

The Potential of Coalition Governance in the City of Johannesburg to Realise Target 11.1 of Sustainable Development Goal 11

Liberty Kudzai Masekesa

LLB LLM LLD

*Postdoctoral Fellow, University of South Africa
Pretoria, South Africa*

<https://orcid.org/0000-0002-1668-6743>

Rufaro Emily Chikuruwo

LLB LLM LLD

*Postdoctoral Fellow, Dalhousie University
Marine and Environmental Law Institute, Canada*

<https://orcid.org/0000-0002-1558-4892>

SUMMARY

The City of Johannesburg, just like any other municipality in South Africa, is required in terms of Target 11.1 of Sustainable Development Goal 11 (SDG 11) to ensure universal access to adequate, safe and affordable housing and basic services, and to upgrade slums. Considering that coalition governments have recently become a recurring feature of governance in Johannesburg, this article assesses the potential of this feature of governance to realise Target 11.1. In the process, the article questions the extent to which the applicable legal and policy frameworks in South Africa enable coalition governments to pursue Target 11.1. The article reveals that the potential of this form of governance in the City is negatively affected by a number of factors such as the lack of a solid and predictable long-term legal framework to guide political parties in structuring and managing coalitions, lack of pre-planning for the possibility of coalition governance, lack of comprehensive coalition agreements, and lack of a coalition management framework. These deficiencies render coalition governments in the City of Johannesburg structurally unstable. This article reveals varied results for the potential of coalition governments in the City of Johannesburg to realise Target 11.1. Unless the generic benchmarks for successful coalition governments are embedded in South Africa's legal system, it is established in this study that substantial challenges remain with this form of governance in realising Target 11.1 by 2030. The research is based on an interpretational analysis of primary and secondary sources of law.

KEYWORDS: Sustainable Development Goal 11, coalition government, local authorities, local government election, political parties, City of Johannesburg

1 INTRODUCTION

One of the products of the post-apartheid constitutional order in South Africa is a transformed system of government (national, provincial and local) with comprehensive changes at the local government level. These changes relate to the status, powers, mandate and election of local government representatives.¹ As it stands, South Africa consists of 278 municipalities that are further divided into 228 local municipalities, 44 districts and 8 metropolitan municipalities.² One of these metropolitan municipalities is Johannesburg, which is the subject of the current case study. Before 2016, the African National Congress (ANC) dominated local government elections in the City of Johannesburg. However, in the local government elections of both 2016 and 2021, no single party garnered enough votes to constitute on its own a municipal government to run the City. As a result, political parties were presented with opportunities to engage with one another in order to form coalition governments to run the City of Johannesburg. It is regrettable to note that since the 2016 and 2021 local government elections, the City has been beset by one unstable coalition government after another. For example, from the time the 2021 local government elections were held to 2025, the City of Johannesburg has had about six executive mayors and five speakers, all from different coalitions.³ It is difficult to assume that these erratic changes in government do not affect municipal governance and service delivery performance. The City's governance and performance are of particular concern because Johannesburg is not only the largest and most populous urban centre in Gauteng Province,⁴ but also one of ten cities in developing countries projected to become megacities (with populations exceeding ten million) by 2030.⁵ There is no question that the trend of rapid urbanisation exerts a lot of pressure on the City of Johannesburg to give effect to its constitutional and legislative mandate relating to the provision of essential services such as housing, safe drinking water and sanitation services, waste management, electricity and public transport.⁶

-
- ¹ See ss 151–164 of the Constitution of the Republic of South Africa, 1996 (the Constitution).
- ² Pietersen “Assessment of Coalition Governments (2016–2021) in Metropolitan Cities of Gauteng Province Using the Theory of Democracy” 2021 56(3) *Journal of Public Administration* 488 488.
- ³ For details, refer to the African Centre for the Constructive Resolution of Disputes (ACCORD) “Coalitions Tracker: Johannesburg” (2025) <https://coalitions.accord.org.za/coalition/johannesburg/> (accessed 2025-08-08).
- ⁴ Gauteng Provincial Government *Gauteng Spatial Development Framework 2030* (2016) 3–5. At the local level, the City of Johannesburg has an estimated population of slightly over 6 million, making it the biggest metro by population size in South Africa. It is projected that by 2026, the population of the City of Johannesburg will grow by 0.7 million people, increasing to 6.72 million (Statistics South Africa *Mid-Year Population Estimates 2021* (2021)).
- ⁵ United Nations *The World's Cities in 2016: Data Booklet* (2016) 6.
- ⁶ See heading 3 of this article for details on some of these services.

It is apparent that the ability of local government to give effect to this mandate should also be weighed against what is expected of them in terms of different international instruments,⁷ the latest of which is the United Nations (UN) 2030 Sustainable Development Agenda, which came into effect in 2016.⁸ Under this framework, cities across the world, including Johannesburg, are expected to contribute to SDG 11, which seeks to “make cities and human settlements inclusive, safe, resilient and sustainable” by 2030. Among the ten subsidiary targets under SDG 11, this article focuses specifically on Target 11.1, which calls upon cities to “ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums” by 2030.⁹ This is because of at least three main reasons. First, Target 11.1 serves as an international torch, casting additional light on the trajectory that South Africa set for its local government before the 2030 Agenda came into effect in 2016.¹⁰ Target 11.1, therefore, provides a relevant international benchmark for evaluating municipal performance within Johannesburg’s complex governance environment. Second, as the City of Johannesburg continues to experience rapid urbanisation and the expansion of informal settlements, giving effect to the core objectives of Target 11.1 has emerged as one of its most urgent development priorities. Target 11.1 thus encapsulates the core of the City’s service delivery commitments under both domestic and international frameworks. Third, since the 2030 Agenda came into effect at the same time as the 2016 local government elections in South Africa, the pursuit of Target 11.1—and the broader SDG 11 commitments—has been carried forward by successive coalition governments administering the City of Johannesburg.

Against this backdrop, the main objective of the present study is to assess the potential of coalition governance in the City of Johannesburg to realise Target 11.1.¹¹ To this end, the remainder of the article is divided into five parts. The first part examines the meaning and implications of Target 11.1 in order to delineate hypothetical benchmarks on possible ways in which local

⁷ Local government, under the supervision of the national government, shares the responsibility to ensure access to basic services as captured in terms of leading international human-rights instruments such as the UN’s *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (A/6316. Adopted: 16/12/1966; EIF 3/01/1976). South Africa signed the ICESCR in 1994 but, at the time of writing, has not ratified it.

⁸ See UN *Transforming Our World: The 2030 Agenda for Sustainable Development* A/RES/70/1 (2015) (hereafter, “2030 Agenda”).

⁹ See SDG 11 (Target 11.1). See heading 2 of this article for details.

¹⁰ See heading 3 of this article for details.

¹¹ While existing research has explored the political dynamics of coalition governments, little attention has been paid to their impact on sustainable urban development outcomes, particularly in relation to housing and basic services. For details on coalitions in general, see: Mawere, Matoane and Khalo “Coalition Governance and Service Delivery in South Africa: A Case Study of Tshwane, Johannesburg and Ekurhuleni Metropolitan Municipalities” 2022 57(2) *Journal of Public Administration* 272 272–283; Pietersen 2021 *Journal of Public Administration* 488–506; Beukes *Hung Councils in South Africa: Law and Practice* (2021) 64–66; Crispian “The Impact of Coalitions on South Africa’s Metropolitan Administrations” in Booysen (ed) *Marriages of Inconvenience: The Politics of Coalitions in South Africa* (2021) 267–302; Breakfast “The Nexus Between Conflict Management and Coalition Politics in Three Selected Metropolitan Municipalities in South Africa” 2020 9(3) *African Journal of Peace and Conflict Studies* 65 65–80; Mokgosi, Shai and Ogunnubi “Local Government Coalition in Gauteng Province of South Africa: Challenges and Opportunities” 2017 6(1) *Ubuntu: Journal of Conflict and Social Transformation* 37 37–57.

authorities can pursue Target 11.1 commitments. The second part questions the extent to which the South African legal framework for local authorities obliges and enables them to give effect to the commitments contained in Target 11.1. The third part delves into the meaning of a coalition government and the key features that should characterise this form of government to optimise its potential in the pursuit of Target 11.1 commitments. The fourth part explores the extent to which South Africa's legal framework caters to the identified key features of a successful coalition government. Using the City of Johannesburg as a case study, the fifth part measures these key features against the realities of the City in order to draw conclusions on the potential of coalition governments to realise Target 11.1 commitments. The article then presents a conclusion.

