



The Commonwealth

Interim Statement of the Commonwealth Observer Group Malawi Tripartite Elections 21 May 2019

**Statement by HE Mr Thabo Mbeki
Former President of the Republic of South Africa
Chairperson of the Commonwealth Observer Group**

Introduction

The people of Malawi, members of the media, fellow observers, members of the diplomatic corps, ladies and gentlemen, thank you for coming to this Commonwealth Observer Group Press Conference.

I wish to begin by noting that this is an interim statement of our key findings up to this point in the electoral process, which is yet to be concluded. It is vital that the Malawi Electoral Commission be granted the time to conclude its work. We will continue to observe the results processes and reflect upon them in our final report, which will set out our full findings on the entire process and our recommendations in greater detail.

Ladies and Gentlemen,

The Commonwealth Observer Group has been present in Malawi since 15 May 2019. We have been briefed by a wide range of stakeholders, including the Malawi Electoral Commission, the Malawi Police Service, leaders and representatives of the political parties, civil society organisations, the diplomatic community, women's and youth groups, the media, citizen observers and the other International Observer Missions.

We were able to observe some of the final campaign events, before our teams were deployed throughout the three regions of Malawi on 19 May. While on deployment, we have been able to observe the pre-election environment and preparations for the polls. Ahead of Election Day, our teams met electoral officials, political parties, police and other stakeholders at the district and regional levels to gain a comprehensive picture of the electoral processes and conditions.

The following is our initial assessment and the final report, which will include recommendations, will be issued at a later date.

Key Findings

Pre-Election Environment

We note that the 2019 Tripartite Elections were the most competitive in Malawi's modern electoral history, with the emergence of a new political party, the United Transformation Movement, and the introduction of a number of new innovations to enhance the electoral process.

The Electoral Framework and Election Administration

The management and conduct of Malawi's second tripartite elections was yet again an ambitious undertaking for the Malawi Electoral Commission (MEC) and its staff. It is commendable that MEC made considerable effort to implement recommendations made by observer missions following the previous elections in 2014.

The legal framework provides the basic conditions for a credible and competitive election. As with most elections, the accuracy and integrity of the voter registration has an impact on the confidence of the electorate in the process, and overall confidence in MEC. It was noted that, for the 2019 elections and for the first time in its electoral history, Malawi adopted a biometric voter registration process. In addition to collecting voters' biographical data, their photographs were captured. The voter registration process was also tied to the government's national civil registration process, through which citizens were provided with national ID cards. These innovations enhanced the integrity of the process.

For the 2019 elections, there was a high level of confidence in the integrity, capacity and competency of MEC among many of the national stakeholders. MEC's transparency, through regular communication with all stakeholders, contributed greatly to the heightened confidence in its management of the electoral process. This confidence was not misplaced, as evidenced by the professionalism and dedication displayed by polling officials on Election Day.

The Campaign

In our briefings with several stakeholders, we were informed that the atmosphere at campaigns was vibrant, colourful, largely peaceful with only a few reported incidents of clashes among supporters of the main political parties. We did, however, note that there were limited campaign materials, including posters and billboards.

The fundamental rights of candidates, political parties and supporters to assemble and campaign were broadly observed. We note that political parties and candidates had signed an Electoral Code of Conduct to promote conditions conducive to the conduct of free, fair, transparent elections; and a climate that includes tolerance for democratic debate, political activity. We were also made aware of peace pledges by presidential candidates prior to our arrival in Malawi. These efforts, combined with various conflict resolution mechanisms in the electoral process, were commendable.

We acknowledge and note the recent enactment of the Political Parties Act, to enhance transparency and accountability, and hope that civic education on the Act will ensure uniformity of understanding of its implications.

Media

Malawi has a vibrant media environment, and the number of private media outlets has significantly increased since 2014. The Malawi Broadcasting Corporation (MBC) is the public broadcaster, but many stakeholders noted its tendency to favour the incumbent party in its coverage. The availability and diversity of alternative private media platforms for opposition campaigning, while positive, also posed a challenge for those with fewer resources.

Ahead of the Tripartite Elections, the Commonwealth Secretariat provided training for media executives on the implementation of the Media Code of Conduct for fair and balanced reporting on the Elections. The Group is aware that this will continue beyond the elections.

The group also notes that, while internet and social media penetration is low in Malawi, these platforms were also used, in some instances, to spread fake news. The Group commends the MEC and civil society efforts to counter misinformation, while also protecting freedom of information.

