



SADC PARLIAMENTARY FORUM ELECTION OBSERVER MISSION TO THE REPUBLIC OF MALAWI ELECTIONS 2009

INTERIM MISSION STATEMENT 21st May, 2009

I. INTRODUCTION

1. The SADC Parliamentary Forum

The SADC Parliamentary Forum Election Observer Mission to the Malawi Elections 2009 came in response to the invitation from the Malawi Electoral Commission. The 41 member Mission comprises of male and female Members of Parliament from both the opposition and ruling parties and staff from Angola, Botswana, Mozambique, Namibia, Lesotho, Tanzania, Seychelles, Swaziland, Zambia and Zimbabwe together with staff of the Windhoek based SADC Parliamentary Forum. The Leader of the Election Observation Mission is Hon. Lovemore Moyo, the Speaker of the Parliament of Zimbabwe. He is deputised by Hon. Doreen Sioka, the Deputy Speaker of the National Assembly of Namibia.

Dr. Kasuka Mutukwa, the Secretary General of the SADC Parliamentary Forum, was the overall coordinator of the activities of the Observer Mission. The SADC Parliamentary Forum Election Observer Mission Leader launched the Mission on Saturday 9th May 2009.

The Malawi Presidential and Parliamentary Elections 2009 is the 23rd in the series of election observations by the Forum from its establishment in 1996. This is the second time the Forum is observing elections in Malawi, having first done so in 2004.

The Forum policy is to observe the three phases of the electoral process namely, the pre-election, election and post-election phases. To this end, the Forum observed the election campaigns in Malawi from the 12th to 16th of May 2009. Prior to deploying its Observer Teams, the Forum conducted an Orientation and Consultation Workshop for the MPs and staff in Blantyre where we received reports from the Malawi Electoral Commission, representatives of the contesting political parties, civil society organisations and the media, aimed at familiarising the Observer Mission with the political environment and context and various electoral issues in Malawi.

2. Deployment and Method of Work

The Mission deployed 10 Observer Teams of at least 1 MP and staff in 10 centres covering a total of 23 districts in all the **3 Regions** of Malawi.

In addition, the Mission Leader, Hon. L. Moyo and the Deputy Mission Leader, Hon. D. Sioka visited some polling centres in the **Southern Region** to observe the electoral process and to familiarise themselves with the situation on the ground. The Mission also had consultations with other regional and international observer missions including the SADC Secretariat Election Observer Mission, the SADC Electoral Commissions Forum, the COMESA Mission, the Electoral Institute of Southern Africa, the African Union Observer Mission, the Commonwealth Election Observer Mission and the European Union Mission, to exchange information and experiences.

While in the field, the Teams undertook the following in accordance with the Terms of Reference:

- Consulted widely at national, regional and district levels with political parties, the Malawi Electoral Commission (MEC), Returning Officers, District Commissioners, Police, civil society organisations, media, local monitors, other international and regional observers, and other relevant stakeholders;
- Observed political party campaigns, rallies and whistle stop meetings;
- Had discussions with police officials to assess the security situation;
- Assessed media coverage of the elections at both national and local levels, through newspapers, television and radio;
- Determined the transparency of the electoral process and the functioning of the electoral institutions and their preparedness for elections;
- Noted the presence of local monitors, regional and international observers and held consultative meetings with such groups;
- Visited polling stations to assess their preparedness for the elections, and
- Observed the preparedness for voting; the voting process, the count and the declaration of results at the National Results Centre.

II FINDINGS

1. The Legal Context

The Malawi Constitution in Chapter VI and section 67 stipulates that elections should be held on a Tuesday in the third week of May in the year in which the National Assembly is dissolved in the fifth year after its election. Any postponement will entail holding elections within a period not exceeding seven days from that Tuesday.

