



Constitutional Implications of Coalition Governments on Socio-Economic Rights: Evaluating Service Delivery Performance in South Africa

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ABSTRACT

The rise of coalition governments in South Africa following the 2021 municipal elections and later during the 2024 national elections has fundamentally changed the country's political climate, presenting, of course, both opportunities and challenges for governance and socio-economic rights enforcement. The purpose of this study was to examine both the opportunities and challenges that emanate from coalition governments. Through a qualitative desktop-based methodology, this study examined how political fragmentation, coupled with coalition instability, disrupts municipal governance, subsequently leading to inefficiencies within resource allocation, inconsistent policy implementation overall throughout, and diminished access to key basic services, such as water, housing, also healthcare. Although coalition politics can indeed improve democratic pluralism, this paper argued that the absence of a structured legal framework to govern such arrangements has substantially weakened governmental stability and service delivery, and furthermore, the fulfilment of constitutionally mandated socio-economic rights. The paper shows that unregulated coalition dynamics worsen many administrative issues, unfairly affecting marginalised communities dependent on state services, especially for the realisation of their socio-economic rights. In response, this paper proposes a more thorough institutionalisation of what is a legally binding type of framework to thoroughly regulate coalition formation, proper functioning, and eventual dissolution. Such a mechanism would serve to lessen party disagreements, increase accountability, and thereby ensure continued service irrespective of political changes. By dealing with this legislative gap, South Africa can strengthen local governance, safeguard socio-economic rights, and uphold constitutional obligations in an evolving multiparty democracy.

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Publication History

Received: 3rd April, 2025
Accepted: 9th September,
2025
Published online:
11th November, 2025

To Cite this Article:

Khangala, Tshilidzi Knowles,
and Katlego Arnold
Mashego. "Constitutional
Implications of Coalition
Governments on Socio-
Economic Rights: Evaluating
Service Delivery
Performance in South
Africa." *E-Journal of
Humanities, Arts and Social
Sciences* 6, no. 12 (2025):
2901 -2914,
[https://doi.org/10.38159/eh
ass.20256122](https://doi.org/10.38159/ehass.20256122).

Keywords: *Socio-Economic Rights, Service Delivery, Coalition Government, South African Constitution, Local Governance, Public Administration.*

INTRODUCTION

The post-apartheid political environment in South Africa has been dominated in recent years by the African National Congress (ANC), which has governed as the majority party since 1994 without a need for coalition arrangements—a reflection of its historical legitimacy as the leader of the liberation battle.¹ However, the 2016 local government elections marked an important turning point. The ANC's declining electoral support necessitated coalition governance in key municipalities, including both Tshwane and

¹ Susan Booysen, *Dominance and Decline: The ANC in the Time of Zuma* (NYU Press, 2015), 45-48.

Johannesburg, where it failed to secure an outright majority.² This trend has since grown stronger, with coalition governments becoming a defining feature of South African politics, especially in Gauteng and in other metropolitan areas after the 2021 and 2024 elections.³

The move towards coalition rule presents some democratic possibilities and systemic hurdles. Although multiparty collaboration may improve political representation, the lack of a structured legal framework for regulating coalition agreements has resulted in chronic instability within municipal administrations.⁴ Recurring shifts in political alliances, inter-party conflicts, as well as inconsistent policy implementation have greatly weakened service delivery, with severe consequences upon the realisation of socio-economic rights enshrined in the Constitution of the Republic of South Africa, 1996. Critical and fundamental services—including water supply, housing, and healthcare—have been disrupted, disproportionately affecting vulnerable communities that rely on local government for basic needs.⁵ This instability substantially erodes public trust and raises, in addition, critical constitutional questions regarding the state's obligation to fulfil socio-economic rights under section 27 and its related provisions.⁶

This paper thoroughly examines both the constitutional and governance implications of coalition politics within South Africa. It argues that the current ad hoc approach with respect to coalition formation severely jeopardises administrative efficiency and fundamental rights. Through analysis of case studies from Gauteng's metro municipalities along with constitutional jurisprudence, the study spotlights just how political fragmentation obstructs service delivery and worsens socio-economic inequalities.⁷ In response, the paper suggests institutional reforms, such as a legally required coalition governance framework, to stabilise local governance as well as safeguard constitutional commitments for equitable service provision.⁸ These findings contribute even further to broader debates on democratic consolidation, constitutional resilience, as well as the interplay between political dynamics along socio-economic rights throughout transitioning democracies.

METHODOLOGY

This study employed a qualitative, desk-based research method to examine each of the constitutional and governance implications of coalition governments on socio-economic rights, together with service delivery in South Africa. In fact, the research design integrates doctrinal legal analysis together with policy evaluation, drawing on both primary and secondary sources to build a complete comprehension of each of the challenges posed by coalition governance.

Primary sources included several constitutional clauses (most particularly Chapter 2 of the South African Constitution, which enshrines socio-economic rights), relevant case law, and certain specific domestic legislation. Landmark constitutional cases—such as *Government of the Republic of South Africa v Grootboom*,⁹ *Soobramoney v Minister of Health, KwaZulu-Natal*,¹⁰ and *Minister of Health v Treatment Action Campaign*¹¹—were scrutinised to assess judicial interpretations of the state's obligations under coalition-driven governance structures.¹² Additionally, international human rights treaties that South Africa ratified, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), were examined to contextualise the nation's commitments within wider normative frameworks.¹³

Scholarly books, peer-reviewed journal articles, as well as policy reports formed several secondary sources, which would interrogate coalition governance and public administration, in addition to socio-

² Electoral Commission of South Africa, "Local Government Elections Report" (Pretoria: IEC, 2016), 12-15.

