



# **Election Situation Room**

## *Analysis of the 2014 Tripartite Elections in Malawi*

*Prof. Chijere Chirwa and Dr. Nandini Patel*





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# Acronyms

<b>CONGOMA</b>	Council for Non-governmental Organisations of Malawi
<b>CSO</b>	Civil Society Organization
<b>DFID</b>	Department for International Development
<b>DPP</b>	Democratic Progressive Party
<b>ESR</b>	Election Situation Room
<b>EU</b>	European Union
<b>Hivos</b>	The Humanist Institute for Development Cooperation
<b>IWPR</b>	Institute for War and Peace Reporting
<b>MACRA</b>	Malawi Communication Regulatory Authority
<b>MBC</b>	Malawi Broadcasting Corporation
<b>MCP</b>	Malawi Congress Party
<b>MEC</b>	Malawi Electoral Commission
<b>MEIC</b>	Malawi Election Information Centre
<b>MESN</b>	Malawi Electoral Support Network
<b>MP</b>	Member Of Parliament
<b>NDI</b>	National Democratic Institute
<b>NDI</b>	National Democratic Institute
<b>NECOF</b>	National Elections Consultative Forum
<b>NICE</b>	National Initiative for Civic Education
<b>NICE</b>	National Initiative for Civic Education
<b>OSISA</b>	Open Society Institute for Southern Africa
<b>OSIWA</b>	Open Society Institute for West Africa
<b>PP</b>	People's Party
<b>SMS</b>	Short Message Service
<b>SMS</b>	Short Message Service (for mobile phones)
<b>TVM</b>	Television Malawi
<b>TVM</b>	Television Malawi
<b>UDF</b>	United Democratic Front
<b>UDF</b>	United Democratic Front
<b>USAID</b>	United States Agency for International Development
<b>USAID</b>	United States Agency for International Development
<b>ZBS</b>	Zodiak Broadcasting Service

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# Contents

ii	Acknowledgements
iii	Acronyms
5	<b>Introduction</b>
9	<b>Pre-election situation analysis</b>
29	<b>Polling day observations</b>
37	<b>Citizen journalism and other communication strategies</b>
41	<b>Results management</b>
49	<b>General conclusions and recommendations</b>
51	Appendix A: <b><i>CSO Statement</i></b>
59	References









# Introduction

**T**his document is a report on the Malawi Election Information Centre (MEIC), an Election Situation Room (ESR) and citizen journalism initiative for the 2014 tripartite elections in Malawi, funded by the Open Society Institute for Southern Africa (OSISA) and Hivos Foundation (the Humanist Institute for Development Cooperation) with related support from other partners.<sup>i</sup>

The MEIC was an initiative of a coalition of civil society organisations (CSOs) with a common interest in collaborating on activities related to the 2014 Malawi tripartite elections, led by the Malawi Electoral Support Network (MESN). It was a multi-stakeholder initiative devised as a platform for CSOs to collaborate on elections observation and monitoring, and to provide a rapid response and proactive advocacy strategy related to the elections. It was designed to provide reliable, timely, evidenced-based and freely-accessible information to all those interested in the elections. Modelled, though with modifications, on similar successful initiatives in other African countries, especially those pioneered by the Open Society Institute for West Africa (OSIWA) in West Africa and Hivos Foundation in East Africa, the ESR was open to the media and the public, and utilised free SMS messages to allow voters to verify that they were registered and to give citizen journalists an opportunity to report on election-related news across the country.

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<sup>i</sup> These included Code for Africa, the World Bank, the African Media Initiative (AMI) and SMAG Media. In addition, Hivos Foundation also provided technical support for the Citizen Journalism platform.

## MEIC objectives

The MEIC's objectives were to:

- Support the Malawi Electoral Commission (MEC) to manage the electoral process, to ensure its credibility, and to ensure that the process was free and fair, and reflected the will of Malawians;
- Provide the voter population with credible, evidence-based information gathered by observers on a real-time basis as events unfolded on election day;
- Provide data to enable experts to analyse prevailing trends at polling stations and keep the people informed as part of preventing rumour mongering that could possibly result in violent behaviour;
- Provide a rapid response to elections emergency situations that could possibly affect the credibility of the electoral process; and
- Provide a dedicated online platform to enable citizens to share election experiences.

## Project components

The MEIC's project components were:

1. **Mobile voter verification** – a parallel voter verification process set-up by Got-To-Vote campaign<sup>ii</sup> and Code for Africa in conjunction with the MEC. This process was integrated into the Chisanko Platform, and a short SMS code – 5VOTE [58683] – was provided to registered voters to use free of charge in verifying personal registration data and polling stations. Responses were provided in chiChewa, chiTumbuka and English.
2. **Observation and monitoring** – field election observers collected data using checklists as guides and sent encoded messages by cell phones through a technology coordination platform – the Vote N Text system – operated by the SMAG Network provided by SMAG Media UK LTD. The data generated was processed and converted into comprehensible information in the form of reports, analysed by the expert team and communicated to relevant stakeholder groups

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ii *'Got to vote' was a campaign to motivate voters to verify their voter registration using mobile phones.*

for their information or for rapid response and quick decision-making.

3. **Citizen journalism** – aimed at giving citizens a platform for their voices to be heard. They participated in the elections by using the short code 5VOTE [58683] to send in evidence-based information about what was taking place in and around polling stations in their constituencies.

These three components were integrated with two mobile operators in Malawi, Airtel and TNM, by the SMAG Media Network and functioned as a unified system for data collection, analysis and publication.

