



PRELIMINARY STATEMENT

BY

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**ALTERNATE HEAD OF THE SADC ELECTORAL OBSERVATION
MISSION (SEOM)**

TO

**THE 2019 PRESIDENTIAL, PARLIAMENTARY AND LOCAL
GOVERNMENT (TRIPARTITE) ELECTIONS**

IN

THE REPUBLIC OF MALAWI

LILONGWE, 23 MAY 2019

Madame Hope Kivengere, Head of the COMESA Electoral Observation Mission,

Distinguished Members of the SADC Organ Troika;

Dr. Stergomena Lawrence-Tax, the Executive Secretary of SADC;

Members of the SADC Electoral Advisory Council;

Justice Dr Jane Ansah, Chairperson of the Malawi Electoral Commission (or her representatives);

Your Excellencies, Heads and Representatives of the Diplomatic Missions accredited to the Republic of Malawi;

UNDP Resident Coordinator and UN Representative to Malawi;

Development Partners and International Organisations;

Representatives of International Electoral Observation Missions;

Senior Government Officials, and representatives of various government departments and agencies;

Leaders and representatives of political parties;

Paramount Chiefs and all traditional leaders here present;

Religious Leaders and representatives of Civil Society organisations;

Representatives of Local Election Observation missions;

Members of the media;

SADC Election Observers;

Distinguished Guests; Ladies and Gentlemen.

I. INTRODUCTION

On behalf of the Southern African Development Community, and as mandated by His Excellency Mr. Edgar Chagwa Lungu, President of the Republic of Zambia and the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, it is my honour to welcome you all to this august event of the release of the SADC Electoral Observation Mission (SEOM)'s Preliminary Statement on the conduct of the Tripartite Elections in the Republic of Malawi.

With a total of 41 personnel, the Mission observed the elections in 27 out of the 28 districts of the country. In accordance with its mandate, the Mission consulted key political stakeholders in Malawi, including government departments, political parties, civil society, traditional leaders, advocacy groups, religious organisations and the media.

I would like to state that the Revised SADC Principles and Guidelines Governing Democratic Elections (2015) govern the observation of national elections in all SADC countries. I believe that copies have been distributed to you all.

This Preliminary Statement covers the Mission's observation of the pre-election process and voting day activities. Our Final Report will also cover our observation of the post-election processes, which include the results management, announcement and the post-election phase, and our recommendations.

Your Excellencies,

Ladies and Gentlemen

II. SUMMARY OF KEY FINDINGS

Let me now present a summary of the Mission's key findings:

(i) The Political and Security Environment

The political and security environment before, during, and immediately after polling day was generally peaceful. The Mission leadership and its observers attended several campaign rallies throughout the country, and noted that these were well organised and attended.

However, the Mission also noted some isolated incidents of political violence in some districts, such as Chikwawa, Karonga, Mangochi and Nsanje.

(ii) The Management of the Electoral Process

The Malawi Electoral Commission efficiently managed the elections with a few challenges. However, the MEC has delivered on the following:

- Inclusive and regular stakeholder consultations and provision of timely and accessible public information regarding all critical phases of the election process. This included granting access to all political parties and candidates to witness the printing, delivery, distribution and securing of ballot papers.
- The implementation of transparent test runs for the technology relating to the transmission of election results, which aimed at detecting the system's weaknesses or bottlenecks.
- Provision of satellite polling stations in response to the infrastructure damages caused by the devastating Cyclone Idai as well as targeted civic education in these areas, to enable the affected communities to cast their votes.

- The collaboration with the media to produce a voluntary Media Code of Conduct for the purposes of ethical election-related reporting.
- Proactive response to complaints relating to perceived undue influence by political candidates, such as the replacement of the constituency returning officers and presiding officers for Lilongwe Mpenu and Ntchisi North East Constituencies.

In addition, all local and international stakeholders that the Mission interacted with commended the MEC for their proactive, professional and impartial management of the election process. The Mission notes that this is a very positive development and a significant attempt to address the general stakeholder concerns arising from the 2014 elections.

(iii) The Role of the Defence and Security Sector

The Mission noted the collective role that the Defence and Security Sector played in providing security and logistical support for the distribution and storage of sensitive voting materials throughout Malawi.

III. OBSERVATIONS ON ELECTION DAY

On Election Day, the Mission observed the following at the Polling Stations that we visited:

- (i) The atmosphere was peaceful, orderly and conducive for voting;
- (ii) As required by the law, there were no campaign materials visible within 100 metres of all polling stations that we visited;

- (iii) The majority of polling stations were accessible to persons with physical disabilities;
- (iv) 70% of the polling stations that we visited had a voters' roll displayed outside for verification by voters;
- (v) 50% of the polling stations that we observed opened on time. The rest opened between 15-30 minutes late due to slow opening procedures, and the MEC issued a public statement ensuring that the affected polling stations would be opened beyond 1800hrs to compensate for the delays;
- (vi) 90% of the polling stations that we visited had all the necessary election materials ready and available at the opening of polls;
- (vii) In general, opening and closing procedures were followed, and voters took an average of 4 minutes to cast their votes;
- (viii) Some polling stations were situated in open school sports fields with voting booths neatly lined up and voters could cast their votes in full view of the rest, though the set-up of the booths was such that nobody could see the voter actually placing the mark on the ballot paper;
- (ix) At a majority of the polling stations we observed, persons with disabilities, expecting mothers, and the elderly were given priority, and assistance to vote where necessary;
- (x) Generally, voting proceeded uninterrupted with all voters being able to cast their vote in 90% of the polling stations we visited. In other stations, some voters were denied to vote as they were either not on the voters' roll or had presented themselves at the wrong polling station;
- (xi) Local and international observers were given unhindered access into the polling stations;