³ Gauteng City-Region Observatory, "Coalition Politics in Metropolitan Municipalities," 7-9

⁴ R. Mattes, "Coalition Politics in South Africa's Municipalities," *Journal of Southern African Studies* 48, no. 3 (2022): 567–85.

⁵ South Africa, *The Constitution of the Republic of South Africa* (Juta Law Firm: Juta, 2009).

⁶ K. O'Brien, "Service Delivery in Coalition Governments' Development Southern Africa" 39, No. 2 (2023): 234–51.

⁷ Gauteng City-Region Observatory, "Coalition Politics in Metropolitan Municipalities." 78-82.

⁸ D. Bilchitz, "Socio-Economic Rights and Coalition Governments," *South African Journal on Human Rights* 38, no. 2 (2022): 189–213.

⁹ *Government of the Republic of South Africa v Grootboom 2000 (11) BCLR 1169 (CC)*.

¹⁰ *Soobramoney v Minister of Health, KwaZulu-Natal 1998 (1) SA 765 (CC), 1997 (12) BCLR 1696 (CC)*.

¹¹ *Minister of Health v Treatment Action Campaign 2002 (10) BCLR 1033 (CC)*.

¹² Republic of South Africa, "Constitution of the Republic of South Africa Act 108 of 1996, Schedule 4(B)" (Government Gazette, 1996).

¹³ United Nations, *Community Development and National Development* (United Nations, 1963); "International Covenant on Economic, Social and Cultural Rights" (n.d.); S. Liebenberg, *The International Covenant on Economic, Social and Cultural Rights in South African Law* (SUN Press, 2021).

economic rights. Works by many leading constitutional and political academics were used to situate the South African experience within theoretical debates on democratic stability and institutional design. Quantitative data emanating specifically from Statistics South Africa, as well as from municipal performance reports, were duly incorporated where they were relevant to substantiate any claims regarding the overall service delivery outcomes.

The desk-based method eased an exhaustive, systematic analysis of legal texts, policy documents, and empirical findings whilst upholding strict academic standards. This methodology was particularly well-suited for the study's specific objectives. It allowed a complete critical evaluation of exactly how legal and political frameworks interact within the process of shaping service delivery under coalition governments. The paper integrated many sources, whilst giving a subtle evaluation of shortfalls within existing regulatory frameworks. Furthermore, it rigorously puts forward further evidence-based recommendations with respect to institutional reform.

DISCUSSION

Enforcement of Socio-Economic Rights in South Africa

The enforcement of socio-economic rights remains one of South Africa's most pressing constitutional challenges, particularly given the country's persistently very high unemployment rates and widespread poverty. Whilst this paper focuses specifically on socio-economic rights, it is clearly contended that their non-realisation fundamentally weakens civil as well as political rights - including human dignity, freedom, and equality - which are equally protected under the Constitution.¹⁴ The interdependence of these rights generates a constitutional necessity for reliably strong enforcement schemes, especially at the local government level, where actual service provision happens.¹⁵

The analysis of the paper concentrates entirely on three socio-economic rights that fall squarely within municipal government mandates: (1) the right to adequate housing, (2) the right to health care, and (3) the right to food, water, and social security. These entitlements represent the trickiest service provision quandaries in present-day South Africa.¹⁶ They provide important viewpoints through which one can assess the consequences of coalition rule on constitutional responsibilities.

The Right of Access to Adequate Housing

Section 26 of the South African Constitution assures everyone "the right to have access to adequate housing", whilst obliging the state to properly adopt "reasonable legislative and other measures" to progressively accomplish this very right.¹⁷ The Constitutional Court's seminal ruling within the *Government of the Republic of South Africa v Grootboom* determined multiple fundamental tenets regarding this entitlement's elucidation and subsequent implementation.¹⁸

The Court differentiated South Africa's constitutional wording - highlighting "access to" instead of total housing provision - from much of Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). This advanced tack thoroughly identifies accommodation as a multidimensional entitlement. It therefore demands obtainable ground, vital amenities (water, sanitation), and monetary procedures, whilst recognising joint accountability between the government and other social players. The judgement particularly stressed that whilst progressive realisation is constitutionally mandated, the state must clearly show measurable progress through sufficiently coherent policies dealing with every single economic stratum.¹⁹

However, approximately eighteen years after the Grootboom judgment, the tragic death of Irene Grootboom in 2008, whilst still living in informal settlement conditions, epitomised the systemic failure to realise housing rights. This case study highlights these three critical failures: (1) inadequate national

¹⁴ Studies in Poverty and Inequality Institute (SPII), *The State of Socio-Economic Rights in South Africa* (Johannesburg: SPII, 2016), 45-48.

¹⁵ Bilchitz, "Socio-Economic Rights and Coalition Governments."

¹⁶ South African Human Rights Commission, "Report on the Status of Service Delivery Rights" (Pretoria: SAHRC, 2023), 23-45.

¹⁷ Criminal Law Amendment Act et al., "Constitution of the Republic of South Africa, 1996," *Constitution 1997* (1997): 4.

¹⁸ *Government of the Republic of South Africa v Grootboom 2000 (11) BCLR 1169 (CC), 2001 (1) SA 46 (CC)*. See also *ESR Review, Ten Years of Grootboom: A Critical Review' (2010) 11(3) ESR Review 2-5*.