### Operational structure

The MEIC operational structure comprised a taskforce of CSOs, an expert team, a technology team, data officers and field observers. Technological operations were led by SMAG Media UK LTD with support from Hivos Foundation and Code for Africa (Code4Africa). The MEIC used a hierarchical structure from field observers at the polling stations to the CSO task force at the ESR as follows:

- **Field observers** – the project recruited and trained 4 500 election observers who acted as data collectors. They covered 100 per cent of the polling centres, capturing data through provided checklists. Data from the polling centres across the country were forwarded by SMS four times a day: morning, afternoon, evening and night.
- **Data officers** – the project recruited 30 data officers who monitored the text messages received by the system from the observers to ensure that the data were only from authorised users, to correct any potential message coding errors the observers may have made, and to reinsert the messages into the data processing cycle. The citizen journalism text messages were also monitored by the experts to extract quick analysis before they were presented to the media.
- **Expert team** – three experts analysed pre-election data, data collected on election day, and post-election activities. The analyses of data were approved by a sub-committee of the CSO taskforce and published on the official web site [www.malawivote2014.org](http://www.malawivote2014.org) or released by the media centre as press releases to the public (or both).
- **CSO taskforce (in full or a sub-committee)** – this was the highest decision-making body for the project and gave approval on content aspects of the project. The full taskforce comprised of 18 CSOs, whose work covered the whole of

Malawi. On election day, a sub-committee of the taskforce worked with the experts on the interpretation of trends, the status quo of voters and the general public, rapid actions to mitigate disruption of voting and counting of votes, as well as informing the public on a near real-time basis.

The sections below provide an analysis of the data captured by the ESR, starting with the pre-election phase, followed by observations on the polling day, the counting and tallying of the votes, announcement of results, and the post-election phase. General conclusions and recommendations are provided at the end.



# Pre-election situation analysis

**T**he analysis of the pre-election period is based on the data from the MEIC's media monitoring activities, a review of proceedings of meetings of the MEC, the National Elections Consultative Forum (NECOF) attended by the CSOs participating in the MEIC project, a review of MEC documents including periodic reports, press releases and related documents, and a desk review of relevant literature produced by the experts.

## Political and governance context

The 20 May 2014 elections marked the first time Malawi held tripartite elections since the transition to multi-party politics in 1993. The country voted for the president, parliamentarians and local councillors at the same time. For parliament, seventeen political parties fielded candidates for the 193-seat national assembly. The top four political parties – the Democratic Progressive Party (DPP), the Malawi Congress Party (MCP), the People's Party (PP) and the United Democratic Front (UDF) – were expected to win most seats. Twelve candidates contested the presidential race. Of these, two were female. Seven (58 per cent) of the presidential candidates were contesting the race for the first time, and all the presidential candidates had running mates who were in





the race for the first time. Most of the running mates were under the age of 50 years. The Malawi 2014 elections therefore demonstrated the potential for leadership renewal in the country, which is a positive development for the consolidation of democracy.

These elections marked the first time since 2001 that local government representatives were being elected. Local council seats fell vacant in 2005 after local government elections were cancelled due to financial limitations, and were again postponed in 2010 by then President Bingu wa Mutharika. The previous four elections – in 1994, 1999, 2004, and 2009 – were held only to elect the president and members of parliament.

The 2014 tripartite elections were historically significant in the sense that they took place at a time when Malawi achieved 50 years of independence and 20 years of multi-party democracy, but against a background of political tension and uncertainty in the country. The period between 2009 and 2012 had been particularly politically tenuous. After assuming majority control in 2009, the Bingu wa Mutharika administration became increasingly autocratic and combative. A number of new laws were passed, including measures granting the Minister of Information the power to ban any publication in the name of 'the public interest', and giving police the right to search properties without a warrant. Though most of these repressive laws were subsequently sent back to the Law Commission for review, they remained active while the review process took place. It was announced that local elections, which had been continually delayed since 2005, would not be held until 2014 – the official reasons being allegations of fraud concerning the Malawi Electoral Commission (MEC), complexity, the cost of holding tripartite elections, and perceived non-commitment of donors to fund such elections. Frequent nation-wide shortages of drugs in hospitals, fuel, foreign exchange, water and electricity caused urban riots and demonstrations on 20 July 2011, in which 20 protesters were shot dead by police and hundreds were injured or arrested. CSOs and other civic leaders critical of the Mutharika administration were intimidated, harassed and sometimes physically assaulted by political operatives and agents of the Mutharika regime. Some had their houses or offices torched or petrol-bombed. The events of 2009-2011 left the CSO movement destabilised in many ways. CSOs thus entered the election period in a weakened state.

In April 2011, Britain's High Commissioner to Malawi was deported for describing President Mutharika as "increasingly authoritarian and autocratic" in a leaked diplomatic cable. Britain responded by expelling Malawi's High Commissioner to the United Kingdom (UK). Following this development tension and mistrust characterised the relationship between the Malawi Government and its development partners.

Within the country, political tensions were heightened by uncertainty around a successor to President Mutharika at the end of his second term in 2014. The President preferred his younger brother, Peter Arthur Mutharika, as successor. His vice-president, Joyce Banda, was expelled from the party in power (the Democratic Progressive Party) in December 2010, reportedly because she intended to put herself forward for the position. Banda subsequently founded her own People's Party (PP), while remaining vice-president, since President Mutharika was constitutionally unable to remove her from that position.

President Mutharika died of cardiac arrest in April 2012 and Joyce Banda succeeded him after an attempt by a group of ministers to bar her from assuming office. Civil society groups, religious leaders, academics and security forces backed Banda in order to protect the integrity of the country's constitution. Malawi's constitution provides for the vice-president to assume the office of president for the remainder of the term following the death of the incumbent.

Within a year and a half of Joyce Banda's coming to power, corruption and theft of public funds resulted in development partners withholding their budget support. In November 2013, the bilateral and multilateral donors that collectively formed the Common Approach to Budget Support (CABS) group announced their suspension or withholding of aid to Malawi in response to the corruption and theft scandal that resulted in the looting of more than US\$250 million from government coffers. Dubbed "Cashgate" (from the American Watergate scandal of the 1970s), the massive theft and corruption also put at risk another US\$20 million grant from the International Monetary Fund (IMF) under the Extended Credit Facility (ECF). The popularity of the Banda government hung in the balance ahead of the May 2014 general elections.

The political and governance issues outlined above created a somewhat hostile environment in which the 20 May 2014 tripartite elections were held.