2 TARGET 11.1 AND THE PURSUIT OF LOCAL SUSTAINABILITY

Target 11.1 of SDG 11 requires cities to ensure universal access “to adequate, safe and affordable housing and basic services” and to upgrade slums.¹² Although this target does not impose binding legal duties, its normative content and implications can be ascertained in light of international human-rights law. This is because “[t]he SDGs were established, and are to be implemented in a manner that is consistent with the rights and obligations of States under international law ... guided or informed by a number of international legal instruments.”¹³ Against this backdrop, the objectives of Target 11.1 resonate with the right to adequate housing encapsulated in article 11 of the UN International Covenant on Economic, Social and Cultural Rights (ICESCR).¹⁴ The Committee on Economic, Social and Cultural Rights (ESCR Committee), which oversees the implementation of the Covenant by States Parties, periodically provides General Comments on various issues arising from the ICESCR. In its General Comment No. 4,¹⁵ the ESCR Committee underscores a number of conditions that must be met before particular forms of shelter can be considered to constitute “adequate housing”. First, residents should possess a degree of security of tenure that guarantees legal protection against forced evictions, harassment and other threats.¹⁶ Secondly, housing should be affordable. Personal or household financial costs associated with housing should not threaten or compromise the attainment and satisfaction of other basic needs.¹⁷ Thirdly, housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against cold, dampness, heat, rain, wind and other threats to health and structural hazards.¹⁸ Fourthly, housing should be accessible to all, and disadvantaged

¹² See SDG 11 (Targets 11.1).

¹³ Kim “The Nexus Between International Law and the Sustainable Development Goals” 2016 25(1) *Review of European Community and International Environmental Law* 15 16.

¹⁴ A/6316 (1966). Adopted: 16/12/1966; EIF 03/01/1976.

¹⁵ UN *General Comment No 4: The Right to Adequate Housing (Art 11(1) of the Covenant)* E/1992/23 (1991).

¹⁶ Par 8 of UN *General Comment No 4*.

¹⁷ *Ibid.*

¹⁸ Par 8 of UN *General Comment No 4*; UN-HABITAT *Sustainable Housing for Sustainable Cities: A Policy Framework for Developing Countries* (2012) 13.

as well as vulnerable groups should be accorded full and sustainable access to adequate housing resources.¹⁹ Fifthly, housing should be in a location that allows convenient access to employment options, schools, health-care services, child-care centres, and other social facilities.²⁰ Sixthly, the way in which housing is constructed, the building materials used, and the policies supporting these should appropriately enable the expression of cultural identity and diversity of housing.²¹ Seventhly, housing is not adequate if its occupants do not have access to basic services.²²

It is apparent from the above that basic services, as envisaged in Target 11.1, do not fall outside of the purview of housing. Basic services refer to services delivered through an economic infrastructure that contributes “to human dignity, quality of life, sustainable livelihoods and the enjoyment of human sustenance”.²³ They are of various types and include the delivery of safe drinking water and sanitation services, waste management, energy and public transport.²⁴ What is expected of local authorities in terms of water and sanitation, as envisioned in Target 11.1, can be delineated from General Comment 15 of the ESCR Committee. In this document, local authorities are required to ensure that everyone has sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses such as drinking, food preparation, personal sanitation, washing of clothes, and personal and household hygiene.²⁵ With respect to sufficiency, local authorities are expected to comply with the World Health Organisation (WHO) Guidelines,²⁶ which prescribe access to approximately 20 litres per capita per day on average to allow sufficient household consumption, such as hydration and cooking and about 50 litres per capita per day on average for sufficient hygiene activities such as laundry and sanitation.²⁷ In terms of quality, water supplied by local authorities should be free from micro-organisms, chemical substances and radiological substances that could pose a danger to a person’s health.²⁸ Finally, in terms of accessibility, health benefits increase by enhancing water access in three main stages: providing water within 1 km or 5–30 minutes of collection time (referred to as “basic access”); ensuring reliable on-plot water supply, particularly with running water (“intermediate access”); and offering water inside the home through multiple taps (“optimal access”).²⁹ In addition, water and water facilities and

¹⁹ Par 8 of UN *General Comment No 4*.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ UN-HABITAT *International Guidelines on Decentralisation and Access to Basic Services for All* (2009) 26.

²⁴ UN-HABITAT *International Guidelines on Decentralisation* 15; Par 8 of UN *General Comment No 4*.

²⁵ Par 7 of UN CESCR *General Comment No 15: The Right to Water (Arts 11 and 12 of the Covenant)* E/C.12/2002/11 (2003).

²⁶ Par 12 of UN CESCR *General Comment No 15*.

²⁷ WHO “Guidelines for Drinking Water Quality: Fourth Edition Incorporating the First and Second Addenda” (2022)
<https://iris.who.int/bitstream/handle/10665/352532/9789240045064-eng.pdf?sequence=1>
(accessed 2025-08-08).

²⁸ Par 12 of UN CESCR *General Comment No 15*.

²⁹ WHO *Guidelines for Drinking Water Quality* 87- 88.

services must be affordable for all.³⁰ It is important to note that water is intrinsically related to sanitation – a term that entails the disposal of human excreta.³¹ Water is necessary for personal sanitation where water-based means are in place.³² Ensuring that everyone has access to adequate sanitation is not only fundamental for protecting the quality of drinking water supplies and resources but also for human dignity and privacy, and is one of the principal mechanisms.³³ Although cities are different, it can be concluded that the international standards noted above have the potential to promote consistency in the quality of services delivered by cities in both developed and developing countries that are in pursuit of Target 11.1.

Local governments in pursuit of Target 11.1 are further expected to upgrade slums. In this context, slums refer to contiguous settlements that lack one or more of the following five conditions: access to clean water, access to improved sanitation, sufficient living area that is not overcrowded, structural quality/durability of dwellings, and secure tenure.³⁴ They are caused or perpetuated by a number of interconnected factors, including weak governance – especially in the areas of policy, planning, land-management conflict, economic vulnerability, disaster, climate change, long-term poverty and lack of affordable housing.³⁵ In order to deal with slums, the upgrading process envisioned in Target 11.1 should entail: home improvement; regularising security of tenure; removal or mitigation of environmental hazards; relocation or compensation for the small number of residents dislocated by the improvements; sound public participation; installing or improving basic infrastructure; constructing or rehabilitating community facilities, such as nurseries, health posts, community open space; providing incentives for community management and maintenance; improving access to health care and education as well as social-support programmes to address issues of security, violence and substance abuse.³⁶ Having examined the meaning and implications of Target 11.1, the following section questions the extent to which the South African legal framework for local authorities obliges and enables them to give effect to the commitments contained in Target 11.1.

3 THE LEGAL BASIS OF TARGET 11.1 IN SOUTH AFRICA

3.1 Constitutional mandate of municipalities

Local authorities in pursuit of local sustainability across the world are required, in terms of Target 11.1, to ensure universal access to adequate housing and basic services. The subnational scale of intervention

³⁰ Par 12 of UN CESCR *General Comment No 15*.

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

³⁴ UN-HABITAT *The Challenge of Slums: Global Report on Human Settlements* (2003) 12.

³⁵ UN-HABITAT *SDG Goal 11: Monitoring Framework, A Guide to Assist National and Local Governments* (2016) 17.

³⁶ World Bank and UN-HABITAT “Cities Alliance for Cities Without Slums” (date unknown) <https://www.citiesalliance.org/sites/default/files/actionplan.pdf> (accessed 2024-03-03) 2.

emphasised in Target 11.1 resonates with what has been expected of local authorities in South Africa since 1996. This is so if one considers the expanded developmental mandate that the Constitution conferred to local authorities.³⁷ In terms of this constitutional developmental mandate, local authorities are required *inter alia* to provide services to communities in a sustainable manner,³⁸ promote socio-economic development,³⁹ and promote a safe and healthy environment.⁴⁰ This mandate further entails the responsibility that local authorities have, together with the other spheres of government, to take reasonable legislative and other measures to contribute towards the progressive realisation of a variety of rights entrenched in the Bill of Rights,⁴¹ including the right of everyone to have access to adequate housing (section 26(1)) and the right of everyone to have access to sufficient water (section 27(1)(b)).⁴²

The Constitutional Court fleshed out the right to access adequate housing in the landmark case of *Government of the Republic of South Africa v Grootboom*.⁴³ The obligation to adopt “reasonable legislative and other measures” suggests that municipalities should use their legislative and executive powers to adopt by-laws, development plans, policies, programmes and any other strategy to give effect to the right to access adequate housing.⁴⁴ Programmes directed towards giving effect to this right may be considered reasonable to the extent that they seek to provide relief for people who have no access to land, no roof over their heads, and who are living in intolerable conditions or crisis situations.⁴⁵ With regard to water-provision obligations, the Constitutional Court, in the case of *Mazibuko and Others v City of Johannesburg and Others*,⁴⁶ set aside the decisions of both the High and Supreme Courts⁴⁷ that prescribed the quantity of water to be supplied by the government, the reason being that it is the constitutional duty of the national legislature and executive to give content to socio-economic rights.⁴⁸ With respect to sanitation, it can be argued that although the Constitution does not expressly recognise access to sanitation as a stand-alone right, this right is implicit in existing constitutional rights such as the right to human dignity (section 10), the right of access to adequate housing (section 26(1)), the right of access to sufficient water (section 27(1)(b)), and the right to a clean and healthy environment (section 24). In line with this

³⁷ See ss 152–153 of the Constitution; *Joseph v City of Johannesburg* 2010 (3) BCLR 212 (CC) par 27 34–40.

