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Unpacking the 2024 Government of National Unity in South Africa:

Challenges, opportunities and lessons for Stable Coalition Governance

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1 INTRODUCTION

On 29 May 2024, South Africa held its national and provincial general elections, the most stiffly contested since 1994. None of the political parties secured a majority in the National Assembly, nor in the Gauteng, Northern Cape and KwaZulu Natal provincial legislatures. This electoral outcome necessitated the formation of coalitions in the National Assembly and these three provinces. A governing coalition refers to when two or more political parties and independent candidates agree to cooperate to govern together as the ruling government.¹ By consolidating their votes to form a majority in the legislature, they elect from among the members of the legislature, the members of the executive who will function as the coalition government.²

The first four weeks after the declaration of the election results are busy as political parties are engaged in coalition negotiations. This time is used to negotiate and construct the coalition government. The first 14 days (phase 1) of the negotiation process generally culminate in the adoption of a foundational document that includes the founding values and principles of the coalition, along with the common service delivery programme, generally published before the first sitting.³ The law provides that, during the initial 14 days, the Speaker, Deputy Speaker, President, Premier and Mayor must be elected at the first parliamentary or council sitting. Deciding who will serve in these roles is inherently urgent.⁴ In the following 14 days (phase 2), following the first parliamentary or council sitting, the coalition generally focuses on establishing the coalition government through the structuring and election of the executive.

¹ Beukes J & de Visser J *A Framework for Coalitions in Local Government* (2021) 7.

² Section 91(3)(c) read with section 93(b) of the Constitution of the Republic of South Africa, 1996 provides that the President may appoint two Ministers and Deputy Ministers from outside the National Assembly.

³ Beukes & de Visser (2021) 42.

⁴ Section 51(1) read with section 52(1) read with section 86(1) of the Constitution of the Republic of South Africa, 1996 (the Constitution) provides that the first parliamentary sitting must happen within 14 days during which Speaker, Deputy Speaker and the President must be elected. Similar provisions for provincial legislatures are found in sections 111(1), and 128(1) of the Constitution. For local government, the law instructs municipalities to convene their first meeting within 14 days after the council has been declared elected. At this meeting, the council must elect a speaker. The law similarly instructs the municipality to constitute its executive within those first 14 days, i.e. determine the members of the executive committee and elect a mayor, or elect an executive mayor. There is no statutory deadline for the appointment of the mayoral committee by the executive mayor. See s 45 Structures Act, s 48(2) Structures Act and s 55 Structures Act..

South Africa's constitutional architecture provides political parties with a short timeframe to establish a government in the public interest, ensuring that governance continues as soon as possible after the elections. Since the election results were declared on 2 June 2024, political parties have worked to establish coalition governments to govern at the national level and in the Gauteng, Northern Cape and KwaZulu Natal (KZN) provinces. This paper takes stock of the types of coalitions that were established and the structuring of those coalitions.

South Africa has now entered an era of multi-party governance across all three spheres of government. This development is likely to influence changes to the existing governance framework to facilitate cooperative and stable governance across the three spheres of government. This paper elaborates on how the formation of the 2024 Government of National Unity (GNU) may impact governance, intergovernmental relations and service delivery in all three spheres of government. Lessons are drawn from other countries on the continent with experience with GNUs, before concluding.

2 TYPES OF COALITION FORMATION

Coalitions can take different forms depending on the size of the coalition and the specific objectives of the coalition government. These include the government of national unity, grand coalitions, bare-majority coalitions and minority coalitions.⁵ Coalition formation is a common feature of South African politics, with the country having experienced coalition governance across national, provincial and local government. The transitional government installed after the 1994 national and provincial elections was a Government of National Unity.⁶ In 1999, a provincial government of unity was established between the African National Congress (ANC) and Inkatha Freedom Party (IFP) in KZN. In 2004, a grand coalition was formed between the ANC and the Democratic Alliance (DA) in the Western Cape province.⁷ At the municipal level, a combination of

⁵ Beukes J *Hung Councils in South Africa: Law and Practice* (2021) 11-15. See also Beukes & de Visser (2021) 7.

⁶ Beukes (2021) 15.

⁷ Simelane N & Boikanyo N 'Policy Brief: A Historical Overview of Coalition Governments in the Province of KwaZulu-Natal' (2024) 4.

bare-majority coalitions and minority coalitions are generally established in municipalities where no party controls an outright majority. This section defines these different types of coalitions.

2.1 Government of National Unity

A Government of National Unity (GNU) is a coalition that comprises the majority of political parties and interests represented in the legislature.⁸ GNUs are generally formed with the aim of bringing together the broadest possible spectrum of political interests in response to a crisis. GNUs are formed to achieve national interests such as nation-building, social order, and peace and stability. Agreements within GNUs are negotiated by the national executive structures of the political parties and often have implications for governance in provincial and local spheres.

2.2 Grand coalition

A grand coalition refers to an oversized coalition that includes a percentage of parties and independents over and above what is required to control a simple majority of the seats within a legislature.⁹ Unlike GNUs, which can involve various political parties and independents operating across the left-right continuum to achieve national objectives, a grand coalition can be established between only the two biggest parties that control the majority of seats. Grand coalitions are often formed between the largest political parties to ensure stability and to share power.

2.3 Bare-majority coalition

A bare majority coalition comprises the minimum number of political parties and independents necessary to control 50%+1 of the total seats in the legislature. Bare-majority coalitions are the most common form of coalition established in metropolitan and local municipalities where no party controls an outright majority. These coalitions are generally easier to manage than GNUs due to the smaller number of parties and independents involved, suggesting fewer trade-offs and concessions that are needed to establish and maintain the coalition. However, bare-majority coalitions are more prone to instability due to the narrow or minimal majority seat share which makes the coalition vulnerable. In these coalitions, influencing a single member of a coalition can

⁸ Emerson P From Majority Rule to Inclusive Politics (2016) 17.

⁹ Beukes (2021) 14.

result in its collapse, creating an incentive for opposition to engage in behind-the-scenes negotiations with these members.

2.4 Minority coalition

A minority coalition consists of a political party or parties that do not command a majority of the seats in the legislature. A minority coalition may be an unstable political environment. These coalitions depend on bilateral arrangements with parties and independents within the legislature to support the minority government in making certain, but not all, decisions, including the election of political office-bearers at the first parliamentary or council sitting. As a result, minority coalitions are generally more prone to instability than the other forms of coalitions discussed above. However, this is not the case for minority coalitions comprising a party with a strong minority vote share that only requires support from a few members of parliaments or councillors to muster a majority, as in the Northern Cape legislature , alluded to below.¹⁰

3 COALITION FORMATION AFTER THE 2024 NATIONAL AND PROVINCIAL ELECTIONS

Having discussed the various coalition formations, this section will now reflect on the types of coalitions that were formed after the 2024 national and provincial elections at the national level and in Gauteng, Northern Cape and KZN. A coalition government is generally established when the coalition partners have reached a consensus about the fundamental values and principles that will regulate behaviour and guide decision-making within the coalition and how portfolios will be distributed in the coalition government. This section therefore examines how these coalition governments were structured through the distribution of key political office-bearer positions in the legislature and the allocation of portfolios in the executive.

Portfolio allocation within coalitions is generally conducted strategically to encourage cooperation among the coalition partners. Political parties aim to control the portfolios that will enable them to meet objectives outlined in their manifestos. Moreover, strategic portfolio allocation can increase internal oversight, promote effective coordination between coalition partners and reduce instances of ministerial drift. Therefore the strategic allocation of

¹⁰ Coalitions with such formations have been found to be relatively stable. See Booyesen S, Moyo Z & Beukes J *MISTRA Coalitions Barometer 2021-2023 (2024)* 21.

portfolios can significantly influence the sustainability of the coalition government. Additionally, fair distribution of portfolios fosters trust and stability, ensuring that the coalition partners are represented in the executive.¹¹

3.1 Formation of the 2024 Government of National Unity

3.1.1 The outcome of the 2024 elections

Following the 2024 national and provincial elections, the African National Congress (ANC) lost the majority it held since the first democratic elections on 27 April 1994. The ANC obtained 40.18 percent of the votes, a decline of 17.32 percentage points from the 57.5 percent it obtained in the 2019 national elections.¹² This watershed moment was arguably driven by a shift in voting behaviour, with a significant number of voters shifting their electoral support to the uMkhonto Wesizwe (MK) party. The DA received 21,8 percent of the votes, maintaining its electoral support. The MK party emerged as one of the top three political parties in the National Assembly, surpassing the Economic Freedom Fighters (EFF) by obtaining 14.58 per cent of the votes.¹³ The ANC's loss of majority was expected, given its electoral decline in previous elections. The registration of the MK party in December 2023, a few months before the national and provincial elections, further impacted the prospects of the ANC winning an outright majority in the national elections.