## **Electoral legal framework**

The electoral process in Malawi is governed by the laws of Malawi comprising the constitution, the Parliamentary and Presidential Elections Act, the Local Government Elections Act and the Electoral Commission Act. In 2012, parliament amended the constitution to allow for tripartite elections, which meant that the parliamentary, presidential and local government elections would be conducted simultaneously. Parliament further passed a resolution tasking the Malawi Electoral Commission to spearhead the harmonisation of electoral laws to allow for the effective and efficient conduct and holding of tripartite elections. This process, however, was not completed by the time that the 2014 polls took place.

Of particular concern were shortcomings related to the law governing local government elections – the Local Government Amendment Bill of 2010. Since 1994



when multiparty democracy was established in Malawi, local government elections had only taken place once (in 2001), with the electoral term of councillors ending in 2005. Since then a vacuum has existed. With the 2014 local government elections, ward councillors were coming into office after a protracted lapse of eight years. Furthermore, several unpopular amendments to Local Government and Electoral Laws in 2010, in an uncompleted law review process, have resulted in a series of problems concerning the role and powers of councillors. These include the reduction of ward boundaries and the weakened role of councillors by removing the policy making functions of local councils.

The representative role of the local councillors and their policy-making function have been effectively constrained. The presence of councillors makes little difference as MPs are also in law the decision-makers at local level. This situation renders councillors largely irrelevant in the development equation.

### **Election management body**

The Malawi Electoral Commission (MEC) is the body legally mandated to manage elections in Malawi. The commission has been a site of political contestation in the past. In 2006 the commission became totally paralysed when new commissioners appointed by Mutharika were rejected by opposition party leaders in parliament who obtained a court injunction that blocked the inauguration of the new electoral commissioners. This continued until January 2008 when the MEC finally became operational. For the 2014 elections, the late appointment of commissioners resulted in delays in the release of the electoral calendar.

Lack of confidence in the MEC centres largely on doubts about the institution's independence and professional integrity. Although Sections 75 and 76 of the constitution attempt to establish guarantees of the commission's independence, stating that "the Electoral Commission shall exercise its powers, functions and duties ... independent of any direction or influence by another authority or any person", the commission remains susceptible to influence by the executive. For example, in 2010, President Bingu wa Mutharika unilaterally and abruptly closed down the MEC offices, sealed the doors and deployed armed policemen to guard the premises. He suspended the commission for alleged embezzlement, a censure that effectively aborted the holding of the 2010 local government elections. Instead of producing conclusive evidence and prosecuting suspects, the late president collectively reinstated MEC staff in April 2011. These acts had no legal basis and raised serious questions about the independence and political vulnerability of the institution.

### **Election preparedness**

The Malawi constitution provides a basis for the country's electoral calendar. The constitution provides for presidential and parliamentary elections every five years.

Although delays in releasing a pre-elections calendar of events and the slow and limited accreditation of civil society organisations and election observers took place in 2014, there were major improvements in the holding of these elections compared to the past. The delays were caused mostly by the late appointment of the new commission in October 2012 – only about 18 months before the 2014 elections. The delays did not result in changes to the date of the actual elections.

A notable improvement in the MEC in the 2014 elections was its level of constant engagement with stakeholders. A regular flow of communication prevailed throughout the electoral period.

### **Constituency and ward delimitation**

The demarcation of parliamentary constituencies has not taken pace since 1998, although Section 76(2)(b) of the constitution empowers the commission to review existing constituencies at intervals of not more than five years and to alter them in accordance with the principles laid down in the same section. The 2010 Electoral Commission (Amendment) Act reduced the number of local wards per district.<sup>iii</sup> The new legal position is that every administrative district has two wards for each parliamentary constituency, except that in the case of the cities of Blantyre and Lilongwe the number of wards is 30 each, and in the cities of Mzuzu and Zomba the number of wards is 15 and 10 respectively. This has implications for small districts such as Likoma and Balaka which have few constituencies and therefore fewer councillors. Likoma has only one constituency and therefore only two councillors. This number cannot constitute a district council even if it was to include the District Commission of the district.

Another problem with the 2010 amendment relates to the rationale of the baseline for determining wards. Determining wards based on parliamentary constituencies hierarchically causes councillors to fall under MPs, a situation that undermines the independence and powers of councillors and their role as the locally elected representatives of the people living in their wards.

### **Voter registration**

Voter registration for the 2014 tripartite elections was organised in nine phases of 14 days each from 22 July to 18 December 2013, and (due to shortage of equipment) extended to 4 January 2014. At the end of the exercise, 7 537 548 voters were registered, representing 94.1 per cent of the projected total of 8 009 734 eligible voters. This is an increase of 16 per cent over the number of registered voters in 2009, and 11.2 per cent over the number of registered voters in 2010 (for the aborted

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<sup>iii</sup> Malawi has 28 administrative districts within the three regions – North, South and Central.

local government elections in that year). These figures have been disputed by some analysts, including academics and statisticians based at the National Statistical Office (NSO), as being 'unrealistic' because the figure for persons of voting age in Malawi is lower than these figures suggest. The suspicion is that the MEC may have registered some under-aged individuals (younger than 18 years). After the verification process, the MEC announced that 7 470 806 registered voters had been verified, a downward variation of 66 742 due to 'arithmetical errors' in computation – and about 1 per cent less than the earlier figure for registered voters.

The MEC had announced that it would adopt the Electronic Biometric Voter Registration System (EBVRS) to address the enormous challenges previously experienced in maintaining a credible voters' roll. The EBVRS would involve the use of biometric technologies with the use of computers, fingerprint scanners and digital cameras to capture the bio-data of a voter at the registration point. It was hoped that with this new technology the MEC would be in a position to detect and remove multiple (duplicate) registrations and to update and verify the voters' roll speedily. The proposal was later abandoned, further demonstrating the capacity challenges of the election management body. The MEC also did not implement the opposition political parties' request that the voters' roll be verified after each phase of registration.

### **Voter verification using SMS messaging system**

The ESR project contributed to the voter registration confirmation process by requesting registered voters to verify their registration status by sending a free SMS to 5VOTE (58683), with their voter Identity Document number. The total number of SMS messages received by the MEIC using this procedure was 597 513, of which 400 853 pertained to issues of voter registration.

