



**SADC ELECTORAL OBSERVER MISSION
TO THE REPUBLIC OF MALAWI**

PRELIMINARY REPORT

BY

**HON. MAGOBETANE PATRICK MAMBA
MINISTER OF LABOUR AND SOCIAL SECURITY
OF THE KINGDOM OF SWAZILAND**

AND

HEAD OF SADC ELECTORAL OBSERVER MISSION

ON

PRESIDENTIAL AND PARLIAMENTARY ELECTIONS HELD

ON 19 MAY 2009

INTRODUCTION

In line with the Southern African Development Community (SADC) *Principles and Guidelines Governing Democratic Elections*, the Republic of Malawi invited SADC to observe its Presidential and Parliamentary Elections scheduled for Tuesday 19, May 2009.

Following the invitation, the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Majesty King Mswati III of the Kingdom of Swaziland officially constituted the SADC Electoral Observer Mission (SEOM) to the Republic of Malawi and mandated the SADC Executive Secretary, Dr Tomáz Salomão to facilitate the administrative and logistical support for the Mission.

The Chairperson of the SADC Organ on Politics, Defence and Security Cooperation appointed myself, Magobetane **Patrick Mamba**, Minister of Labour and Social Security of the Kingdom of Swaziland to head the Mission.

The SADC Electoral Observer Mission was officially launched on the 11th of May 2009, by myself the Head of Mission, in the presence of the Executive Secretary of SADC, the Director of SADC Organ on Politics, Defence and Security Cooperation, SADC Observers, Members of the Diplomatic Corps accredited to the Republic of Malawi and the Media.

After days of intensive work, the SADC Electoral Observer Mission has the honour to announce its preliminary views on the outcome of its observation. A detailed report addressing specific items of the

terms of reference contained in the Principles and Guidelines shall be released within thirty (30) days after the announcement of the elections' results.

CONSULTATIONS WITH STAKEHOLDERS

In discharge of its duties, the SADC Electoral Observer Mission interacted with various stakeholders in order to gather information on various aspects of the electoral process. The stakeholders included *inter alia*;

- H.E. Dr. Bingu wa Mutharika President of the Republic of Malawi;
- SADC High Commissioners and Ambassadors accredited to the Republic of Malawi who served as the advance team;
- Other members of the Diplomatic Corps;
- Some Malawi Government Ministries;
- Malawi Electoral Commission (MEC);
- The Malawi Council of Churches;
- The Council of Non-Governmental Organisations of Malawi;
- Other observer groups from the SADC region and international Organisations;
- Media Institute of Southern African – Malawi Chapter and
- Malawi Political Parties contesting the 19 May 2009 elections.

These interactions assisted the SADC Electoral Observer Mission to understand the prevailing political environment in the country.

The SADC Electoral Observer Mission wishes to highlight issues of concern expressed by some Stakeholders on the electoral process. These include, *inter alia*, the following:

- The lack of independence of the Malawi Electoral Commission;
- The use of State resources for campaigns by the ruling party;
- Media bias in favour of or against the candidates of both ruling and opposition parties;
- The tearing and removal of posters of other political parties;
- Lack of sufficient resources to the Malawi Electoral Commission
- The late implementation of voter education programme;
- Ethnicity and defamation of character were being used as a campaigning tools than party interest by some political parties.

The SADC Electoral Observer Mission pursued these concerns in a systematic manner by conducting further investigations and at times sought clarity from relevant authorities. Some of the responses provided were as follows:

- On the use of State resources by the ruling party, the SADC Electoral Observer Mission found that it

was difficult to draw a clear demarcation between public resources necessary to carry out the duty of the Office of the President and the resources being used for campaign purposes;

- Both state and private media were perceived to be acting unethically and unprofessionally due to non adherence to the Malawi Media Code of Conduct;
- The Malawi Electoral Commission was seen to have insufficient resources and planning for the smooth running this elections. For instance, late implementation of voters and civic education, lack of transport for the delivery and distribution of the electoral materials, shortage of fuel for the generators etc;
- The State media has been monopolised by the ruling party while the others used private owned media for campaigning;

The SADC Electoral Observer Mission has come to the conclusion that though some of the concerns raised were pertinent, they were nevertheless not of such magnitude as to affect the credibility of the overall electoral process.

DEPLOYMENT

Guided by the SADC Principles and Guidelines Governing Democratic elections, as its terms of reference, the Mission

deployed observers in all regions (North, Central and South) in order to cover all the Districts in the Country. Field teams were created and given the responsibility to cover their areas of deployment so that the Mission could have a full picture of the electoral process in the country and be in a position to provide an informed assessment.

There were seventy-seven (77) observers drawn from SADC Member States. They comprised Members of Parliament, Civil Servants and representatives from the Civil Society. The activities of the SADC Electoral Observer Mission across the country were coordinated at the Operations Centre based at Sunbird Capital Hotel in Lilongwe. The Operations Centre was staffed with officials from the Troika of the Organ and SADC Secretariat.

The formal deployment of the SADC Electoral Observer Mission was preceded by the SADC advance team which is constituted by the Diplomatic and Consular Missions accredited to the Republic of Malawi who laid the foundation for the formal and institutional Electoral Observer Mission.

