

8 November 2023

TO: Dr Aaron Motsoaledi
Minister of Home Affairs

PER: [REDACTED]

AND TO: Mr Mosa Chabane
Chairperson: PC on Home Affairs

PER: [REDACTED]

AND TO: Mr Eddy Mathonsi
Committee Secretary

PER: [REDACTED]

Dear Mr Mosa Chabane

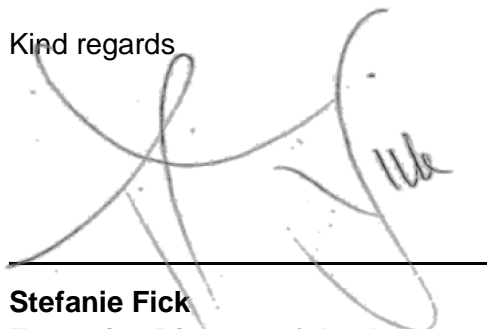
OUTA's CONCERNS REGARDING THE ESTABLISHMENT OF THE ELECTORAL REFORM CONSULTATION PANEL
YOUR REF: Unknown

1. The Organisation Undoing Tax Abuse ("OUTA") is writing to you to bring to your attention a matter of utmost importance regarding the implementation of the Electoral Amendment Act 2023 ("the Act") and the establishment of the Electoral Reform Consultation Panel.
2. As a concerned civil society organisation and an advocate for transparent governance, we feel compelled to express our deep concern over the failure to meet the statutory obligations as set out in the aforementioned Act.
3. The Act, specifically Clause 23, clearly stipulates that "Within four months after the commencement of the Electoral Amendment Act 2023, the minister must establish the Electoral Reform Consultation Panel." The Act was gazetted on 17 April 2023 and took effect on 19 June 2023. In accordance with this timeline, the Panel should have been established by 19 October 2023. Regrettably, no announcements or progress updates have been provided to the public.
4. Furthermore, it has come to our attention that the Portfolio Committee on Home Affairs raised the issue of the missing panel with you during a meeting on 19 September. However, it appears that the committee has not exerted the necessary pressure to ensure compliance with the law. This lack of enforcement is a matter of great concern, as it represents a failure both by your office to implement electoral reform and by Parliament to hold you accountable for this omission.
5. The Electoral Reform Consultation Panel is designed to play a pivotal role in the electoral system's reform process, particularly for the elections following the 2024 cycle. Its functions include conducting research, engaging in public participation and submitting regular progress reports to the minister. Given the uncertainties facing the Electoral Commission (IEC) and the pending Constitutional Court judgment on the

treatment of independent candidates, the panel's establishment is crucial to ensure that meaningful electoral reform occurs.

6. OUTA has been actively following the development of the Electoral Reform Consultation Panel since its inclusion in the Electoral Amendment Bill. On 26 January 2023, OUTA submitted comments expressing concerns about the panel's vague requirements, potential timeline constraints, and the duplication of past research efforts. Furthermore, OUTA emphasised the need for meaningful public engagement, including informed public discussion on electoral reform. Civil society representation and ensuring regular, informed and inclusive public participation are critical aspects that need to be addressed.
7. In light of these concerns, it is imperative that the timelines and due dates for the panel's establishment and its activities are made explicit.
8. Additionally, clear repercussions and penalties should be defined for any failure to meet these obligations. It is disheartening that the initial opportunity offered by the Constitutional Court between June 2020 and June 2022 was not fully utilised, resulting in a series of missed deadlines. Parliament's request for extensions to amend the Electoral Act of 1997 has seemingly set a precedent for these delays, which are now evident in the failure to establish the panel. This situation is deeply disappointing, as it jeopardises the prospects of achieving meaningful electoral reform and ultimately harms the citizens of South Africa.
9. We respectfully request your immediate attention to this matter and urge you to take the necessary steps to rectify the situation. The establishment of the Electoral Reform Consultation Panel is not just a legal obligation; it is a crucial component of ensuring the integrity of our electoral system and upholding the principles of transparency and accountability in our democracy.
10. We look forward to your prompt response and the necessary actions to address this issue.

Kind regards



Stefanie Fick
Executive Director of the Accountability and
Public Governance Division
OUTA – Organisation Undoing Tax Abuse
Email: [REDACTED]