3.1.2 Kingmaker dynamics in the National Assembly

In coalition arrangements where the larger party depends on the support of smaller parties to govern, it has become common for smaller parties to dictate terms to the larger party due to their positional advantage. If their demands are not met, these smaller parties can collapse the coalition and align with the second largest party. This creates a continuous power struggle and

¹¹ Bäck H, Debus M & Dumont P 'Who Gets What in Coalition Governments? Predictors of Portfolio Allocation in Parliamentary Democracies' (2011) 50 *European Journal of Political Research* 441-478

¹² Independent Electoral Commission '2024 National Election' available at <https://results.elections.org.za/home/downloads/npe-results> (accessed 12 July 2024); Independent Electoral Commission '2019 National Election' available at <https://results.elections.org.za/home/downloads/npe-results> (accessed 12 July 2024).

¹³ Independent Electoral Commission '2024 National Election' available at <https://results.elections.org.za/home/downloads/npe-results> (accessed 12 July 2024).

instability within legislatures, as observed in many municipal councils where no party controls an outright majority. The 2024 national electoral outcome immediately sparked debates about whether the MK party would be the kingmaker if they supported the ANC. The MK party's condition for supporting the ANC was that Cyril Ramaphosa would need to resign as the ANC President and thus could not serve as the President of the Republic of South Africa.¹⁴ Similarly, the EFF expressed their openness to work with the ANC, provided that the Democratic Alliance (DA) and Freedom Front Plus (FF+) were excluded from the coalition arrangement.¹⁵ These conditions were too costly for the ANC to secure the cooperation of the MK and the EFF, paving the way for the formation of the 2024 GNU without the participation of the MK and the EFF.

3.1.3 Formation of the 2024 GNU

On 6 June 2024, ANC President Ramaphosa announced that the party was inviting all political parties to join negotiations to establish a GNU.¹⁶ By opting to form a GNU, in which the ANC cooperates with the second largest party (the DA) and other political parties, the ANC effectively diffused the kingmaker status of smaller parties and built an inclusive government. Consequently, on 14 June 2024, GNU comprising at the time, the ANC, DA and the Patriotic Alliance (PA), published the Statement of Intent of the 2024 Government of National Unity, shortly before the election of the Speaker, Deputy Speaker and the President at the first parliamentary sitting.

The GNU, formed in 2024 may be aimed at bringing out the spirit of cooperation and consensus politics of the Government of National Unity that was formed under the Interim Constitution. However, there are a number of key differences. First, the 1994 GNU was mandated under the Interim Constitution, which entitled political parties with 20 or more parliamentary seats to be included in cabinet. The 2024 GNU has no such specific constitutional basis. Second, the 1994 GNU was formed when South Africa was transitioning into democracy, under constant threat

¹⁴ Masuabi Q & Ludidi V 'Duduzile Zuma says MK open to working with ANC — Sans Ramaphosa' available at <https://www.dailymaverick.co.za/article/2024-05-31-mk-party-open-to-working-with-anc-if-ramaphosa-resigns/> (accessed 12 July 2024).

¹⁵ Khoza A 'Coalition Nation: EFF proposes coalition with ANC, without DA and FF Plus' available at <https://www.news24.com/news24/politics/coalition-nation-eff-proposes-coalition-with-anc-without-da-and-ff-plus-20240629> (accessed 12 July 2024).

¹⁶ Reuters 'South Africa's ANC to invite other parties to form a government of national unity – Ramaphosa' available at <https://www.reuters.com/world/africa/south-africas-anc-invite-other-parties-form-government-national-unity-ramaphosa-2024-06-06/> (Accessed 12 July 2024).

of violence and disorder, and facing a mammoth task of restructuring society. The 2024 GNU may have been formed in a time of dire socio-economic circumstances, but it is hard to maintain that the crisis is as profound as it was in 1994.

The publication of the Statement of Intent on the same day as the first parliamentary sitting shows the urgency with which these negotiations were conducted to reach consensus on the fundamental values and principles guiding the GNU, the allocation of key political office-bearer positions, such as the Presidency, Speaker and Deputy Speaker of Parliament and the principles for the allocation of other positions. The main negotiations took place between the negotiating team of the ANC, led by its Secretary General, Fikile Mbalula, and the negotiating team of the DA, led by its Federal Chairperson, Helen Zille.

3.1.4 Electing key political office-bearers in the National Assembly

Despite only being three parties that officially joined the GNU by 14 June 2024 (collective seat share of 255 out of 400 seats), the election results in favour of the Speaker (Ms Thoko Didiza (ANC) – 284 votes), Deputy Speaker (Dr Annelie Lotriet (DA) – 273 votes) and President (Cyril Ramaphosa (ANC) – 283 votes) suggested overwhelming support for their nominations, signalling broad backing for the GNU. The decision as to who would serve as the Speaker, Deputy Speaker and President of the 2024 GNU was seemingly important for political parties that formally joined the GNU shortly after the first parliamentary sitting. The GNU now controls about 70 per cent of the total seats in the National Assembly. The political parties that joined the GNU, collectively controlling 287 seats, are as follows:¹⁷

- ANC (14 June 2024) – 159 seats
- DA (14 June 2024) – 87 seats
- PA (14 June 2024) – 9 seats
- Inkatha Freedom Party (IFP) (15 June 2024) – 17 seats

¹⁷ The United African Transformation party withdrew from the GNU on 12 July 2024. See Ludidi V 'United Africans Transformation withdraws from GNU after not getting positions' available at <https://www.dailymaverick.co.za/article/2024-07-12-uat-withdraws-from-gnu-after-not-getting-positions/> (accessed 12 July 2024).

- GOOD (15 June 2024) – 1 seat
- Pan Africanist Congress of Azania (PAC) (18 June 2024) – 1 seat
- Vryheidsfront Plus (FF+) (20 June 2024) – 6 seats
- United Democratic Movement (UDM) (21 June 2024) – 3 seats
- Rise Mzansi (21 June 2024) – 2 seats
- Al Jama-ah (22 June 2024) – 2 seats

3.2 Unpacking the Statement of Intent of the 2024 GNU

The Statement of Intent serves as the foundational document that outlines the preamble, principles and the minimum programme of priorities upon which the GNU was founded. This document generally forms part of the coalition agreement between the coalition partners and constitutes the relevant sections that are generally made public.¹⁸ However, certain parts of the coalition agreement such as decision-making procedures, dispute resolution structures and mechanisms for communication and coordination across the various portfolios may be kept private among the coalition partners. The Statement of Intent sets out 10 foundational values to which all parties forming part of the GNU must commit.¹⁹ Some of the principles are discussed in more detail below.

¹⁸ Beukes J 'Why Coalition Agreements Should Be Public' (2021) 16(3) *Local Government Bulletin* available at <https://dullahomarinstitute.org.za/multilevel-govt/local-government-bulletin/archives/volume-16-issue-2-september-2021/why-coalition-agreements-should-be-public> (accessed 12 July 2024).

¹⁹ Clause 9 of the Statement of Intent of the 2024 Government of National Unity.

3.2.1 The foundational values of the Statement of Intent

FOUNDATIONAL PRINCIPLES OF THE GNU

8. All parties to the GNU commit to uphold the following **fundamental principles**:
 - 8.1 Respect for the Constitution, the Bill of Rights in its entirety, a united South Africa and the rule of law.
 - 8.2 Non-racialism and non-sexism.
 - 8.3 Social justice, redress and equity, and the alleviation of poverty.
 - 8.4 Human dignity and the progressive realisation of socio-economic rights.
 - 8.5 Nation-building, social cohesion and unity in diversity.
 - 8.6 Peace, stability and safe communities, especially for women and children.
 - 8.7 Accountability, transparency and community participation in government.
 - 8.8 Evidence-based policy and decision-making.
 - 8.9 A professional, merit-based, non-partisan, developmental public service that puts people first.
 - 8.10 Integrity, good governance and accountable leadership.

Among the founding principles of the GNU is a commitment to respect the Constitution and the Bill of Rights in its entirety, suggesting that the parties may have reached a consensus to avoid policies that require constitutional amendments during this governance term.²⁰ The GNU's dedication to principles such as nation-building, social cohesion, unity, non-racialism and non-sexism further underscores that the GNU aims to promote inclusion and cooperation. By adhering to these principles, the GNU seeks to bring together diverse political parties and cooperate to fulfil the aspirations of the Constitution of the Republic of South Africa, 1996 (Constitution). Clause 8.9 provides for the commitment to realise a professional, merit-based, non-partisan and developmental public service that puts people first. This principle may indicate a compromise between the ANC and the DA on the issue of cadre deployment, to which the DA is fiercely opposed and fought right up to the national and provincial elections on 29 May 2024.²¹

²⁰ Clause 8.1 of the Statement of Intent of the 2024 Government of National Unity

²¹ See *Democratic Alliance v African National Congress and Others* (31418/2022) [2024] ZAGPPHC 114; [2024] 2 ALLSA 382 (GP) (21 February 2024).