It should be noted that the MEIC SMS system was not yet set up during the first phase of the voter verification process between 9 and 20 April 2014. During the second phase of the process, between 21 April and 3 May 2014, the MEIC processed 146 899 messages of which 117 375 were successful, and 29 525 were invalid. A high volume of invalid messages came from the districts that were not publicised by the MEIC, including Lilongwe. In the third phase from 4 May, the MEIC processed 70 321 messages of which 65 343 were successful and 4 978 were invalid.

The total number of messages sent to the Malawi Electoral Commission (MEC) was 217 118 of which the MEC successfully verified 182 605 and rejected 34 491 due to invalid IDs or verification information.

### **Nominations**

For the purposes of nomination of candidates and to fill the vacant positions in their ranks, party conventions were held with varying degrees of open and competitive

elections. Selection of running mates, however, was not done by consensus, but rather as a personal prerogative of the party president. The party primary elections for nominations of parliamentary candidates in some of these parties continued to suffer from imposition and coercion. There was an evident lack of preparation on the part of all parties for the election of councillors – who, in most cases, did not go through the process of primary elections. In most cases candidates were hand-picked.

One controversial aspect of the nominations for the 2014 elections was the filling in of nomination papers by some candidates who were at the time facing charges in court for offences ranging from murder, financial embezzlement, and plotting a coup. Section 80(7)(C) bars those convicted of ‘a crime involving dishonesty or moral turpitude’ from being nominated for political office. The applicability of this section of the law is confined to those who have been convicted. It does not include those who have been charged, or are under investigation. Politically this is controversial because it raises concerns about the credibility and public image of such individuals and the body that accepts their nominations.

### Lists of candidates

In total, 12 candidates were confirmed for the presidential race as indicated in Table 1.

**Table 1: Presidential candidates**

	Party	Presidential Candidate	Gender
1	People's Party (PP)	Joyce Hilda Banda	F
2	Malawi Congress Party (MCP)	Lazarus McCarthy Chakwera	M
3	People's Transformation Party (PETRA)	Kamuzu Walter Chibambo	M
4	New Labour Party (NLP)	Friday Anderson Jumbe	M
5	Chipani Cha Pfuko (CCP)	Aaron Davies Chester Katsonga	M
6	Peoples Progressive Movement (PPM)	Mark Katsonga Phiri	M
7	United Democratic Front (UDF)	Atupele Muluzi	M
8	Democratic Progressive Party (DPP)	Peter Mutharika	M
9	Malawi Forum for Unity and Development (MAFUNDE) –for Tisintha Alliance	George Nnesa	M
10	National Salvation Front (NASAF)	James Mbowe Nyondo	M
11	United Independence Party (UIP)	Abusa Helen Singh	F
12	Umodzi Party	John Chisi	M

*Source: MEC notifications on nominations*

Eight of these candidates (Lazarus Chakwera, Friday Jumbe, Davies Katsonga, Mark Katsonga, Atupele Muluzi, Peter Mutharika, Helen Singh, and John Chisi) contested the presidential race for the first time. Joyce Banda was Bingu wa Mutharika's running mate in 2009. Kamuzu Chibambo, George Nnesa and James Nyondo, contested the 2009 elections as well. The 2014 elections therefore showed potential for leadership renewal in Malawi's democracy.

Initially John Chisi of Umodzi Party was disqualified for being employed by the University of Malawi, and therefore regarded to be a public servant. The Malawi electoral law bars public servants from standing for political office. Chisi challenged the MEC decision in court and won. His case demonstrates a lack of clarity on the interpretation of the term 'public servant' in Malawi's electoral law.

A total of 1 290 political party candidates' nominations were accepted for the parliamentary race, and two were rejected for the same reasons as those of John Chisi. They also challenged the MEC decision in court and won. The distribution of candidates by party affiliation was as follows:

**Table 2: Total numbers of parliamentary candidates by gender**

Total seats	Total candidates	Male	Female
	1 290	1033	257

*Source: MEC notifications on nominations*

In addition to the party candidates, 402 independent candidates had their nominations accepted by the MEC. Of these, 315 were males and 87 were females. The large number of independent candidates was mostly due to the absence of primary elections in many parties. Some political parties, such as the DPP, did not hold primary elections where they had incumbent female MPs as a way of supporting their female candidates. The result was rather unsatisfactory because the majority of the women who were protected in that manner did not win their elections. The lack of female quotas in the party nominations contributed to the large number of women standing as independents.

For the local government elections 2398 nominations were accepted as indicated in Table 3.

**Table 3: Total numbers of ward councillor candidates by gender**

Total wards	Total candidates	Male	Female
462	2 398	1 981	417

*Source: MEC notifications on nominations*

## **Data anomalies**

The MEIC noted the following anomalies in the MEC data related to candidates' lists:

- The lists for parliamentary and ward councillors that appeared on the MEC website by the first week of May 2014 had not been updated. The names of the candidates who had won their court cases were not included.
- The lists showed two candidates for the same party in some wards, such as in the Balaka district.
- There were some inconsistencies in the numbers of candidates that the political parties provided in their databases and those provided by the MEC, for example in the case of the DPP, MCP, PP and UDF.

## **Women's representation**

Ensuring gender equality and women's participation is critical to a democratic system of governance. The Convention for the Elimination of All Forms of Discrimination Against Women, to which Malawi is a party, calls for all parties to grant women equal rights to men. The Malawi constitution not only prohibits discrimination on the grounds of gender (section 20), but also provides specific provisions on the rights of women. Section 24 (1) of the constitution states that women have the right to full and equal protection by the law, and have the right not to be discriminated against on the basis of their gender or marital status, which includes (among other things) the right to be accorded the same rights as men in civil law; to enter into contracts; to acquire and maintain rights in property, independently or in association with others; to a fair disposition of property that is held jointly with a husband; to acquire and retain custody, guardianship and care of children; and to acquire and retain citizenship and nationality.

In 2004, out of a total of 1 246 candidates, only 154 (12.4 per cent) were women. Noticeable in the 2004 elections was the low numbers of female candidates in the large parties with a national character, such as the MCP, the NDA, the PPM and the UDF. Lack of party support was the major reason for women standing as independents. The majority of women who stood as independents had earlier been rejected by their political parties or had lost to men in the primaries, because their party executives and members preferred male candidates.