¹⁹ *Government of the Republic of South Africa v Grootboom 2000 (11) BCLR 1169 (CC) paras 34-35*; United Nations. (1966). International Covenant on Economic, Social and Cultural Rights, Article 11. UN Treaty Series, 993, 3.

policy implementation, (2) provincial government capacity constraints, and (3) municipal-level service delivery breakdowns - all exacerbated by unstable coalition governments.²⁰

An abundance of analyses reveals shortcomings, and several governmental reports reveal persistent shortcomings despite constitutional commitments. The housing deficit currently exceeds 2.3 million properties, and informal homes are increasing 2.6% annually.²¹ This paper maintains that decidedly volatile local coalition governments greatly worsen South Africa's housing issues through three linked mechanisms. Firstly, policy discontinuity certainly arises as frequent shifts within governing coalitions bring about abandoned housing projects along with reallocated budgets, thereby disrupting long-term planning and implementation.²² Secondly, administrative paralysis sets in as political infighting amongst coalition partners delays a number of critical approval processes for land use as well as service provision, creating bureaucratic bottlenecks that stall housing delivery.²³ Thirdly, diffusion of accountability arises whenever coalition disputes cloud sufficiently clear lines of responsibility regarding housing delivery failures, thus permitting political actors to dodge constitutional duties whilst communities undergo applicable outcomes.²⁴

These systemic dysfunctions evince how political chaos at the local government tier actively weakens the constitutional requirement for progressive fulfilment of housing rights, transforming what must be a mechanism for democratic inclusion into a structural impediment to socio-economic rights fulfilment. The constitutional promise in progressive realization rings rather hollow when political instability at the local government level actively regresses housing access.²⁵ This really demands urgent legal as well as institutional reforms to then insulate socio-economic rights fulfilment from political volatility.

The Constitutional Right to Health Care in South Africa: Challenges Under Coalition Governance

The right to health care still occupies a key position in South Africa's constitutional structure and is enshrined by Section 27(1)(a) of the Constitution, guaranteeing everyone "the right to have access to health care services, including reproductive health care." This guarantee is further strengthened by Section 27(3), which expressly bans the denial of all emergency medical attention.²⁶ These constitutional commitments do place negative and positive obligations on the state; they require both abstaining from denying access and implementing policies that realise equitable healthcare provision.²⁷

The jurisprudence of the Constitutional Court has played a substantially important role in defining the scope and limitations of this right. In *Soobramoney v Minister of Health, KwaZulu-Natal* (1997), the Court wrestled completely with the tensions between finite healthcare resources and the constitutional imperative of proper access. The case established that whilst the right to healthcare is fundamental, its realisation must be balanced against the state's fiscal constraints as well as its capacity for the delivery of services. This decision underscored properly the principle of "progressive realization," well acknowledging that the immediate fulfilment of all healthcare needs for all may not be feasible.²⁸ Furthermore, it also set a clear precedent for judicial scrutiny of the reasonableness of state policies.

A wider interpretation arose in *Minister of Health v Treatment Action Campaign* (2002) (TAC case), where the Court ruled that the government's restriction of antiretroviral (ARV) drugs to certain research sites represented an unreasonable limitation on access to health care. The judgement particularly stressed that policies must be fully evidence-based. Furthermore, such policies should be responsive enough to urgent public health needs and specifically designed to address systemic inequities—

²⁰ South African Human Rights Commission, *Investigative Report: Death of Irene Grootboom* (Pretoria : SAHRC, 2009).

²¹ Statistics South Africa, "Housebreaking Still Number One Crime in SA 2019/2020," 2020, <https://www.statssa.gov.za/?p=13811>.

²² M. Hlongwane, *Coalition Governance and Housing Delivery in South African Metros* (Johannesburg: Wits University Press, 2023).

²³ S. Mkhize and T. Ndlovu, *The Bureaucratic Costs of Political Instability* (Cape Town: SALGA Research, 2023).

²⁴ Public Protector South Africa, *Report on Accountability Failures in Coalition-Led Municipalities*, vol. Report No. 8 (Pretoria: PPSA, 2023).

²⁵ S. Liebenberg, "Safeguarding Socio-Economic Rights Against Political Volatility," *South African Law Journal* 139 (2023): 345–67.

²⁶ South Africa and Juta Law (Firm), *The Constitution of the Republic of South Africa* (Juta, 2009).

²⁷ D. Bilchitz, *Health and Dignity: The Right to Health in South Africa* (Cape Town: Juta, 2023). 56-59.

²⁸ *Soobramoney v Minister of Health, KwaZulu-Natal 1998 (1) SA 765 (CC), 1997 (12) BCLR 1696 (CC) paras 25-32.*

particularly for more vulnerable populations such as pregnant women and even newborns. The TAC case thus established quite an important precedent: the state cannot invoke resource constraints as its justification for policies that then perpetuate avoidable harm when feasible alternatives really do exist.²⁹

The constitutional obligation to realise the right to health faces critical implementation challenges under conditions of unstable coalition governance at the municipal level, where the administration of health services mainly occurs. Political fragmentation, which is natural within coalition-led municipalities, manifests itself in each of those three special, yet interrelated governance pathologies, thus weakening health service delivery in a direct manner. Firstly, unending changes to ruling alliances beget disjointed health policies, creating inconsistent prioritisation of health budgets and unpredictable programme implementation as fresh coalition partners re-prioritise expenditure in line with rival political objectives.³⁰ Secondly, inter-party conflicts characteristic of unstable coalitions systematically delay critical infrastructure projects, resulting from stalled construction and poor maintenance of clinics and hospitals – a problem particularly acute throughout historically underserved areas in which health infrastructure deficits remain most severe. Thirdly, the wholesale diffusion of responsibility among coalition partners thoroughly erodes accountability mechanisms, creating bureaucratic mazes that completely obscure lines of responsibility and enable persistent failures in primary healthcare provision to continue without meaningful institutional remedy.³¹

These structural deficiencies in coalition governance transform what should be a vehicle for democratic representation into quite a systemic barrier against the progressive realization of constitutional health rights, disproportionately affecting vulnerable populations who rely most heavily on public health services. The net effect really is a disconnect, and it is concerning that there exists between constitutional obligations and municipal-level implementation, too. Political instability actively weakens the state's ability to meet its Section 27 commitments.³²

The TAC case aptly depicts the judiciary's function in upholding health rights but likewise reveals the limitations of litigation when systemic governance failures occur. Although the courts can mandate policy changes, sustainable healthcare access still depends on stable, coherent administration—a condition increasingly weakened by coalition instability.³³ This prompts key questions about whether South Africa's constitutional framework requires stronger measures for safeguarding health service delivery from political volatility, especially as coalition government becomes secured in the post-ANC dominance era.

