

Help us end this lockdown crisis

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My fellow citizens

In these unprecedented times, it is more important than ever that we stand together and support one another.

Our deepest condolences go out to those who have lost loved ones to the Coronavirus. And our prayers are with those who find themselves facing enormous hardship in this lockdown crisis.

Together we will overcome this and rebuild our country.

Together we will find a way forward.

South Africa tuned in last night in the hope that our President would show us a way forward, but an hour later he had barely said anything.

He told us his government had often got it wrong these past seven weeks, which is true.

He told us that South Africans have played their part and made sacrifices, which we know.

But when it came to the part we were waiting for – the urgent opening of our economy so that people can get back to work – South Africans were left bitterly disappointed.

What President Ramaphosa announced last night was simply not enough.

Remaining in hard lockdown until at least the end of May, and possibly even longer, is not good enough.

Remaining imprisoned by a night curfew enforced by armed soldiers is not good enough.

Remaining subjected to a slew of irrational, petty regulations that do nothing but kill businesses and turn decent people into criminals is not good enough.

And having all of these decisions passed down by a secretive sub-group of the Executive with no clearly defined authority is certainly not good enough.

South Africa tuned in last night to hear one thing only: "It's time to get our country back to work."

But instead we got a long, rambling justification for an extended lockdown that has torn our economy to pieces, and a vague announcement that this might be eased, for some, in two weeks' time.

Not good enough.

If the purpose of the lockdown was to ramp up our healthcare capacity and expand our testing programme – and we are told by the President that we have done this – then why keep the hard lockdown in place for another two weeks?

In the President's own words: "There is clear evidence that the lockdown has allowed us to achieve our objective of delaying the spread of Covid-19 and avoiding a massive surge in infections that would have overwhelmed our healthcare system."

So if this objective has been achieved – if even the President's own experts agree that the hard lockdown must end – why are we still locked down?

Why are we deliberately destroying thousands of businesses and millions of jobs? Why are we causing all this suffering for our fellow citizens if it is no longer necessary?

I'll tell you why. It's because of a lack of courage.

Going into lockdown was the easy part. Everyone was doing it. The world was panicking and governments were spurred into swift action.

But coming out of lockdown is the hard bit. This is what requires smart strategy, analysis and skills. And it also requires a lot of bravery.

People are going to see infections spike and they are going to want to find someone to blame. It will take a courageous leader to know this and still do the right thing.

Hiding from the virus was the easy part. Dealing with the virus is the hard part.

But every sacrifice we've made these past seven weeks has been for this very goal – to prepare us to face the virus.

We cannot let fear paralyze us.

We cannot remain trapped by fear of the spread of infection. The lockdown was never going to stop infections. It was always only going to delay this.

We cannot remain trapped by fear of a rising curve. Because the curve will rise, and it will rise by a lot. We must know this and we must accept it. And we must trust that the curve will rise by less than if we'd had no lockdown at all.

We cannot remain trapped by fear of the duration of Covid-19, because this illness could be with us for the next two years. We must learn to live with it.

We have to end the national hard lockdown, and we have to do it now.

We have run out of any road we might have had. In fact, we reached that point a month ago, when the initial three weeks set aside for our hard lockdown came to an end.

Three weeks was just about all our crippled economy could bear.

When the President announced that the three weeks would become five weeks, the DA spoke out strongly against it. We warned that an extension to the lockdown would be an economic disaster, and we were right.

Those extra two weeks of Level 5 and then another two weeks of Level 4 have already baked into our economy a depression that will take a generation to recover from.

We called on the President to end the hard lockdown a month ago, and he has had every opportunity to act since then. Yet last night he told us to stay put for at least another two weeks.

We don't have another two weeks.

That is why the DA has decided to take action. Because someone has to, and the President won't.

One by one, we will fight and we will overturn every decision and every regulation that is either irrational or immoral until we have done what President Ramaphosa could not do: End the hard lockdown.

You'll know that we have already instructed our lawyers to challenge the discriminatory use of the Covid emergency relief fund. It isn't right for government to exclude citizens from this relief based on their, or their employer's, race and other arbitrary criteria.