³⁸ See s 152(1)(b) of the Constitution.

³⁹ See s 152(1)(c) and s 153(a) of the Constitution.

⁴⁰ See s 152(d) of the Constitution.

⁴¹ See ss 2 and 7(2) of the Constitution.

⁴² See also s 27(2) of the Constitution read jointly with Section B: Developmental Local Government of the *White Paper on Local Government* (1998).

⁴³ 2001 (1) SA 46 (CC).

⁴⁴ See *Government of the Republic of South Africa v Grootboom supra* par 42. See also *City of Johannesburg Metropolitan Municipality v Blue Moonlight Properties 39 (Pty) Ltd* 2012 (2) BCLR 150 (CC) par 24.

⁴⁵ See *Government of the Republic of South Africa v Grootboom supra* par 99.

⁴⁶ 2010 (3) BCLR 239 (CC).

⁴⁷ The judgments of the High Court and, Supreme Court of Appeal are respectively cited as *Mazibuko v The City of Johannesburg* [2008] ZAGPHC 491; [2008] 4 All SA 471 (W) and *City of Johannesburg v Mazibuko* [2009] ZASCA 20; 2009 (3) SA 592 (SCA).

⁴⁸ *Mazibuko v City of Johannesburg supra* par 67. See heading 3.2 of this article for details on the current prescribed quantity in terms of legislation.

view, it was held in the case of *Beja v Premier of the Western Cape*⁴⁹ that the provision to communities of open-view toilets infringed on their constitutional right to human dignity. Thus, it is clear that local government in South Africa can contribute towards the realisation of Target 11.1 simply by giving effect to its express mandate as well as its human-rights duties in the areas of water, sanitation and housing, for example.

3.2 Mandate from national legislation

Having examined the constitutional provisions that serve as sources of the mandate of local authorities, this section focuses on the legislative framework, which also provides a mandate for local authorities. In the process, it is clear that the precise contours and content of what is expected of local authorities in terms of the constitutional provisions discussed above are fleshed out in legislation.

With regard to housing, the Housing Act⁵⁰ gives effect to the constitutional right to access adequate housing. Every local authority is required in terms of the Housing Act to take all reasonable and necessary measures within the framework of national and provincial housing legislation and policy to ensure that those in its area of jurisdiction have access to adequate housing and basic services such as water, sanitation and electricity.⁵¹ In the process of giving effect to these obligations, local authorities, together with the other tiers of government, are required to promote various outcomes, including “the elimination and prevention of slums and slum conditions”.⁵² In fact, local authorities have a shared responsibility to upgrade informal settlements⁵³ and can do so through, *inter alia*, spatial restructuring for the creation of sustainable, integrated human settlements.⁵⁴ The Housing Act is complemented by the Social Housing Act,⁵⁵ which requires local authorities to support the economic development of low- to medium-income communities by providing housing close to jobs, markets and transport, and by stimulating job opportunities for emerging entrepreneurs in the housing services and construction industries.⁵⁶ The Social Housing Act further requires local authorities to ensure the social, physical and economic integration of housing development into existing urban and inner-city areas through the creation of quality living environments.⁵⁷ Local authorities must ensure that their housing programmes are responsive to local housing demands, and special priority must be given to the needs of women, children, child-headed households, persons with disabilities, and the elderly.⁵⁸

⁴⁹ 2011 (10) BCLR 1077 (WCC) par 146 and 150.

⁵⁰ 107 of 1997.

⁵¹ See s 9(1)(a)(i) to (iii) of the Housing Act.

⁵² See s 2(1)(e)(iii) of the Housing Act.

⁵³ Department of Human Settlements *Breaking New Ground: A Comprehensive Plan for the Development of Integrated Sustainable Human Settlements* (2004) 16–18.

⁵⁴ Department of Human Settlements *Breaking New Ground* 10.

⁵⁵ 16 of 2008.

⁵⁶ See s 2(1) of the Social Housing Act.

⁵⁷ *Ibid.*

⁵⁸ See s 2(1) of the Social Housing Act.

With respect to water provision, the Water Services Act⁵⁹ fleshes out the right of access to sufficient water entrenched in section 27(1)(b) of the Constitution. The Water Services Act designates municipalities as water services authorities and requires them, through different tools such as water services development plans and by-laws, to maximise the availability of water services to all people.⁶⁰ With regard to sufficiency and accessibility, local authorities have obligations obtaining from the Water Services Act, 1997: Revised Compulsory National Water and Sanitation Services Standards.⁶¹ Regulation 2(2)(b) of the Revised Compulsory National Water and Sanitation Services Standards specifies that the minimum standard for basic water services includes, among other things, the provision of at least 6 kiloliters of drinking water per household per month at a minimum flow rate of 10 litres per minute, ensuring that water is available for at least 358 days each year. Unlike the WHO Guidelines, this document does not specifically prescribe the minimum quantity for basic water services that a person should be able to access per day. While it provides a monthly household standard, this approach may not account for variations in household size or consumption patterns, potentially leaving individuals without sufficient daily access to water. This gap could lead to inadequate water availability for some households, especially in times of increased demand or emergencies, highlighting a significant shortcoming compared to the WHO Guidelines. Insofar as economic accessibility is concerned, a local authority is prohibited from complete water disconnection on the grounds of non-payment of bills.⁶² In other words, a local authority cannot deny a household access to a basic water supply where that household proves that it is unable to pay for water services.⁶³

With respect to sanitation, the Water Services Act, unlike the Constitution, explicitly confers on everyone the right to access basic sanitation.⁶⁴ In this context, basic sanitation services are defined as the “prescribed minimum standard of service[s] necessary for the safe, hygienic and adequate collection, removal, disposal or purification of human excreta, domestic waste-water and sewage from households”, including “informal households”.⁶⁵ The 2016 National Sanitation Policy document is, perhaps, more illustrative and considers the minimum acceptable basic level of sanitation to comprise:

- a) appropriate health and hygiene awareness and behaviour;
- b) the lowest cost, appropriate system for disposing of human excreta, household waste water, grey-water, which considers resource constraints, is acceptable and affordable to the users, safe including for children, hygienic and easily accessible and which does not have a detrimental impact on the environment;
- c) a toilet and hand washing facility;
- d) to ensure clean living environment at a household and community level; and

⁵⁹ 108 of 1997.

⁶⁰ Ss 3 and 21 of the Water Services Act.

⁶¹ See GN 6292 in GG 52814 of 2025-06-06.

⁶² S 4(3)(c) of the Water Services Act.

⁶³ See s 4(3)(c) of the Water Services Act.

⁶⁴ See s 3 of the Water Services Act.

⁶⁵ See s 1(ii) of the Water Services Act.

- e) the consideration of defecation practices of small children and people with disabilities and special needs.⁶⁶

The ability of local authorities to meet what is entailed in the extract above is critical in meeting the minimum acceptable basic level of sanitation in South Africa. In light of the above discussion, there are some synergies that can be observed between, on the one hand, the rights-based constitutional duties of local authorities in South Africa and their express mandate in national legislation and policies and, on the other hand, the SDG 11 Targets. This is evident when one considers what is expected of local authorities in relation to ensuring access to housing,⁶⁷ access to water⁶⁸ and to sanitation,⁶⁹ and upgrading of slums.⁷⁰ Considering that some local authorities (including the City of Johannesburg) are run by coalition governments, the following section focuses on some common benchmarks for successful coalition governments distilled from the literature.