3.2.2 The basic minimum programme of priorities

The basic minimum programme of priorities indicates a commitment by the GNU to addressing longstanding policy and governance challenges as highlighted in paragraph 2 of this document, including lack of economic development, ageing infrastructure, high unemployment and failing local government. The priorities set out below aim to create a responsive governance framework to tackle these critical challenges effectively.

The GNU has committed to focusing on the following 9 priorities:

- 11.1 Rapid, inclusive and sustainable economic growth, the promotion of fixed capital investment and industrialisation, job creation, transformation, livelihood support, land reform, infrastructure development, structural reforms and transformational change, fiscal sustainability and the sustainable use of our national resources and endowments. Macro-economic management must support national developmental goals in a sustainable manner.
- 11.2 Creating a more just society by tackling poverty, spatial inequalities, food security and the high cost of living, providing a social safety net, improving access to and the quality of basic services, and protecting workers' rights.
- 11.3 Stabilising local government, effective cooperative governance, the assignment of appropriate responsibilities to different spheres of government and review of the role of traditional leadership in the governance framework.
- 11.4 Investing in people through education, skills development and affordable quality health care.
- 11.5 Building state capacity and creating a professional, merit-based, corruption-free and developmental public service. Restructuring and improving state-owned entities to meet national developmental goals.
- 11.6 Strengthening law enforcement agencies to address crime, corruption and gender-based violence as well as strengthening national security capabilities.

11.7 Strengthening the effectiveness of Parliament in respect of its legislative and oversight functions

11.8 Strengthening social cohesion, nation-building and democratic participation and undertaking common programmes against racism, sexism, tribalism and other forms of intolerance.

11.9 Foreign policy based on human rights, constitutionalism, the national interest, solidarity, peaceful resolution of conflicts, to achieve the African Agenda 2063, South-South, North-South and African cooperation, multilateralism and a just, peaceful and equitable world.

For example, Clause 11.5 indicates the GNU's plan to restructure state-owned entities to build capacity and create a professional, merit-based and corruption-free public service. This is a necessary step in response to the capture of state-owned entities such as Eskom, Transnet, South African Airways, PRASA and Denel, which resulted in an estimated loss of R57 billion, and the pervasive culture of corruption that characterised previous administrations.²² The restructuring process may uncover further instances of corruption, which must be reported in the interest of accountability and transparency per Clause 8.7 of the founding principles in the Statement of Intent. The restructuring process can involve a review and redesign of the organisational structure, removal of redundant positions, redistribution of resources and formulation of policies for effective financial and performance management. These changes are critical to restoring good corporate governance, enhancing operational efficiency and protecting scarce resources within these institutions.

3.2.3 Consensus governance in the 2024 GNU

The GNU comprises various political parties operating across the left-right continuum. It is anticipated that the coalition partners will encounter inter-party conflicts during the governance

²² The Presidency of the Republic of South Africa *Progress Report on the Implementation of President Ramaphosa's Response to the Judicial State Capture Commission* (2023) 9.

cycle. Effective conflict management and balancing diverse interests will depend on parties reaching a consensus or making compromises to resolve issues and accommodate differences to sustain the coalition government.

3.2.4 Decisions in the GNU must be taken through consensus

Clause 18 of the Statement of Intent provides that the GNU shall make decisions through consensus. Striving to achieve consensus requires regular consultation, including on decisions that ordinarily reside exclusively within the domain of the President. Recognising the importance of governing by consensus, Clause 13 of the Statement of Intent makes provision for holding a Lekgotla (strategy session) to develop a common policy agenda, which includes policy priorities for the GNU. The first Lekgotla took place on 13 and 14 July 2024 and informed the service delivery priorities outlined by the President at the State of the Nation Address (SONA) on 18 July 2024.

3.2.5 Adopting a consensus governance approach in appointing the executive

The President has powers entrusted by the Constitution and legislation and functions as Head of State and Head of the national executive.²³ Executive authority is vested in the President.²⁴ Section 91(2) confirms the President's prerogative to appoint the Deputy President and Ministers, assign their powers and functions and to dismiss them. The Deputy President must be selected from the members of the National Assembly while the President may select two Ministers from outside the National Assembly, with the rest coming from the members of the National Assembly.²⁵ Clause 14 read with Clause 17 suggests that the formation of the government (that is, the executive) is a collective effort that requires the building of consensus while respecting the President's prerogative to appoint members of the executive.

3.2.6 The principle of sufficient consensus and dispute resolution in the GNU

Clause 19 makes provision for instances when consensus in the GNU is not possible. To ensure continuity in such matters, the principle of sufficient consensus will apply. In these cases, a

²³ Section 84(1) of the Constitution.

²⁴ Section 85(1) of the Constitution.

²⁵ Section 91(3)(a)-(c) of the Constitution.

decision may be taken if parties to the GNU controlling a minimum of 60 percent of seats in the National Assembly have reached consensus, while those who disagree are provided an opportunity to formally record their objections. Should the minimum 60 percent threshold not be met, parties may raise a dispute through the dispute resolution mechanism established in terms of Clause 20 of the Statement of Intent. Sustaining the 2024 GNU requires mutual acceptance and accommodation of diverse interests and adaptability where necessary. The above provisions therefore aim to promote consensus governance through regular consultation, joint-decision-making and collaboration to foster a culture of cooperation in the GNU and facilitate stable coalition governance.

3.2.7 Monitoring the performance of the GNU

Coalition governments generally establish coalition committees to manage the affairs of the coalition government. Clause 23 of the Statement of Intent establishes a similar structure called the “GNU Consultations Council”. The GNU Consultations Council will be responsible for consultations and monitoring progress on the minimum programme of GNU.²⁶ The GNU Consultations Council enhance oversight over the executive which is responsible for implementing the programme of the GNU.

3.3 Formation of the 2024 Cabinet

3.3.1 The role of the 2024 GNU cabinet

As mentioned above, after the first parliamentary sitting, the next order of business is to construct a coalition government, in this case, the GNU, through allocating portfolios. The executive is responsible for the execution and implementation of the minimum basic programme of priorities of the GNU.

S85(2) of the Constitution provides that the President exercises executive authority together with other members of the Cabinet by —

- (a) implementing national legislation except where the Constitution or an Act of Parliament provides otherwise;

²⁶ Clause 23 of the Statement of Intent of the 2024 GNU.

- (b) developing and implementing national policy;
- (c) co-ordinating the functions of state departments and administrations
- (d) preparing and initiating legislation; and
- (e) performing any other executive function provided for in the Constitution or in national legislation

3.3.2 The role of the GNU Consultations Council in overseeing the executive

To avoid ministerial drift, the Ministers should maintain transparency about what goes on in their respective portfolios to enable the GNU to oversee the efficient implementation of government programmes. In this regard, the GNU Consultations Council will be important in encouraging collaboration in developing and coordinating policy, monitoring the executive and addressing instances of ministerial drifting where necessary.

3.3.3 The twinning mechanism was adopted in the formation of the cabinet

In structuring the executive, the GNU opted for a breadth-over-depth approach by appointing deputy ministers from different political parties in critical portfolios such as the Ministry of Electricity and Energy, Ministry of Water and Sanitation, Ministry of Trade, Industry and Competition, Ministry of Social Development, Communications and Digital Technologies, Ministry of Justice and Constitutional Development and Ministry of Finance. This twinning strategy in the allocation of portfolios ensures that representatives from different political parties in the GNU share responsibilities in developing and implementing policy within these ministries, enhancing oversight, communication and collaboration to improve service delivery in these key areas.²⁷

3.3.4 General proportionality in allocating portfolios in the 2024 GNU

²⁷ The Twinning strategy in portfolio allocation creates a cross-check arrangement to enhance transparency and accountability and encourage cooperation and collaboration among the coalition partners. See Beukes (2021) 69.

