



ABANTU BATHO
CONGRESS

Sunday, 04 July 2021
Abantu Batho Congress (ABC)

Office of the President
3A Reservoir Road
Winston Park
Durban, 4001

Inquiry on Free and Fair Local Government Elections
Justice Dikgang Moseneke

Tugela House, Floor 1
1303 Heuwel Road
Centurion, 0157

Email: freeandfair@elections.org.za
Contact +27 (0) 12 622 5574

Dear Honourable Justice Moseneke,

ABC Submission on the Inquiry on Free and Fair Local Government Elections,

Thank you for the opportunity to present the party position of Abantu Batho Congress (ABC) on the question of whether to postpone or proceed with the General Local Government Elections (LGE) of South African as per the President's announced date of 27 October 2021.

The ABC would have loved an opportunity to make an oral presentation to your Inquiry, however, in reading the letter that was circulated to all registered parties, it seemed that the IEC was going to invite stakeholders according to their own determination.

The following reasons stated below are the ABC reasons in support of continuation of general LGE elections on 27 October 2021:

1. The current term of office of all parties, their deployed public representatives and directly elected ward councillors expires on 3 August 2021 and the current elections date that is stated as 27 October 2021 already means that the current term of office will exceeded by three months. Delaying to hold the elections will mean an even longer extension. This will pose a problem to the legitimacy of their incumbency which is already marred by generally very poor quality municipal services. Bearing in mind this terrible state of municipal service delivery affects mainly areas that are overpopulated by poor, underpaid, underemployed and unemployed Black people residing in generally underdeveloped geographies – especially in rural places of the several and equally largely rural provinces of South Africa. This is exacerbated by a generally depressed and frustrated electorate which is negatively affected by the massive job losses resultant from the economic sectors that collapsed post the various COVID Lockdowns. These are industry sectors such as aviation, tourism, retail and hospitality including the SMME sector where many poor people eke out a living as micro operators. Tourism for instance, is the bedrock economic sector for many of these constituencies in the provinces we herein refer to. So, to extend the term of office of local public representatives means that we would be adding to the prevailing sense of hopelessness. General elections, especially for a new party like the ABC means bringing to our constituencies a renewed sense of much-needed hope in this context.
2. The Covid pandemic has been with us for over 12 months now and despite the state and government of South Africa allocating about R500 billion for COVID relief, the terrible state of lack of accountability, poor financial governance, management capabilities and skills, lack of accountability, non-financial reporting in several instances

and other mal-administrative aspects of the incumbents in various municipalities are clearly outlined in the latest media release and reporting by the Auditor General: <https://www.agsa.co.za/Portals/0/Reports/MFMA/201920/2019%20-%202020%20MFMA%20Media%20Release%2030%20June%202021.pdf>

“With few exceptions, municipalities missed an opportunity to display the responsive, caring and ethical leadership required in a time of disaster. When you are responsible for people’s lives, every rand should be spent with care. However, in the midst of the pandemic, municipalities continued to plan poorly and misappropriate the funds made available to them,” notes the AG. “We are particularly concerned about the municipalities’ inability to produce records to support the current spending as the covid-19 relief spend has occurred recently and therefore it should not be a struggle to produce these documents. We will continue to audit the covid-19 funding as part of our normal annual audit, including at those municipalities not selected for this real-time audit, and will report further observations in our next general report for local government.”

It’s worth noting that various Metro, District and Local Municipalities in the country have been placed and remain under administration, as listed below:

Twelve (12) North West Province municipalities namely: Bojanala District, Lekwa Teemane, Madibeng, Kagisano-Molopo; Ramotshere Moilola; Ditsobotla; Kgetlengrivier; Maquassi Hills; Naledi; Mahikeng local municipalities; and the Ngaka Modiri Molema district municipality and two more are under section 139(1)(b) of the constitution, and section 137 Municipal Finance Management Act with effect from September 1, 2018.

In KwaZulu-Natal, the following are under administration: uMzinyathi District, uMkhanyakude District, Nquthu, Msunduzi, Mtshezi, Mpofana Municipality and three more.

