coalition partners to concede at least one cabinet position to each party in the coalition as it can act as a vital means to ensure adherence to the coalition agreement in the future.

One would hope that parties are motivated by ethical considerations to keep previous promises that they made. Parties are also subjected to reputational risk, both amongst the coalition parties and potentially the public, if they appear as "the bad guys" by breaching the agreement. They risk being seen as unreliable partners in possible future coalitions, reducing their chances of participating in a governing coalition in the longer term.



Another means of creating an incentive for compliance with a coalition agreement is to make the agreement public. However, there may be a reticence on behalf of parties in a coalition to publish their founding agreement. But, making at least substantial parts of the agreement available to citizens can create a degree of public accountability as parties may fear a backlash from both media and the electorate if they are seen to flagrantly break an agreement upon which a coalition was formed. In Iceland for example, coalition agreements have been made public since 1971 and it experiences some of the lowest rates of coalition conflict in the world (Indridason, 2005: 454).

The implementation of one deal is often contingent upon the implementation of another. If one coalition partner wishes another to fulfil an obligation stemming from the agreement, it should reciprocate by offering immediate performance in respect of an obligation that may benefit the latter party. The traditional principle of give and take is fundamental to the coalition scenario (Timmermans 2003: 12).

Whilst offering incentives to comply may be more successful than taking penal measures for non-compliance, there are other options. Agreements can state that motions of no confidence will be brought against Cabinet members who breach the coalition agreement or represent parties that breach the agreement. However, this is an extremely risky approach, as it risks alienating the party in question and losing that party as a coalition partner. It is also not advisable to use this measure in coalitions that are 'minimum-winning' in their size, as the party against whom the motion is brought is likely to vote against it and if the party leaves the coalition in protest, the continuation of the coalition in government may be in jeopardy. When the locus of coalition conflict shifts from internal processes to the high grounds of Cabinet and Parliament, the chances of coalition termination increase substantially.

4.5.4 The legal status of coalition agreements

Whilst many have taken it as a foregone conclusion that coalition agreements are non-binding in nature, there are some that suggest that they can indeed be regarded as valid, binding agreements in terms of the law of contract. This argument may gain force in the South African context, where, unlike in some other jurisdictions, consideration or reciprocity is not a condition for a binding contract, and a promise to perform an action (even a unilateral promise) can be legally enforceable.

One requirement that does exist for a legal contract in South Africa is *animus contrahendi* (or intention to be bound) (Hawthorne & Hutchison 2012: 85). Therefore, there needs to be consensus that the agreement constitutes a legal contract binding in law. If that is the case, there could be an argument to make that South African law can, in principle, recognise a coalition agreement as binding.

Von Münch (1999: 69) argues that coalition agreements are "non-justiciable legal instruments" according to German law. Therefore, they do have legal force, amounting to more than a mere "gentlemen's agreement", but cannot be enforced through the courts. This, he argues, is because they tend to deal with matters affecting government policies and the composition of government – matters that are subject to constitutional law. The Constitution of Germany (or the Basic Law of the Federal Republic of Germany) authorises the Federal Chancellor to determine the composition of government, Cabinet to determine government policy and states that Members of the Federal Parliament (Bundestag) must act according to their conscience, rather than instructions. Any attempt by a coalition agreement to override these constitutional powers would therefore be invalid (Von Münch 1999: 69).



In the same vein, a coalition agreement in South Africa would be constitutionally invalid to the extent that it shifts powers of the executive and legislature to the negotiators of a coalition deal. For example, Section 91(2) of South Africa's Constitution grants the President the power to appoint and dismiss Ministers and Section 85(2) grants the Executive the role of "developing and implementing national policy." Therefore, it is a constitutional impossibility for clauses in coalition agreements to be contractually binding if they deal with the distribution of cabinet positions and policy objectives. However, that does not mean to say that every aspect dealt with in a coalition agreement seeks to override a constitutional prerogative. Matters such as decision-making procedures and dispute resolution procedures may retain their validity if the express or implied intention of the contracting parties was that they would be binding in law.