PRE – ELECTION PHASE

The pre-election phase was characterised by a peaceful, tolerant, patient and yet enthusiastic political atmosphere. The Malawi Electoral Commission conducted its work in a transparent and professional manner; even though it operated under some constraints, particularly those related to logistics.

With regards to the general campaigning, the SADC Electoral Observer Mission observed relative to the previous general elections, that all political parties were free to hold rallies and meetings without any hindrance. Though the Mission was informed of about sixteen (16) Political Parties, there was no clear evidence of vigour and enthusiasm within most of them during their electoral campaigns.

Very few acts of intimidation were observed or reported countrywide. The SADC Electoral Observer Mission was, however, assured by the relevant authorities that law enforcement agencies were poised to respond to any threat or disruption of the peaceful elections.

All political parties held a number of well-attended rallies throughout the country. Posters, pamphlets, stickers, T-shirts and other regalia were very prevalent and visible throughout the country.

Some stakeholders expressed concern on the imbalance of both state and private media coverage. Moreover, it was observed by the Mission that state media did not cover opposition political parties' campaigns, likewise, some of the private media did not cover the ruling party's campaigns.

POLLING PROCESS

It is SADC's overall view that the elections were conducted in an open and transparent manner. SADC was impressed by the patience of voters who were able to express their franchise peacefully, freely and unhindered. In all polling stations there were

party agents, security and the expected electoral management personnel.

Most polling stations opened and closed on time. The electoral officials explained the procedures, assisted the voters who did not understand the voting process. The use of transparent ballot boxes reinforced the national confidence; trust in the electoral process and the leadership effort to make it transparent.

There was cooperation between election authorities and other institutions in providing explanations on election related matters. The presence of party agents, monitors, observers and law enforcement officials in the polling stations assured all stakeholders of the integrity of the process. It is therefore reasonable to conclude that the process was transparent and peaceful.

COUNTING PROCESS

The SADC Electoral Observer Mission observed that the vote counting process began immediately after closing of the polling stations. The voting counting process was conducted procedurally. In some polling stations, interested members of the public witnessed and followed closely the counting of votes together with the electoral officials without any hindrance. There was enough light during the counting, in areas where there was no electricity lamps and candles were used.

It is worth noting that all stakeholders from party agents, monitors, Presiding Officers, local and international observers performed their

duty as expected and no one could leave the polling station before the counting was finalized.

After the counting, the SADC Electoral Observer Mission observed that the presiding officers and party agents signed for the results in the presence of everybody. The elections results were announced and each political party received a copy and the final copy was displayed outside the polling stations. The mission also observed that the electoral procedure was followed at each and every polling station.

THE CONCERNS OF THE SADC ELECTORAL OBSERVER MISSION

Apart from the concerns raised by stakeholders, the Mission wishes to register some concerns on issues noted in the course of its observation process. These include:

- Inadequate information about the whole process by stakeholders i.e. list of political parties registered, list of Presidential candidates and total number of people registered for voting;
- Problems with verification of voters roll, i.e. some voters who had registered did not appear in the voters roll; place of verification change from the original point of registration;
- The Malawi Electoral Commission was perceived not to have been adequately prepared. This resulted in the late

distribution of election materials to the designated areas, among others;

- Isolated incidents of violence reported in certain areas of the country during the pre-elections period;
- Insufficient training of presiding officers, polling officers and monitors;

SADC ELECTORAL OBSERVER MISSION RECOMMENDATIONS

In consideration of the above concerns, the SADC Electoral Observer Mission makes the following recommendations:

- The Malawi Electoral Commission as well as other Stakeholders in the electoral process should prepare, plan and coordinate the electoral process in time to minimize shortcomings;
- Concerning the media coverage, the Republic of Malawi should consider enacting a media law which would regulate the conduct of the media.
- Malawi Electoral Commission should consider the elections as a process not an event so as to include the continuous registration of voters, voter education and civic education, among others.

BEST DEMOCRATIC PRACTICES AND LESSONS LEARNT

In the course of observing elections, our Mission noted some best democratic practices in Malawi electoral system that are highlighted as follows:

- Use of translucent ballot boxes;
- Introduction of envelope-like perforated templates for the blind to ensure they vote without guides;
- Compliance to the SADC Principles and Guidelines Governing Democratic Electoral Process;
- Provision of security by Malawian Police that facilitated a peaceful environment to all stakeholders;
- Degree of tolerance by political parties;
- Provision of medical emergency services at some polling stations.

CONCLUSIONS

The Mission is honored to share its observations with the people of Malawi and hope that the relevant stakeholders benefit therefrom.

Therefore, I , on behalf of the Chairperson of the Organ on Politics, Defence and Security Cooperation, His Majesty King Mswati III- and on behalf of the entire SADC family - wish to heartily congratulate the people of Malawi for holding a credible, peaceful and free elections on 19 May 2009.

Indeed, the way that the people of Malawi have been able to express their will in an impressively instructive manner is a valuable contribution for the consolidation of democracy and political stability,

not only in Malawi but in the SADC region as well as in the African Continent at large.

In line with SADC Principles and Guidelines governing democratic elections and the Electoral Code of Malawi, the Mission would like to urge all political parties and candidates to respect the will of the people and any grievances that they might have should be pursued in line with the relevant laws of the country.

I thank you all.

LILONGWE, 21 May 2009