The 2009 elections saw a number of breakthroughs in terms of women's participation in the democratic process. A total of 238 women contested the parliamentary elections, representing 20.3 per cent of the total number of candidates, and there was one female presidential candidate. In addition to the

appointment of Malawi's first female vice-president, the 2009 elections saw 41 women winning parliamentary seats and a solid turnout of female voters. These achievements have largely been attributed to a joint campaign of civil society groups, international development partners and the government, popularly known as the 50/50 campaign – targeting 50 per cent female representation in parliament, which was however not achieved. The largest slice of funding for the campaign, aimed at helping female candidates campaign more effectively during the election period, came from the UK's Department of International Development (DFID) and the United Nations Population Fund (UNFPA). Another breakthrough was the appointment of 11 women to cabinet positions, representing 26 per cent of the cabinet team – compared to seven out of 42 (or 17 per cent) in the previous cabinet. It was expected that the existence of a female vice-president and more female MPs would raise the profile of women's issues in the country.

The nomination lists for the 2014 tripartite elections show that 2 females were nominated for the presidency, 257 for parliament (an increase from 238 in 2009), and 417 as ward councillors. The percentage of female presidential candidates is therefore 16.6 per cent, 19.9 per cent for parliamentary candidates, and 17.3 per cent for ward councillors. The percentage of female candidates in the parliamentary race has gone down very slightly from 20.3 per cent in 2009.

Political parties do not have quotas or affirmative policies for female representation. Male dominance and the view that politics is 'dirty' (where abusive language and violence are norms) deter some women from putting their names forward for nomination. The fee requirement for nomination for parliamentary candidates was MK 200 000 (roughly 450 US dollars) for male candidates and MK 150 000 (333 US dollars) for female candidates. Nomination fees for male candidates in local government ward elections were MK 20 000 (44 US dollars) and MK 15 000 (33 US dollars) for female candidates. These differentiated fees were positive discrimination measures adopted to encourage the participation of women.

The 50/50 campaign was continued in the 2014 elections, but unfortunately it did not yield expected results due to a variety of reasons including lack of funding, the capacity constraints of NGOs, and lack of strategic approach by political parties. There is still much work to be done to give women a bigger role in Malawi's government, and indeed to reduce the marginalisation of women across society.

## **Youth representation**

The 2014 electoral race featured one presidential candidate and three running mates who were in their 30s and still considered as youths in the country. At constituency and ward levels too there were a number of young contestants although data is not available. As a step to ensure that the youth are not used to perpetuate violence and other destructive activities, youth organisations such as the Malawi Human Rights



Youth Network and the Young Politicians Union organised activities including an inter-party peace march and the signing of peace declarations by all contending parties. As in the case of female representation, Malawian political parties do not have youth quotas and affirmative policies for youth representation. What is particularly important about the 2014 youth nominations is the positive contribution to political leadership renewal in the country.

### **Voter and civic education**

The Electoral Commission Act mandates the Malawi Electoral Commission to provide voter education. The commission has a department responsible for the task. However, the commission's ability to successfully mount a large-scale voter education campaign is limited by inadequate capacity. The commission does not have its own staff in the districts to carry out the task. It depends on civil servants and other public service employees. The commission also lacks proper equipment and facilities of its own. As a result, the most effective institutions in delivering civic and voter education have been civil society bodies, who are themselves limited by inadequate financial resources, personnel and facilities. CSOs participated in the 2014 election activities in a weakened position. They had been politically battered during the 2009-2012 period, were politically divided, and generally lacked unifying leadership. CSO networks such as the Council for Non-governmental Organisations of Malawi (CONGOMA), the Malawi Electoral Support Network (MESN) and the Gender NGO Network also had internal divisions to deal with, compounded by late or inadequate funding for civic education.

The MEC accredited about 140 civil society bodies to provide voter education and related services for the 2014 elections. Of these, only about 40 received funding for provision of civic education from development partners. The funding was received rather late, and, in some cases, in inadequate amounts. Some development partners demonstrated a preference for specific civic bodies for election funding, leaving out the majority of CSOs. For example, the European Union (EU) preferred to fund the National Initiative for Civic Education (NICE) Trust while the Norwegian Embassy funded only 8 of the 47 institutions in the 50/50 campaign network. Much of the funding for voter education by CSOs was channelled through international intermediaries, resulting in a further limiting of the capacity of local CSOs.

Being the first tripartite elections, and given the fact that local government elections were taking place after a lapse of eight years, much emphasis and attention was required to highlight the roles and responsibilities of members of parliament and ward councillors, not only for the voters, but also for the candidates. Owing to the constraints mentioned, civic education on these topics was wholly inadequate.

## **Election funding**

Lack (or inadequacy) of funding for the elections, as well as delays in the funding compounded the challenges facing the electoral process. By May 2013, most development partners had made only pledges, or partial funding, for the May 2014 elections. For example, the EU, one of the major sources of election funding in the country, promised to increase its funding from €1.5 million to about €5 million towards the end of the year. However this was a reallocation within the €30 million envelope under the financing agreement for the democratic governance programme, where the EU channels resources towards democratic consolidation, and was therefore not new money. The increase in the funding was in the wake of resource constraints that the country's electoral process faced on all fronts. This made it necessary for the government to write a proposal for extra funding towards the tripartite election. Part of this funding supported the election-related programmes of the National Initiative for Civic Education (NICE) Trust.

Controversy surrounded the funding that came from the United States Agency for International Development (USAID) and the United Kingdom's Department for International Development (DFID) through the National Democratic Institute (NDI). Malawian CSOs were of the opinion that the amounts involved were rather low and that the involvement of a third-party grants managing institution was unnecessary as it increased overhead costs. NDI's central role in grants management arguably undermined the growth of capacity of the local CSOs. The requirements for accessing the grants were restrictive and the grant accounting procedures were time-consuming, forcing CSOs to spend more effort and time in managing the grants than conducting civic and voter education activities in the field.

