

UNITED DEMOCRATIC MOVEMENT

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Date: 23 June 2021

To: Mr Dikgang Moseneke, Former Deputy Chief Justice, The Chairperson of the IEC
Commission of Inquiry into Ensuring Free and Fair 2021 LGE During Covid

From: Mr Bongani Msomi, UDM Secretary General

Cc: Mr Bantu Holomisa, UDM President
Mr Nqabayomzi Kwankwa, UDM Deputy President
Mr Bongani Maqungwana, UDM Deputy Secretary General
Ms Thandi Nontenja, UDM National Treasurer

Subject: **SUBMISSION OF UDM ON 2021 LGE TO JUDGE MOSENEKE COMMISSION**

Dear Judge, Moseneke

The United Democratic Movement is grateful to be afforded this opportunity to make a submission on whether the 2021 Municipal Elections can be free and fair if they are held during covid.

The submission that we are submitting is more or less the same as the one which was submitted to the Independent Electoral Commission on the 7th of April, 2021 wherein the UDM stated that it subscribes to the Constitution of the Republic of South Africa and that it believes on holding elections on regular basis as enacted in the Electoral Act.

The Party is aware that the country is facing an unprecedented situation of Covid19 Pandemic, where there are restrictions and protocols to strictly observed which have been put in place to curb the spread of the virus. It is worth to note that the resurgence of covid-19 in a number of provinces has forced the President of the RSA to take back the country to Art Level 3 to mitigate effects of the 3rd wave. The number of infections that are recorded in provinces like Gauteng and Free State are alarming.

The situation is exacerbated by the slow roll out of the vaccine. The government has failed to meet the targets it set for itself. There has been a blunder after the other. It procured over a million of doses of AstraZeneca vaccine from India which could not be utilised because they were beyond their expiry date. As if that was not enough, the government also committed the same blunder by procuring Johnson and Johnson vaccine which cannot be used because it has reached its expiry date. The on-line system that is used for registration by elderly people who want to get vaccinated is not accessible to most who would be beneficiaries. The vaccination sites are overwhelmed by the huge numbers of walk-ins without appointments by people who are anxious to get vaccinated.

Covid-19 total shutdown and restrictions imposed when the country was on Art Level 5 devastated the economy of the country, some companies that provide jobs to the work force were forced to shut down hence the loss of job opportunities. Though there is some recovery of the economy that is seen, various companies that are operating have not yet fully recovered. They are still struggling for their survival since they are not operating on their optimal level.

If the elections were to be held and to be considered free and fair, there must be free movement of people. Political parties are to campaign freely – being able to embark on door- to- door campaigns, hold house meetings or mini rallies or big rallies. If such campaigns cannot happen or take place for whatever reason/s the elections cannot be free and fair. This will mean the climate is not conducive to free and fair elections. The voters would have been robbed of the opportunity to listen to different messages and promises by the political parties and candidates.

The holding of the elections during covid can undermine whatever little gain that have been achieved in curbing the spread of pandemic. The political parties will find it hard to control their crowds or members when it comes to their list conferences as no individual citizen who is having an invested interest will try to be obedient when told he/she cannot be part of the meeting because of the threshold that has been met, that is, fifty inside a hall or one hundred in an open meeting. Truth be told, elections are characterised by emotions. The reports of violent list conferences at different areas / constituencies in various provinces attest to this. Some people have lost their lives because of political turmoil that usually arise in such conferences.

It is UDM's considered view that under current prevailing conditions, the country cannot be able to conduct free and fair elections especially that there is no one including the medical experts who is certain what will be the situation in six months to come as the predictions of a third wave of the pandemic has become a reality. There is big likelihood that the situation may become worse than what it is now since members of communities are no longer observing the restrictions and protocols.

In most cases political parties depend on donations or credit facilities made available by companies which produce or manufacture campaign material like t-shirts, printing material, currently these companies are fighting their own battles for survival. This means, political parties or candidates will need cash in running for the elections, something which the small parties cannot afford. It is common cause that the elections are about the resources. There is no mark that a political party can make if it does not have resources, for example, during the first two days of special votes the parties must provide their party agents with transport when monitoring voting that take place during home visits.

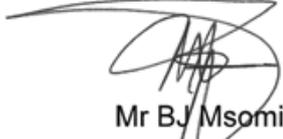
The UDM feels the available alternative methods of interacting with the people on the ground cannot yield the desired outcomes since there are areas which are under- developed where internet network is still a dream and electric outages are not helping. It will be suicidal to compare our country with other countries that have held elections during covid because the pertaining situations and conditions are not necessarily the same. South Africa is one of the countries in the world that is characterised by severe inequalities. The national Municipal Elections also cannot be compared with By-elections that have taken place from time because of their enormous magnitude. It thus become important, that, whatever decision which is taken on whether the elections can be held or not does not exclude thousands or millions of people from taking part in the next 2021 LGE.

The UDM therefore, propose that the Local Government Elections for 2021 be postponed by at least 12 months to allow the situation to come to a usual normal and the IEC can approach the

Constitutional Court for permissible extension or if there is a need for the Constitution to be amended, let it be.

Thank you

Kind Regards

A handwritten signature in black ink, appearing to be 'BJ Msomi', written over a horizontal line that extends to the left.

Mr BJ Msomi
UDM Secretary General