4 SUCCESS FACTORS IN COALITION GOVERNANCE

Coalitions at city level have been relatively commonplace across the world. A coalition can be defined as an association of at least two political parties working together in parliament and/or government on the basis of election outcomes.⁷¹ It serves as a critical instrument of governance when absolute majorities are not realised in an election. A coalition potentially enables the partners to increase their electoral competitiveness, advocate for democratic reforms, improve their influence in policy formulation, use their limited resources more effectively, and reach an agreement on programmes for government.⁷² However, coalitions are not immune to challenges such as conflicts within a ruling coalition that can make a government unstable and weak owing to conflicting ideologies.⁷³ Instabilities within coalition-led municipalities have the potential to derail the pursuit of defined public objects⁷⁴ such as local sustainability. It is against this background that many scholars share the view that certain key features are imperative if the potential of coalition governments to give effect to defined public objectives

⁶⁶ Department of Water and Sanitation *National Sanitation Policy* (2016) 8.

⁶⁷ See s 26(1) of the Constitution; s 9(1)(a)(i)–(iii) of the Housing Act, and s 2(1) of the Social Housing Act.

⁶⁸ See s 27(1)(b) of the Constitution; ss 3, 4 and 21 of the Water Services Act; GN 6292 in GG 52814 of 2025-06-06.

⁶⁹ This right is implicit in the rights captured in ss 10, 27(1)(b), and 26(1) of the Constitution. See also s 3 of the Water Services Act.

⁷⁰ See s 2(1)(e)(iii) of the Housing Act; Department of Human Settlements *Breaking New Ground* 16–18.

⁷¹ Mokgosi *et al* 2017 *Ubuntu: Journal of Conflict and Social Transformation* 37; Booysen “Causes and Impact of Party Alliances and Coalitions on the Party System and National Cohesion in South Africa” 2014 13(1) *Journal of African Elections* 66 67.

⁷² Beukes *Hung Councils in South Africa* 17–21.

⁷³ Crispian in Booysen *Marriages of Inconvenience* 267–302; Mawere *et al* 2022 *Journal of Public Administration* 272–283.

⁷⁴ Dladla *The Impact of the Legal Framework for Local Government on Building and Sustaining Coalitions in Municipal Councils* (master’s thesis, University of the Western Cape) 2018 11 40.

is to be optimised. This section outlines four success factors delineated from theories of coalition formation that have been proposed over time.

One of the identified success factors underscores the need for political parties to pre-plan for the possibility of a coalition government.⁷⁵ Among other things, pre-planning enables like-minded political parties (or parties that share a common ideology or policy agenda) to find each other,⁷⁶ as envisaged in policy-seeking theories.⁷⁷ Pre-planning also gives parties with heterogeneous ideologies space to negotiate detailed policy agendas on matters on which they are ideologically divided.⁷⁸ Another success factor emphasises the need for participating parties to formalise their arrangement through a coalition agreement⁷⁹ – a comprehensive contract-like document that covers *inter alia* the policy priorities of the coalition, allocation of political positions, decision-making procedures, and the general rules of coalition behaviour.⁸⁰ The two success factors identified above both tend to rely heavily on the bargaining theory.⁸¹ This theory underscores that the formation of coalitions is a fixed-sum bargaining game in which political parties must agree on power-sharing and also agree on who joins the coalition and under what conditions.⁸² Power-sharing between parties is often dependent on the bargaining power of each partner. Such bargaining power derives from the number of seats occupied by each political party. This perspective speaks to the proportionality theory, which emphasises that payoffs to parties must be proportional to the share of seats that they contribute to the coalition.⁸³ Another success factor relates to the need for a solid and predictable long-term legal framework to guide political parties in structuring and managing coalitions.⁸⁴ This factor speaks to another dimension of coalition theory relating to institutional determinants of coalition formations.⁸⁵ In terms of this theoretical dimension, formal institutions such

⁷⁵ Dladla *The Impact of the Legal Framework for Local Government* 48.

⁷⁶ Mawere *et al* 2022 *Journal of Public Administration* 281; Crispian in Booyesen *Marriages of Inconvenience* 295; Beukes *Hung Councils in South Africa* 31–33.

⁷⁷ For an overview on policy-seeking theories, see Dumont, Falcó-Gimeno, Indridason and Bischof “Pieces of the Puzzle? Coalition Formation and Tangential Preferences” 2024 47(1) *West European Politics* 61–61; Van der Rijt “An Alternative Model of the Formation of Political Coalitions” 2008 64(1) *Theory and Decision* 81–82.

⁷⁸ Beukes *Hung Councils in South Africa* 31–33; Dladla *The Impact of the Legal Framework for Local Government* 48.

⁷⁹ Pietersen 2021 *Journal of Public Administration* 494; Mawere *et al* 2022 *Journal of Public Administration* 281; Beukes *Hung Councils in South Africa* 63–67; Beukes and De Visser *A Framework for Coalitions in Local Government* (2021) 5; Dladla *The Impact of the Legal Framework for Local Government* 44.

⁸⁰ Mawere *et al* 2022 *Journal of Public Administration* 281; Beukes *Hung Councils in South Africa* 63–67; Beukes and De Visser *A Framework for Coalitions* 5; Dladla *The Impact of the Legal Framework for Local Government* 44.

⁸¹ The bargaining theory is concerned with modelling how bargaining occurs when forming coalitions. Kertznier and Donnelly “An Analysis of Israeli Coalition Formation and Cabinet Post Distribution: A Non-Cooperative Bargaining Approach” 2022 11(1) *Journal of Student Research* 2.

⁸² For an overview, see Riker *The Theory of Political Coalitions* (1962).

⁸³ Gamson “A Theory of Coalition Formation” 1961 26(3) *American Sociological Review* 373–382.

⁸⁴ Mawere *et al* 2022 *Journal of Public Administration* 281; Beukes and De Visser *A Framework for Coalitions* 5.

⁸⁵ Kadima “The Study of Party Coalitions in Africa: Importance, Scope, Theory and Research Methodology” in Kadima (ed) *The Politics of Party Coalitions in Africa* (2006) 5.

as legislation, constitutions and official rules of procedure are considered critical, owing to their inherent compelling incentives for compliance and constraining sanctions for defiance.⁸⁶ An additional factor stemming from the theoretical dimension noted above underlines the significance of an efficient and effective coalition management framework, which entails coalition management committees, structures for information sharing, and a dispute resolution mechanism to diffuse conflicts that emerge during the life cycle of the coalition government.⁸⁷ This theoretical dimension emphasises that prevailing formal and informal institutional arrangements determine the formation, management and survival of coalitions.⁸⁸

It should be noted that the success factors identified should not be seen as an exhaustive list of what makes up an effective coalition because the legal, electoral and institutional contexts of cities around the globe are highly diverse. The significance of these success factors, for present purposes, lies in the fact that they are used in this analysis to measure South African realities in order to assess the potential of coalition governments to realise Target 11.1. The following section explores how South Africa's legal framework measures up to the identified benchmarks, such as the existence of a solid legal framework, comprehensive coalition agreements, an effective coalition management framework, and a culture that promotes pre-planning for coalition governance.

5 LEGAL FRAMEWORK FOR COALITION GOVERNANCE IN SOUTH AFRICA

One of the success factors in coalition governments that was noted above relates to the existence of a solid and predictable long-term legal framework to guide political parties in structuring and managing coalitions.⁸⁹ Although it can be argued that such a framework is not a golden bullet guaranteeing success for a coalition, there is no question about its significance in determining the parameters within which coalition partners should practise their coalition politics.⁹⁰ The effectiveness of such a framework has consequences for the lifespan and stability of the local authorities. In other words, instability in local authorities has a negative effect on the executive and administration, which ultimately affects service delivery.⁹¹ It is regrettable to note that South Africa does not have in place a legal framework capturing coherent provisions for coalition governments. However, fragmented legal provisions exist that could lend themselves to the formation of coalition governments by political parties in "hung municipalities". At the constitutional level, it can be argued that the electoral

⁸⁶ North *Institutions, Institutional Change and Economic Performance: Political Economy of Institutions and Decisions* (1990) 4; Bickers and Williams *Public Policy Analysis: A Political Economy Approach* (2001) 41.

⁸⁷ Beukes *Hung Councils in South Africa* 66–69; Dladla *The Impact of the Legal Framework for Local Government* 52.

⁸⁸ Lembani "Alliances, Coalitions and the Weakening of the Party System in Malawi" 2014 *Journal of African Elections* 115–118.