## **Civil society**

The events of 2009-2012 left the CSO movement in the country destabilised in many ways. Some CSOs had their offices torched, and their leaders politically and physically harassed. There had been no process of reconciliation by the time the CSOs engaged with election activities in 2014. The 2009-2012 events also caused a huge shake up in the CSO movement. A few CSO leaders had been reduced to hand-clappers, some were warehoused and others silenced, while some joined active politics – resulting in the undermining of CSO voices and a loss of institutional memory, expertise and skills.

Despite their challenges, CSOs nevertheless provided a voice on behalf of the citizenry. For example, in their 25 April 2014 communiqué, they raised a number of issues that they regarded as potentially detrimental to the integrity of the elections. These issues included (see Appendix A for more details):

## CSO CONCERNS

1. Unsettled voter registration figures and statistics. The MEC had received complaints and requests in numerous NECOF meetings to harmonise figures and provide justification for the total of 7 500 000 registered voters. Many stakeholders felt this figure was too high and perhaps implied a deliberate bloating of the figures to the advantage of some politicians or political parties.
2. An unconvincing voter verification exercise. Malawians deserve better quality work and approaches to the verification of the voters' roll. There was minimal publicity or information about the process. Coupled to the postponement of the process without concrete reasons given and its subsequent resumption, as well as the general poor organisation of the process, the acceptability of the polling results was most likely adversely affected.
3. An unequal playing field through the abuse of the public broadcasters (television and radio) favouring the People's Party (PP). This was extended to the abuse of other public resources such as conducting political rallies under the banner of government development rallies.
4. The MEC's statement that all people with voter IDs would be able to vote. Fake voter IDs were produced in concerning numbers as evidenced by numerous cases reported in the media.
5. The emergence of government-oriented NGOs (GONGOs), such as the Forum for National Development, that was accorded a substantial amount of airtime on state television and radio to castigate accredited CSOs and other political players, including the MEC itself. This suggests that the grouping may have been financed by government to deal with its perceived enemies and political competitors.
6. Deliberate propaganda to undermine the leadership of the Malawi Electoral Commission through stories about fake bank deposit slips, which proved to be untrue upon investigation.<sup>iv</sup>

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iv <http://www.maravipost.com/201404235866/People/malawi-electoral-commission-mec-vindicated-from-forged-deposit-slips-and-media-rush-accusations.html>

7. The MEC opting to perform additional roles in the electoral process such as the organising of national prayers instead of focusing on its core functions such as verifying the voters' roll.
8. Not all political parties publicly announcing their manifestos. Most parties did, however, hold public launches of their manifestos and this helped to consolidate campaigns that were relatively more issue-based.
9. Declarations by ruling party presidential candidates that they were certain to win the elections, and party slogans that a ruling party never loses elections. Despite the PP, through its secretary-general, assuring all electoral stakeholders at the last NECOF meeting that the PP would not use the slogan again, many PP party leaders continued using the slogan daily.
10. Violence going unpunished, for example as perpetrated in Karonga central and other places. The role of the MEC and the police in not decisively dealing with election-related violence undermines public confidence in elections.
11. Endorsement of presidential candidates by chiefs during so-called development rallies is of serious concern, especially in the case of the ruling PP, and particularly considering that chiefs are supposed to be apolitical.
12. A report from the Malawi Communication Regulatory Authority (MACRA) that almost 83 per cent of election coverage in the print and electronic media houses (private and public) was about the ruling PP. Such extensive coverage about one party is worrying in view of the existence of the many other political parties and players.

Based on their concerns the CSOs made several recommendations to the MEC, including a 'demand for dialogue, debate and action on these issues, and a call for Malawians to 'collectively take up their rightful role as citizens of this nation to engage leaders in different institutions to ensure responsiveness and activism on the main challenges facing this country.'

### **Media coverage**

The media play an important role in influencing voters not only to vote but also to make the right choices. A noticeable improvement in the 2014 elections was the provision of funding to some key media institutions by development partners. A number of media houses, both state and private, print and electronic, received direct funding to cover election-related activities.

The public broadcasters, the Malawi Broadcasting Corporation (MBC) and Television Malawi (TV) are mandated by law to provide unbiased election coverage and voter education. There were some concerns about bias in the content of public broadcasting for the 2014 elections. An April 2014 media monitoring study report by the IWPR/USAID/DFID Media Monitoring Project showed that media coverage was focused on the executive with 37.9 per cent coverage of presidential candidates compared to 11 per cent for parliamentary candidates and 1.7 per cent for ward councillors. The public broadcasters provided 70 per cent coverage to the incumbent People's Party presidential candidate, compared to less than 10 per cent for all the other candidates. Zodiac Broadcasting Service (ZBS) provided more balanced coverage of all the presidential candidates, but still only up to 20 per cent for other candidates. The private media provided comparatively better coverage of all the key political players in these elections. However they too were rather limited in terms of the themes covered, the key issues raised, and in providing space for dialogue between the candidates and voters. In their reporting the electoral process received 32 per cent coverage, followed by law and order at 9 per cent, corruption and 'Cashgate' at 8 per cent, and the economy also at 8 per cent.

Social media on the internet such as Facebook, Twitter, official and unofficial websites and online publications (including the Nyasa Times, Malawi Voice, the Malawi Post and the Malawi Democrat) provided timely coverage of election-related activities. However their performance also needs to be monitored and quantified in the same manner as in the case of the print and broadcast media. In addition, the efforts and activities of the international media, both those formally accredited for election observation and others, should also be monitored.

## **Public debates and dialogue**

Dialogue between the candidates and the voters was mostly in the form of debates at the presidential, parliamentary and ward levels. Zodiac Broadcasting Station, with funding from DFID, organised no less than four public debates for secretaries-general and publicity secretaries of various parties and other top executive officials. These were also covered live on radio. The officials took questions from the public through a phone-in link and from the audience in the gallery. NICE organised several debates at the constituency and ward levels in various parts of the country and the NDI also funded various grassroots debates.

Debates among presidential running mates were limited to the four front runners – the DPP, MCP, PP and UDF. This drew serious criticism and concern from other parties, and the presidential debates therefore included all the parties. All presidential candidates except the incumbent participated in two of the three debates that took place. The debates were professionally conducted and candidates conducted themselves well considering that this was the first time that Malawi

hosted live presidential debates.

