

FREE



FAIR

STATEMENT BY JUSTICE DIKGANG MOSENEKE ON THE ASSESSMENT PROCESS TO EVALUATE CONDITIONS CONDUCIVE TO FREE AND FAIR ELECTIONS

27 May 2021

Centurion

1. Following the announcements on Thursday, 20 May 2021, by the Chairperson of the Electoral Commission and I, we have established an office from which I will be coordinating all processes related to the Inquiry into Ensuring Free and Fair Local Government Elections During COVID-19 (“**Inquiry**”), effective from Monday, 24 May 2021.
2. This morning, 27 May 2021, I had an information session with the political parties represented in the National Party Liaison Committee. In this discussion, representatives of the political parties pledged their support for this Inquiry, and I had the opportunity to convey to them how the Inquiry will be conducted.
3. The salient features of the terms of reference for the Inquiry are as follows:
 - 3.1. To enquire into, make findings and report on, and make recommendations concerning the likelihood that the Electoral Commission would be able to ensure that the forthcoming 2021 general local government elections will be free and fair, in view of (i) the challenges posed by the COVID-19 pandemic, and (ii) the measures promulgated by the government to curb the continued spread of the pandemic; and

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- 3.2. To indicate additional measures that the Electoral Commission may be required to implement in order to realise free and fair elections within the context of the COVID-19 pandemic.
4. It is our plan that the final report will be handed to the Electoral Commission by 21 July 2021, before the date of the proclamation of the local government elections by the Minister.
5. In order to complete the Inquiry within the obviously tight timeframes, we have produced a schedule of timelines within which the project will be undertaken. The key features of the schedule are the following:
 - 5.1. From Friday, 28 May 2021, we will invite various stakeholders to make submissions;
 - 5.2. Preliminary submissions by the Chief Electoral Officer will be made on Friday, 4 June 2021, followed by substantive submissions on Friday, 11 June 2021;
 - 5.3. On Friday, 28 May 2021, government stakeholders, including the Ministries of Health and Cooperative Governance and Traditional Affairs (CoGTA), will be invited to make submissions;
 - 5.4. On Friday, 4 June 2021, similar invitations will be extended to the following stakeholders, who are likely to contribute to this Inquiry:
 - 5.4.1. non-governmental health institutions and medical experts involved in the management of the pandemic;
 - 5.4.2. political parties in the national and local spheres of government; and
 - 5.4.3. electoral stakeholders such as organisations involved in electoral monitoring and electoral research.

- 5.5. These stakeholders will be requested to make their submissions by Friday, 18 June 2021.
6. In addition, the Inquiry will hear oral submissions from invited stakeholders in the week commencing Monday, 28 June 2021.
7. This matter is of obvious public concern and importance. For that reason, this Inquiry will be as transparent as possible, and the submissions made to it, both orally and in writing, will be made accessible to all stakeholders and the public at large. Should any member of the public or civic organisations choose to make submissions, they may notify us and, in any event, make submissions not later than Friday, 18 June 2021. Details of the website of the Inquiry, as well as various means for the public to make submissions, will be made known in the near future.
8. We anticipate and hope for a good working relationship with electoral stakeholders, relevant government authorities, the media, and the public at large, in undertaking this assignment of constitutional importance.
9. The Inquiry can be reached as follows:

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