On 30 June 2024, the President of the Republic of South Africa announced the new cabinet for the seventh administration. This followed negotiations after the first parliamentary sitting held on 14 June 2024. During these talks the DA pushed for the Deputy President position and 11 portfolios, citing Clause 16 of the Statement of Intent.²⁸ The ANC re-emphasised the President’s constitutional prerogative to appoint the Deputy President, ministers and deputy ministers, signalling that the Constitution will prevail over the clauses contained in the Statement of Intent. Ultimately, the DA secured 6 portfolios and 6 deputy positions. The cabinet for the seventh administration announced by the President on 30 June is as follows—

THE 2024 GNU CABINET			
President	Cyril Ramaphosa (ANC)		
Deputy President	Paul Mashatile (ANC)		
Ministry (portfolio)	Minister	Deputy Minister	Deputy Minister
Defence and Military Veterans	Angie Motshekga (ANC)	Bantubonke Holomisa (UDM)	Richard Mkhungo (ANC)
Electricity and Energy	Kgosientsho Ramokgopa (ANC)	Samantha Graham-Maré (DA)	
Science, Technology and Innovation	Blade Nzimande (ANC)	Nomalungelo Gina (ANC)	

²⁸ See EWN ‘DA Guns for administration in key departments as GNU negotiations continue’ available at <https://www.ewn.co.za/2024/06/24/da-guns-for-administration-in-key-departments-as-gnu-negotiations-continue> (accessed 13 July 2024).

Employment and Labour	Nomakhosazana Meth (ANC)	Ntuthuko Mbongiseni Sibiya (ANC)	Phumzile Sinclatia Mgcina (ANC)
Finance	Enoch Godongwana (ANC)	David Masondo (ANC)	Ashor Nick Sarupen (DA)
Health	Aaron Motsoaledi (ANC)	Mathume Joseph Phaahla (ANC)	
Higher Education	Nobuhle Nkabane (ANC)	Kgwaridi Manamela (ANC)	Mimmy Martha Gondwe (DA)
Human Settlements	Mmamoloko Kubayi (ANC)	Thandi Mahambehla (ANC)	
Minister of International Relations and Cooperation	Ronald Lamola (ANC)	Alvin Botes (ANC)	Anna Tandi Moraka (ANC)
Justice and Constitutional Development	Thembisile Simelane (ANC)	Andries Carl Nel (ANC)	

Mineral and Petroleum Resources	Gwede Mantashe (ANC)	Judith Nemadzinga-Tshabalala (ANC)	
Planning, Monitoring and Evaluation	Maropene Ramokgopa (ANC)	Seiso Joel Mohai (ANC)	
Police	Senzo Mchunu (ANC)	Shela Polly Boshielo (ANC)	Cassel Charlie Mathale (ANC)
Presidency	Khumbudzo Ntshavheni (ANC)	Nonceba Bianca Mhlauli (ANC)	Itiseng Morolong (ANC)
Small Business Development	Stella Ndabeni-Abrahams (ANC)	Raasetja Sithole (DA)	
Social Development	Sisisi Tolashe (ANC)	Mogamad Ganief Ebrahim Hendricks (Al Jama-ah)	
Trade, Industry and Competition	Parks Tau (ANC)	Zuko Godlimpi (ANC)	Andrew Grant Whitfield (DA)
Transport	Barbera Creecy (ANC)	Mkhuleko Hlengwa (IFP)	

Water and Sanitation	Pemmy Majodina (ANC)	Mbangiseni David Mahlobo (ANC)	Isaac Sello Seitlholo (DA)
Women, Youth and Persons with Disabilities	Sindisiwe Chikunga (ANC)	Mmapaseka Steve Emily Letsike (ANC)	
Agriculture	John Steenhuisen (DA)	Rosemary Capa (ANC)	
Communications and Digital Technologies	Solly Malatsi (DA)	Mondli Gungubele (ANC)	
Public Works and Infrastructure	Dean Macpherson (DA)	Sihle Zikalala (ANC)	
Home Affairs	Leon Schreiber (DA)	Njabulo Bheka Nzuza (ANC)	
Forestry, Fisheries and of the Environment	Dion George (DA)	Narend Singh (IFP)	Bernice Swarts (ANC)
Basic Education	Siviwe Gwarube (DA)	Dr Makgabo Mhaule (ANC)	

Public Service and Administration	Nzamo Buthelezi (IFP)	Pinky Sharon Kekana (ANC)	
Cooperative Governance and Traditional Affairs	Velenkosini Hlabisa (IFP)	Prince Zolile Burns-Ncamashe (ANC)	Dr Namane Masemola (ANC)
Sport, Arts and Culture	Gayton Mckenzie (PA)	Bertha Peace Mabe (ANC)	
Tourism	Patricia de Lille (GOOD)	Makhotso Magdeline Soty (ANC)	
Correctional Services	Pieter Groenewald (FF Plus)	Leonah Ntshalintshali (ANC)	
Land Reform and Rural Development	Mzwanele Nyhontso (PAC)	Chupu Stanley Mathabatha (ANC)	

Source: Parliament of South Africa²⁹

3.4 Formation of the Minority Coalition in Gauteng

Gauteng province has been governed by the ANC since the 1999 provincial elections. In the 2024 provincial election, the party could not secure an outright majority. The party obtained 34.19 percent of the votes, translating to 28 of the 80 seats.³⁰ The provincial legislature previously

²⁹ <https://www.sanews.gov.za/south-africa/meet-sas-new-cabinet> (accessed 12 July 2024)

³⁰ Independent Electoral Commission '2024 Provincial Election' available at <https://results.elections.org.za/home/downloads/npe-results> (accessed 13 July 2024).

comprised five political parties (ANC, DA, EFF, IFP and FF+) which has now increased to 11 political parties. The new parties joining the provincial legislature are MK, ActionSA, PA, African Christian Democratic Party (ACDP), BOSA, Rise Mzansi (Rise).

3.4.1 Electing key political office-bearers in Gauteng

Despite difficult negotiations that contributed to delays in announcing the provincial executive council, political parties within the provincial legislature demonstrated maturity by ensuring that the Speaker (Morakane Mosupyoe – ANC), Deputy Speaker (Refiloe Nt’sekhe – DA) and Premier (Panyaza Lesufi – ANC) were elected (unanimously) at the first provincial legislature sitting on 14 June 2024. This ensured that governance in the province could continue while negotiations on the formation of the executive council continued. However, shortly after the first sitting, the DA called for the resignation of their member, Refiloe Nt’sekhe, as the Deputy Speaker.³¹ On 11 June 2024, the Deputy Speaker resigned which led to Nomvuyo Mhlakaza-Manamela (ANC) being elected unopposed. This follows after negotiations regarding portfolio allocation between the ANC and DA collapsed, leading to the formation of a minority coalition as discussed below.

3.4.2 Disagreements over portfolio allocation led to the formation of a minority coalition in Gauteng

The authority of the Premier in allocating portfolios in the provincial executive council:

In the provincial government, the Premier has the authority in forming the executive council. The executive authority of a province is vested in the Premier.³² The Premier appoints the members of the executive, assigns their powers and functions, and may dismiss them.³³ As ministers or members of the executive council (MECs), the party representatives steer decision-making, policy development, budgeting and coordination in their portfolios giving them a positional advantage to direct the implementation of the basic minimum priority programme.

³¹ Madia T & Modise K ‘DA Gauteng says Refiloe Nt’sekhe must resign’ available at <https://www.ewn.co.za/2024/07/04/da-gauteng-says-refiloe-ntsekhe-must-resign> (accessed 15 April 2024).

³² Section 125(1) of the Constitution.

³³ Section 132(2) of the Constitution.

Therefore, access to executive positions for members of a coalition is important as it enables political parties to control portfolios.

As in the GNU negotiations, a pressure point in the provincial negotiations related to the distribution of portfolios in the executive council. During the negotiations, Premier Lesufi seemingly drove a hard bargain that the DA was not prepared to accept. Negotiations regarding the allocation of portfolios in the Gauteng Executive Council resulted in a deadlock between the ANC and the DA, causing the Premier to postpone the announcement of the executive council on two occasions.³⁴ Ultimately, the ANC and DA could not reach consensus on the allocation of portfolios, resulting in the DA's withdrawal from the negotiations. This effectively closed the door for a Government of Provincial Unity in Gauteng, resulting rather in the formation of a minority coalition between the ANC, IFP, PA and Rise Mzansi which collectively control 32 of 80 seats in the legislature.³⁵

3.4.3 Formation of the 2024 Gauteng Executive Council

The ANC, by occupying the position of Premier, had a *formateur* advantage in constructing the executive council. Using his authority to appoint members to the executive council, the Premier allocated a disproportionate share of the portfolios to the ANC, which controls 7 of 10 portfolios. The IFP, PA and Rise each obtained one portfolio. This allocation strategy demonstrates that the ANC aims to retain control over the provincial executive by making the least concessions. On 4 July 2024, the Premier announced the 2024 Gauteng Executive Council as follows —

2024 GAUTENG EXECUTIVE COUNCIL	
Premier	Panyana Lesufi (ANC)
Ministry (portfolio)	MEC
e-Government	Bonginkosi Dlamini (IFP)

³⁴ Mkentane L 'Gauteng cabinet announcement postponed as DA, ANC bicker over positions' available at <https://www.businesslive.co.za/bd/politics/2024-07-01-gauteng-cabinet-announcement-postponed-as-da-anc-bicker-over-positions/> (Accessed 15 July 2024).