Participation and Inclusion

We were encouraged by the number of women voters, as well as those serving in the MEC, and as polling officials. We were also encouraged by the increase in the number of women contesting at the parliamentary and local government levels, though there were no women presidential candidates or running mates. We urge Malawi to continue to examine mechanisms to enhance women's political participation in future elections. The Commonwealth Secretariat has already been engaged in efforts to empower women candidates, through training in leadership, conflict sensitivity and campaign skills. We will reflect on the impact of this technical support in our Final Report.

Malawi has a large youth population, and we were heartened to note that 54 percent of registered voters were between 18 and 35 years of age. Youth were visibly active as voters, polling staff, party monitors and as citizen observers.

Election Day

Our observers reported a peaceful and generally well-managed process on Election Day. Voters were free to exercise their franchise. The turnout of voters appeared to be high, with long queues at many polling places even prior to the opening of polls at 0600hrs.

Set up of Polls

We observed and were credibly informed that the majority of polling stations opened by 0630hrs, with polling staff, election materials, security and party agents present. Where there were delays, these were attributed to challenges including insufficient

lighting in the early hours of the morning, confusion with regard to layout, and the late arrival of local monitors, polling staff and/or materials.

The secrecy of the ballot was generally provided for and polling stations were laid out as per instructions from MEC, though in some cases the voting booths were positioned in such a way that the secrecy of the vote may have been compromised.

The Group commends efforts to make polling stations accessible. However, in some cases the sites were not conducive to persons with physical disabilities.

The Group noted the visible security presence on Election Day, including during the counting process, though their presence was largely unobtrusive.

Voting, Closing and Counting

Elections officials were dedicated and efficient in the management and conduct of the polling process. Voting, for the most part, followed the prescribed procedures. Voters requiring assistance, including pregnant women, the elderly, those with disability were given preferential treatment at the polling stations.

The majority of voters found their names on the voters' lists and were able to vote, except for a few instances where the photographs of voters were not on the Voters Register. In these cases, polling officials were able to address the issue by finding the name of the voter on a separate register drawn from statistics supplied by the National Records Bureau.

MEC may wish to revisit the provisions for dealing with the transfer of votes, as we note that there was confusion over the right of students and others working on election day.

At the close of polls at 18.00hrs, the majority of polling stations had no queues. The counts in general were transparent with election officials conducting the process in a deliberate and careful manner, following the prescribed procedures, including the signing by the party agents of the result declaration forms.

There were, however, some inconsistencies in the application of procedures, particularly after the close of polls, for example with regard to the reconciliation process which should precede the counting of the votes.

We also observed that there were inconsistent interpretations of what constituted a null or void vote, though these were clearly set out in the polling procedures.

Results process

The tallying process largely followed stipulated procedures, though we note that the initial pace has been slow. The Observer Group will continue to follow this process in the days ahead.

Conclusion

We commend and congratulate all Malawian voters for turning out in significant numbers to participate peacefully in an important civic duty. We also congratulate

MEC and polling staff, the political parties, the citizen observers, the media and the security forces for their respective roles in ensuring the success of the electoral process thus far.

We laud the adoption of the biometric Voters Register established by MEC for these elections, following a national ID registration exercise conducted by the government. The Biometric Voter Registration process has raised confidence in the electoral roll, which is a key foundation for conducting elections with integrity.

We were particularly impressed by the large numbers of women and youth who participated in the electoral process, not only as voters, but also as polling staff, party monitors and citizen observers.

It is our hope and expectation that as the results process reaches its crucial finalisation phase, the peaceful tenor of the electoral process thus far will continue to prevail. We therefore call upon all Malawians, especially political parties, candidates and their supporters, to continue to show restraint and magnanimity and to uphold their pre-election commitments to peace with the same spirit of national unity, peace and solidarity. We urge that any disputes be addressed through the appropriate dispute and legal mechanisms.

Our final report will now be prepared and submitted to the Commonwealth Secretary-General, who will forward it to the Government of Malawi, the Electoral Commission, the leaders of political parties, and thereafter to all Commonwealth Governments. It would also be made available to the general public.

Finally, it is our hope that, by bringing this electoral process to a successful conclusion, Malawi will serve as an inspiration for the rising tide of democracy throughout the Commonwealth.

Blantyre, Malawi
23 May 2019

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Note to Editors

The Commonwealth is a voluntary association of 53 independent and equal sovereign states. It is home to 2.4 billion citizens, of whom 60 per cent are under the age of 30. The Commonwealth includes some of the world's largest, smallest, richest and poorest countries, spanning five regions. 31 of its members are small states, many of them island nations. Commonwealth countries are supported by an active network of more than 80 intergovernmental, civil society, cultural and professional organisations.

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