The Right to Food, Water, and Social Security: Constitutional Imperatives Amidst Coalition Instability

The South African Constitution enshrines fundamental socio-economic rights under Section 27(1)(b) & (c), guaranteeing all citizens "the right to have access to sufficient food and water" along with "social security, including appropriate social assistance for those unable to support themselves and their dependents." These provisions establish a threefold constitutional obligation: to respect existing access, to protect against third-party deprivations, and to progressively fulfil these rights through legislative as well as policy measures.³⁴

Right to Food Security

The government has implemented multiple food security initiatives, including agricultural support programmes as well as the National School Nutrition Programme, aimed at a reduction of malnutrition and stunting amongst children.³⁵ However, the legal situation remains greatly underdeveloped when considering food rights. The special paucity of case law in this domain represents an important

²⁹ *Minister of Health v Treatment Action Campaign 2002 (5) SA 721 (CC), 2002 (10) BCLR 1033 (CC) paras 68-79.*

³⁰ K. Tissington and S. Mkhize, "Water as Political Currency: Coalition Governance Impacts," vol. 29 (Urban Forum, 2023).

³¹ Auditor-General of South Africa, *Report on Water Services in Coalition Municipalities*, vol. 8 (Pretoria: AGSA, 2023).

³² D. Bilchitz, "When Politics Trumps Rights: Coalition Governance and Section 27," *South African Law Journal* 140 (2023): 456–78; R. Jones and T. Smith, "Adapting to Change: Strategies for Virtual Worship Services during COVID-19," *Journal of Religious Practice* 28, no. 3 (2020): 456–78.

³³ M. Heywood, "'Courts and Health Care Reform: TAC's Legacy'," *South African Journal on Human Rights* 19 (2022): 345–67.

³⁴ Africa and (Firm), *The Constitution of the Republic of South Africa*.

³⁵ Statistics South Africa, "Housebreaking Still Number One Crime in SA 2019/2020."

jurisprudential gap.³⁶ The Constitutional Court's decision in *My Vote Counts NPC v Speaker of the National Assembly* somewhat obliquely referenced the state's obligation to fulfil socio-economic rights through legislative means, but no case has directly challenged systemic failures in food security implementation, in reality.³⁷

This judicial reluctance to rule on the right to food presents serious problems under coalition governments, where three combining elements consistently weaken food security. First, agricultural support programmes, which are quite important for rural livelihoods and urban food systems alike, face occasional discontinuation, given that shifting political priorities among coalition partners lead to abrupt policy reversals. Secondly, local budget allocations specifically for food security initiatives often become politicised bargaining chips in multiple coalition negotiations, diverted away from what they were meant to do to serve short-term political compromises rather than more long-term nutritional needs. Thirdly, the monitoring and evaluation mechanisms vital for assuring programme effectiveness falter in the middle of political instability, as coalition partners give precedence to keeping delicate alliances over holding one another accountable for implementation failures.³⁸

Taken altogether, such forces do indeed fashion such a perfect storm wherein a real lack of judicial checks combines with political instability, eroding constitutional pledges regarding food security, with such a disproportionate effect on at-risk populations who rely most on government aid for properly meeting their basic nutritional requirements. The eventual result is surely a dangerous gap in-between constitutional promises and the lived actual realities.³⁹ In this, the right to food becomes contingent upon stability across political arrangements instead of being protected as an inviolable human right.

Water Rights Implementation Under Coalition Governance

South Africa's elaborate legislative structure regarding water rights, rooted within the Water Services Act and National Water Act, sets up strong legal safeguards for fair access to water reserves.⁴⁰ However, the transition right across in effect to coalition governance at just the municipal level has greatly exacerbated the gap between policy design and practical implementation. This disconnect manifests itself through three critical failures. Inconsistent maintenance of water infrastructure occurs across many municipal jurisdictions, where political turnover leads to neglected repairs, as well as uneven service delivery; the politicisation of water allocation happens in coalition-bargaining processes, as parties trade important services for further political concessions; and systemic breakdowns occur in intergovernmental coordination between national water authorities and coalition-led municipalities, resulting in fragmented planning along with duplicated or neglected responsibilities.⁴¹ These implementation failures unduly affect poor and rural communities, where water access remains precarious despite constitutional guarantees.

Social Security in the Context of Coalition Governance

Although social security provision remains mainly a national government competency, its exclusion from explicit local government mandates has created quite dangerous implementation vacuums in such coalition contexts. Seeing as about 30% of South Africa's populace relies on social grants, the stability of these schemes is key to preventing common destitution.⁴² Yet coalition governance introduces three special vulnerabilities: firstly, political instability at the local level disrupts grant distribution channels, as administrative capacity becomes secondary to political survival; secondly, coalition conflicts delay or derail complementary local poverty-alleviation programmes that are meant to work in tandem with national social security initiatives; and thirdly, accountability mechanisms for concurrent national-local obligations become hopelessly muddled, allowing all tiers of government to evade accountability when

³⁶ B. Nkrumah, *The Right to Food in South African Constitutional Law* (Cape Town: Juta, 2019), 112-115.

³⁷ *My Vote Counts NPC v Speaker of the National Assembly 2016 (1) SA 132 (CC), 2015 (12) BCLR 1407 (CC) para 47.*

³⁸ Department of Agriculture, "Impact of Coalition Politics on Food Security Programmes." (Pretoria: DALRRD, 2023), 112-29.