The Mission noted that the arrangements for the 2009 elections complied with this requirement. Malawi thus fulfills the *Norms and Standards for Elections in the SADC Region* requirement for having dates for general elections fixed in the Constitution and is commended for this, as well as for respecting the legal provisions within its own laws. The fixing of a date 5 years in advance is a good practice worth emulating by other SADC countries.

2. The Political Environment

The Mission found that the political environment was generally calm and peaceful as demonstrated by unimpeded political rallies, whistle stop campaigns, a high degree of tolerance among party supporters and very few reported cases of election related disturbances. This environment was largely conducive to the conduct of elections and met many aspects of the regional principles, norms and standards of a democratic process. In this regard, the Mission noted the large number of candidates per constituency at an average of 6 candidates, as well as the 7 Presidential candidates.

The Mission also observed that out of a combined total of 1,191 Presidential and Parliamentary candidates, there were 485 independent candidates. This represents 41% of the candidates who stood for the elections. This is a large percentage of independent candidates. This phenomenon needs to be noted by all political parties with a view to re-examining its root causes within the context of intra-political party organisation, management and democratic practices in canvassing and adopting candidates.

3. Conflict Resolution Mechanisms

The establishment of conflict resolution institutions is commendable. In particular, the District Multiparty Liaison Committees comprising of election stakeholders at the district level, including government officials, political party representatives, independents and traditional authorities, aimed at resolving election related conflicts at an early stage, greatly contributed to the peaceful environment under which the elections were conducted. The holding of frequent meetings and consultations between the MEC and political parties and other stakeholders on the election processes is commendable.

4. The Voters' Roll and Malawi Electoral Commission's Preparedness

The SADC Parliamentary Forum Mission determined the existence of one Voters' Roll – the 2009 Voters' Roll, which has been computerised and verified at least once. The Forum notes that this is a major improvement on the situation which existed in the last Malawi Elections 2004 where there were three Voters' Rolls. A single, computerised and verifiable Voters' Roll has significantly strengthened the electoral process.

The Mission would like to underscore that election management is a complex process. The logistical and administrative arrangements which need to be put in place in order to ensure a smooth, transparent, free and fair election process are enormous. The requirements include printing of ballot papers; the training of Polling and Returning Officers, Presiding Officers and other support staff; managing an effective programme of voter/civic education covering the whole country and the secure distribution of voting materials to all parts of the country.

Despite the enormity of these varied tasks, the MEC seems to have managed to carry them out in an effective and timely manner and in co-operation with all stakeholders. The electorate was well informed about the elections. There were no reports of polling stations failing to open because of lack of materials.

However, for future elections, the Mission would like to suggest that the MEC should not treat the periodic five yearly Presidential and Parliamentary elections as an event but as a process, especially since the date of elections is known five years in advance.

5. Gender Representation

The Mission observed that there was a considerable increase in the number of female candidates for the Malawi Presidential and Parliamentary Elections of 2009, when compared to the 2004 Elections, including candidates for both Parliament and the Presidency. Out of a total of 1,184 candidates for Parliament, 237 candidates were women. Out of 7 Presidential candidates, 1 candidate was a woman, the first in Malawi and out of 7 Presidential running mates, 2 were women.

The Mission notes that this is a major improvement on the situation obtaining in the Malawi 2004 Elections. Further, the Mission notes the significant efforts being exerted by gender based civil society organisations towards attaining the SADC 50/50 Gaborone Declaration. The reported support of civil society to all women candidates regardless of party affiliation is a good practice. The Mission found that women were well represented as voters and candidates.

The Mission further observed a high level of participation in the electoral process by the youth of Malawi in both political rallies and voting, which augurs well for the future of the country's democratic practices.