We also petitioned the IMF to make any funds obtained from them by the South African government conditional on non-racial use, or any other arbitrary criteria.

And today I would like to set out our next rounds in this fight.

Today our lawyers will file papers in the High Court challenging the rationality of three separate lockdown-related issues: the night curfew, the ban on e-commerce and the restriction on exercise hours.

It is our opinion – and it is the view of many South Africans – that all three of these decisions should be immediately reversed, as there are no rational justifications for a military-enforced curfew, a restriction on e-commerce business and a limited 3-hour window for exercise.

But it also has to be said that all these irrational decisions are taken by the National Command Council because they are acting without any checks and balances.

The State of Disaster we are currently under, governed by the Disaster Management Act, has zero provision for Parliamentary oversight. Which means this secretive National Command Council answers to no one.

Now consider that not even a State of Emergency, which is a further step up from a State of Disaster, has such sweeping powers with no parliamentary oversight.

There is no logical reason for this, and it surely could not have been the intention of the authors of the Disaster Management Act.

And so tomorrow our lawyers will be filing court papers challenging the constitutionality of this aspect of the Disaster Management Act. Because unless the Act meets constitutional muster, the decisions taken by the National Command Council under this Act are not valid.

This is an extremely important case, because it speaks to one of the most crucial principles in our democracy – the separation of powers.

We have an Executive branch of government – Cabinet – and a separate Legislative branch – Parliament – for a very good reason.

But right now, because of this lack of oversight, the Executive is effectively doing the job of writing our laws and regulations as they please, bypassing all the debate and possible opposition that would've happened in Parliament.

We have to fight this, because from here our democracy finds itself on a very slippery slope.

What we will be asking the court is to apply the same oversight provisions to the State of Disaster as to the State of Emergency. Because without this oversight, petty authoritarians hopped up on power are allowed to run amok.

That's when you see pensioners and toddlers harassed and arrested for walking on a beach.

That's when you see e-commerce banned, not because it is a health threat, but because it is apparently "unfair" towards non-e-commerce businesses.

That's when you see cigarettes, alcohol and hot food banned.

That's when you see laughable regulations about which kind of T-shirt or shoes you can buy and how you should wear them.

None of these things make any difference in delaying the spread of the virus. They're all just a massive over-reach by the kind of ministers who should be nowhere near such power.

If we want to prevent this kind of dictatorial madness, then we have to stop it at the source. And this means removing this authoritarian power through proper oversight.

Right now, these legal challenges of ours are what stand in the way of a slide towards a one-party fiefdom, where laws and regulations are simply issued by decree.

It is in every single South African's interest that we succeed.

And so I ask that you help us fund this legal process through a small contribution. Please go to our website – da.org.za – or our Facebook page to see how you can donate.

There you can also co-sign my letter to the President asking for the hard lockdown to be lifted.

We cannot do this on our own. If you were perhaps feeling powerless until now and wondering what you could do to help fight this heavy-handed lockdown, this is it.

We need to fight this together, just as we need to face our fear of the virus together.

Yes, there is a threat – a very real and scary threat – right outside our door, but it's not going to go away.

No matter how long we choose to stay on this side of the door, it will still be waiting for us on the other side.

So let us put on our masks, wash our hands and open the door so that we can face it with courage, determination and a whole lot of common sense.

Let us replace this hard lockdown that is destroying our country with a proper smart lockdown plan that allows the maximum number of South Africans to return to work.

Let us allow every business that can operate safely to do so.

Let us set out hygiene and distancing protocols for every type of business and every mode of transport.

Let us do the same for our schools.

Let us make the best possible use of the resources of the state. Instead of locking up soup kitchen workers and achar sellers, let us rather pour the state's attention into finding people who are at real risk and helping them to isolate.

Those with co-morbidities such as diabetes and hypertension are vulnerable and should remain locked down. Many of them cannot do so where they live, and the state can play a crucial role.

Let us put on our masks, wash our hands, keep some space around us, and then go out there and try and rescue what we can of our economy so that people can earn a living and feed their families.

The threat posed by this lockdown crisis is so much greater than the threat of the virus, that we simply have no choice but to end the hard lockdown now and start our economy up.

If the President is unable to make this decision, then help us make it for him.

Thank you.