Beyond the law of contract, some countries give force to coalition agreements through legislation. For example, Kenya grants coalition agreements legal status through Section 10 of the Political Parties Act which states:

10. Coalitions

- (1) Two or more political parties may form a coalition before or after an election and shall deposit the coalition agreement with the Registrar.
- (2) A coalition agreement entered into before an election shall be deposited with the Registrar at least three months before that election.
- (3) A coalition agreement entered into after an election shall be deposited with the Registrar within twenty-one days of the signing of the coalition agreement.
- (4) A coalition agreement shall set out the matters specified in the Third Schedule. The Third Schedule lays out the requirements for a basic coalition agreement.

THIRD SCHEDULE [Section 10(4).]
BASIC REQUIREMENTS FOR COALITION AGREEMENT

- 1. A Coalition agreement shall adhere to the rules and procedures of the political parties relating to the formation of coalitions.
- 2. A coalition agreement shall be sanctioned by the governing body of the political parties entering into the coalition and shall—
- (a) be in writing and duly executed by authorized national party officials; and
- (b) be commissioned by a Commissioner of Oaths.
- 3. Coalition agreement shall state-
- (a) the parties which are members of the coalition;
- (b) the policies and objectives of the coalition;
- (c) the overall structure of the coalition;



- (d) the general organisation structure and management of the coalition, including the county structures and systems and county governing bodies;
- (e) the criteria or formula for sharing of positions in the coalition structure, roles and responsibilities within the coalition;
- (f) the coalition election rules;
- (g) the coalition nomination rules;
- (h) the decision-making structure, rules and procedures;
- (i) the policy initiation, policy consultation and policy decision making structure, rules and procedures;
- (j) the Code of Conduct of the coalition including the values and the principles guiding the performance of the individuals and the members parties within the coalition;
- (k) the dispute resolution mechanisms and procedures;
- (I) the enforcement and sanction mechanisms and procedures for breach of any of the provisions of the agreement;
- (m) procedures for appeal to the Tribunal;
- (n) the role of the governing body and political party organs of the individual member parties of the coalition in the running of the affairs of the coalition including the links and the mechanisms and procedures accordingly;
- (o) the formula and the mechanisms for sharing of funds from the Political Party Fund to the respective member of the coalition; and
- (p) the grounds upon which the coalition may be dissolved including the mechanisms and procedures to be followed.

In addition, in Belgium and the Netherlands it has been common place for coalition agreements to be tabled in Parliament (Timmermans 2003: 7).

4.6 Payoffs

The determination of how the benefits of the coalition's success will be allocated amongst coalition partners is one of the most contested stages of coalition-building. As stated above, the opportunity to receive payoffs is not only one of the main rationales of entering into a coalition, but also one of the most effective means of ensuring coalition loyalty. The way in which payoffs are allocated, either at the formation stage or the start of the government's term of office is vital for the stability of the coalition moving forward and the policy results that will flow from it. If payoffs are allocated in such a way that displeases or inadequately rewards coalition partners, the coalition will be doomed from the outset (McMillan 2014: 199). In many cases, coalition building has failed and negotiations broken up over the failure to agree on the allocation of the highest positions.

Arguably, the greatest payoff a party can receive is a position in government – something that it would have not been able to receive through its own electoral support. However, positions such as ambassadorial roles and appointments to other positions in the state are also utilised as payoffs. In India, which has a federal system, several coalition partners were more eager to control the states that they originated from. Therefore, they were able to govern the areas that their supporter based resided in, whilst maintaining their independence from and opportunity to criticise the national government (McMillan 2014: 191).

The traditional view is that parties must be allocated a share of the payoffs that is at least proportional to their electoral power in relation to the other partners in the coalition. For example, a party that holds 30% of the



parliamentary seats *held by the coalition partners* should be entitled to 30% of the cabinet positions in government (Kumar 2015: 34). This does not necessary mean that the number of cabinet positions allocated to each party should be proportional to each party's share of the vote. Some parties may place a much higher premium on certain cabinet positions than others, such as finance and foreign affairs, and could be willing to sacrifice two cabinet positions to be granted the one they want. It is common to grant niche parties cabinet positions that relate to their specific policy. For example, an environmental party would be granted the Ministry of Environmental Affairs. Generally speaking it is beneficial to allocate cabinet positions to each party in line with their ideology and policy (Indridason, 2005: 458).

