



Promoting Credible Elections and  
Democratic Governance in Africa

# ELECTION UPDATE 2004 MALAWI

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### Composition of the Country

Malawi is made up of three regions – North, Central and South and is divided into 27 districts which are further divided into 193 constituencies. The northern region has five districts and thirty three constituencies, the central region has nine



districts and seventy three constituencies while the southern region has thirteen districts and eighty seven constituencies. The number of districts has risen from 24 in 1994 to 26 in 1999 and to 27 in 2004. The way in which the new districts were created, all of them coincidentally in the Southern region, by the former President through the medium

of public announcements, has evoked strong reactions. The constituencies are too diverse in terms of their size and population and country needs a thorough delimitation exercise conducted professionally on the basis of principles laid down in the Constitution. The general sentiment is in favour of such an undertaking. It may be worth considering the appointment of

a Delimitation Commission to carry out the exercise.

### **Voter Registration Figures, Voter Roll Verification and Postponement of Elections**

Ten days before the polls, the issue of the voters roll was not yet settled and raised great concern and frustration amongst opposition parties and civil society. The registration figure of 6.6 million was visibly inflated and highly unrealistic and therefore caused hue and cry by the opposition parties and civil society. The MEC Chair was given an ultimatum of seven days to correct some of the major anomalies in the electoral process. The MEC contracted a South African IT firm to update the voters roll, and after five days, the MEC announced a revised figure of 5.7 million – a drop of 1.3 million voters (22%).

#### **Total Registered Voters**

Region	Registered Voters
North	798,082
Central	2,322,039
South	2,623,565
<b>Total</b>	<b>5,743,686</b>

Adequate verification of the voter roll was not carried out due to limitation of time and this left doubts in the public mind. Further, the MEC had printed 7.3 million ballot papers. The opposition coalition, Mgwirizano, took the MEC, UDF and the government to court on the following grounds:

- The shortened time between verification of voter roll and the polling day.
- UDF abusing public resources
- Excess ballot papers to remain in court custody.

According to the PPE (Parliamentary & Presidential Act), there should be a period of 21 days between the public display of the voter registration roll including verification and the polling day. This requirement could not be met as there were only ten days left before the polling, and verification of the voter roll had not yet been completed. The MEC was also challenged for not restraining the UDF from abusing government resources for campaign purposes. The Coalition sued the MEC, and public broadcasters MBC and TVM over inequitable coverage.

The High Court delivered the following ruling:

- Elections were to be postponed to a date not later than 25 May 2004
- MEC to stop the ruling party from using public resources for campaign
- Verification of the voters roll to be carried out from 14 to 19 May 2004.
- Excess ballot papers to be kept by courts.

Following the Court ruling, the MEC shifted the polling date to 20 May 2004 and took the issue/s to the Supreme Court. On the High Court ruling ordering the MEC to prevent the ruling party from using public resources for campaign, the Supreme Court of Appeal refused to grant a temporary

stay of the order by the High Court that MEC had failed in its legal duty as the order lacked adequate specification.

On the issue of extra ballot papers, the Supreme Court ruled that they ought to remain with the MEC, as the ballots were already in the districts it would be difficult and expensive to ferry them back to the MEC.

Despite all the suspicion and unease over extra ballot papers lying at the district offices, without voter roll verification completely and satisfactorily carried out, Malawi nevertheless went to polls on the 20 May 2004.

### **Political Parties Campaign**

Instances of political violence were noticeably low this time. Except for a few serious instances, campaigning was largely violence free, which was in stark contrast to the period in the wake of the third term issue and the subsequent formation of the National Democratic Alliance - a break away group of the ruling party, when violence was rampant, and the use of youth in the perpetration of violence was deeply worrying. There were fears and anxiety as to how the situation would degenerate at election time.

As already discussed earlier, the party primary elections in the run-up to the parliamentary and presidential elections, were far from orderly. Many deserving candidates who lost in the primaries due to foul play, stood as independents. These independents faced intimidation and their campaigns were regularly disrupted.

Much to the relief of all concerned, violence was, by and large, controlled and the youth in particular have denounced violence. This is certainly a major turning point in the role of youth in Malawian politics.

The monopoly of the public broadcasters by the ruling party during its campaign was an issue that had been raging for some time, and reached its saturation level towards the end of the campaign period. This time, as in 1999, opposition parties took the matter to court, which however did not have much impact on the blasé attitude demonstrated by the state-owned media.