⁸⁹ See heading 2 of this article for details; Mawere *et al* 2022 *Journal of Public Administration* 281; Beukes and De Visser *A Framework for Coalitions* 5.

⁹⁰ Beukes and De Visser *A Framework for Coalitions* 6.

⁹¹ Pietersen 2021 *Journal of Public Administration* 495.

system prescribed for local government could be interpreted as providing a constitutional basis for the formation of coalition governments. Section 157(2) of the Constitution prescribes that the electoral system for local government must be based on proportional representation (PR) or on PR combined with (ward) representation. Despite this mixed electoral system, section 157(3) of the Constitution emphasises that the overall results must be PR. In South Africa, PR is a system in which the total number of elected members of a political party is proportionately consistent with the total number of votes received by that political party.⁹² This system is further defined as a closed-list PR system, since voters vote for a party, which in turn elects its members and submits the list of elected members to the Independent Electoral Commission (IEC) before the elections.⁹³ In contrast, ward representation is a system in which voters in a particular area in a municipality elect an individual to represent that area in the council.⁹⁴ When the results of the elections do not yield an outright winner, then a coalition government may be formed by willing and able political parties, with possible small contributions by independent councillors.⁹⁵ This was the case for the City of Johannesburg when no party won more than 50 per cent of the vote in the local government elections in both 2016 and 2021, resulting in smaller parties adding their weight behind the Democratic Alliance (DA), enabling it to lead a coalition government, and thereby unseating the ANC.

Apart from the above, the municipal council of every municipality envisaged in terms of section 151(2) of the Constitution has a bearing on the configuration of coalition governments in South Africa. The municipal council has a dual function in that it exercises both the legislative and executive powers of the municipality.⁹⁶ This suggests that the municipal council can use its legislative and executive powers, for example, to adopt and implement laws (by-laws), policies, plans and programmes to govern local communities.⁹⁷ The office of the speaker, created in terms of the Local Government: Municipal Structures Act⁹⁸ (the Structures Act), is critical in relation to the exercise of these powers.⁹⁹ The speaker wields considerable power – especially in coalition governments – as this official convenes and presides over meetings of the municipal council,¹⁰⁰ decides on the timing of votes (including votes of no confidence), and can influence proceedings with procedural rulings.¹⁰¹ The position of the speaker is crucial, especially in relation to decisions of the municipality, which are dependent on a majority

⁹² Van der Waldt “The Statutory and Regulatory Framework for Local Government” in Van der Waldt (ed) *Municipal Management: Serving the People* (2007) 51.

⁹³ Pietersen 2021 *Journal of Public Administration* 495.

⁹⁴ S 16(1) of the Local Government: Municipal Electoral Act 27 of 2000.

⁹⁵ Pietersen 2021 *Journal of Public Administration* 495.

⁹⁶ See s 151(1) and (2) of the Constitution.

⁹⁷ See s 151(1), (2) and (3) of the Constitution; ss 2 and 11 of the Local Government Municipal Systems Act 32 of 2000 (hereafter, the Systems Act).

⁹⁸ 117 of 1998.

⁹⁹ The speaker is elected from among the councillors within 14 days of the declaration of the election results (in the case of general elections) or after a vacancy occurs (s 36(2) of the Structures Act).

¹⁰⁰ S 37 of the Structures Act.

¹⁰¹ De Vos “The Constitutional-Legal Dimensions of Coalition Politics and Government in South Africa” in Booyesen (ed) *Marriages of Inconvenience: The Politics of Coalitions in South Africa* (2021) 242–243.

of votes cast.¹⁰² Accordingly, if there is an equal number of votes on an issue before the council, the speaker may often (not always) cast an additional vote to tip the balance.¹⁰³ However, the speaker may be removed from office by the passing of a resolution with a majority vote.¹⁰⁴

Apart from the above, a municipal structure that exercises executive authority on behalf of the municipal council (as envisaged in terms of section 160(1)(c) of the Constitution) is also crucial insofar as coalition governments are concerned in South Africa. The Structures Act provides for three different executive systems, namely the “executive committee” system, the “executive mayor” system, and the “plenary executive system”.¹⁰⁵ The member of the executive committee (MEC) for local government is charged with the authority to determine the executive system that is applicable to the municipality.¹⁰⁶ This section focuses particularly on the mayoral executive system of government, as it is the one relevant to the City of Johannesburg. The office of the executive mayor, created in terms of section 55 of the Structures Act, is vested with the executive leadership of the municipality. The mayor is elected with an absolute majority of votes cast in the council within 14 days of the council’s election, or when necessary to fill a vacancy.¹⁰⁷ The executive mayor has wide discretion as to which members of the council to appoint to the mayoral committee,¹⁰⁸ which does not need to reflect the council’s political composition.¹⁰⁹ Nonetheless, it is important to note that the executive mayor needs to retain the confidence of a majority of the members of the municipal council.¹¹⁰ This is because section 58 of the Structures Act makes provision for the council to remove the executive mayor from office by passing a motion of no-confidence. All that is required to remove the executive mayor in this manner is a simple majority of votes of the members of the council voting in favour of removal. Thus, if any of the coalition partners vote with the opposition on a motion of no-confidence in the executive mayor, the entire mayoral committee must vacate office.¹¹¹

Apart from the sundry legal provisions relevant to coalition governments discussed above, there is a framework for coalitions in local government developed by the South African Local Government Association (SALGA), which hung municipalities can use in forming and managing or governing a coalition.¹¹² Among other things, this framework emphasises the need for a comprehensive coalition agreement,¹¹³ and a coalition management framework,¹¹⁴ which were identified above as some of the generic features of a successful coalition government. Such a framework expects a coalition

¹⁰² S 30(3) Structures Act.

¹⁰³ S 30(4) of the Structures Act.

¹⁰⁴ S 40 of the Structures Act.

¹⁰⁵ S 7 of the Structures Act.

¹⁰⁶ S 12 of the Structures Act.

¹⁰⁷ S 55(1) and (2) of the Structures Act.

¹⁰⁸ This is so if the municipal council has more than nine members. See s 60(1)(a) of the Structures Act.

¹⁰⁹ *Democratic Alliance v Masondo* 2003 (2) BCLR 128 (CC).

¹¹⁰ *De Vos* in Booysen (ed) *Marriages of Inconvenience* 244.

¹¹¹ See for example s 60(5) of the Structures Act.

¹¹² Beukes and De Visser *A Framework for Coalitions* 1–48.

¹¹³ Beukes and De Visser *A Framework for Coalitions* 40–44.

¹¹⁴ Beukes and De Visser *A Framework for Coalitions* 44–48.

agreement to cover, among other things: the general structure of the coalition, policy programme with policy priorities agreed to by the coalition partners, allocation of political positions, decision-making and consultation procedures within the coalition, dispute-resolution mechanisms, and general rules of coalition behaviour.¹¹⁵ With regard to coalition management, the framework stresses the need to establish committees for oversight within the coalition. For example, committees envisaged in terms of sections 79 and 80 of the Structures Act are generally well suited for this purpose.¹¹⁶ In the same vein, disputes that arise during the course of the coalition must be dealt with in line with the dispute-resolution arrangements specified in the coalition agreement.¹¹⁷ Note, however, that the framework is not legally binding on local authorities. Nevertheless, there is an expectation that its provisions will be respected and followed by local authorities, including the City of Johannesburg. Overall, it can be argued that the extent to which the success factors of coalition governments are embedded in the South African legal framework affects the performance of local authorities in South Africa. The effect of such embedding is explored below in the context of the City of Johannesburg and its quest to provide basic services as envisaged in terms of Target 11.1.

6 THE CITY OF JOHANNESBURG AS A CASE STUDY

6.1 Background

The 2016 local government elections did not yield an outright winner in the City of Johannesburg – a previously ANC-run metropolitan municipality. As a result, the DA, which obtained approximately 38 per cent of the total votes, pulled together a multiparty coalition with the support of other smaller parties,¹¹⁸ including a confidence-and-supply agreement with the Economic Freedom Fighters (EFF).¹¹⁹ Following the termination of this DA-led coalition in December 2019, the ANC formed a new coalition government with the IFP, Patriotic Alliance (PA), and Al Jam-ah.¹²⁰ History repeated itself after the November 2021 local government elections when the City of Johannesburg was once again one of the hung metropolitan municipalities in the country. Once again, the DA mobilised smaller parties to form a coalition government, which was later ousted through a motion of no confidence that was supported by both the ANC and the EFF. Since that time, as the 2021–2026 election cycle comes to a close, the City of Johannesburg has faced a series of unstable coalition governments.¹²¹ This seems to explain why

¹¹⁵ Beukes and De Visser *A Framework for Coalitions* 7 40–44.