Another factor that influences the proportionality perception with regards to payoffs is that small parties in the coalition will often receive payoffs disproportional to their size. In a tightly hung legislature, a party with just one or two seats may still hold a swing vote. To entice that party into a coalition, it may need to be offered substantial payoffs (Demirkaya & Schofield 2014: 3).

Instead of payoffs being allocated proportionally to the size of each coalition party, another theory postulates that payoffs will be allocated proportionally to the bargaining power that each party possesses at the negotiation stage (Laver and Schofield 1990; McMillan 2014: 199). Suppose a legislature of 105 seats where Party A holds 40, Party B holds 30, Party C holds 20 and Party D holds 15. Party B wishes to form a coalition with parties C and D. Parties A and C have made it clear that they will never enter into coalition with each other, meaning that Party C's only potential coalition partner of the two largest parties is Party B. Party D is a viable coalition partner for both Party A and B and therefore possesses greater bargaining power than Party C. Therefore, despite being smaller, it may well have to be offered substantially greater payoffs than Party C to entice it away from the other coalition.

On the contrary, it is often the case that the *formateur* and/or the party that wishes to obtain the presidency or prime minister position, will sacrifice a disproportionate amount of cabinet positions as a means of ensuring that they obtain that position without leaving other coalition partners feeling that they have received an unsatisfactory share of the payoffs (Aléman & Tsebelis 2011: 8).

In Mauritius it has been common to share top positions amongst leading coalition partners to ensure that both sides are satisfied with their payoffs. A coalition was formed between the Hindu-orientated MSM party (Hindu being the majority religion in Mauritius) and the MMM party which represented minority interests. A power sharing agreement was reached whereby a MSM leader would occupy the position of Prime Minister for the first three years of a five year term and MSM leader would become Prime Minister for the last two. Both parties were satisfied by this arrangement and a stable coalition ensued (Sithanen 2003: 10). Therefore, if two major coalition partners strongly contest a certain position in cabinet with neither being willing to compromise, one potential mechanism to resolve this dispute is by sharing the position during the term of the coalition.

5. COALITION MANAGEMENT AND STABILITY

When a number of political parties form a coalition it is, in a way, akin to forming a new political party. Too often it has been seen that parties create a coalition agreement, shake hands and expect that it will be self-executing. The academic literature and the comparative evidence clearly suggest that coalitions need to be managed



carefully and diligently on a day-to-day basis. They involve a range of conflicting interests, ideologies and agendas and the stakes are inevitably high. In most cases, it is the coalition rather than the party that governs and therefore in many ways the effective managing of the coalition should be the main priority of the parties involved.

For example, Kenya's NARC coalition created a structure which resembles that of a political party. It has a council, a coordinating committee, an elections board and a parliamentary group. It also creates official positions in the coalition including a chairperson, secretary-general and treasurer (Kadima & Owuor 2006: 209). This range of internal mechanisms to ensure the effective functioning of the coalition is indispensable to its success.

5.1 Communication and consultation

The successful operation of a coalition is likely to depend substantially on regular consultation, engagement and the sharing of ideas. Experiences from across the globe show a clear link between a lack of communication and coalition breakdown. Thus, it is clear that it is not only important to ensure that comprehensive management, decision-making and dispute-resolution procedures are included in the coalition agreement, but also that they are implemented properly and frequently revaluated to ensure that the most effective mechanisms are in place. Despite the fact that Kenya's NARC coalition has these detailed provisions and procedures, the failure of the coalition to act on them and hold regular meetings has created ever increasing conflict in the coalition. This has meant that the "battleground" for the coalition partners has moved from internal processes to the public terrain of Parliament which aggravates and exaggerates coalition disputes (Kadima & Owuor 2006: 210).