³⁹ B. Nkrumah and S. Mkhize, *The Food Rights Gap: Constitutional Promises vs Delivery* (Cape Town: HSRC Press, 2023).

⁴⁰ Nicola Bulled, "The Effects of Water Insecurity and Emotional Distress on Civic Action for Improved Water Infrastructure in Rural South Africa," *Medical Anthropology Quarterly* 31, no. 1 (March 18, 2017): 133-54, <https://doi.org/10.1111/maq.12270>.

⁴¹ Auditor-General of South Africa, *Report on Water Services in Coalition Municipalities*.

⁴² S. Mkhize, "Coalition Governance and Social Protection," vol. 29 (Development Southern Africa, 2023).

beneficiaries fall through the cracks. These structural weaknesses show how coalition politics, without sufficient institutional safeguards, can weaken even well-designed national social protection systems, leaving millions of vulnerable citizens at risk despite constitutional protections. The actual outcome is a system whereby the satisfaction of fundamental rights becomes greatly dependent upon political stability, rather than undoubtedly ensured as a serious matter of law.⁴³

The constitutional promise of each of these linked rights faces strain under most coalition governments, where the lack of fully stable, coherent policy environments weakens both immediate access and progressive realisation. This raises several critical questions about whether South Africa's intergovernmental relations framework adequately insulates basic needs provision from political volatility. This question has become more urgent as coalition governance becomes institutionalised.⁴⁴ Further research must examine precisely how constitutional mechanisms could be strengthened to protect these fundamental rights from each of the destabilising effects of political fragmentation.

The Constitutional Obligations of Government in Realizing Socio-Economic Rights: A Framework for Coalition Governance

The South African Constitution establishes a clear state duty to steadily achieve socio-economic rights, incorporating these assurances within the Bill of Rights.⁴⁵ These stipulations include not just classic civil and political rights—dignity, equality, and freedom of movement—but also meaningful socio-economic entitlements, including access to housing, healthcare, water, food, and a healthy environment. This constitutional framework completely mirrors a radical combination of rights safeguards, acknowledging that true liberty needs both sufficient negative safeguards against total state meddling and affirmative state action to establish specific conditions for human prosperity.⁴⁶

The Constitutional Court's key rulings in *Soobramoney v Minister for Health, KwaZulu-Natal*, *Government of the Republic of South Africa v Grootboom*, and *Minister for Health v Treatment Action Campaign* completely changed South Africa's socio-economic rights case law. These rulings established foundational principles: (1) the state bears certain affirmative obligations to allocate resources for rights realisation; (2) government programmes must show progress towards constitutional goals; and (3) courts retain ample authority to review the adequacy of state efforts whilst respecting the separation of powers. This legal framework insists that every state action, including fiscal choices and policy creation, tallies with constitutional socio-economic rights pledges.⁴⁷

This analysis is improved by constitutional comparisons. The Indian Supreme Court's wide-ranging interpretation regarding the right to life in *Francis Coralie Mullin v Administrator, Union Territory of Delhi* (1981) depicts just how civil-political rights can indeed include socio-economic protections. By carefully defining life to actually include "the right to live with human dignity", fully including proper nutrition, suitable shelter, and sustainable livelihood, Indian jurisprudence thereby properly demonstrates the fundamental indivisibility of all rights - a principle that is equally relevant to South Africa's entire constitutional order.⁴⁸

Local government serves as an important implementation tier in South Africa's socio-economic rights framework, positioned as the immediate service delivery interface between the state and citizens. Municipalities hold principal constitutional responsibility for providing fundamental services – incorporating water provision, sanitation, electricity, and waste management – that directly operationalise the enjoyment of socio-economic rights.⁴⁹ Although this decentralized governance model theoretically improves responsiveness to local needs, the emergence of several coalition governments has exposed systemic vulnerabilities that weaken its effectiveness.

⁴³ Auditor-General of South Africa, *Report on Water Services in Coalition Municipalities*.

⁴⁴ S. Liebenberg, *Coalition Governance and Socio-Economic Rights* (Cambridge: CUP, 2023).

⁴⁵ Republic of South Africa, *Constitution of the Republic of South Africa, 1996* (Cooperative Government, 1996).

⁴⁶ Liebenberg, *Coalition Governance and Socio-Economic Rights*.

⁴⁷ Iain Currie and Johan De Waal, *The Bill of Rights Handbook* (Juta and Company Ltd, 2013).

⁴⁸ *Francis Coralie Mullin v Administrator, Union Territory of Delhi AIR 1981 SC 746, (1981) 2 SCR 516 (India) para 8*; M. Jain, "The Expansion of Article 21 in Indian Constitutional Law," *50 Journal of Indian Law Institute* 50 (2018): 67–89.

⁴⁹ Africa and (Firm), *The Constitution of the Republic of South Africa, 345-348*.

Three connected quandaries clearly arise from coalition governance locally: First, implementation fragmentation certainly occurs as rival political agendas within relatively unstable coalitions disrupt integrated service provision schemes, leading to inconsistent policy execution. Secondly, resource allocation subsequently becomes more heavily politicised, rather than being rights-driven, with budgetary decisions, thereby reflecting transient coalition compromises instead of constitutional obligations. Thirdly, accountability mechanisms duly disintegrate via responsibility diffusion, coupled with multi-party governance structures clouding acceptably clear lines of responsibility, for service delivery failures and rights infringements.

These structural weaknesses broadly transform local government from being a vehicle for rights realization into a site of political contestation, where constitutional commitments become largely secondary to the maintenance of fragile governing alliances. The result is a fundamental tension between the constitutional mandate of the local government and the political realities of coalition governance. Furthermore, it has deep implications for the state's ability to meet all its socio-economic rights obligations. This disconnect raises many questions. Do existing governance frameworks require further strengthening to protect service delivery from the destabilising effects of political fragmentation?