Party campaigns were substantially personality focused, so much so, that though party leaders referred to their manifestos, any other interested person would have to struggle to get access to them. Manifestos seemed to have been issued to a chosen few, strictly within individual parties. There were allegations by some leaders that their counterparts from other parties were stealing ideas and issues from other manifestos. For instance, John Tembo, leader of the MCP, alleged that the UDF leaders were referring to fertiliser subsidies, which did not feature at all in the UDF manifesto. In 1999, there was an effort to tape record manifestos and disseminate them but this time the dissemination was about party priorities, objectives and plans and was far more limited.

### **Conflict Management Mechanisms**

Though violence during the campaign period was markedly

low, the level of intimidation, especially of independent candidates aspiring to Legislative Assembly seats was high. There were instances where the party high commands forced/induced candidates who had won in the primaries to withdraw and make way for another chosen by them by sheer favouritism. Some argue that these impositions may have adversely affected the chances for women. This is not completely true as there are also instances where high profile women with important connections were imposed in place of successful male candidates.

The National Elections Consultative Forum (NECOF) composed of political parties and civil society representatives was supposed to engage the MEC in the conduct of elections, but it generally lacked commitment and goodwill of its members and grossly failed to perform its role. The political parties used this platform for bringing up inter-party conflicts instead of focussing on electoral issues. The second meeting of NECOF was tumultuous and was disrupted by some party members walking out. The Multi-party Liaison Committees (MPLCs) at the district levels were relatively effective and contributed to the building of peaceful environment, but non-inclusion of independent candidates who faced enormous intimidation and harassment limited the scope of these committees.

The degree of violence that ensued immediately after the announcement of results in the cities of Blantyre and Mzuzu was intense, though it was soon

contained. The use of live ammunition by the police against unarmed civilians resulted in deaths of innocent bystanders and intensified public wrath against law enforcement agencies. This gives one leave to wonder if the conflict management mechanisms that were put in place were in fact, effective? The war of words between civil society and MEC continues, and the general discontent and frustration over the whole electoral process is palpable.

### **The Malawi Electoral Commission (MEC)**

While the 2004 elections could easily be recognised as the most competitive since 1994, they can also be labelled the most poorly administered and managed – without any fear of exaggeration. Logistical inadequacy, administrative callousness, poor planning, lack of coordination coupled with inefficiency, lack of will and narrow loyalties on the part of the MEC, are the main factors leading to such a dismal performance. The legal framework is well laid down, but adherence is not strict. It has been pointed out that the formal rules and regulations interrelate with a myriad of informal aspects of politics, often related to the many interests and incentives available to the various stakeholders (Rakner, Svasand, Khembo, 2004)

A major complaint against the MEC has been its very composition which is clearly dominated by the ruling party. The first Commission, formed before 1994, when the MCP was the ruling party, had more members from the opposition

groupings as has been indicated below. However, the later Commissions manifested not only lesser number of opposition members on the

Commission, but also demonstrated the growing control of the Executive over the Commissioners. In the 2004 elections, with the UDF and

AFORD being in coalition, the Commission clearly conducted itself as a puppet of the ruling party.

1993 -1998	1998 -2002	2002 -2006
MCP -2	MCP -2	MCP -2
MDP -2	AFORD -2 (1 dismissed in 2000)	AFORD -2
MDU-1	UDF-4	UDF-4
AFORD -2		
UDF -1		

Coupled with the inefficiency and incompetence that the Commission demonstrated in performing basic electoral tasks such as the registration exercise, the polling preparation, counting and results and the like, the Commission also grossly failed to play its part in levelling the playing field. The MEC could not compel the state owned media, namely Television Malawi and Malawi Broadcasting Corporation to adhere to the principles of fair and equal coverage of campaigns of all contending candidates and parties. The MEC's Chair openly admitted the Commission's inability in this regard. The Media committee of the Commission was virtually invisible during the exercise.

secretariat of the MEC has also not been free from controversy. Mr. Greg Chimwaza, who was the Chief Elections Officer for seven years, was dismissed on charges of corruption. His wife, who was running as an independent candidate for a parliamentary seat, was seen using an MEC vehicle during her campaign. The Clerk of Parliament, Mr. Roosevelt Gondwe, was brought in to temporarily stand in as the CEO. It is interesting to note that this fiasco seemed to have some historical precedent in the 1999 elections when the CEO was replaced around election time and the Clerk of Parliament was brought in as a temporary stand in. This aroused some confusion and suspicion.