Similarly in Malawi, coalition parties did not adhere to formal coalition meeting and committee structures created in the coalition agreement. Instead, they preferred to interact which each other informally when coming into contact with each other in Parliament. Again it has been argued that this had severe consequences for the coalition's stability (Kadima & Lembani 2006: 136).

Thus, what these two cases suggest is that while it may be easy and convenient to move formal coalition meeting structures to more informal engagements, it may threaten the longer-term sustainability and resilience of the coalition and may lead to a breakdown.

5.2 Decision-making procedures

The key issue that needs to be considered here is whether decisions within a coalition should be taken by majority vote, consensus or some other threshold.

The structure of the decision-making panel is crucial to this debate. An argument could be made that each party in the coalition be given the same amount of seats on the decision-making panel, regardless of their electoral share. Another option is that seats on the panel are allocated in proportion to the number of seats held by each party in the legislature. If the latter approach is preferred, taking decisions by majority vote is problematic, especially if one party holds a majority. A majority of the coalition should not be confused with a legislative majority. For example, if Party A holds 40 out of 100 seats in a legislature, and forms a coalition with two other parties each holding 10 seats, Party A then possesses a majority in the coalition. In this case, requiring decisions



to be taken by majority vote would mean that Party A is essentially in absolute control of the coalition's functioning. As mentioned above, the necessity of a coalition is founded on the fact that "nobody won". Therefore, allowing a single party to have absolute control over the coalition's functioning is not in tune with the nature of coalition governance which focusses on consensus building, collaboration and cooperation.

In a study into European coalitions, Belgium was revealed to have one of the lowest instances of coalition disputes. Further analysis showed that it was also the country in which the coalition placed the highest emphasis on collective decision-making (Moury & Timmermans 2013: 124). Every attempt should therefore be made to garner consensus among coalition parties on each issue. However, requiring full consensus to be reached before any decision is made may well be paralysing. The decision-making procedures in a coalition therefore need to find a midpoint between majoritarian decision-making and decision-making by consensus. They should be constructed in a way so that a single party cannot take a decision with regards to the coalition without the support of at least one other. One way of doing this is to give each party in the coalition a single vote in the decision-making panel and then take decisions by a majority vote. It may be more appropriate to give the larger parties more than a single vote but, once again, it should be ensured that a single party is not able to dictate the course of the coalition.

Clearly, there are many different ways in which to resolve this issue, by selecting from different forms of 'corporate governance' so as to tailor-make a structure and decision-making modus operandi that is fit for purpose and contextually appropriate. There is now a vast literature on corporate governance that can be drawn from in this regard. A subsequent version of this paper will identify some of the most applicable trends and ideas that can be transposed into the coalition-building arena.

5.3 Payoffs

Whilst payoffs are discussed above in the section on coalition-building, the management of payoffs and cabinet positions is crucial to the coalition's stability. Implicit in the concept of a coalition is that any party can leave the coalition at any time. Simply put, if a party feels that it can get greater benefits from leaving the coalition than staying within it, then it is likely to leave (Demirkaya & Schofield 2014: 3).

Whilst payoffs are negotiated at the outset, they need to be constantly re-evaluated. A party's bargaining position may change during the coalition's term. They may become viable partners to an opposing coalition which offers it a greater incentive to join. A party's performances in by-elections or local elections that occur during a national election cycle on which the coalition was formed may show that it is more powerful than it was initially thought, and therefore may demand greater payoffs to reflect its current – and shifting – electoral potential.

5.4 Coalition size

Size can also influence the stability of a coalition. However, there are arguments to make both ways. A surplus majority coalition can be more stable as it can survive despite losing the support of certain parties in the coalition. The stability of the NDA coalition which governed in India from 1999-2004 has been in part attributed to its surplus majority in the legislature (Sridharan 2008: 19). At the same time it can be argued that a minimum winning coalition will be more stable, as each party is reliant on the support of the other in order to govern and will therefore go further to accommodate the interests of each party.