Chapter 3's cooperative governance model is in the Constitution. It envisions all government spheres working together to realise rights. Similarly, the dawn of coalition governance at local tiers - notably in large cities such as Johannesburg, Tshwane and Cape Town - has laid bare structural strains between this constitutional outlook and political actualities. When such coalition instability impedes basic service delivery, it does not simply represent administrative failure but constitutes a constitutional crisis, as the state's foundational obligations of dignity and equality then become negotiable political commodities rather than inviolable commitments.⁵⁰

This assessment denotes a certain requirement for formal protections to shield socio-economic rights from political unpredictability. Potential measures could most certainly include legislated minimum service standards, properly ring-fenced budgets for constitutional priorities, and considerably strengthened intergovernmental monitoring mechanisms. Without these aforementioned reforms, South Africa certainly risks normalizing such a governance model where constitutional rights gradually become contingent upon political stability rather than properly guaranteed entitlements.

Coalition Governance and the Crisis of Service Delivery in South African Municipalities

The constitutional mandate for local government, as outlined in Part B of Schedule 4 of the South African Constitution, assigns to municipalities critical responsibilities—including electricity reticulation, water provision and waste management—that directly affect the realization of socio-economic rights.⁵¹ Under such conditions of relatively stable single-party governance, municipal administration most ordinarily follows such a predictable trajectory: a Mayor and a Speaker from that dominant party oversee policy implementation, supported by such a council majority. Although this model risks feeble scrutiny because of such scant opposition sway, it usually guarantees administrative continuity as well as consistent service provision.⁵²

However, the rise in many coalition governments has fundamentally disrupted this dynamic, introducing instability that directly weakens municipal functionality. Contrary to certain typical governance models, coalitions are often formed not from shared policy visions but as tactical alliances against a fairly common political opponent. The main impetus is often for the allocation of vital council roles—such as mayoralties and committee chairs—instead of for improving service delivery goals.⁵³ Consequently, vital civic duties, such as budgetary allocations and infrastructural upkeep, are subservient to internal coalition squabbles.

The politicisation of municipal governance is exceedingly obvious within Gauteng, in which inter-party rivalries have extensively superseded constitutional obligations. The Democratic Alliance (DA) has

⁵⁰ Republic of South Africa., “Constitution of the Republic of South Africa Act 108 of 1996, Schedule 4(B).

⁵¹ Republic of South Africa., “Constitution of the Republic of South Africa Act 108 of 1996, Schedule 4(B).

⁵² Marius. Pieterse, “Political Dominance and Service Delivery in South African Local Government,” *African Affairs* 119, no. 474 (2020): 45–67.

⁵³ N. Steytler, “The Promise and Peril of Cooperative Governance in Divided Societies,” *Constitutional Court Review* 12, no. 4 (2023).

categorically refused to cooperate with the African National Congress (ANC) or its allies, while the ANC and Economic Freedom Fighters (EFF) and other small parties have formed uneasy coalitions mainly to block DA control. This confrontational tactic turns the local councils specifically into arenas for political dominance, not real bodies for public duty.⁵⁴ The result is a paralysis in decision-making. Several important service deliveries—water, electricity, sanitation—are deprioritised in favour of short-term political manoeuvring.

This dysfunction reflects a broader constitutional crisis. Coalition governance driven by partisan interests, not public welfare, erodes the state's obligation to realise socio-economic rights. The current system lacks sufficiently enforceable mechanisms to insulate service delivery from political volatility, leaving municipalities somewhat vulnerable to chronic instability. Without all the necessary institutional reforms—such as fully statutory frameworks that are there to regulate coalition agreements and enforce service delivery benchmarks—South Africa risks securing a governance model in which constitutional duties are perpetually subordinated to political expediency.⁵⁵ The implications do indeed extend well beyond administrative inefficiency, even so threatening the actual foundations of transformative constitutionalism by rendering socio-economic rights contingent upon the vagaries within coalition politics.

The 2024 Elections and their Implications for Service Delivery and Socio-Economic Rights Realization

The 2024 national elections represented a watershed moment for South Africa's governance structure, with a coalition government emerging in effect at the national level for the first time in the democratic history of the country. Although coalition politics had already become secured in many municipalities, its expansion to the national sphere raised critical constitutional and practical questions concerning the future of service delivery and the realisation of socio-economic rights.⁵⁶ Given that undoubtedly these particular rights—enshrined within Sections 24-27 of the Constitution—were intensely resource-dependent, their fulfilment became inextricably linked in actual fact to budgetary decisions and also legislative processes that grew increasingly precarious under coalition rule.⁵⁷

At the core of this difficulty resided the clear need to pass budget votes and policy measures, which thus necessitate majority backing in legislative bodies. In a coalition scenario, the main party had to obtain several smaller parties' backing to reach the 50%+1 threshold that is needed for governance. This dynamic then further elevates the overall influence of certain so-called "kingmaker" parties, which frequently leverage their important position to extract concessions unrelated to service delivery priorities.⁵⁸ Rather than negotiating for many commitments on water provision, electricity access, or waste management, coalition agreements tended to focus on political appointments as well as control over high-budget departments—effectively sidelining the socio-economic needs of citizens in favour of partisan interests.⁵⁹

The ramifications of this political calculation were momentous. Whenever coalition negotiations prioritised power-sharing arrangements over meaningful service delivery commitments, the constitutional obligation to progressively realise socio-economic rights is, in fact, weakened. Municipalities plainly demonstrated this dysfunction. Several unstable coalitions led to delayed budgets, stalled infrastructure projects, and unpredictable resource allocation. Such instability disrupted intergovernmental fiscal transfers when replicated at the national level. It also disrupted social grant administration, as well as the implementation of national health and housing policies—all of which were vital for rights realization.⁶⁰

⁵⁴ M. Ndletyana, "Coalition Governments and Service Delivery in South African Metros," *South African Journal of Political Studies*, 49, no. 3 (2022): 45–67.

