



**Institute for Accountability in Southern Africa**

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**NPO NO: 70681**

18 February 2013

The Chairperson  
Independent Electoral Commission  
Election House  
Riverside Office Park  
1303 Heuwel Avenue  
Centurion 0157

Via fax (012) 6225784

For Attention : Adv. Pansy Tlakula

Dear Chairperson,

**RE: the fairness of elections in South Africa**

1. As you know the IEC has a constitutional mandate to ensure free and fair elections.
2. It is questionable that the general elections held in SA are in fact fair.
3. The reasons for this include, but are not limited to, the lack of proper regulation of political party funding and the propensity of the African National Congress to fundraise by doing business with state owned enterprises. Andrew Feinstein in his book "After the Party" reveals that the ANC 1999 election campaign was, at least in part, funded by the proceeds of bribes paid in the arms procurement process. He cites a cabinet member as the source of this information without actually naming the person concerned. Feinstein will shortly give evidence before the Seriti Commission and may be required by it to reveal the identity of his informant.

*Patron: Archbishop Emeritus Desmond Tutu  
Trustees: S Christie, M de Swardt SC, B King, Rev. M Tutu, G Williams  
Directors: D. Groeneveldt, P. Hoffman, SC., Adv G Lloyd-Roberts, Adv C Shone*

4. The cash flow to the ANC emanating from the deal between Hitachi Power Africa (25% owned by the ANC via its investment arm Chancellor House) is estimated at R5,8 billion by Professor William Gumede writing in the Helen Suzman Foundation's Focus magazine. This is an astronomical amount, especially when compared with the paltry R64 million the Democratic Alliance, the largest opposition formation, was able to muster for the most recent municipal elections.
5. The litigation against the political parties started by IDASA ended unhappily and indecisively in 2005 with vague promises of the initiation of the necessary remedial regulation of funding, which has not materialised.
6. Even now, there seems to be a lack of political will to deal with the obvious shortcomings in the existing system which render the playing field less than level and make the holding of fair elections impossible. There is also the spectre of ownership of political parties by dodgy investors whose presence remains in the shadows but whose influence undermines the very notion of fairness.
7. We have frequently commented on the lack of fairness in elections as can be seen from the material gathered on our website, with which we will not burden this letter.
8. As it is a constitutional obligation of the IEC to ensure the fairness of elections we would like to know what steps the IEC has in mind to remediate the current unsatisfactory state of affairs and when it intends to take them.
9. We also take this opportunity to draw your attention to our handbook "Know Your Rights, Claim Your Rights" which is available at [www.ifaisa.org](http://www.ifaisa.org) and may be useful to you in the educational activities of the IEC.
10. Kindly acknowledge receipt and let us know within one month how exactly the IEC intends going about ensuring that the next election is fair. Manifestly it cannot be if only one grouping has access to the R2,1 billion in bribes paid in the arms deals and the R5,8 billion in dividends of the kind available to Hitachi Power Africa.

Yours sincerely,



**Paul Hoffman SC**

Director

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