¹¹⁶ Beukes and De Visser *A Framework for Coalitions* 47.

¹¹⁷ Beukes and De Visser *A Framework for Coalitions* 46.

¹¹⁸ The coalition included the DA, Congress of the People (COPE), African Christian Democratic Party (ACDP), Freedom Front Plus (FFP) and UDM.

¹¹⁹ Crispian in Booyesen *Marriages of Inconvenience* 273.

¹²⁰ Pietersen 2021 *Journal of Public Administration* 497.

¹²¹ See, for example, ACCORD “Coalitions Tracker: Johannesburg” (2025) <https://coalitions.accord.org.za/coalition/johannesburg/> (accessed 2025-08-08).

recent reports show varied results about the potential of coalition governments to contribute towards the realisation of Target 11.1.

On the one hand, statistics show that, since 2016, the City has made some progress in providing basic services such as housing, electricity and water as envisaged in Target 11.1. In terms of housing, the percentage of households with access to formal dwellings rose from about 76 per cent in 2016 to approximately 81 per cent in 2023.¹²² However, it is concerning that this marks a 1 per cent decrease from the 82 per cent recorded in 2021. With regard to access to water, estimates show that, in 2016, a total of 97,5 per cent of households in the City had access to water – via water piped (tap) inside or yard connection in formalised areas, and communal standpipes within a maximum walking distance of 200 metres in informal settlements.¹²³ Statistics indicate that this percentage rose to 99.3 per cent of households in 2023.¹²⁴ However, for the City to achieve this component of Target 11.1 before 2030, additional efforts are required, especially given the 0.02 per cent decline from the 99.5 per cent recorded in 2021.¹²⁵ It is further estimated that the percentage of households with access to sanitation through individual sewer connections remained steady at 95 per cent between 2016 and 2023.¹²⁶ However, this figure has been declining by one or two percentage points during this period. Regrettably, statistics show the City of Johannesburg has regressed on waste management – a basic service only implied in terms of Target 11.1, but explicitly addressed in Target 11.6.¹²⁷ The statistics above show that the percentage of urban dwellers who still do not have access to these services translates numerically into hundreds of thousands, if not millions. Whether the City of Johannesburg will be able to realise Target 11.1 depends on the extent to which the key features of a successful coalition government distilled under heading 4 of this article are embedded in South Africa's legal framework.

6 2 Legal framework for coalition governance

It was noted above that the existence of a relevant, solid and predictable long-term legal framework has the potential to optimise the ability of coalition governments to pursue their public objectives.¹²⁸ Although provisions exist that could lend themselves to the formation of coalition governments in South Africa, it has been noted that they do not emanate from a solid and predictable long-term legal framework capable of guiding political parties in structuring and managing coalitions.¹²⁹ As a result, it can be argued that

¹²² City of Johannesburg *The Integrated Development Plan (IDP) Review 2025/26* (2025) 37–38.

¹²³ City of Johannesburg *The Integrated Development Plan (IDP) Review 2025/26* (2025) 38–39.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ City of Johannesburg *The Integrated Development Plan (IDP) Review 2025/26* (2025) 39–40.

¹²⁷ The percentage of households whose refuse is collected at least once a week decreased from 94 per cent to 85,7 per cent between 2016 and 2023. City of Johannesburg *The Integrated Development Plan (IDP) Review 2025/26* (2025) 41–42.

¹²⁸ See heading 4 of this article for details.

¹²⁹ See heading 5 of this article for details.

many of the challenges that are experienced by coalition governments running the City of Johannesburg, as elsewhere, are to some extent centred on the loopholes within the existing South African legal framework. Although a framework for coalitions developed by SALGA tries to plug this gap to some degree, its efficacy is compromised owing to the fact that it is not a legal document; as such, failure to comply with its provisions has no legal consequences. As noted above, from the 2021 local government elections to 2025, the City of Johannesburg has seen approximately six executive mayors and five speakers, each representing different coalitions.¹³⁰ Considering that the executive mayor and the mayoral committee constitute the main oversight structure over the municipal administration, their removal from office through a vote of no confidence may adversely affect service delivery, especially if the grounds for such a vote are just, but politically motivated and not genuine.

It follows from the above that there is a need for national government to consolidate a scattered range of provisions relevant to a coalition government into a solid and predictable long-term legal framework capable of guiding political parties in structuring and managing coalitions. Taking into consideration South Africa's own local circumstances, Parliament can draw inspiration from relevant legislation in countries like Kenya that regulate various aspects of coalition building.¹³¹ These aspects include a definition of coalition, requirements for registration, and timelines for submitting necessary documents to relevant authorities. Kenya's Political Parties Act¹³² further underscores the need for a coalition agreement to address specific coalition-building issues, ranging from the power-sharing methodology that political parties will use within a coalition to the allocation of party subsidies within a coalition. While the Political Parties Act does not dictate how political parties must elect their candidates, it emphasises the need to provide a framework outlining the procedure to be followed. It can be argued that the existence of a legal framework has the potential to bring order to potentially chaotic situations – such as the local government coalition politics often witnessed in the City of Johannesburg and elsewhere in South Africa. Such order has a bearing on the pursuit of defined public objectives, such as the provision of basic services at the core of Target 11.1.

6.3 Pre-planning for a coalition

As noted under heading 4 of this article, political parties in hung councils would enhance the potential of coalition governance by pre-planning for the possibility of coalition.¹³³ It is at the pre-planning stage that potential coalition partners with heterogeneous ideologies have some space to negotiate detailed policy agendas on matters on which they are ideologically divided.¹³⁴ All partners can at least agree that the City of Johannesburg is required, as are other municipalities in South Africa, to contribute towards

¹³⁰ For details, refer to ACCORD <https://coalitions.accord.org.za/coalition/johannesburg/>.

¹³¹ See Political Parties Act 11 of 2011.

¹³² See s 10 of the Political Parties Act.

¹³³ Dladla *The Impact of the Legal Framework for Local Government* 48.

¹³⁴ Beukes *Hung Councils in South Africa* 31–33; Dladla *The Impact of the Legal Framework for Local Government* 48.

the pursuit of the objectives of SDG 11. Having this as a starting point is imperative if all potential coalition partners are to bridge their ideological differences to some degree. SDG 11 is accompanied by 10 time-bound targets spanning the areas of housing, public transit systems, urban planning, cultural heritage, disaster management, air quality, waste management, and public spaces. For a coalition to be successful, potential coalition partners must negotiate in a manner that encourages each party to continue cooperating throughout the subsistence of the coalition by including one or more of its electoral policy priorities in the coalition agreement. For example, if a potential coalition partner campaigned strongly on slum upgrading as envisaged in Target 11.1, the coalition will benefit from including a policy commitment that reflects that party's commitment to slum upgrading in the City. The same applies to the rest of the areas at the core of SDG 11. Negotiating in such a manner enhances the conspicuousness of each partner in the coalition and optimises its potential to be voted into office again at the next election.

However, failure by political parties to find each other at the pre-planning stage could have inherent consequences within a ruling coalition that make a government unstable and weak. For example, following the 2016 local government elections, the DA appeared unable to have consensual discussions on policy issues within its coalition in Johannesburg, and technocrats who had to deal with these issues ended up caught in the middle.¹³⁵ This is true in relation to the spatial development strategy commonly referred to as the Corridors of Freedom,¹³⁶ which was considered the legacy of the previous ANC administration and with which the former mayor, Mr Mashaba, did not wish to be associated. As a result, the concept of "transit-orientated development corridors" was introduced to address the same issues raised in the Corridors of Freedom.¹³⁷ While the corridors were in the interests of some property developers, there were integral conflicts between, on the one hand, the DA's pro-market approach, which protected the interests of middle-class residents and large developers and, on the other, the EFF's approach to land invasions and land expropriation without compensation.¹³⁸ As a result, the EFF remained critical of the former mayor for anti-Black rhetoric and failure to prioritise the needs of the poor.¹³⁹ To this end, the Planning Executive Director found there was an inability to rise above narrow party considerations, and described the confused approach to spatial planning as "fake it as you go", as opposed to real consensus around spatial planning objectives.¹⁴⁰ For present purposes, it can be noted that ideological differences between coalition partners adversely affected the provision of basic services targeted in Target 11.1, to the extent that they depended on planning.

¹³⁵ Crispian in Booyesen *Marriages of Inconvenience* 282.