³⁵ Moichela K 'We are happy to take official opposition: DA bows out GP unity talks' available at <https://www.iol.co.za/news/politics/we-are-happy-to-take-official-opposition-da-bows-out-gp-unity-talks-8a21e62f-257a-4b9f-9b7c-e1f324fbf061> (accessed 15 July 2024).

Finance and Economic Development	Lebogang Maile (ANC)
Education and Sports, Arts, Culture and Recreation	Matome Chiloane (ANC)
Health and Wellness	Nomantu Nkomo-Ralehoko (ANC)
Roads and Transport	Kedibone Diale-Tlabela (ANC)
Human Settlements	Tasneem Motara (ANC)
Social Development	Faith Mazibuko (ANC)
Agriculture and Rural Development	Vuyiswa Ramokgopa (Rise Mzansi)
Infrastructure and Development and Cooperative Governance and Traditional Affairs	Jacob Mamabolo (ANC)
Environment	Sheila Mary Peters (PA)

Source: SA News³⁶

3.5 Formation of the Minority Government in Northern Cape

3.5.1 The positional advantage of the ANC in the Northern Cape legislature and the formation of a minority government

The Northern Cape has been governed by an ANC majority government since the 1999 provincial elections. In the 2024 provincial elections, the ANC fell below 50 percent, obtaining 49.34 per cent of the votes (15 of 30 seats).³⁷ Despite not having an outright majority, the ANC has the largest seat share that makes it less dependent on the support of other parties represented in the legislature, as it only requires support from one seat holder to form a majority. This unique formation in the legislature diminishes the bargaining power of other parties in the legislature, making adherence to their demands less likely. This is demonstrated by the formation of a provincial executive comprising representatives of the ANC only. This shows that the ANC elected

³⁶ <https://www.sanews.gov.za/south-africa/lesufi-announces-gauteng-executive-council> (accessed 12 July 2024).

³⁷ Independent Electoral Commission '2024 Provincial Elections: Northern Cape' available at <https://results.elections.org.za/home/downloads/npe-results> (accessed 15 July 2024).

to assume control over all the portfolios, creating a clear separation of powers between the executive, controlled by the ANC, and the legislature.

No official coalition government was announced by the Premier in the province, suggesting that the ANC may have formed a minority government that will rely on the support of their GNU partners such as the PA and FF+, as observed in the election of the Speaker, Deputy Speaker and Premier on 14 June 2024.

3.5.2 Electing key political office-bearers in Northern Cape

The election of key political office-bearers in the Northern Cape provincial legislature proceeded as planned at the first sitting of the provincial legislature. The positions of Speaker (Newrene Klaaste), Deputy Speaker (Mangaliso Matika) and Premier (Dr Zamani Saul) were filled by the ANC. The ANC's unwillingness to share portfolios with the DA strained party relations between the two parties in the province, resulting in the DA electing to nominate their own candidate, DA Provincial Leader Izak Frits, for the position of Premier. Ultimately, Dr Zamani Saul (ANC) was elected as the Premier with a majority vote of 19 to 11.³⁸ The additional support for the ANC's nominee came from the PA (3 seats) and the FF+ (1 seat).

3.5.3 Formation of the 2024 Northern Cape Executive Council

Political parties aim to win votes to get into government and implement their manifestos. Generally, a political party prefers to govern alone as a single-party government, with coalition governments formed out of necessity. Given the seat arrangements in the provincial legislature, the ANC is in a position to govern independently with minimal support from other parties. Therefore, the ANC opted for a formation that allowed the party to assume control of all the portfolios in the executive council, effectively limiting the influence of other political parties in these portfolios.

³⁸ SABC News 'Provincial Legislature Sitting' *SABC News* 23 June 2024.

While the formation benefits the ANC, it remains to be seen whether excluding other political parties represented in the provincial legislature from the executive will lead to better service delivery in the province. However, the ANC may have missed an opportunity to bring in additional capacity to enhance the performance of the Northern Cape Provincial Government.

On 27 June 2024, the Premier of the Northern Cape province announced the 2024 executive council which is structured as follows³⁹ —

2024 NORTHERN CAPE EXECUTIVE COUNCIL	
Premier	Dr Zamani Saul (ANC)
Ministry (portfolio)	MEC
Education	Abraham Vosloo (ANC)
Health	Maruping Lekwene (ANC)
Corporate Governance, Human Settlements, Traditional Affairs	Bentley Vass (ANC)
Agriculture, Environmental Affairs, Rural Development and Land Reform	Mase Manopole (ANC)
Finance, Economic Development and Tourism	Venus Blennies (ANC)
Roads and Public Works	Fufe Makatong (ANC)
Social Development, Sports, Arts and Culture	Nontobeko Vilakazi (ANC)

Source: Mosebetsi K⁴⁰

3.6 Formation of the Bare-Majority Coalition in KwaZulu Natal

3.6.1 The history of coalition governance in KwaZulu Natal

KZN experienced coalition governance beginning in 1999 when the ANC and IFP entered a grand coalition government. In the 1999 provincial elections, the IFP received 41.90 percent of the votes

³⁹ See South African Government 'Northern Cape Provincial Government' available at <https://www.gov.za/about-government/contact-directory/provincial-gov/northern-cape-provincial-government> (accessed 15 July 2024).

⁴⁰ <https://www.ofm.co.za/article/centralsa/332434/northern-cape-premier-reduces-departments-as-he-names-mecs> (accessed 12 July 2024).

(34 of 80 seats) while the ANC obtained 39.38 percent (32 of 80 seats). The coalition was successful and lasted for a full five-year governance cycle until 2004.⁴¹ The 2004 provincial elections similarly necessitated coalition formation after the ANC surpassed the IFP but fell short of a majority, obtaining 46.98 (38 of 80 seats) while the IFP obtained 36.82 (30 of 80 seats). This prompted the ANC and IFP to continue their grand coalition arrangement which lasted until 2006 before collapsing.⁴² In the 2009 provincial elections, the ANC secured an outright majority of 62.95 percent and remained the majority party in subsequent provincial elections. However, since the 2009 provincial elections, the party has been on a downward trajectory, ultimately losing its majority in the 2024 provincial elections.

3.6.2 The impact of the MK party on the ANC's majority in KZN

In the 2024 provincial elections, the ANC suffered an electoral decline of 37.23 percentage points, losing 38 seats and obtaining 16.99 percent of the votes.⁴³ While previous election competition in KZN focused on the IFP and ANC, the IFP did not directly benefit from the ANC's electoral decline. The IFP raised their electoral support by a marginal 1.73 percentage points and gained 6 seats since the 2019 provincial elections. The MK party, on the other hand, secured the most votes, obtaining 45.35 percent which translates to 37 of 80 seats, while the IFP and ANC secured 15 and 14 seats respectively.⁴⁴ The significant shift in voter behaviour demonstrates that the emergence of the MK party in the political landscape significantly impacted the dominance of the ANC and IFP in the province, as well at the national level. This electoral shift made the MK party a political opponent of the ANC and the IFP.

3.6.3 The exclusion of MK in negotiations leads to the formation of a bare-majority coalition in KZN

The rise of the MK party significantly shaped coalition negotiations in KZN. In response to the rise of the MK party, the ANC and IFP opted to join forces to exclude it from governing in the province.

⁴¹ Simelane & Nkwatle (2024) 4.

⁴² Simelane & Nkwatle (2024) 4.

⁴³ Independent Electoral Commission '2024 Provincial Elections: KwaZulu Natal' available at <https://results.elections.org.za/home/downloads/npe-results> (accessed 15 July 2024).

⁴⁴ Independent Electoral Commission '2024 Provincial Elections: KwaZulu Natal' available at <https://results.elections.org.za/home/downloads/npe-results> (accessed 15 July 2024).