A minority coalition is likely to be more stable due to the fact that it ordinarily does not participate in cabinet and hence power disputes are less frequent. Minority coalitions are common in Nordic countries where policy disagreements are infrequent (Indridason, 2005: 459). It may be logical to suggest that a lesser number of parties participating in a coalition will make it more stable with a lesser range of interests and ideologically differences to manage. However, the Indian experience does not support this proposition; some of the most ideologically divided and largest coalitions in terms of the number of parties participating have enjoyed a great deal of stability and success.

5.5 Coalition disputes

Disagreement is part and parcel of the process of building and sustaining coalitions. When political parties come together with differing ideologies, each with their own agendas and power objectives, conflict is inevitable. In coalition politics, the stakes are high. The reward is power, and each party wants the largest share of the power possible. Any attempt to manage a coalition in such a way as to prevent conflict altogether is unlikely to succeed. While measures can be taken to minimise conflict, the focus should rather be on how it can be resolved without compromising the survival of the coalition.

5.5.1 Sources of coalition conflict and reasons for coalition termination

Arguably, the main sources of coalition disputes are related to personal ambition and power struggles. The best case scenario for one party in terms of payoffs is usually only the second best case scenario for another. All parties will continuously ask themselves whether their payoffs are being maximised and whether the benefits that they are receiving from the coalition is worth the policy compromising that coalitions invariably entail. In a hung legislature, no majority is ever secure and loyalty can swing quickly if there is greater benefit to be found elsewhere. This is frequently the case in Mauritius where, up until the early 2000s not a single one of the several coalition governments had lasted their full term. Sithanen (2003; 11-12) argues that the primary reasons for these breakdowns have been personal rivalries, conflict over the allocation of benefits and incompatible management styles.

Another large source of coalition conflict is the failure by one or more parties to adhere to the coalition agreement. As there are doubts as to the legal enforceability of the coalition agreement, parties cannot force other parties to abide by the agreement in the same way that one could in the case of a breach of contract in commercial terms. Therefore, conflict will ensue. This was one of the primary reasons behind the destabilising of Kenya's initially very successful NARC coalition. President Mwai Kibaki was accused by coalition partners of failing to push for important matters of constitutional review agreed upon in the MoU and allocating a disproportionate number of cabinet positions to members of his segment of the coalition, also in breach of the MoU. This undermining of the coalition agreement resulted in an irreversible loss of trust amongst coalition partners who as a result began to forge new alliances thus rendering Parliament ungovernable (Kadima 2014: 9; Kadima & Owuor 2006: 212.

Policy disputes are also a frequent cause of coalition conflict. This is exaggerated if coalition partners are not ideologically aligned. A 2005 study into European coalitions showed that 24.2% of post-war coalitions in Europe terminated due to policy conflict between coalition partners (Müller & Miller 2005: 13). As stated above, when forming a coalition agreement, parties often refrain from making clear policy commitments in order to shorten the bargaining process and prevent coalitions collapsing due to conflict at the bargaining stage. It is suggested



that this simply defers conflict to the substance of the coalition's term. Therefore, we see many coalition conflicts that arise over policy disagreements which were only stated in broad terms (if any) at the formation stage. It has been shown that policy conflicts in Italy where policy commitments have been vague are frequent, but rare in the Dutch case where policy commitments in coalition agreements have been more precise (Moury and Timmermans 2013: 124-5). In Iceland several coalitions have terminated over economic, labour and foreign policy (Indridason, 2005: 458).

As we have described above, ideological, ethnic and cultural divisions amongst coalition partners by no means preclude a successful coalition. However, it does bring a new potential source of conflict into play. Managing ideological and ethnic divisions in a society can always create turbulence in the political terrain, not just with coalitions. We have seen this recently in South Africa in hung metropolitan councils in which coalitions operate, where the social background of leaders have in additional to ideological differences been a major reason for large swings in support.

Previously, the ethnic and linguistic divergences between the predominantly Afrikaans NNP and largely Englishoriented DP have been suggested as a major reason behind the breakdown of the DP-NNP alliance in 2001 (Kadima 2006: 32-33).

