



SOUTH AFRICA

## **Electoral Commission appoints former Deputy Chief Justice Dikgang Moseneke to evaluate conditions conducive to free and fair elections**

20 May 2021

Centurion – The Electoral Commission has appointed former Deputy Chief Justice Dikgang Moseneke to lead a process to evaluate the impact of Covid-19 on conditions conducive for the holding of free and fair elections later this year.

Justice Moseneke will undertake an urgent appraisal of all the relevant legal, socio-political, health, practical and other considerations and submit a report to the Commission during July. In addition to assessing the various factors, the report may also make recommendations of additional measures to further fortify the integrity and safety of the elections.

The request to Justice Moseneke is in line with Section 14(4) of the Electoral Commission Act (51 of 1996) which provides for the Commission, should it deem necessary, to publish a report on the likelihood or otherwise that it will be able to ensure that any pending elections will be free and fair.

The Commission considered it prudent to commission this process, following a series of engagements between the Commission and the leaders of political parties represented in the National Political Party Liaison Committee over recent weeks. During these consultations, it emerged that some political parties were concerned that with the trajectory of the pandemic and the holding of elections under those conditions.

This initiative will take into account the work already undertaken by the Commission in engaging with key stakeholders and the development and testing during by-elections of COVID mitigation measures.

“Preparations to host the Local Government Elections are at an advanced stage and the Commission is satisfied that it is possible to conduct successful elections within the current circumstances,” said Commission Chairperson Mr Glen Mashinini.

“The Commission is also confident that the special COVID-19 protocols and measures to be put in place for the elections will provide adequate safeguards. These measures have been tested in over 150 by-elections conducted over the past six months.

The measures also take into consideration the experiences of a number of other countries in conducting elections successfully during the pandemic.

“The Commission is not oblivious to the uncertainties and unpredictability of the pandemic and the risks associated with hosting events which bring together large numbers of people. We also understand that these circumstances will require political parties and candidates to adjust their traditional campaign strategies.

“Under such abnormal conditions, the minimum requirements for what constitute free and fair conditions may be different from the standards we apply to during ordinary times,” he said.

For these reasons Mr Mashinini said the Commission had decided to activate the Section 14(4) process to provide additional insights and further possible mitigation measures to safeguard the integrity of the elections.

“The Commission is acutely aware of the weight of its responsibility find the correct balance between protecting our Constitutional democracy and protecting people’s lives. Under the current unprecedented circumstances, we should not shy away from using every tool at our disposal to make sure we meet these obligations.”

Along with his extensive experience in the Constitutional Court, Justice Moseneke is the former Deputy Chairperson of the Independent Electoral Commission which conducted the first democratic elections in South Africa in 1994.

“This gives him valuable insight and experience in the intricacies of conducting elections,” Mr Mashinini said. “Having a person of the calibre, reputation, experience and unquestionable integrity of Justice Moseneke to provide an independent review and analysis can only serve to enhance the decision-making of the Commission.”

As part of the process, Justice Moseneke will invite and consider submissions from various stakeholders including:

- political parties
- key electoral stakeholders including the administration of the Electoral Commission
- health authorities, in particular relating to the anticipated trajectory of the pandemic as well as efforts to manage, mitigate and reach community immunity through vaccinations and other initiatives
- the disaster management authorities including the Department of Cooperative Government and Traditional Affairs and other relevant government structures
- stakeholders functioning in the constitution and electoral democracy environment.

While this process is underway, the Electoral Commission will continue with all its preparations to hold the elections on 27 October 2021 as announced by President Cyril Ramaphosa.

The formal proclamation of the elections by the Minister of Cooperative Governance and Traditional Affairs Dr Nkosazana Dlamini-Zuma, which triggers a series of electoral processes in terms of the law, must still take place by early August.

**ENDS**

## **ISSUED BY THE ELECTORAL COMMISSION**

*Ensuring free and fair elections*

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