Consequently, a bare-majority coalition, often referred to by the parties as a “provincial government of unity”, was established between the IFP, ANC, DA and National Freedom Party (NFP). These parties collectively control 41 of 80 seats in the provincial legislature. The remaining political parties, MK and the EFF, collectively control 39 seats. As in Gauteng, the coalition did not publish a separate coalition programme, suggesting that the minimum programme of priorities in the Statement of Intent may steer governance in both Gauteng and KZN.⁴⁵

3.6.4 Electing key political office-bearers in KwaZulu Natal

The election of the key political office-bearers proceeded at the first provincial legislature sitting held on 14 June 2024. The coalition shared political office-bearer positions, with Nontobeko Boyce (ANC) elected as Speaker, Mmabatho Tembe (DA) as Deputy Speaker and Tham Ntuli (IFP) as Premier.

3.6.5 Strict party discipline will be needed for the bare-majority coalition to survive

Maintaining stability will be more challenging for the coalition in KZN than in the Northern Cape due to the seat composition in the legislature and the dominance of the MK party. As observed in the Northern Cape provincial legislature, fielding one’s own candidates often signals that a party is opposed to the coalition. During the sitting, the MK nominated candidates for the positions but the MK-EFF coalition could not garner enough votes for their election. Thus, to maintain stability, strict party discipline from the IFP, DA and ANC members will be required. The MK-EFF opposition coalition cannot muster a majority unless two or more members of the legislature from the ruling coalition support the MK-EFF coalition. Conversely, it may be relatively easy for the opposition to block the passage of legislative bills or the adoption of resolutions in the provincial legislature when unity and cohesion are low within the coalition.

3.6.6 Formation of the 2024 KZN Executive Council

Given the history of coalitions in KZN, the province developed conventions regarding coalition governance. In allocating portfolios, general proportionality is maintained to effectively share power among the coalition partners. Compared to Gauteng and the Northern Cape, the formation

⁴⁵ In the Northern Cape province, the structure of the executive suggests that the ANC will govern as a minority government and depend on opposition to support them in the legislature when necessary.

of the executive council in KZN is more diverse with a fairer distribution of portfolios. On 18 June 2024, the Premier of the KZN province announced his 10-member executive council comprising members of the IFP, ANC, DA and NFP coalition. The 2024 KZN provincial executive is structured as follows —

2024 KZN Executive Council	
Premier	Tham Ntuli (IFP)
Ministry (portfolio)	MEC
Economic Development	Musa Zondi (IFP)
Cooperative Governance and Traditional Affairs	Thulasizwe Buthelezi (IFP)
Health	Nomagugu Simelane (ANC)
Social Development	Mbali Shinga (NFP)
Public Works	Lucas Meyer (DA)
Finance	Francois Rogers (DA)
Agriculture	Thembeni Mthethwa (IFP)
Transport and Human Settlements	Siboniso Duma (ANC)
Education	Sipho Hlomuka (ANC)
Sports, arts and culture	Mntomuhle Kwawula (IFP)

Source: Matiwane Z⁴⁶

4 ASSESSING THE POTENTIAL IMPACT OF THE GNU ON GOVERNANCE, IGR AND SERVICE DELIVERY

4.1 Stable government

South Africa has been experiencing political, economic and social challenges for a while. Public service delivery by national and provincial departments and agencies is nowhere near people's

⁴⁶ <https://www.businesslive.co.za/bd/national/2024-06-18-kzn-premier-thami-ntuli-announces-gnu-executive/> (accessed 16 July 2024).

expectations. The economy is not growing fast enough to generate sufficient resources to address current challenges. As a result, unemployment remains high, inequalities continue to be entrenched and poverty is widespread. Corruption and crime have become an untenable part of the society. These challenges are, however, not insurmountable. What is needed is an accountable, effective and efficient government at all levels. The GNU' Statement of Intent recognises this and requires the seventh administration to take concrete measures to improve access to, and the quality of public services, for instance. In his Address on the Opening of Parliament on 18 July, President Cyril Ramaphosa reiterated the need to build a 'capable, ethical and developmental state'.⁴⁷ One of the essential ingredients of a functional government is stability. When a government is stable, the key structures of government function with minimal or to no disruption. There is policy certainty and citizens, the business community and other stakeholders know what to expect from the government. A stable government is thus, for example, not characterised by frequent reshuffling of the cabinet or the appointment and dismissal of members of the executive. Hence, the question is whether President Ramaphosa's administration is going to be stable. The parties to the GNU have more than a majority of seats in the National Assembly while the ANC still dominates the NCOP. Thus, as long as the GNU holds and with the support of his party, President Ramaphosa may be able to (re)constitute the national executive and keep the Government stable for the entire term of the seventh administration. The early days of the GNU have been characterised by a relative culture of compromise and unity among the partners but indications of discord are also evident. While discord within coalition governments can be expected, it is crucial that inter and intra-party conflict is managed effectively to ensure continuity in governance and sustain the coalition.

4.2 Intergovernmental relations

South Africa has a multilevel system of government under which governmental functions are shared among the three spheres of government. The Constitution does not neatly divide these functions and also does not divide them in a manner that is supposed to be static. Functions such as health care, primary and secondary education and housing are concurrent functions, with both

⁴⁷ Opening of Parliament Address by President Cyril Ramaphosa at the Cape Town City Hall, Western Cape, 18 July 2024 (accessed 29 July 2024).

national and provincial governments having constitutional authority. Functions such as policing, higher education, electricity generation, and land reform are national functions. Finally, functions such as electricity reticulation, water delivery, sanitation, and refuse collection are local government functions. Changes to this division are possible as the Constitution allows for the assignment of functions.

As a result, there are significant functional overlaps. This necessitates cooperative, as opposed to competitive, governance so that the government as a whole can deliver. Chapter 3 of the Constitution provides the framework for cooperative government and intergovernmental relations. The framework is supported by other legal and institutional mechanisms aimed at ensuring that there are sound intergovernmental relations.⁴⁸ Intergovernmental relations are conducted in both the legislative and executive/administrative arena. When it comes to the former, provincial and local governments feed into the national legislative process mainly through the NCOP.⁴⁹ A bill must be passed by both the NA and NCOP before it is signed by the President to become law. Given the dominance of the ANC in both houses before the 29 May 2024 elections, there were only a few times that a bill failed to be passed in both houses. Otherwise, the NCOP has largely rubber-stamped decisions of the NA. The latest composition of Parliament may bring some life into the oversight relationship between these two houses. No party controls the NA, while the NCOP is controlled by the ANC. To pass legislation in the NA, the ANC will rely on the support of other parties presumably part of the GNU. If a bill is passed in the NA without the ANC's support, the ANC could use its majority in the NCOP to block or delay the passage of the bill, depending on the nature of the Bill. The NCOP also exercises other significant powers. For instance, the NCOP approves provincial and municipal interventions, ratifies international treaties together with the NA,⁵⁰ and co-approves the withholding of funds due to a province by the national treasury.⁵¹ Thus, the NCOP is a key institution for intergovernmental relations in South Africa and its somewhat muted role may change as a result of the 2024 elections.

⁴⁸ See for example, the Intergovernmental Relations Framework Act of 2005.

⁴⁹ See sections 60, 65, 67, 68 Constitution.

⁵⁰ See section 231 Constitution.

⁵¹ See sections 100 and 139 Constitution.

As far as executive intergovernmental relations is concerned, various structures are dedicated to that. The President, the nine premiers and organised local government, meet in the President's Coordinating Council to discuss the formulation and implementation of national laws and policies at the subnational level, among other issues.⁵² The Minister of Finance and his or her provincial counterpart also meet in the budget council and (with local government) in the budget forum to discuss intergovernmental finances, including how revenue raised nationally will be shared amongst them. The MINMECs provide a platform for national ministers and their provincial counterparts to discuss policy formulation and implementation in specific sectoral areas.⁵³ Various inter- and intra-governmental relations platforms have also been established at the provincial level and beyond, as required by the Intergovernmental Relations Framework Act of 2005. Thus, South Africa's multilevel system of government is characterised by a variety of complex relations.

Before 2024, with the dominance of the ANC at both national and provincial levels, the majority of national-provincial engagements involved national ministers and MECs from the same political party, the ANC. This meant that the option was there to resolve any disagreements and conflicts between a national minister and an MEC, for example, through party channels. With nine political parties represented in the national executive, these dynamics have changed. In the area of education, for instance, there is a DA national minister who will work with a DA MEC for education in the Western Cape and eight other MECs of education from the ANC. Hence, the question how will the GNU impact intergovernmental relations becomes relevant.

Clause 22 of the Statement of Intent indicates that the GNU may steer strategies for developing and implementing policy across the three spheres of government. This approach can improve cooperative governance through collaborative and broad policy development, intergovernmental planning, and effective use of resources. Such an approach can bring about large-scale transformation in key concurrent areas such as health, policing, housing, disaster management

⁵² See section 6 and 7 Intergovernmental Relations Framework Act.