Coalition disputes are likely to intensify as election time draws closer. At the beginning of the term parties tend to want to establish good faith and trust amongst their partners in order to, amongst other things, ensure that they maintain their positions in government. However, as elections approach, the focus of parties shift to their individual electoral prospects and leads them to often seek to dissociate themselves from their coalition partners in the hope of aiding their own, unique electoral interests. This is especially so of parties that are not the largest coalition partner and who want to make inroads into the larger coalition partners' electoral strength. As the adversarial rhetoric endemic to electoral campaigning begins, coalition partners will attack each other and fallouts can ensue (Kumar 2015: 41).

5.5.2 Dispute Resolution

At the formation stage, it seems that it is vitally important for coalition partners to include comprehensive dispute resolution procedures in their coalition agreement. Several lessons can be learnt from dispute resolution in the private sector, including corporate governance and labour disputes. It is common to establish internal committees tasked with the resolution of coalition disputes. It is always preferable for coalitions to resolve their disputes internally, before they flow into the parliamentary or public arena where differences are exaggerated and the fallouts are likely to be more severe and irredeemable.

In Italy, the proliferation of coalition disputes has been linked to the lack of internal dispute resolution in the coalition (Moury & Timmermans 2013: 122). In Mauritius, special coordination committees and support structures are put in place to manage coalition conflict. Senior members of the participating parties meet regularly to discuss contested issues. At times, external mediators and arbitrators have been used (Sithanen 2003: 11).

The use of external mediators can be of benefit if the parties can agree on a mutually respected mediator. This can be especially useful when it comes to more technical disputes relating to the coalition agreement, similar



to *bona fide* disagreements as to the correct interpretation of the coalition agreement. Once again, further ideas will be presented in subsequent drafts of this paper.

6. COALITIONS AND ELECTION STRATEGY

The fact that a party has formed a pre-electoral coalition or alliance, or intends to form a post electoral coalition has a substantial bearing on its electoral campaigning. The key question facing political parties is whether to disclose to the public prior to the election a) their intention to enter into a coalition, b) the coalition partners that they intend to enter into a coalition with and, c) which leader they intend to nominate for President or equivalent positions.

There is a very strong, perhaps irrefutable argument that the principles of transparency and the constitutional right to vote require that the public be fully informed of who and what they are voting for. If Party A intends to go into a coalition with Party B and support Party B's leader for the position of head of the executive, voters for Party A surely have the right to know that is their intention. This is especially true if coalition partners are not ideologically aligned. If a party supports a non-ideologically aligned coalition partner to lead the government, that former party can reasonably expect a backlash from their electorate. Voters will feel that they have been betrayed, that their interests have been subverted for the self-interests of the party leaders who seek powerful positions, and may well feel that their interests are not being represented in a legislature as their party of choice compromises on policy to other parties in the coalition. Therefore, beyond the ethical and constitutional principles of transparency, a failure to allow the electorate a fully-informed vote can severely hamper the electoral prospects of that party going forward.

There are reasons why parties decide not to disclose coalitions prior to elections, some reasons being *bona fide* and others more blatantly self-interested. Especially with post-electoral coalitions, parties may refrain from any coalition negotiations until after the results are in. For example, they may feel that they can win an absolute majority and, if they do, do not want to be restricted by pre-incorporated coalition partnerships. It is therefore common for parties to wait until the results of the election are announced, and then scramble to secure coalition partners according to their numerical needs that flow from those results. That being said, if a party hopes to win a majority but has doubts as to whether it can, it should at least disclose its intentions in relation to a possible coalition.

A party may be unwilling to compromise its unique identity during a campaign. It may also feel that announcing another party as a coalition partner that has generally been seen prior to that as an enemy and strongly disliked by the former party's voters will alienate and anger their electorate who may therefore cast their votes for someone else.

Yet a pre-electoral announcement can be a positive campaign strategy. It allows parties to campaign under the unity banner. If the campaign narrative is shaped skilfully, this could be a huge asset to have in electioneering. In addition, many voters will not vote for a party (even if they prefer it) that on its own has no real chance of governing as they feel that it will amount to a wasted vote. This has been used to explain the recent electoral gains by smaller parties in Sweden, where pre-electoral coalition announcements are common. The opportunity for that party to now enter into government via a coalition may renew its attraction to those voters.