Public opinion as expressed in the media nevertheless indicated that the presidential and running mate candidates failed to impress in these debates. With the exception of one or two candidates, they were generally not able to clearly articulate their policy positions or to turn these into political messages, or appeal to the voters to vote for them. There was no real substantive debate between the candidates themselves. They did not debate each other's policy positions on particular issues, even where there were indications of some major differences between them. The large number of candidates and the wide range of issues perhaps limited the opportunity for a more focused interrogation. But overall, the initiative was positive and innovative.

### **Campaign process**

There is no law regulating campaign financing in Malawi. Parties and candidates do not have any legal obligation to declare their sources of funding. Public resources can therefore be used for political campaigns, especially by the better-resourced incumbent party and president. There is also no law imposing campaign spending limits. Lack of such laws encourages politicians or those with vested interests in accessing power to invest huge amounts of resources in the distribution of handouts that facilitate political patronage and create an uneven playing field.

### **Human rights violations and campaign violence**

The MESN long-term election observation report for April 2014 indicated that there were 43 violations of human rights recorded, five cases of disruption of political campaign activities, and eight cases of intimidation or harassment. The observers also noted two cases of voters who were forced to attend political meetings. The buying of fake voter IDs was also recorded in four incidents. Two fatalities and many injuries were reported just days before the beginning of the official campaign period, and one immediately after the voting had taken place. The voting day itself experienced some cases of disturbance and riots that saw school buildings torched in Blantyre, a People's Trading Centre (PTC) shop looted, roads blocked and road signs vandalised. The incidents were due to the late supply of voting materials to the voting centre on the polling day, and the delayed announcement of results afterwards. These cases are evidence that human rights violations, campaign violence and other malpractices were a reality during the 2014 elections.

### **Misuse of public resources and undue advantage**

A level playing field is one of the key determinants of the fairness of an election. This implies that no election candidate should have any undue advantage over others. Section 193 (4) of the Malawi constitution prohibits the use of public resources for

political purposes. There are also restrictions on the use of civil service employees in political party activities. The constitution mandates the Civil Service Commission, set up under the constitution, to take up legal proceedings in the high court against 'a government or political party or member of a political party' who contravenes these rules.

It was observed that ministers who were running for parliamentary seats often used state vehicles and government personnel while campaigning before the cabinet was dissolved. The incumbency factor was also visible in the use of public resources for political purposes. In the name of 'development activities' the state president used public resources and facilities for campaign purposes. As detailed in the MESN's long-term observer reports, these resources included government vehicles, public media (MBC and TVM), government personnel and resources donated to government by external governments and bodies. For example, the president distributed externally-donated maize and other gifts during her campaign rallies. The Mudzi Transformation Trust, endorsed by parliament, and which generated resources as a state trust, was used as a personal private enterprise to provide housing to poor people, in the name of rural development. The president used these resources for her personal campaign for re-election. The culture of handouts creates a patron-client relationship that favours the incumbent and disadvantages other political players, especially those in the opposition.

More controversial was the use of chiefs in political activities. Endorsement by a traditional leader plays an important part in the selection of elected or unelected officials at the local level, despite the general argument that chiefs should be politically neutral. Election observation reports by both local and international observers indicated widespread misuse of chiefs by the ruling party to intimidate opposition party supporters and candidates. Some opposition politicians, albeit less frequently, used the same strategy to frustrate the efforts of the party in power. President Banda warned her fellow politicians against 'using chiefs to score political mileage'. Paradoxically, President Banda herself appointed and promoted more chiefs than any other Malawian president before her, and used them in her distribution of patronage and political campaigns. In the run-up to the 2014 elections, the Joyce Banda administration elevated the highest number of traditional leaders in the history of the country. In two years it elevated 40 000 village headmen and group village headmen, which were almost equally spread across the country. Furthermore, the administration elevated other levels of traditional leaders (Kayuni: 2014). Some critics, particularly in civil society and the media, argued that the appointment and promotion of large numbers of chiefs amounted to political manipulation and a 'political gimmick' that advantaged President Banda during the election period.



## **Conclusions**

The foregoing account suggests that there have been some improvements over the previous four elections. However, there are still some major challenges. The following improvements are noted:

- » The phasing of the voter registration process was a good innovation as it allowed for flexibility and extensions where required.
- » Communication and information flow from the MEC has greatly improved, with timely reporting and consultation with key stakeholders.
- » The level of bias on the part of the MEC has abated. Previous elections were characterised by serious accusations of MEC bias, but far less frequently this time around.
- » The presidential debates were an important innovation. They provided candidates with an opportunity to engage in dialogue with voters.
- » Though MBC and TVM provided 70 per cent of their election coverage to the incumbent president, this is an improvement from the over 90 per cent coverage recorded in the previous election. However it still reflects an alarming degree of abuse of the public media by incumbents and extremely unprofessional behaviour by the broadcasters themselves.
- » The involvement of private media houses in the election processes and the direct funding and technical support they received significantly enabled these houses to provide alternative sources of electoral information.
- » The inclusion of younger and new candidates in the presidential and parliamentary contests assures the country of leadership renewal. New and future political leaders are emerging in the country.

The following challenges were noted:

- » The electoral legal framework is still problematic, with incomplete harmonisation of relevant laws. The unpopular Local Government Amendment Act of 2010 was not reviewed prior to this election.

- » The late appointment of commissioners resulted in delays in the release of the electoral calendar. The commission was also totally new, except for one member from an earlier commission, which may have affected institutional memory.
- » The credibility of the voters' roll is still questionable with the clean-up exercise not being thorough and complete.
- » The lists of candidates for constituencies and wards were not thoroughly checked, resulting in anomalies such as two candidates from the same party in one ward, and the names of candidates missing in some constituencies.
- » Inadequate funding for the elections and civic education may have affected the quality of the electoral process and of the civic education provided.
- » Local government elections were sidelined in the entire electoral process.
- » Public media coverage was overwhelmingly focused on the presidential race, with scant attention paid to the local government elections.
- » Fatalities were reported just days before the official opening of the campaign period, and immediately after the voting took place (before the results were announced).
- » The playing field was far from level. The distribution of handouts, use of public resources and the involvement of traditional chiefs in politics tilted the balance in favour of the incumbent president and her party, although some other parties also conducted some of these practises.
- » Two to three years prior to the elections civil society organisations were battered and brutalised by the government of the day. Coupled with poor funding for civic education in the run-up to this election, this severely undermined the capacity of civil society to contribute effectively to the unfolding of a healthy election process in the country.
- » There was almost no increase in the number of women contesting these elections. In percentage terms, the number of female parliamentary candidates went down compared to that of men in relation to the previous election from 20.3 per cent in 2009 to 19.9 per cent in 2014.