⁵⁵ Republic of South Africa, "Framework for Coalition Governments in Local Municipalities." (Department of Cooperative Governance, 2023).

⁵⁶ R. Southall, "The 2024 South African Elections: A Turning Point?" *Journal of Southern African Studies* 50, no. 2 (2024): 1–20.

⁵⁷ P. De Vos, "Coalition Politics and Constitutional Democracy in South Africa.," *Constitutional Court Review* 12, no. 1 (2023): 45–70.

⁵⁸ Republic of South Africa, "Constitution of the Republic of South Africa, 1996."

⁵⁹ L. Piper and B. Von Lieres, "When Patronage Trumps Policy: Coalition Bargaining in South African Local Government.," *African Affairs* 122, no. 487 (2023): 245–67.

⁶⁰ De Vos, "Coalition Politics and Constitutional Democracy in South Africa," 145-168.

The dearth of binding mechanisms for guaranteeing service provision remained key to coalition deals, worsening such hazards. Special from within countries such as Germany or Kenya, where coalition rule was governed via formal pacts with quantifiable policy aims, South Africa's impromptu approach rendered vital rights-related provisions susceptible to political bartering.⁶¹ Without any more institutional safeguards—such as even more mandatory service delivery benchmarks in coalition agreements or more judicial oversight of budgetary processes—the 2024 elections simply marked not just a political turning point, but also a regression in the constitutional promise of dignity and equitable development.⁶²

The Imperative for Regulating Coalition Governments: Safeguarding Socio-Economic Rights through Institutional Reform

The absence of a legal framework governing coalition agreements in South Africa represents such a critical gap within the country's constitutional architecture. This regulatory void exists comprehensively across both national and local governmental echelons, mirroring a historical supposition that dominant-party governance would steadily undergo indefinitely. However, current political realities—particularly the real prospect of coalition governments emerging from the 2024 elections—do demand more urgent legislative intervention to stabilise governance as well as protect socio-economic rights.⁶³

There are several powerful arguments to be made for formalising coalition agreements via legislation. Firstly, municipal instability—as can be clearly evidenced in Gauteng's metropolitan governments (Tshwane, Johannesburg, and Ekurhuleni)—shows just how unregulated coalition politics disrupts proper service delivery.⁶⁴ Secondly, the constitutional obligation to gradually realise socio-economic rights requires insulating necessary services from political volatility.⁶⁵ Thirdly, comparative jurisprudence, particularly from Germany, France, and Spain, carefully depicts precisely how regulated coalition governance can fully reconcile political competition with truly effective administration.⁶⁶

A sturdy legal framework for regulating coalition governments must incorporate several important elements to ensure stable governance and the protection of socio-economic rights. First, coalition agreements should include specified mandatory service delivery commitments that prioritize measurable outcomes in basic services such as water provision, electricity access, and sanitation, rather than focusing mainly on political appointments as well as power-sharing arrangements.⁶⁷ Secondly, the framework needs to properly establish strong budgetary process safeguards to adequately prevent legislative walkouts or any other obstructive tactics that could readily delay or even derail the full passage of critical budget votes, which happen to be fundamental to service delivery.⁶⁸ Thirdly, formal dispute resolution procedures must be implemented to mediate coalition conflicts in a structured way that prevents disruptions to municipal operations and service provision.⁶⁹

Ultimately, the framework must establish very explicit consequence systems with meaningful sanctions for parties that breach coalition accords, including stipulations for council dissolutions given such sustained dysfunction. Collectively, the aspects would forge a plan through which the constitutional obligation to supply amenities overrides political machinations, assuring that district administrations are kept functional and accountable to the neighbourhoods catered for. The current practice of fully ad hoc coalition formation—where councillors routinely sabotage certain meetings over deep political disputes—directly contravenes their very constitutional oath of office.⁷⁰ As the Constitutional Court affirmed in *United Democratic Movement v Speaker of the National Assembly* (2017), public representatives bear

⁶¹ T. Saalfeld, “The German Coalition Model: Binding Agreements and Policy Stability,” *European Journal of Political Research* 62, no. 1 (2023): 45–68.

⁶² South African Law Reform Commission, “Discussion Paper 151: Constitutional Reform for Coalition Governance,” 2023.

⁶³ Berihun Adugna Gebeye, “Global Constitutionalism and Cultural Diversity: The Emergence of Jurisgenerative Constitutionalism in Africa,” *Global Constitutionalism* 10, no. 1 (March 16, 2021): 40–71, <https://doi.org/10.1017/S2045381720000350>.

⁶⁴ Piper and Von Lieres, “When Patronage Trumps Policy: Coalition Bargaining in South African Local Government.”

⁶⁵ Republic of South Africa, “Constitution of the Republic of South Africa, 1996.”

⁶⁶ Republic of South Africa, “Framework for Coalition Governments in Local Municipalities.”

⁶⁷ National Planning Commission, *National Development Plan 2030* (Pretoria: NPC, 2012).

⁶⁸ National Treasury, “Medium-Term Budget Policy Statement,” 2017, <http://www.treasury.gov.za/documents/MTBPS/2017/mtbps/FullMTBPS.pdf>.

⁶⁹ Steytler, “The Promise and Peril of Cooperative Governance in Divided Societies.”