6. Media Coverage of the Electoral Process

The Mission notes that analyses and reports by the MEC's own Media Monitoring Unit found that the coverage of electoral related issues by both public broadcasters, Television Malawi and the Malawi Broadcasting Corporation, was highly tilted in favour of one party above all others as was the case in the earlier elections in 2004. In the field, the Observer Teams also noted that campaign rallies of the ruling party were extensively covered while there was little or no coverage of others' campaign rallies on public media. This practice continued throughout the period of the campaign in spite of a Media Code of Conduct signed by all media institutions, which recommends a balanced approach to media coverage of election campaigns, rallies and other related events.

The newspapers, on the other hand, appeared on the whole to present a balanced coverage of political activities and events. This was supported by surveys run by the Media Monitoring Unit of the Malawi Electoral Commission.

7. Voter Education

The Mission found that the Government through the Ministry of Information and the MEC together with some accredited NGOs had undertaken considerable voter and civic education in all regions of the country. The recognition of the need for comprehensive and continuous civic and voter education programmes is consistent with the *Norms and Standards for Elections in the SADC Region*. The programmes should include awareness creation for women's participation and representation in positions of power and decision making, and the voting procedures.

8. The Polling Stations and Streams

The Malawi Electoral Commission set up 3,897 polling stations for the elections, headed by Presiding Officers in which 6, 871 polling streams headed by Polling Officers were established. Most polling stations were located in public places such as schools and community centers as required by the law. For a country the size of Malawi, the establishment of this large number of polling stations is commendable and the introduction of polling streams made voting much smoother and faster.

Further, the Mission noted that special arrangements were made at some polling stations to fast track the voting of the sick, the elderly, pregnant women, women with small babies and the disabled. In addition, special Braille voting materials were secured and used to enable the blind to also vote. These arrangements to facilitate the vulnerable and persons with disabilities and special needs are highly commended election practices, which other SADC Member States would do well to adopt.

9. The Poll and the Count

The Mission commends the MEC for developing a practice whereby civil society organisations and agents of participating political parties and candidates were present at the poll. There was great enthusiasm among Malawians to vote. Polling was orderly and peaceful. The electoral officials were actively assisting the voters. The ballot papers were counted at the polling stations in the presence of Presiding Officers, Polling Officers and the agents. Further, the Mission observed that counting at the polling stations made the counting process faster and the presence of the agents strengthened the transparency of the democratic process.

The opening of the ballot boxes and counting of the votes were witnessed and the counted results were signed for by the agents of the participating political parties and candidates who retained a copy for themselves, while the other was sent to the MEC at COMESA Hall for verification and publication.

The process of counting and verifying results as well as transporting them between the polling stations, the Constituency centres at the District Commissioner's Office and their reporting and verification at the National Results Centre at COMESA Hall was transparent. The Mission therefore commends the MEC for instituting and implementing this transparent and stakeholder inclusive system of the poll and vote verification, counting and tallying.

III GOOD PRACTICES FROM THE MALAWI ELECTIONS

The Mission noted the following as good practices from the Malawi elections:

1. The Legal Context

The legal framework as reflected in the provision in the Constitution and adherence to an election date that is fixed.

Allowing Presidential candidates and running mates to stand at Parliamentary level as well, so as to provide for inclusiveness.

The adherence to and enforcement of the Constitutional term limit law on Presidential candidates.

2. *The Political Environment*

The political environment was generally calm and peaceful and it was largely conducive to the conduct of elections. It met many aspects of the regional principles, norms and standards required for a democratic election process.

There is political tolerance among supporters of different political parties, which is an indication of the maturity of the Malawi electorate.

3. *Conflict Resolution Mechanisms*

The use of District Multiparty Liaison Committees comprising of all stakeholders at the local level to manage conflicts during the elections is a good practice.

The involvement of former Presidents of African States in conflict resolution.

4. *The Voters' Roll and Malawi Electoral Commission's Preparedness*

The establishment of a computerised and verified Voters' Roll which was supplemented by a manual system is a positive achievement by the MEC.

5. *Gender Representation*

The increased participation of women as both candidates and voters.

The promotion and provision by civil society of specific support to women candidates regardless of party or non party affiliation.