<b>Government of Malawi</b>	<b>US\$16.4 Million</b>
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Donors	
European Union	US\$2 Million
Norway	US\$1.5. Million
Britain	GBP500,000
United States	US\$500,000

Other donors such as the GTZ extended technical assistance, especially in the area of civic/voter education. The Commonwealth Secretariat provided the services of an expert to head the media monitoring unit of the MEC.

#### Election Finance

Whilst the independence, neutrality and efficiency of the Commissioners have constantly been contentious issues, the credibility of the Commissioners also came under question with many allegations of corruption against the Chair of MEC. The

The total expenditure incurred on the 2004 Parliamentary and Presidential elections, amounted to US\$18.4.million. The ratio of government and donor contribution towards it are as follows:

#### Civic Education & Training

Civil society organisations comprising of the NGOs and the Church along with National Initiative for Civic Education (NICE) were responsible for the voter/ civil education.

The delivery of civic and voter education was inadequate as the

organisations could not extensively cover all the areas, particularly those that were remote. This inadequacy can be derived from the high percentage of null and void votes. The MEC had produced and developed good material, which was not adequately utilised. There are many reasons for this: Civil Society was not well organised and did not form a strong network as in the past. Another is that few NGOs were accredited by the MEC and fewer still got on board the Malawi Electoral Support Network (MESN) that had been specially set up for the 2004 General Elections. Lack of adequate and timely funding was another major factor that hampered extensive voter/civic education.

The change from the much vaunted tripartite elections (Presidential, parliamentary and the local government) to bipartite elections, barely six months before the elections also had an adverse impact on the civic education process. Awareness of the tripartite elections had been promoted and civic education material was already prepared and disseminated. A reversal at late stage caused considerable confusion and obstruction.

The training of polling staff and monitors needed more attention. Most party monitors seemed inattentive and not able to grasp what was going on. Civic/ voter education continues to be too little too late.

### **Media**

Access to fair and balanced media coverage has been a contentious issue for some time. Several measures were

taken to ensure fair and balanced media coverage for 2004 elections, such as updating the media guidelines. A document entitled 'Procedures for Media Coverage of the Parliamentary & Presidential Elections' was produced by the MEC. By signing this document, all parties committed themselves to fulfil an obligation of neutrality and balance. Despite all these commitments, the 2004 election campaign on the MBC remained grossly biased in favour of the ruling party. According to the Communications Act (Article 45 section 1), the Malawi Communications Regulatory Authority (MACRA) is entrusted to ensure equitable treatment of political parties and election candidates by all broadcasting licenses during any election period. However, the MACRA and MEC kept shifting the blame onto each other throughout the election period and avoided taking any action against the unbalanced coverage by the MBC and TVM. Some of the actions carried out by MACRA raised serious concern regarding the status of freedom of expression in the country. For instance, three days after polling with the official results not yet out, the police shut down MIJ Radio because it aired an interview with the spokesperson of the opposition coalition which was regarded by the authorities as inflammatory and four journalists were arrested.

### **The Polling and Counting of Votes**

People exercised their right to vote on 20 May 2004, from 6.00am to 6.00pm. In most centres, the polling started on

time and finished on time. There were 3884 polling centres nation-wide. Polling was remarkably peaceful and orderly. In most centres, polling staff performed their duties diligently and demonstrated remarkable commitment and responsibility. Most centres had a good presence of party monitors and other local monitors who were vigilant. However, inadequacy of training of polling officials was evident in the manner in which the exercise was carried out in a number of centres, where polling did not start on time owing to lack of clarity on many aspects of the polling procedures. The issue of the transfer of voters was not well handled and at many centres, the voters were delayed for long periods whilst their names were being identified.

The percentage of null and void votes were observed to be particularly high in districts that are the stronghold of certain opposition candidate, thus raising doubts and suspicion.