Essentially, parties make the decision whether to announce a coalition or not based on their instincts of whether that announcement will gain or lose them votes. While this is normal in electoral strategising, we submit that the argument is strong that the public interest trumps the power interests of the parties in this scenario and that, in the interests of transparency, ethical integrity and the right to an informed vote, that parties should disclose their coalition intentions prior to an election. Whether or not that decision brings them electoral success or failure is ultimately dependent on their craft in presenting that message during campaigning.

7. CONCLUSION: REFLECTIONS FOR SOUTH AFRICA

What we hope has been illustrated above is that whilst there is no perfect or even ideal model for building and sustaining coalitions, there are a plethora of factors that need to be given careful consideration by coalition parties, both when building and seeking to sustain a coalition. Each country's context is different, as is each election and the scenarios presented by those results. One cannot impose a successful model from another country and suppose that it will be successful in another. However the research does show clear trends from which lessons can be learned. In this final section, we draw from those lessons and offer ten reflections which we feel could be of the greatest significance in the South African context:

- 7.1 The first is that coalitions can have a private and public good. Whilst they can enhance the power positioning of political parties, in a society such as South Africa's which is still deeply divided upon ethnic and ideological grounds, the coming together by parties who often reflect these divisions can be a vital means of enhancing national unity and stability as shown in the experiences in India, Kenya and Mauritius.
- 7.2 Secondly, the fact that non-ideologically aligned political parties can be successful coalition partners is deeply encouraging and helpful in the South African context where these divisions are common. International experience shows us that there are no two political parties in South Africa which cannot become successful partners if the process of building and sustaining the coalition is managed mindfully and adeptly, and with a common commitment to fair play.
- 7.3 Third, South Africa is characterised by a number of small parties operating in various legislatures. These parties need to take cognisance of the body of research that warns that the longevity and strength of smaller parties is threatened by coalition formation, often being subsumed by larger coalition partners a phenomenon which arguably has already been seen in this country. Smaller parties in South Africa need to give serious consideration to forming more permanent alliances amongst each other to ensure their survival.
- 7.4 Fourthly, parties must aim to interact and coordinate in order to build consensus rather than a single party attempting to control a coalition. Constant communication and compromises are indispensable to a successful coalition.
- 7.5 Fifth, parties should not be unwilling to admit that the rationale for coalition formation is based on the attainment of power rather than policy alignment. As stated above, the acquisition of power is a legitimate and fundamental objective of a political party. However, parties should be weary of the challenges that are presented by power-motivated coalitions.



- 7.6 Sixth, the size of the coalition, although largely dictated by electoral results, must be given careful consideration. In South Africa, the current coalitions are at the beginning of their lifespan and experience of coalitions is relatively modest. Therefore, information uncertainty is high as to the success of these newlyformed coalitions. The academic literature and theories of coalition politics suggest that coalition partners should, if the numbers allow, pursue surplus majority coalitions rather than those that are 'minimum-winning' until such time as the coalition game in South Africa is more stable and a reservoir of conventions and practice emerges.
- 7.7 Seventh, parties should aim at giving as much detail and clarity to policy commitments in coalition agreements as possible, in order to reduce conflict during the term of office.
- 7.8 Eighth, coalition partners should aim to resolve coalition disputes internally and behind closed doors rather than letting them flow into the public terrain of government and parliaments, which is likely to be much more destructive both to the coalition and society.
- 7.9 Penultimately, parties should always endeavour to inform the public of their intended coalition strategies and partners before elections take place in order to be fair to the electorate in line with constitutional and democratic principles.
- 7.10 Finally, parties need to be forward looking in their coalition strategies, looking beyond the next election. Coalitions take years, even decades, to build. Therefore, the thinking should not only be which is the best coalition that a party can form at one particular moment, but rather which coalition presents a party with the best opportunity to govern in the years to come.

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