- (xii) Uniformed police and military personnel were professional in their conduct at the polling stations we visited;
- (xiii) Across all polling stations, we observed that 58.6% of election officials, 54.7% of local observers and 51% of party agents were women;
- (xiii) However, across all polling stations we observed, 0.86% of party agents and 1% of the election officials were people with disabilities, while 5.1% of local observers were people with disabilities; and
- (xiv) At the close of polling, a few polling stations experienced lighting challenges that resulted in delays in the commencement of the counting process. Improvised lighting was, however, eventually provided for the counting process and to ensure security of the ballot boxes.

IV. AREAS OF THE ELECTORAL PROCESS THAT REQUIRE IMPROVEMENT

The Mission is aware that a Special Law Commission was tasked with consulting stakeholders on overall electoral reforms in Malawi after the 2014 elections, and it presented its Final Report to the Ministry of Justice in April 2017.

In this regard, our Mission observed the following areas of the electoral process, system and environment that require improvement:

(a) *Security environment*

- (i) While the general citizens of Malawi are free to participate in the political process, the Mission noted with concern, the existence of ritual murders of citizens living with albinism. The threat to the lives of these fellow Malawians limits their rights to freedom of

movement, freedom of association, and ultimately their participation in the elections.

While SADC condemns the misguided and cruel beliefs that lie behind these ritual murders, the Mission acknowledges the on-going initiatives that the Government of Malawi has put in place to end this criminal practice.

- (ii) The Mission noted several stakeholder concerns regarding allegations of selective election-related criminal law enforcement. In this respect, the Mission observed that there is need to improve the level of stakeholder confidence in the law enforcement agencies.

(b) Voter registration

From an initial target of 9 million voters, the MEC managed to register over 6.8 million voters. The MEC however, was operating in a legal context that does not provide for continuous voter registration in between election cycles which would otherwise serve to increase the period of time available for citizens to register to vote.

(c) Appointment process to the electoral management body

Members of the Malawi Electoral Commission are appointed by the President, in consultation with leaders of political parties represented in the National Assembly. There is, however, need for the appointment process of the members of the MEC to be improved to enhance inclusivity, transparency and good governance.

(d) Role of the public media

While all political parties have the right to have their campaign messages reported on all media, there is an extra legal obligation on the Malawi Broadcasting Corporation (MBC) as a State funded media

outlet, to maintain neutrality and ensure equal news coverage of all political parties in this respect.

The Mission observed that the MBC did not, however, provide neutral and equal news coverage for all political parties and candidates, as required by the law. The Mission observed that the MBC could, therefore, have done more to increase news coverage of all political parties.

(e) Representation of women in elected positions

The Mission observed that resulting from the 2014 elections, women constituted only 16% of members of the National Assembly and 11% of elected Local Government officials. In the 2019 Tripartite elections, there was no female candidate contesting for the presidency, and out of 1,331 candidates for the National Assembly only 304, or 23% were female. The representation of women in elected offices thus remains low and is a cause for serious concern.

V. RECOMMENDATIONS

In light of the above observations, and considering the issues highlighted by the various stakeholders, the SEOM proposes the following recommendations for the improvement of the electoral process in the Republic of Malawi:

(i) Security environment

The Government is urged to finalise and implement the on-going initiatives to address ritual murders of albino citizens, including increasing their security, to enable them to freely exercise their political and socio-economic rights.

(ii) **Voter registration**

The Government is urged to consider amending the electoral laws to enable the Malawi Electoral Commission to conduct continuous voter registration.

(iii) **Appointment of members of the Malawi Electoral Commission**

The Government is urged to consider amending the Electoral Commission Act to enhance inclusivity, transparency and good governance in the process of appointing members of the Electoral Commission.

(iv) **Role of the public media**

The Malawi Electoral Commission, Malawi Communications Regulatory Authority and all relevant stakeholders are urged to review the enforcement mechanisms for the law relating to the coverage of political parties and candidates by the Malawi Broadcasting Corporation, as the public broadcaster, to ensure effective implementation of the neutrality and equal coverage provisions.

(v) **Gender representation**

Government and Political stakeholders are urged to improve the social, cultural and political environment to enhance the participation and inclusion of female candidates in the political process, and to increase the representation of women in elected offices in line with the SADC Protocol on Gender and Development.

VI. CONCLUSION

In conclusion, the SADC Electoral Observation Mission observed that the pre-election and voting phases of the 2019 Tripartite Elections were conducted in a generally peaceful atmosphere. The Malawi Electoral Commission conducted itself professionally through its improved administrative procedures, and in line with the electoral law and Constitution of the Republic of Malawi.

The Mission urges all political leaders and their supporters to remain calm whilst the Malawi Electoral Commission finalises the process of releasing the results of the elections, and to make use of the appropriate legal mechanisms in the event of any electoral dispute.

In accordance with the revised *SADC Principles and Guidelines Governing Democratic Elections* (2015), our Final Report, which will cover the pre-election, election and post-election phases, will be issued within 30 days of the end of this electoral cycle.

Thank you very much

Muito Obrigado

Merci beaucoup

Zikomo kwambiri