A noticeable feature of the 2004 elections is the drop in the voter turnout. This is depicted in the following table. Polling centres had long queues in the morning, but after noon, most centres wore a deserted look. One could identify a wide range of reasons for this apathy:

- Change from tripartite to bipartite elections
- Change of polling date at the last minute;
- Confusion over voter rolls;
- Fatigue with party squabbles and infighting;
- Frustrated and disillusioned by empty promises made at previous elections;

**Voter Turnout:**

Region	Reg. Voters	Votes Cast	Null & Void
North	714987	509251	6429
Central	2061894	1383131	34753
South	2407205	1403810	45036
National Total	5184086	3296192	86218

The counting of votes was painfully slow and the results were trickling in at the district offices at a snail's pace. The inordinate delays in the communication of results from the District Commissioners' offices to the MEC tally centre caused frustration and suspicion

in the minds of the people who had been anxiously waiting for the results. After twenty four hours from closure of polls, the results of only about seventeen constituencies for presidential election were released and displayed on the walls of the Tally Centre where numerous

stakeholders had gathered to witness the event and the atmosphere eventually turned very tense and ugly, with accusations and recriminations being hurled by stakeholders at the Electoral Commission officials

**Election Results****Presidential:**

Region	Mutharika	Tembo	Chakwamba	Mpinganjira	Malewezi
North	91343	17149	371830	17773	4727
Central	305969	868992	96483	41307	36135
South	742258	30913	350672	210558	23937
National	1139570	917054	818985	269638	64799
<b>Percentages</b>	<b>35.9%</b>	<b>27.1%</b>	<b>25.7%</b>	<b>8.7%</b>	<b>2.5%</b>

0National Assembly

Elections for 187 of the 193 National Assembly seats were held, but elections for the remaining 6 seats had to be postponed due to anomalies in ballot papers and other complications. Of the 30 registered political parties, about 12 parties contested the 193 National Assembly seats.

The Mgwirizano coalition with all its focus on the presidential race did not work out a clear formula for the parliamentary seats. This resulted in some members of the coalition contesting against each other for Assembly seats. In some constituencies such as Nkhata Bay, veteran politicians such as

Hon. Sam Kandodo Banda a former AFORD and current MCODE member contested against another veteran, Aleke Banda, a cabinet minister both under the MCP and UDF governments who was running under the PPM ticket.

The parliamentary results are as follows:

Party	South	Central	North	Total
UDF	39	08	02	49
MCP	01	57	0	58
AFORD	0	0	06	06
NDA	07	0	01	08
RP	09	0	06	15
PETRA	0	0	01	01
CONU	01	0	0	01
MAGODE	0	0	03	03
PPM	01	01	05	07
INDEP.	29	03	07	39
<b>Total</b>	<b>87</b>	<b>69</b>	<b>31</b>	<b>187</b>

By-elections are to be held for the remaining six constituencies in due course.

The above table indicates that both presidential and parliamentary elections did not result in a clear mandate for any candidate or party. Almost immediately after the announcement of the electoral results, the opposition coalition Mgwirizano together with the MCP and NDA filed a case against the MEC challenging the entire electoral process as grossly flawed and unacceptable as an indication of fair polls. The plaintiffs argued that UDF's victory was not real, but manufactured by the UDF and the Malawi Electoral Commission. The losing candidates argued that UDF had rigged the elections and demanded that they should be annulled (Rakner, Svasand & Khembo)

For the parliamentary seats out of the 187 seats contested, the MEC withheld results for three constituencies whose results were actually announced on 23

May on grounds that it was still checking the results. These were constituencies Ntcheu Bwanji North, Zomba Chisi and Lilongwe City Central. In addition, the results in constituencies were reversed; Chitipa East originally won by P. Chiona of MCP was given to C. Mulwafu, independent, and in Salima South constituency the seat originally won by R. Kamphinda MCP was given to U. Mussa of UDF and in Mzimba Solola originally won by J.D. Nyirenda RPG. to Nya Mkandawire of PETRA,

After the results were announced, institutions and many individuals regularly contacted the MEC for a copy of the official results. The MEC's response was that results would be ready only after MEC had finished investigating results for three constituencies – Lilongwe City Central, Ntcheu Bwanji North and Salima North. However, no results were provided to the EU EOM until its departure from Malawi on 5 June 2004. (The MEC only published the final

results in the *Government Gazette* on 16 July 2004. The final results differed substantially from those initially announced, though the outcome of the presidential elections remained unchanged. (EU Observer Report 2004)

### **An Assessment of Party Performances**

**UDF:** Although the party has emerged victorious, it only managed to win barely 37% of the national vote for the Presidential seat and only secured about one fourth of the National Assembly seats. The results are shockingly low when compared to the use/abuse of private and public resources expended, and the stringent hegemony over the state media during the campaign

**NDA:** The party fared very poorly in the elections, in spite of consistent party building/campaigning for a longer time when compared to other parties. The party was the first to publicise its manifesto by

putting it up on the Internet and holding rallies.