¹³⁶ Corridors of Freedom is a spatial development strategy that entails developing the Rea Vaya bus rapid transit (BRT) system and associated pedestrian and cycling infrastructure that would connect historically underdeveloped townships in Johannesburg to other parts of the city. See City of Johannesburg Metropolitan Municipality *Corridors of Freedom: Re-Stitching Our City to Create a New Future* (2013).

¹³⁷ Crispian in Booyesen *Marriages of Inconvenience* 282.

¹³⁸ Crispian in Booyesen *Marriages of Inconvenience* 282.

¹³⁹ Mawere *et al* 2022 *Journal of Public Administration* 277.

¹⁴⁰ Crispian in Booyesen *Marriages of Inconvenience* 282.

In addition, the significance of pre-planning for coalition in South Africa lies in the fact that political parties only have approximately two weeks in which to build a coalition government. This is because the Structures Act prescribes only a 14-day interval between publication of election results and the first council meeting.¹⁴¹ It can be argued that lack of pre-planning for the possibility of coalition government by political parties (especially with diametrically opposed ideologies) renders the 14-day interval inadequate to focus on the details of a coalition agreement. This may affect the quality of negotiations, which may result in instability in the coalition government. For example, in Johannesburg, it can be argued that lack of pre-planning by political parties in the would-be DA-led coalition informed the request by ActionSA to review the coalition agreement and allow smaller parties into the coalition to occupy the office of the speaker.¹⁴² As this request was only made a year after the 2021 elections, the DA rejected it, emphasising that any re-opening of negotiations regarding the government configuration would introduce significant uncertainty and delays in municipal government and service delivery.¹⁴³ As a result, smaller parties that felt sidelined in the DA-led coalition expressed their frustration by ousting former speaker Vasco Da Gama and former mayor Mpho Phalatse through votes of no confidence.¹⁴⁴ However, the former mayor regained her position and then subsequently lost it again. There is no reason to doubt that the changes that happened in the coalitions running the City of Johannesburg have resulted in instabilities, thereby derailing the provision of essential services to the communities as envisaged in Target 11.1. Unless the 14-day period is amended, political parties need to accept changing political dynamics and pre-plan for the possibility of coalition government at the local level.

6 4 Drawing a comprehensive coalition agreement

The existence of a coalition agreement has been identified above as another success factor of a coalition government.¹⁴⁵ Such an agreement gives life to the outcomes of negotiations held at the pre-planning stage. It serves as a guiding document for a coalition government, as it sets out the allocation of political positions, among other things. For example, parties to a coalition agreement need to have a clear power-sharing arrangement with regard to the political positions envisaged in terms of the Structures Act – such as the mayor, deputy mayor, the speaker, deputy speaker (if applicable), council whip, executive committee members, sections 79 and 80 committee chairpersons, and chairpersons of sub-councils. As noted elsewhere in this article, the potential of a coalition agreement can be enhanced if it is inspired by Gamson's proportionality theory.¹⁴⁶ Nonetheless, there are certain circumstances in which a smaller political party may wield more bargaining

¹⁴¹ S 29(2) of the Structures Act.

¹⁴² Tandwa "Johannesburg has a New Sheriff in Town – ANC Takes Over From the DA" (2022-09-30) <https://mq.co.za/politics/2022-09-30-Johannesburg-has-a-new-sheriff-in-town-anc-takes-over-from-the-da/> (accessed 2023-12-20).

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ See heading 4 of this article for details.

¹⁴⁶ See heading 4 of this article for details; Gamson 1961 *American Sociological Review* 373–382.

power than its share of seats should determine. Such a political party is commonly referred to as a “kingmaker” – a political party or independent candidate whose vote or votes tip the balance of power in the council.¹⁴⁷ In this context, the kingmaker decides which combination of parties will govern in a coalition.¹⁴⁸ Considering that all these political office-bearers are expected to execute the municipal council’s development objectives during their elected term,¹⁴⁹ the distribution of political positions in the coalition must question their qualifications, skills, experience and competencies to determine whether they will be able to effectively discharge their responsibilities. The significance of this argument lies in the fact that many councillors in South Africa are said not to have any post-secondary school education.¹⁵⁰ This implies that policies and programmes that seek to further the developmental objectives of local government would not be subjected to the rigorous scrutiny that they deserve. If political parties do not pay enough attention to the above-mentioned aspects, a coalition is bound to experience challenges that usually lead to its collapse. This is true if one considers that, from 2016 to 2023, discontent about the distribution of seats in key political offices in the City of Johannesburg has been an area of contestation.¹⁵¹ As an example, in 2022, there was a strained relationship in the DA-led coalition after ActionSA’s proposal (to review the coalition agreement and allow smaller parties into the coalition to occupy the office of speaker) was rejected by the DA.¹⁵² Such discontent contributed to one or more political parties defecting from the coalition, resulting in sporadic motions of no confidence in one or more of the political office-bearers.¹⁵³ It is difficult not to conceive that these instabilities, at the behest of political parties with non-aligned political ideologies and policy beliefs, must have adversely affected the pursuit of public objectives, including service delivery, which is critical for the realisation of Target 11.1 aspirations.

Apart from the above, a coalition agreement ideally sets out the policy programme that the coalition will pursue during its five-year election cycle.¹⁵⁴

¹⁴⁷ Beukes and De Visser *A Framework for Coalitions* 9.

¹⁴⁸ *Ibid.*

¹⁴⁹ The term of office for councillors is five years. See s 159(1) of the Constitution.

¹⁵⁰ Sebola “The Role of Salga in Training Municipal Councillors for Development: Using the ‘Knowledgeable’ Experts” 2014 5(14) *Mediterranean Journal of Social Sciences* 633–640.

¹⁵¹ See Tandwa <https://mq.co.za/politics/2022-09-30-Johannesburg-has-a-new-sheriff-in-town-anc-takes-over-from-the-da/>.

¹⁵² Tandwa <https://mq.co.za/politics/2022-09-30-Johannesburg-has-a-new-sheriff-in-town-anc-takes-over-from-the-da/>.

¹⁵³ For example, in 2019, after the collapse of the DA-led coalition in the City of Johannesburg, the DA accused other coalition partners of betrayal for voting for the ANC candidate. In 2022, some members of the DA-led coalition (COPE, in the person of Colleen Makhubele) defected to the ANC-led coalition, where she was then appointed to the office of speaker. As the new speaker, she tabled a motion of confidence that saw the mayor, Mpho Phalatse, replaced by Dada Morero, who was a member of the ANC party. In this case, the IFP, which was part of the DA-led coalition, arguably demonstrated its lack of commitment to see the coalition work as it opted to abstain from a motion of no confidence, which saw the mayor, Mpho Phalatse, ousted from power. See Feketha “Daggers Are Out for Councillors Who Reportedly Voted for Joburg Mayor Geoff Makhubo” (2019-12-05) <https://www.iol.co.za/news/politics/daggers-out-for-da-councillors-who-reportedly-voted-for-joburg-mayor-geoff-makhubo-38673487> (accessed 2024-03-03). See also Tandwa <https://mq.co.za/politics/2022-09-30-Johannesburg-has-a-new-sheriff-in-town-anc-takes-over-from-the-da/>.

¹⁵⁴ Beukes and De Visser *A Framework for Coalitions* 19.

A policy programme seeks to deal with urban challenges, for example, in the areas of housing, public transit systems, urban planning, cultural heritage, disaster management, air quality, waste management, and public spaces. These areas speak to the areas of focus of SDG 11. The ability of the City to give effect to policies in these areas depends on the use of legally prescribed local governance instruments, such as an integrated development plan (IDP).¹⁵⁵ An IDP is a five-year development plan for the municipality,¹⁵⁶ and must encapsulate, *inter alia*, a development vision for the municipality, the municipal council's development priorities and objectives for its elected term, a set of key performance indicators with performance targets, the municipal council's development strategies, and a financial plan.¹⁵⁷ At the end of the year, the City's success is determined by examining the extent to which defined goals in the IDP have been met. This means that coalition partners can use their representation on sections 79 and 80 committees to monitor if the municipal executive and administration are delivering services in line with the IDP and other policies and decisions of the council. As such, if a committee engages with an issue, and there are indications that the City is deviating from the coalition agreement, the representatives on those committees can raise this early with their coalition partners. This enables coalition partners to engage early in the process of decision-making on that matter without any major fallout. Nonetheless, it is difficult to imagine how there cannot be a fallout if the other coalition partners are not represented in these committees, or if the electoral policy priorities of the other coalition partners are ignored in the coalition agreement. Fallouts in the City of Johannesburg have often seen parties reneging on their coalition commitments in search of better deals elsewhere.