⁵³ See section 9, 10 and 11 Intergovernmental Relations Framework Act.

and public transport, leading to faster service delivery.⁵⁴ For this reason, it is essential to maintain good relations with parties in the GNU by considering how decisions in provinces and municipalities where no party controls an outright majority, may affect inter-party conflict or frustrate the implementation of the GNU priorities. While attention is often on the inter-party interplay, the intra-party dimension is equally significant. The ANC is working with the DA and other parties at national level, as part of the GNU. The same does not necessarily apply to all provinces where there is no outright majority, for example to Gauteng. What does this say about the relationship between the ANC's national and provincial structures? In what way will this affect the relationship between the national government and the Gauteng government, for instance? What does it mean if parties join a GNU at provincial level but were not part of the national GNU? Lastly, how is this relationship going to play out in the NCOP and other relevant structures?

4.3 Devolution

As stated above, the Constitution divides governmental powers and functions between the three spheres of government.⁵⁵ The national government have competence over a long list of residual functions, such as railway services, bulk water and international relations, but can still legislate on both provincial and local functions under defined circumstances. Local government is autonomous in exercising many key functions such as water and electricity supply. The Constitution also allows the national and provincial spheres of government to assign additional functions to municipalities.⁵⁶ On the other hand, provinces are sandwiched between a dominant national government and a strong local sphere of government. They exercise mainly social services functions, within a legal and funding framework determined by the national government. The GNU's Statement of Intent has identified this framework for the assignment of governmental functions among the three spheres of government, as an aspect of South Africa's governance architecture that requires a relook. The objective is to ensure that the assignment of functions to the different spheres of government and the financing of these functions is 'appropriate'. The DA-run Western Cape has been pushing for the national government to devolve more powers to the

⁵⁴ Schedule 4 Part A of the Constitution.

⁵⁵ See Schedules 4 and 5 Constitution.

⁵⁶ See section 156(4) Constitution.

province.⁵⁷ It has gone to the extent of formulating a draft bill, the Western Cape Provincial Powers Bill, to push this agenda.⁵⁸ Among other things, the Bill seeks to ‘provide for the introduction of provincial and national legislation to assert the Western Cape’s provincial powers’. At the local level, the City of Cape Town, which is also DA-run, is also clamouring for more power. The City has been engaging the national government regarding the devolution of powers relating to policing, passenger rail services and energy generation.⁵⁹ Against this background, will the GNU bring impetus to devolution and a more nuanced understanding of what devolution entails?

4.4 Local government

Local government occupies a unique role in democratic South Africa. While the primary role of municipalities is to deliver services to communities, they are also charged with a developmental mandate.⁶⁰ To enable the carrying of this demanding mandate, the Constitution equips municipalities with legislative and executive powers.⁶¹ Furthermore, municipalities enjoy specified resource-raising powers, and are entitled to a share of nationally raised revenue annually.⁶² These sources of revenue guarantee municipalities resources required to finance the delivery of services and development projects. However, it is common knowledge that only a handful of the 257 municipalities are functioning well. Most municipalities fail to provide adequate and quality services to their communities. This failure is partly attributed to the lack of stability in many municipalities. In cities, where no party has a majority in the council to govern on its own, coalition governments are often unstable.⁶³ The need to stabilise local government, as recognised in the Statement of Intent of the GNU, should be understood against this background. The key question is: how will the GNU stabilise local government? Are we likely to

⁵⁷ See Daily Maverick ‘DA pushes for devolution in western cape before next year’s polls’ <https://www.dailymaverick.co.za/article/2023-07-05-da-pushes-for-devolution-in-western-cape-before-next-years-poll/> (accessed 18 July 2024).

⁵⁸ https://www.wcpp.gov.za/sites/default/files/WC-Bill5-2023-GJ_WC-Bill05-2023-GJ.pdf

⁵⁹ The Protection Web, Cape Town mayor calls for more policing powers for city’s enforcement unit’ <https://www.protectionweb.co.za/police/cape-town-mayor-calls-for-more-policing-powers-for-citys-enforcement-unit/> (accessed 18 July 2024).

⁶⁰ See section 152 Constitution

⁶¹ See section 156 Constitution.

⁶² See sections 229, 227, 230A Constitution.

⁶³ See Beukes J & de Visser J A Framework for Coalitions in Local Government (2021)

see the cascading of the political marriage at the national level to local government? For instance, will the ANC and DA work together in eThekweni, Tshwane and Ekurhuleni? And what will the effect be of this cascading of a national political union? Will it result in greater centralisation of power? Will it obviate the District Development Model?

The formation of the GNU at the national level has ushered in a new era of coalition governance across the three spheres of government. Coalition arrangements between the ANC and EFF in the three provinces and municipalities such as the eThekweni Metropolitan Municipality, City of Johannesburg, Ekurhuleni and Mogale City could be reorganised as a result of the GNU at the national level.⁶⁴ In eThekweni Metropolitan Municipality, the council could not proceed with electing a new mayor on 25 June 2024 as a result of the GNU negotiations as the party members awaited instructions on which candidate to support on in the council.⁶⁵ If the numbers are anything to go by, an ANC-DA marriage will guarantee enough numbers needed to make key municipal decisions in many unstable municipalities but this does not guarantee effective municipal governance. Nonetheless, developments at the provincial level have so far produced mixed outcomes, as discussed above. While in KZN the GNU has taken root, the ANC has opted for a minority government in the Northern Cape. In Gauteng, the expectation was that the GNU was going to be fully implemented but this has not materialised, with the DA out of the provincial executive. This scenario may also play out at the local level. However, effective intergovernmental relations may be enhanced if the GNU is cascaded to the lower levels. Local government is experiencing significant challenges that require an urgent response. Will the GNU succeed in fixing local government?

⁶⁴ Mzangwe L 'ANC and minority parties to remove EFF mayoral committee members in Johannesburg 'this week'' available at <https://mq.co.za/politics/2024-07-10-anc-and-minority-parties-to-remove-eff-mayoral-committee-members-in-johannesburg-this-week/> (accessed 12 July 2024); Masuabi Q 'Minority government in Gauteng on shaky ground as ANC moves away from EFF' available at <https://www.dailymaverick.co.za/article/2024-07-11-minority-government-in-gauteng-on-shaky-ground-as-anc-moves-away-from-eff/> (accessed 12 July 2024).

⁶⁵ Magubane T 'GNU Talks delay mayor's election in eThekweni' *Cape Argus* 26 June 2024 2.

5 LESSONS FROM OTHER COUNTRIES WITH EXPERIENCE OF GOVERNMENT OF NATIONAL UNITY

Many countries on the continent and beyond have experience with a GNU. For instance, Namibia had a GNU in 1985; Liberia in the 1990s, Kenya in 2008; Zimbabwe in 1978 and 2009; Sweden, during World War II; Italy, multiple times between 1946 and 2002; Hungary, multiple times between 1917 and 1956; Greece, multiple times between 1926 and 2011; Sri Lanka in 2015; Nepal in 2015; and Afghanistan after the disputed 2014 elections. There are several common features to these GNUs. Firstly, they are constituted by most, if not all, political parties in parliament. Hence, they are inclusive. Second, they are not formed in 'ordinary' times. They are often established following a crisis of some sort and/or when no political party commands the legitimacy to govern on its own. This compels political opponents to collaborate with one another. In this sense, GNU can promote political tolerance. Thirdly, GNUs have a defined term. They are generally not meant to last forever. Lastly, because of their inclusive nature, they often create a good foundation for a future government to take over the running of the country.⁶⁶ On the other hand, GNUs also have drawbacks. A GNU is essentially a pact among ruling elites. This raises the question of whose interests the GNU serves. Further, the GNU, as a tool for inclusion, can defeat the will of the people by enabling political leaders who lost the citizens' confidence to remain at the governing seat. They tend to weaken parliamentary oversight over the executive especially when all or most political parties in parliament are represented in that executive. With oversized executives and in some cases, enlarged public services, GNUs can be costly to maintain.⁶⁷ Also, given the need to secure the support of parties involved, GNUs can be slow at taking decisions. Let us take a look at two examples of GNU experience on the continent.

5.1 Kenya

Kenya had a GNU from 2008 to 2013. The GNU was established following the disputed presidential elections of 2007, whose aftermath was characterised by violence, resulting in at

⁶⁶ Maina G 'Mediating to Governments of National Unity – A conflict transformative approach' (2011) 4.