**MCP:** The party emerged as the largest single party in the National Assembly by clearly demonstrating its hold in the central region with virtually a clean sweep in spite of its repeated unprincipled stands in the past to the extent of supporting the UDF in the open/third term bill. This phenomenon clearly demonstrates the influence exerted by the personality of its President, Mr. J. Z. U. Tembo and the persistence of regionalism as a factor in Malawian politics. The party did present a fairly well formulated manifesto.

**Mgwirizano Coalition:** The coalition had the right formula –The down to earth personality of its leader, Gwanda

Chakwamba, the support of the clergy, and the ground-work prepared by member parties such as PPM, PETRA, and Mafunde. However, the coalition appeared to be caught up in technicalities and legalities that eventually undermined its performance. It was not well organised and seemed ill-prepared to face the huge challenges confronting it.

**The Independents:** A large number of disgruntled and frustrated party members, and others, who had lost faith in party politics, chose to contest as independents, there were as many as 371 independent candidates contesting the 193 Assembly seats. Out of these 39 have won the contest and made it to the Assembly. Some of the independents have defeated some senior leaders and well known personalities. However,

the question is whether these independents were really independent, or are they like cats on the fence ready to jump on the side where the grass is greener.

### Women in the 2004 Elections

Throughout the electoral period, people were reminded of the SADC Declaration that was signed in Malawi that requires SADC nations to realise the target of 30% of women in the Assembly. Women NGOs enjoyed a good campaign and parties also made deliberate efforts to field women candidates. Although falling short of the 30% target, women have done well and moved up from 16 out of 193 in 1999 to 27 out of 193 in 2004.

Following is the party/ region-wise fielding of women, and the male –female ratio, for the Assembly seats and the results:

Party	North		Centre		South		Won	
	M	F	M	F	M	F	M	F
AFORD	27	5	8	1	0	0	5	1
CONU	0	0	1	0	1	0	1	0
MCP	31	1	69	4	63	6	54	4
MDP	6	1	2	0	0	0	0	0
MAFUNDE	3	0	1	0	15	2	0	0
PPM	25	2	40	1	41	3	7	0
MGOE	17	1	3	0	0	1	2	1
NDA	28	4	61	11	75	8	6	2
NUP	4	1	1	0	1	2	0	0
NCD	4	0	14	1	3	1	0	0
PFP	0	0	2	0	0	0	0	0
PETRA	7	3	2	0	4	2	0	1
NSM	1	0	0	0	0	0	0	0
RP	20	2	18	3	56	11	13	2
UDF	6	1	55	15	71	16	40	10
INDEPEN.	69	6	104	14	154	26	33	6
<b>Total</b>	<b>248</b>	<b>26</b>	<b>381</b>	<b>50</b>	<b>485</b>	<b>78</b>	<b>160</b>	<b>27</b>

### Announcement of Results and its Effects

In the morning of the third day after the polls, the MEC had announced less than one

hundred out of the 186 contested Parliamentary seats, this also applied to the Presidential race. The Chief Elections Officer kept on postponing the announcement

of official results by every two hours or so, and then around 3.00 pm swiftly made the much awaited announcement of Presidential results declaring the UDF, AFORD candidate

Dr. Mutharika as the winner. There was no chance for any verification of results or any room to challenge the figures. Even ten days after the exercise, mathematical errors were still being detected by the MEC and the official results of the Presidential race have not yet been made available for public scrutiny.

While the nation was awaiting the results with bated breath, the foreign dignitaries had already started arriving for the new government's inaugural ceremony. This further fuelled the mounting suspicion as to how visitors were arriving before the formal announcement of the new government. The public at large, had no idea of the procedure followed for the inaugural ceremony. The arrangements for the ceremony had been made weeks ahead keeping in mind the original polling date of 18 May, by the Office of the President & Cabinet in collaboration with the Ministry of Foreign Affairs. The list of the invitees was circulated to the senior officials of all political parties. This procedural aspect however, was not made clear to the public, who were in no mood to reason and view these developments objectively.