6. *Voter Education*

The use of multiple methods (through the MEC, NGOs, Churches, Chiefs and the media) in civic and voter education.

7. *Polling Stations and Streams*

Establishment of more than one polling streams within a polling station to facilitate faster voting and reduce long queues.

8. *The Poll and the Count*

A generally high turnout and patience of the electorate and the enthusiasm of the youth to vote.

The use of transparent boxes in the voting process.

The decision to allow voters with voter registration cards to vote even if they may not appear in the Voters' Roll.

Conducting the poll in the open air where the weather permits.

The use of pens instead of pencils in marking the ballot papers is a great improvement on the 2004 Malawi elections.

The counting of ballots at the polling stations in the presence of all stakeholders including election agents of participating political parties and candidates.

The verification, tallying and signing off of votes cast by all stakeholders including election agents of participating political parties and candidates.

The distribution of the signed results to election agents of all participating political parties and candidates.

The invitation, welcoming and involvement of local and African Regional organisations and monitors to observe the elections.

IV AREAS OF IMPROVEMENT

The Mission noted the following areas as requiring improvement:

1. Voter's Roll and Malawi Electoral Commission's Preparedness

There is need to introduce a single National Identity Document in Malawi as the current practice of using multiple identification documents (hospital birth report, Chief's statement, drivers licence etc.) to register voters is a potential source of problems.

2. Voter Education

The MEC is urged to develop a comprehensive and continuous programme of voter/civic education that is adequately funded and embraces all stakeholders.

3. Gender Representation

There is need to continue to work on increasing the numbers of women candidates among contesting political parties through making party constitutions and manifestos democratic.

4. The Political Environment

There is need to improve the candidate nomination and adoption procedures within the political parties in Malawi in order to enhance intra-party democracy and thereby reduce the current high number of independent candidates.

There is need to have a law on the funding of political parties and candidates for elections. The majority of SADC Member States have introduced this practice in order to anchor and support a vibrant democratic dispensation in their respective countries.

All political stakeholders are urged to consider establishing a Code of Conduct that should regulate the use of public resources and handouts of gifts during election periods.

5. Media Coverage of the Electoral Process

There is need to assure enforceable mechanisms for balanced public and private media coverage of the political campaigns as the media code of conduct is not being voluntarily followed.

The MEC is further urged to take decisive steps to enforce balanced media coverage of the contesting parties in future elections and curtail derogatory campaigns.

6. General

The SADC Parliamentary Forum Norms and Standards for Elections in the SADC Region need to be domesticated in Malawi as well as in other SADC Member States. This would enhance the integrity of the National elections.

The widespread reliance on donor funding to support Electoral Commissions in the SADC Member States needs to be reviewed with the aim of wholly funding these indispensable institutions for democratic governance, by the state.

V THE MISSION'S OVERALL ASSESSMENT OF THE MALAWI ELECTORAL PROCESS

Based on an assessment of its findings, the SADC Parliamentary Forum Observer Mission to the 2009 Malawi Presidential and Parliamentary elections is of the view that the people of Malawi were given the opportunity to freely exercise their democratic rights to vote and be voted for, and to select political representatives of their choice.

This should be the hallmark of elections in Africa in order for the peoples' will is fully expressed and respected.

VI ACKNOWLEDGEMENTS

The Mission extends its profound gratitude and appreciation to the MEC, the Government and the people of Malawi for affording the Forum the opportunity of observing the fourth multiparty elections in Malawi.

Special thanks also go to all domestic and regional and international election observers, members of the diplomatic corps, the media and civil society organisations for their goodwill and willingness to share information with the Mission. The Mission also thanks Presiding Officers of the participating national parliaments of SADC member States for facilitating the participation of the MPs and officials in the just ended 23rd Election Observer Mission of the Forum. The Secretary General and staff of the Forum, consultants and resource persons deserve special mention for their support and diligence.

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