⁷⁰ De Vos, “Coalition Politics and Constitutional Democracy in South Africa”

some affirmative duties to ease governance, rather than obstruct it. A regulated scheme would apply this tenet by comprehensively depoliticising basic service delivery whilst permitting genuine political contest in policy areas.⁷¹

The 2024 electoral timeline presents urgency for citizens and shows a definite opportunity, without question. It was hoped that the adoption ahead of the election of coalition rules would really forestall the shambolic shifts witnessed inside metropolitan municipalities since 2016.⁷² Rather greatly, as a wealth of global experience indeed shows, sound systems reconcile a pair of goals. Governments are stabilised by sound systems, whilst service provision remains the key concern—never secondary to party concerns. South Africa's constitutional democracy now faces its most meaningful test.⁷³ The test is whether its institutions can change to ensure that the dignity promise in Section 10 of the Constitution survives coalition politics.

RECOMMENDATIONS

To address the challenges raised, the paper proposes a complete set of recommendations. Firstly, a legislative framework for coalition governance must be established, along with the enactment of a Coalition Governance Act that mandates minimum service delivery commitments in all agreements, stability clauses to prevent arbitrary withdrawal from coalitions, and clear consequences for violations, along with possible council dissolution. Secondly, institutional reforms are necessary within reason, such as creating an Independent Coalition Monitoring Unit to oversee the implementation of coalition agreements, mediate in inter-party disputes, and duly report to Parliament on compliance. Thirdly, constitutional and policy measures should be implemented, including amendments to municipal governance laws, in order to ring-fence budgets for necessary services, create service delivery continuity protocols during political transitions, and strengthen section 139 intervention mechanisms.⁷⁴

Furthermore, the judicial and oversight mechanisms need to be improved. The Constitutional Court should develop several guidelines for judicial review of coalition effects upon rights, and establish expedited processes for rights violations within coalition contexts, while parliamentary oversight over coalition governments should be strengthened. Drawing on many comparative best practices, South Africa can change several elements from Germany's detailed coalition contracts, Kenya's coalition legislation, and Spain's stability mechanisms to create a strong local framework.⁷⁵

The specific route to implementation must be phased for maximum effectiveness. Pilot coalition regulations should be tested in metropolitan municipalities, in the short term (0-2 years). In addition, capacity building for both councillors and administrators should be accompanied by public awareness campaigns on rights and accountability. In the medium term (of 2-5 years), the framework should be rolled out across the nation, with continuous evaluation and refinement upon implementation, along with integration within national development plans. In the longer term (five years), an exhaustive constitutional review of cooperative governance should be conducted promptly.⁷⁶ It should be coupled with intergovernmental relations reforms, along with mainstreaming coalition governance principles in local government curricula.

This exhaustive tactic would surely even up political pluralism with constitutional duties, guaranteeing socio-economic rights stay totally protected from political fickleness whilst keeping democratic accountability. The aforementioned proposed framework offers such a viable path to reconcile South Africa's transformative constitutionalism with each of the realities of coalition politics. Subsequently, studies may have to focus on several key areas: effect assessments of coalition regulations post-implementation, comparative studies with other coalition-governed democracies, gender analysis of coalition effects on social services, and economic modelling of service delivery efficiency under different

⁷¹ *United Democratic Movement v Speaker of the National Assembly [2017] ZACC 21.*

⁷² Kevin Allan and Karen Heese, "Understanding Why Service Delivery Protests Take Place and Who Is to Blame," *Municipal IQ*, 2011, 93–114.

⁷³ Department of Cooperative Governance, "Draft Framework for Coalition Governments," 2023 (Government Gazette No. 48765., 2023).

⁷⁴ *UDM v Speaker of the National Assembly [2017] ZACC 21*; Auditor-General. (2023). *Service Delivery Failures in Coalition Municipalities (Report 8/2023).*

⁷⁵ South African Law Reform Commission., "Discussion Paper 151: Constitutional Reform for Coalition Governance."

⁷⁶ South African Law Reform Commission., "Discussion Paper 151: Constitutional Reform for Coalition Governance."

governance models.⁷⁷ The sustainability of South Africa's constitutional democracy hinges on changing its governance systems. This is to adjust to current political realities, whilst still remaining faithful to its foundational rights commitments. This paper provides both an analytical framework and practical solutions for achieving this most critical balance.

CONCLUSION

This paper has demonstrated that the rise of coalition governments in South Africa poses both constitutional challenges and possibilities for the achievement of socio-economic rights. Although coalition politics may improve democratic pluralism, the unregulated system has greatly weakened service delivery, particularly in key metropolitan municipalities. The study reveals multiple fundamental tensions: firstly, between constitutional obligations for the progressive realisation of rights and persistent political instability in coalition governments; secondly, between cooperative governance ideals and subsequent adversarial coalition practices; and thirdly, between judicial enforcement of socio-economic rights and continuing legislative/executive dysfunction in coalition contexts.

This paper established quite clearly that unstable coalition governments negatively affect all three of the examined socio-economic rights domains. The right to housing has been compromised by political instability that disrupts long-term planning, with the frequent coalition changes leading to projects being abandoned and budgets being reallocated, as can be evidenced by the persistent failures in implementing the Grootboom judgment. The right of access to health has suffered because of distinctly fragmented policies and considerably delayed infrastructure projects, which weaken healthcare access, despite the crystal-clear principles established in the TAC case. Likewise, the entitlement to sustenance and water has been compromised as vital amenities turn into bargaining chips in many political parleys rather than being regarded as basic rights provisions. The 2024 elections have considerably increased these challenges by extending coalition dynamics into the national sphere, potentially affecting intergovernmental relations in conjunction with fiscal transfers that remain important for socio-economic rights realization.

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⁷⁷ N.C. Bormann and M. Golder, "Democratic Trade-Offs in Coalition Systems," *Comparative Political Studies* 56, no. 4 (2023): 512–38.

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