While the official ceremony at the stadium was poorly attended as the nation was in a state of shock and distress with the entire electoral exercise and the results emanating from it, the meeting called by the opposition coalition's presidential candidate drew large crowds. Parts of Blantyre and Mzuzu cities witnessed scenes of public unrest and violence, by mobs expressing

dismay and frustration with the election results. The police reacted by tear-gassing crowds and used live ammunition indiscriminately against unarmed civilians, leaving three innocent victims including a ten year old child dead. The death toll has since risen to 5, including the demise of a police officer's son who happened to be in the vicinity. The polling exercise itself may be termed free without overt intimidation, but the aftermath was certainly not free from brutality and onslaughts on human dignity.

MESN – the civil society network on electoral support has called for immediate dissolving of the MEC condemning it for gross incompetence and negligence experienced throughout the electoral process.

### **Local/ International Monitors, Observers**

There were about 300 accredited international observers and local monitors. International observer missions were comprised of members from the Commonwealth, the European Union, the African Union, the SADC Parliamentarians Forum and the Observers Mission from the Electoral Institute of Southern Africa (EISA). The local monitors were from political parties and independent candidates, church bodies, NGOs and academia.

There is a consensus among the international observer missions that the 2004 elections provided the people of Malawi with an opportunity to freely exercise their right to vote, but the fairness of the electoral process left a lot to be desired.

All the reports express concern on the lack of a level playing field by not giving the opposition a fair chance to state its case on the public media.

The AU missions' statement comes out strongly against the performance of the MEC as incompetent and not fit to handle future polls. It emphasises the importance of reconciling the figures of eligible voters against the voters roll early enough to allow for adequate verification. The Commonwealth Observer Mission, while commenting that the polls went well and the polling staff rose to the occasion, has noted serious inadequacies in the registration process and the inability of the MEC to resolve important issues. The report expressed deep concern about the gross bias of the public media during the electoral process.

The European Union Observer Report stated: *The EU observer stayed for weeks after the announcement of election results assessing the post elections scenario has issued the most comprehensive report as it conducted a thorough pre-electoral, electoral and post-electoral monitoring exercise. The report unequivocally highlights concern on the inadequacy of the MEC's performance and the lack of public confidence and trust in the body. Among other issues, the report identifies the lack of a level playing field during the campaign period arising from the use (abuse) of state resources for the purpose of campaigning by the ruling party, distribution of money at rallies by the ruling party and the biased reporting by the state owned electronic media*

*and the pervasive influence of the ruling party over the traditional authorities.*

### **The New Government**

Amidst rumours and allegations of rigged elections and deviously manipulated results that fuelled public frustration and anger, this election has also generated new hopes and aspirations. The inaugural speech delivered by Dr. Mutharika raised those hopes and even his critics now feel that he may have something tangible to offer to the nation. He reiterated emphatically that the size of the Cabinet would be reduced, perpetrators of corruption would be dealt with firmly (zero tolerance), and pledged a concerted effort to curb governmental over-expenditure. The new President further extended a hand of cooperation and goodwill to opposition parties by indicating his willingness to work with them.

On the side of the opposition parties, there was a strong indication that they all would join hands and work as a united opposition in Parliament. However, it was speculated that the UDF would try to enter into an alliance with one or more opposition parties. It was also speculated that the large number of independent candidates would eventually join the ruling UDF. Amidst all these speculations, the Presidential candidate of the Mgwirizano coalition, Gwanda Chakwamba, sprung a surprise by indicating his willingness to work with the UDF. Thus the Republican Party and the MAGODE, two parties out of the seven in the Mgwirizano Coalition entered into an

alliance with the UDF. This has not been well received by the public at large. Those who voted for Chakwamba call it a betrayal and others generalise it as typical of the selfish, power hungry behaviour of African leaders. The two sides signed a Memorandum of Understanding (MOU) which refers to the powers of the party in making governmental decisions as the 'ruling party'. It is interesting that the MOU was signed by the past President, Dr. Bakili Muluzi as Chairman of the UDF and Presidents of the two opposition parties, apparently omitting the new State President, Dr. Bingu Wa Mutharika. The MOU further requires the coalition to drop the election case. The other members of the coalition are however determined to go ahead with the case. The picture as of now is very murky and fluid. Time alone will tell whether this move by a leader, who had gained enormous public confidence in the last decade for his consistently principled stand and courage, was an acquiescence to power and greed or whether he acted in the best interest of the nation.