⁶⁷ Maina (2011) 5.

least 1000 people dead and several hundreds of thousands internally displaced.⁶⁸ The former Secretary General of the United Nations, Kofi Annan, with the support of eminent leaders and the East African regional block, mediated the GNU. Under an agreement titled ‘Acting together for Kenya: Agreement on the principles of partnership of the coalition Government’, Mwai Kibaki of the Party of National Unity (PNU) retained the presidency while the opposition candidate, Raila Odinga of the Orange Democratic Movement (ODM), assumed the role of Prime Minister.⁶⁹ Two deputy prime ministers were appointed, who together with the President, Vice-President, Prime Minister and other ministers, constituted the cabinet. The agreement recognised that neither of the two political formations, which were essentially alliances of political parties, could realistically govern the country without the other. Hence, the need for power-sharing between them to ‘move the country forward and begin the healing and reconciliation process’.⁷⁰ The agreement received legal backing through the National Accord and Reconciliation Act of 2008, which was entrenched in the Constitution of Kenya.

Like the 2024 South Africa GNU, the size of the national executive of the 2009 Kenyan GNU, increased substantially to record numbers. The executive was constituted by 40 ministers and 52 deputy ministers to accommodate the different political parties. Despite the agreement requiring that the formation of the national executive must ‘at all times take into account the principle of portfolio balance’ and reflect the ‘relative parliamentary strength’⁷¹ of the parties, the ODM party was dissatisfied with the nature of the cabinet that was eventually appointed. The party felt that the number of ministerial positions it received did not correspond to the number of seats in Parliament and considered some of the ministries they were given to be ‘soft’.⁷² Hence, questions of how inclusive and representative the GNU was were naturally raised from day one. Despite the two political formations having committed to working together in ‘good faith as true partners, through constant consultation and willingness to compromise’, their marriage was in practice

⁶⁸ Maina (2011) 2.

⁶⁹ The agreement was signed in February 2008.

⁷⁰ Acting together for Kenya: Agreement on the principles of partnership of the coalition Government’ (2008) 1. <https://shorturl.at/8xijl> (accessed 19 July 2024).

⁷¹ Acting together for Kenya: Agreement on the principles of partnership of the coalition Government’ (2008) 2.

⁷² Maina (2011) 4.

characterised by conflicts and disagreements. It was evident that there was no trust and common vision among them. However, the GNU achieved notable successes. For instance, the GNU delivered a progressive and popular new Constitution in 2010, which among other things, advances devolution.

Current developments in Kenya suggest that Kenya's date with GNU could be rekindled. Following the deadly June to July protests, which forced President William Ruto to dissolve his cabinet, there are indications that another GNU could be on the cards. The President has signalled his intention to establish a GNU to 'bring all Kenyans together'.⁷³ It is reported that the President's current priority is 'uniting Kenyans, ensuring peace, growing the country's economy, create employment through development projects while at the same time-fighting corruption'.⁷⁴ The intention to revert to a GNU is an acknowledgement that when a country is divided, as Kenya is currently, and when no political party commands dominant political support to do as it wishes, the GNU remains an alternative.

5.2 Zimbabwe

Like Kenya, Zimbabwe had a GNU between 2009 and 2013. The GNU was established following the disputed elections of 2008, where the Zimbabwe African National Union-Patriotic Front (ZANU-PF) 's Robert Mugabe and the Movement for Democratic Change's Morgan Tsvangirai were the main political contenders. The Global Political Agreement (GPA), under whose auspices the GNU was formed, was facilitated by the then President of South Africa, Thabo Mbeki, with the support of the Southern African Development Community (SADC) and the African Union (AU). It was annexed to the Constitution of Zimbabwe through a constitutional amendment.⁷⁵ The GPA provided for the sharing of power between ZANU-PF and two MDC formations. Robert Mugabe

⁷³ The Star Newspaper, 'No turning back on government of national unity -Ruto' <https://www.the-star.co.ke/counties/rift-valley/2024-07-15-no-turning-back-on-government-of-national-unity-ruto/> (accessed 18 July 2024).

⁷⁴ The Star Newspaper, 'No turning back on government of national unity - Ruto'.

⁷⁵ Constitution of Zimbabwe Amendment Act No 19.

retained the Presidency while Tsvangirai occupied the newly created position of Prime Minister. While Mugabe chaired the cabinet, Tsvangirai presided over the weaker Council of Ministers.

The GPA tasked the GNU with, among other things, stabilising the political, social and economic environment, improving public service delivery and spearheading the adoption a new constitution.⁷⁶ Like in Kenya, the size of executive grown substantially to accommodate the three political parties. The usual tussle for ministerial positions, both in terms of numbers and significance of ministerial positions, preceded the formation of the cabinet. At the end of the day, the MDC formations felt that they had been short-changed given the number and nature of ministerial positions they received vis-a-vis their combined majority in parliament.⁷⁷ In practice, the GNU was characterised by a lack of trust, constant conflicts, and disagreements among the parties. Policy discord and deadlocks, plotting and counter-plotting were the order of the day. Notwithstanding these challenges, the GNU recorded successes in several areas. It contained runaway inflation, improved the delivery of public services and promoted human security. Further, the GNU successfully spearheaded the adoption of a new Constitution of Zimbabwe, which borrows significantly from South Africa's Constitution. It can be submitted that the most stable and productive period in post-2000 Zimbabwe was perhaps during the tenure of the GNU. When the tenure of the GNU ended in 2013, it did not take too long for the political, economic and social situation to deteriorate. Since then, there have been several calls for the formation of another GNU to address the challenges which Zimbabwe is facing today.

While the GNU experiences of Kenya, Zimbabwe and other countries are worth learning from, it is important to acknowledge some differences. The two countries have directly elected presidents. On the other hand, the electoral system in South Africa is designed to produce coalitions. Second, the GNU in both countries was formed in response to a significant political crisis, characterised by, among other things, the loss of human life. Thus, in these and other countries, the GNU was used as a tool for conflict resolution. In contrast, the GNU in South Africa

⁷⁶ See for example, Articles III, VI, VII, XVIII, GPA

⁷⁷ Maina (2011) 4.

was formed after the ANC failed to secure the majority to govern on its own. It was the loss of political support for the ANC that necessitated the establishment of a GNU otherwise the ANC would have governed on its own, as it has done since 1994. Thus, the current GNU is not a conflict resolution tool but a mechanism to bring those that are interested to the table in a bid to address challenges being experienced in South Africa. Third, the power-sharing arrangements in these two countries were constitutionally entrenched similar to South Africa's GNU under the interim constitutional order. This is different to the 2024 GNU in South Africa which is voluntary and is not backed by an act of parliament. Last, the GNUs in Kenya and Zimbabwe, were pacts between the dominant political players, as reflected by the parliamentary seats and votes they received. In contrast, some of the parties that received significant votes and parliamentary seats (EFF and MK) are not part of the 2024 GNU in South Africa. As discussed above, while they were invited to join, they refused to be part of the GNU for various reasons. What does this mean for the present and future of the GNU?

6 CONCLUSION

From the outset, it is important to underline that the 2024 elections, and the immediate aftermath, displayed all the hallmarks of a stable, competitive constitutional democracy. The elections were free and fair, the results generally accepted by all parties, including those that lost significantly, and governments were formed at national and provincial levels in accordance with the constitutional provisions.

The outcome of the elections suggests that the politics of the winner-takes-it-all appears to be over in South Africa. The outcome of the 29 May national and provincial elections has set the country on a different trajectory, which is at the same time not completely unfamiliar. Whereas there were various forms of coalition governments at the national and provincial levels in the first decade of democracy, coalition governments had largely become synonymous with local government. This is because governments at national and provincial levels were constituted by a single party and mostly, the ANC. The failure of any of the parties to secure a majority in the National Assembly and the provincial legislatures of Gauteng, Northern Cape and KZN means that

coalitions are now also a feature at national and provincial levels of government. The GNU, constituted by several parties, has taken the governing seat at the national level. Its partners have committed to pursuing a number of priorities linked to economic development, public service delivery and the capability of the state, among others. The Statement of Intent of the GNU provides a framework for what needs to be done and how. The keywords that define this marriage are 'unity' and 'co-operation'. The GNU has however not yet fully cascaded to the sub-national level. Several countries on the continent and beyond have experienced GNUs. Lessons could be drawn from these countries on how GNUs managed conflict, coordinate policy and implement their coalition programmes. South Africa's experience with the GNU under the Interim Constitutional order and with a provincial GNU in KZN is also relevant. These GNUs were able to steer the nation and province, respectively, in the right direction and set the foundation for service delivery, peace, democracy and development. Given the integrated nature of South Africa's system of government, it is clear that the 2024 GNU will have an impact on governance, IGR and public service delivery. The key question is whether the impact will be positive or negative. Another key question is whether the GNU will last.

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