In the Eastern Cape Amathole District Municipality has been placed under Section 139 (5)(a)

Emfuleni Municipality in Gauteng;

In the Free State Metsimaholo and Manguang Metropolitan Municipality were placed under administration

Five municipalities in Mpumalanga are under administration: eMalahleni, Govan Mbeki, Msukaligwa, Thaba Chweu and Lekwa Local municipalities are under section 139 (1) (b)

This is a clear demonstration of how the municipalities are mismanaged or mal-administered by the incumbent political leadership that can no longer be trusted with power. Msunduzi Municipality, for instance, has not had a mayor lasting its full term of office for the last 15 years. Ethekwini Metro has not had a Municipality lasting its term of office for the 10 years. This serves as proof that the incumbents do not deserve to be rewarded with illegal extensions. This would be an injustice. Recently we have also seen a spike in salary increases of the Municipality employees being effected illegally in several municipalities. So corruption and looting is likely to worsen if the election date is not upheld.

3. The general elections must be held within the Legislative framework of South Africa and must be in line with the relevant prescripts of the Constitution of South Africa; notwithstanding unexpected and extraordinary exceptions that may be posed by the

COVID-19 pandemic, however the government has had the benefit of about R500 Billion herein referred to under point number 2 in public spending to make sure that all necessary measures have been put in place to allow the elections to proceed as planned.

4. The Independent Electoral Commission has surprisingly set aside only one weekend for focused voter registration at every voting station across the country and stated in their announcement of that weekend date that no other focused voter registration weekend would be reserved by themselves – with the exception of the day to day municipal office voter registration. This puts new registrations at a disadvantage because many of the municipal IEC offices are dysfunctional or not operational at all. This means that the IEC is not prepared nor ready to support the democratic process of allowing newly eligible voters to register, potentially frustrating their inalienable constitutional voting rights and duty. Therefore, this being the case the IEC will be at loggerheads with prospective voters should the Inquiry advise to extend the election date and the IEC maintains its stance of not adding another voter registration weekend. We are happy to indulge and explain our rationale further with regards this point, so that we are clearly understood.

We hope and trust the Justice and his legal team heading up this inquiry will take what we said above and all the related implications into serious consideration when making this critical decision.

I look forward to not only an acknowledgement of my letter but also a favourable response by the Justice's Inquiry process, considering our pleas stated above.

Yours Sincerely,

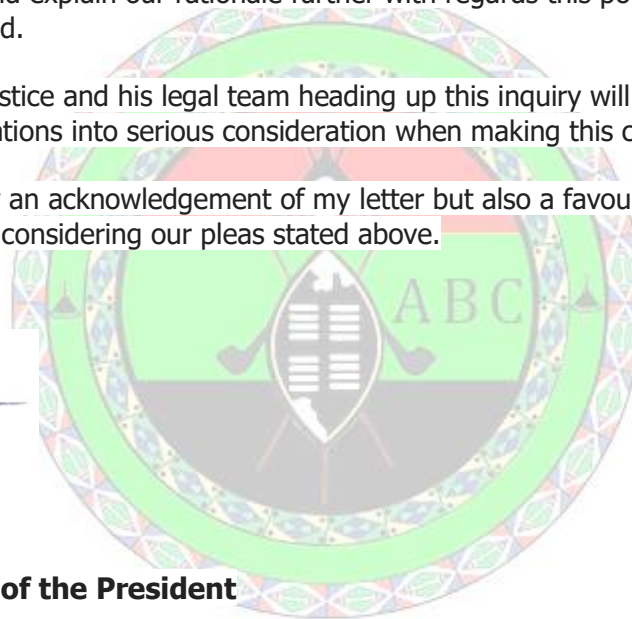


Director in the Office of the President

Mandisa S. Mashego

mandisamashego@abantubatho.org

+ 27 (0) 83 661 7736



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Copy to:

ABC President PG Mavundla,

+27 (0) 82 304 7887

pgmavundla@abantubatho.org and

mavundlapg@pgmgroup.co.za