All these political manoeuvrings caused enormous delay in forming the government. The new cabinet was only announced nearly after a month after elections. One can well argue that the incumbent President does not require a parliamentary majority to form his Cabinet as the Constitution clearly establishes a Presidential type of government, which gives a broad scope for the President to draw his Cabinet from a wide cross-section. In Malawi however, there has been a

tendency to draw the Cabinet largely from the National Assembly. In the past decade, over 75% of the Cabinet has been drawn from the National Assembly. It is this tendency that perhaps compels the incumbent president to form all sorts of alliances/coalitions in order to form his government.

In the former Assembly, the Chakuamba faction of the MCP, and the dissenting voices of AFORD on the open/third term were regarded as the true opposition. The new equation of RP and MOGODE joining hands with the ruling coalition, has substantially tilted the balance in favour of the ruling side. The next surprise was the announcement of the NDA joining the UDF. Newspaper headline feature statements such as: 'UDF swallows NDA', 'NDA disbanded', etc and it is not easy to discern the position of NDA in the government in general and in the Assembly in particular. The main mechanism for joining the alliance seems to be the prerogative of the leadership in the party with little or no consultation with the members. While the NDA leadership announced its decision of joining with the UDF, a number of its MPs differed from the leadership on this issue. However it is clear that the NDA cannot be counted on as an opposition party. This leaves only the MCP and the PPM as main opposition parties. In view of the MCP's tainted track record of unprincipled stands, only the PPM emerges as the 'untainted' opposition.

While the speculation on the independents' position continued for a while, some of them made no secret of the fact

they were keeping their options open and were likely to sell their support for personal gain. As one independent MP, Ms. Ngaunje has reportedly said, 'I have spent a lot of money on campaigns, if UDF promises to reimburse that I can support them on their bills.' (*Weekend Nation* 12 -13 June 04)

There are also some positive exceptions, such as the case of an independent MP from Blantyre whose constituents had conducted a sort of informal referendum though which they made it clear to the incumbent MP that he would not join with any party after being elected, and this was a strong deterrent to his joining a party after being elected as an independent.

There are concerns on the durability and reliability of these alliances/coalitions on one hand and optimism and hope on the other. With a new Presidency, a dynamic National Assembly with almost three quarter of it with new MPs, some senior Cabinet Ministers of the past sitting in the opposition, some senior civil servants now in the house, there are reasons for optimism.

### **Muluza vs. Mutharika**

Almost the entire campaign for the UDF Presidential candidate, Dr. Mutharika was conducted by his predecessor, Dr. Muluza. People have been waiting to see Dr. Mutharika emerge out of Dr. Muluza's shadow and stand up on his own. The first test case is that of the new Cabinet, which is expected to be trimmed as promised to the nation. However, the role played by Dr Muluza in forming an alliance with the two parties of the Mgwirizano coalition

sends a signal that he will attempt to limit the moves of Mutharika, by exercising his powers as the Chairman of the party.

### **Lessons for the Future**

There are some fundamental issues which need to be addressed before holding any further national elections. These are as follows:

- Malawi is commended as having a well laid out legal framework for elections. The polling date is determined in the constitution. It is important for all players to be bound by that date rather than shift the date as has been the case in the last two elections.
- A reliable census, which would produce more reliable figures of eligible voter population.
- A thorough demarcation exercise to rationally map out the constituencies should be carried out by a professional team - well ahead of election time.
- Transforming the MEC and revamping its secretariat is essential.
- Media houses should be fair and balanced at all times and not only during election time.
- Dissemination of voter and civic education should be more widespread and effective with better and coherent advance planning.
- The Electoral Commission should have its own staff on ground and should not work through the DC's.
- The MEC and other public officials breaching the electoral process should be

made accountable and disciplinary action must be duly and promptly taken against offenders.

- Lighting facilities at the polling stations should be adequate.
- Political parties need to do a lot of soul searching and reorganise themselves before contesting any further elections. They must conduct their primary elections in an orderly and transparent manner.
- Civil society should be more organised and coordinated and should conduct a credible parallel monitoring and counting of votes.
- The role of church in the political process need to be addressed and clearly delineated.
- The reliance on donors needs to be reduced, and elections ought to be locally run.

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