It goes without saying that the susceptibility of a coalition agreement to renegation by coalition partners can be attributed, in part, to its legal status. Regrettably, coalition agreements in the City of Johannesburg are not legal but political instruments that can be used as references for the concessions made in the negotiation stage whenever issues arise in the coalition government.¹⁵⁸ Thus, only political and moral pressure can be brought to bear on contracting parties to give effect to a coalition agreement. The ability of the public (to whom political parties are accountable), as well as political parties, to mount such pressure depends on the publication of coalition agreements. Arguably, the instabilities in Johannesburg and elsewhere can be attributed to the fact that coalition partners seem not to hesitate to renege on agreements whose terms and conditions are unknown to the public.¹⁵⁹ South Africa can draw inspiration from Western European countries that have a long history of coalition government¹⁶⁰ where it is normal practice for the content of coalition agreements to receive extensive media coverage.¹⁶¹ Such publication potentially enables voters (essentially the judges of such

¹⁵⁵ For details on the legal framework for IDPs, see Chapter 5 of the Systems Act.

¹⁵⁶ Harrison "The Genealogy of South Africa's Integrated Development Plan" 2001 23(2) *Third World Planning Review* 175–193.

¹⁵⁷ Ss 39–43 of the Systems Act; and section B of the White Paper.

¹⁵⁸ Beukes *Hung Councils in South Africa* 64–66.

¹⁵⁹ Beukes and De Visser *A Framework for Coalitions* 42.

¹⁶⁰ These include Finland, Belgium, Ireland and the Netherlands.

¹⁶¹ Eichorst "Explaining Variation in Coalition Agreements: The Electoral and Policy Motivations" 2014 53(1) *European Journal of Political Research* 98–99.

agreements) to make relatively accurate forecasts about the course of government policies, and assess in retrospect the extent to which promises that formed the basis of the coalition have been fulfilled. This is critical, especially if such promises relate to the provision of basic services at the heart of Target 11.1.

6.5 A coalition management framework

It was noted above that the success of a coalition government depends on the existence of an efficient and effective coalition management framework.¹⁶² This framework may entail, *inter alia*, a dispute-resolution mechanism to defuse conflicts that emerge during the life cycle of the coalition government, more especially when coalition partners have non-aligned political ideologies and policy beliefs.¹⁶³ In South Africa, it remains unclear how conflicts are resolved in coalition governments because coalition agreements are kept a closely guarded secret between coalition partners.¹⁶⁴ As a result, conflicting political actors seem to prioritise destructive political games over coalition agreements, governance, institutional stability, and service delivery.¹⁶⁵ The case of Johannesburg demonstrates that coalition governments could result in political conflicts and the collapse of agreements. This is because the absence of appropriate structures since 2016 has rendered coalition partners incapable of raising their complaints with each other without destabilising councils.

The absence of a coalition management framework following the 2016 elections may also explain why some issues that arose during the life cycle of the DA-led coalition government were referred directly to the top leadership of the coalition member parties. For example, when there was political interference in supply-chain matters by the Johannesburg Roads Agency (JRA) board chair, contrary to section 115 of the Local Government: Municipal Finance Management Act,¹⁶⁶ the chief executive officer of JRA had to resign over the mayor's failure to intervene.¹⁶⁷ His resignation derailed efforts by the JRA to implement a range of improvement plans aimed at addressing service-delivery challenges relating to the City's road networks, traffic lights, stormwater system and bridges.¹⁶⁸ The upshot has been that after the 2016 local-government elections, political interference has adversely affected the provision of services critical to the realisation of Target 11.1. It is argued that if coalition management had been in place, meeting the top leadership in cases of dispute would only have happened as a last resort.

¹⁶² Beukes *Hung Councils in South Africa* 66–69; Dladla *The Impact of the Legal Framework for Local Government* 52.

¹⁶³ *Ibid.*

¹⁶⁴ Beukes *Hung Councils in South Africa: Law and Practice* 66.

¹⁶⁵ Pietersen 2021 *Journal of Public Administration* 502.

¹⁶⁶ 56 of 2003.

¹⁶⁷ Phillips "Flashing Red Lights About Tenders and Governance While Head of the Johannesburg Roads Agency" (25 May 2018) <https://www.dailymaverick.co.za/article/2018-05-25-flashing-red-lights-about-tenders-and-governance-while-head-of-the-johannesburg-roads-agency/> (accessed 2024-01-23).

¹⁶⁸ *Ibid.*

There is a need to address disputes arising during the subsistence of a coalition government in accordance with dispute-resolution arrangements specified in the coalition agreement, taking into consideration that some disputes are beyond the scope of judicial determination. A coalition government may, for example, put in place a coalition management framework that includes mechanisms for dispute resolution, such as negotiation, mediation or arbitration.¹⁶⁹ Negotiation systems create a structure to encourage and facilitate direct negotiation between conflicting political actors without the intervention of an independent third party. Mediation systems interject a third party between the conflicting political actors, either to mediate a specific dispute or to reconcile their relationship.¹⁷⁰ Arbitration is a mechanism whereby the conflicting political actors enter into a formal agreement that an independent and impartial third party, chosen directly by these actors, will hear both sides of the dispute and make a decision, which the parties undertake to consider as final and binding.¹⁷¹ Services of retired judges can be used in these systems. In addition, if a dispute-resolution committee is established in terms of the coalition agreement, such a committee may need to be staffed by senior (national or provincial) leaders of the parties involved in the coalition. The significance of inter-jurisdictional efforts in resolving disputes that the major role players in the coalition are unable to resolve at a local level cannot be overemphasised.

7 CONCLUSION

The main objective of this article has been to explore the potential of coalition governance in the City of Johannesburg to realise Target 11.1 of SDG 11. In the process, the article assessed the extent to which the applicable legal and policy frameworks in South Africa enable coalition governments in the City of Johannesburg to pursue the commitments contained in Target 11.1. While the City has progressed on some basic services such as housing, electricity and water, the study established that it has also regressed in relation to other basic services such as sanitation and waste management. These varied results may be attributed to the fact that the City has been troubled with one unstable coalition government after another since the year 2016, when the Target came into effect. Such instabilities can be attributed to the lack of a solid and predictable long-term legal framework to guide political parties in structuring and managing coalitions, the lack of a pre-planning culture for coalition government, the lack of a comprehensive coalition agreement, and the lack of a coalition management framework. This article has established that unless these generic benchmarks for successful coalition governments are embedded in national or perhaps provincial legislation, substantial challenges remain if this form of government in the City of Johannesburg is to realise the Target

¹⁶⁹ For details on these mechanisms, see Ramsden *The Law of Arbitration, South African and International Arbitration* (2010) 2, 9, 173–174.

¹⁷⁰ The South African courts recognise and endorse mediation as an alternative dispute resolution mechanism in several cases, such as *Occupiers of 51 Olivia Road, Berea Township and 197 Main Street Johannesburg v City of Johannesburg* 2008 (3) SA 208 (CC) par 12; and *Port Elizabeth Municipality v Various Occupiers* 2005 (1) SA 217 (CC) par 40.

¹⁷¹ See Ramsden *The Law of Arbitration* (2010) 174.

by 2030. In the absence of such legislation, it is suggested that the municipal council should exercise its legislative and executive authority emanating from section 11(3)(a) of the Systems Act to embed the said benchmarks. If the instabilities in a coalition are of such a magnitude that the City cannot or does not fulfil its constitutional or legislative obligations, the relevant provincial executive may intervene by taking any appropriate steps to ensure the fulfilment of that obligation.¹⁷² Depending on the seriousness of the situation, intervention may entail the relevant provincial executive issuing a directive to the relevant municipal council, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations.¹⁷³ Intervention may also entail the relevant provincial executive assuming responsibility for the relevant obligation in that municipality.¹⁷⁴ Dissolution may also entail the dissolution of a municipal council or the appointment of an administrator to manage the affairs of a dysfunctional municipality.¹⁷⁵ Thus, provincial governments have a significant contribution to make in relation to the City's success in pursuing Target 11.1 because the national executive only intervenes in cases where a provincial executive has failed.¹⁷⁶

¹⁷² See s 139(1) of the Constitution. See also s 106 of the Systems Act.

¹⁷³ S 139(1)(a) of the Constitution.

¹⁷⁴ S 139(1)(b)(i)–(iii) of the Constitution.

¹⁷⁵ S 139(1)(c) of the Constitution.

¹⁷⁶ S 139(7) of the Constitution.