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PFA SUBMISSIONS ON POSSIBILITIES OF HOLDING FREE AND FAIR LOCAL ELECTIONS ON THE 27TH OCTOBER 2021.

ATTENTION: JUDGE D.E. MOSENEKE

In as much as we recognise the need to comply with constitutional imperatives of holding this year's Local Government elections within constitutionally prescribed time frames, the party is of the view that such elections will not meet basic requirements for free and fair atmosphere to exist in which all contestants have equal and unrestrained access to potential voters and vice versa that is voters having unrestrained access to political parties' rallies and meetings.

Before elucidating on factors that informed this position, we must from the onset indicate that we have looked at many other countries which held elections during the Covid 19 pandemics in the past year since the outbreak began. Some countries postponed while others like the USA which proceeded with its Presidential elections late last year shrugged off potential inhibitions and improvised through elaborate measures that offset threats which Covid 19 restrictions imposed on people's movements and by extension the right of political parties to campaign.

Indeed, USA figures are astounding as well as deceiving because 17 million more people participated in last year's elections than in 2016 when there were just no restrictions imposed on either political parties or individual voters. The USA electoral system is too advanced to be compared to our own, its distinguishable feature being its propensity to easily adapt to new challenges both in the internal and external environment. Unfortunately, the same can't be said about our own electoral system.

Informed by scientists' interpretations and predictions of the Covid 19 infection patterns, it is evident that not only are political parties' campaigns hamstrung during the current 3rd wave

Delta Variant infections, but by October 27 the 4th wave of infections will be upon us with both IEC and government unable to mitigate impending hinderances. Without seeking to overstate the obvious, it becomes poignantly clear that up to the end of this year no free and fair elections can be held if yardsticks for such are the ability for political parties to campaign without restrictions on the number of attendees at their rallies as well as no restrictions being imposed on voters to attend rallies, meetings and welcome party canvassing agents into their homes.

This submission is not oblivious to constitutional requirements for the holding of Local Government no later than 3 November this year after which the 90 days extension the country's President is empowered to exercise. We propose that the Constitutional Court be approached with prayers for the setting up of Transitional Arrangements from November till April next year when we think it will be feasible to hold the deferred elections.

We further submit that political parties using the IEC's Political Parties' Liaison Committees (PLCs) sit and negotiate the nature and scope of the Transitional Arrangements in order to fill the void that will be created by municipal councils which will cease to exist in November 2021. We will not support proposals seeking to further extend tenures of existing municipal council structures due to their collapsed status in certain provinces apart from constitutional inhibitions.

We accordingly submit that as part of our motivation for the postponement of the Local Government elections that are scheduled for 27 October this year, we provide a way forward in terms of a constitutional void that will result from the end of the tenure of current municipalities.

ISSUED BY PATRIOTIC FRONT OF AZANIA

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