VOTERANI PET

Marcopolo TATA

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# Polling day observations

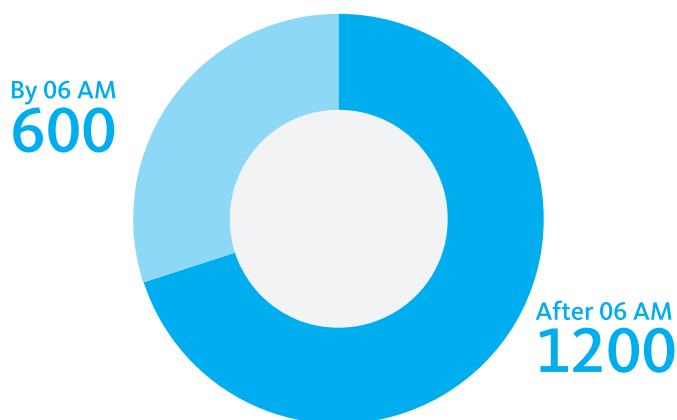
**T**he MEIC observed the polling day through its field observers and ESR personnel. The MEIC observers administered time-bound checklists every morning, afternoon, evening and night. A total 4 099 observers were trained using the step-down method. Of this total number, only 2 682 reported from polling stations across the country and sent in data based on the indicators on the checklist while the rest failed to respond as required

## Opening of polling centres

The morning checklist captured information on the time polling stations opened, availability and presence of MEC officials, security personnel, and party monitors at the stations, availability of voting materials, the process of voting, and cases of disturbance and violence.

The official opening time of polling stations according to law is 6 o'clock in the morning of the polling day. At 6:30 am on the polling day (20 May 2014), the ESR data team received 14 047 messages from the MEIC observers and 4 410 from citizens using the Citizen Journalism facility. These came from 3 801 polling centres, out of a total of 4 345 polling centres countrywide. Comprehensive data on the opening time was received from 2 001 polling centres by 6.30 am. Of a total of 2 001 that provided comprehensive data on opening time, 601 centres opened on time whilst 1 400 did not. About 30 per cent of the polling centres monitored therefore opened on time and 70 per cent opened late. In some districts, including Blantyre, Zomba, Dedza and Lilongwe, there were centres that opened as late as 9 am and others (in Blantyre) that only opened at about 2 pm.

Figure 1: Polling stations opening on time



The majority of the polling centres opened late. This was particularly the case in the southern region districts of Blantyre, Zomba, Mangochi, Balaka and Chikwawa. The messages from the Citizen Journalism facility provided further evidence pointing to the late opening of polling centres in these districts. In the central region, messages from both the MEIC observers and Citizen Journalists indicated that there were centres that opened late in the districts of Dedza, Lilongwe, Dowa and Mchinji. The most affected was Lilongwe district, particularly within the city and peri-urban areas.

Further evidence for the late and disorderly opening of most centres comes from the data on the state of readiness of polling stations. Of 2 001 centres that provided comprehensive data on opening, less than 800 were properly set up when voting began. Proper set-up included, among other things, having the booths labelled, materials protected from rain or any adverse weather conditions, toilet facilities provided and seating arrangements for observers clearly defined.

Figure 2: Polling stations properly set up



Only about 1 000 out of 2 001, representing 50 per cent of the stations, were fully set up by the time the voting started. Failure to set up the polling stations in time

contributed to the late opening of the centres and the long queues that formed. This development could be indicative of inadequate preparation on the part of the MEC polling station staff.

In response to the late opening of polling centres and related disturbances, the MEC extended voting in some centres in Blantyre and Lilongwe. The total number of days for voting in these elections was extended to three days instead of the usual one day. Voting was therefore going on in some areas whilst counting and unofficial announcement of results had already begun in others. This contributed substantially to the confusion and anxiety caused in the voting and counting process.

### Voting process

Comprehensive information on the voting process three hours after the official opening time of the centres was received from 2 048 centres. Of these, 1 900 (92.8 per cent) reported long queues, but peaceful voting.

Figure3: Voting process



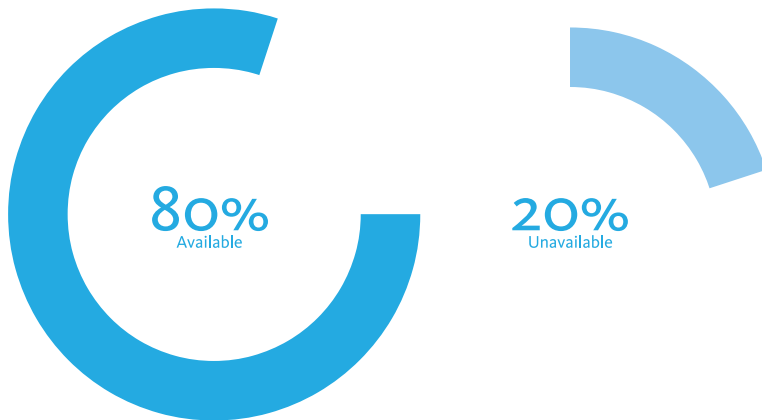
The long lines were largely due to the late opening of most centres and inadequacy or lack of some voting materials. Disturbances of voting were reported in five centres in Blantyre and briefly at one centre in the Chikwawa district. The Chikwawa incident was timely dealt with while some of the Blantyre disturbances spilt over into the afternoon and voting had to be suspended.

The above data suggest that the widespread late opening of the centres was confined to the first two to three hours of the official opening time. By 9 am the situation had normalised though inadequacy of voting materials persisted in some centres up to about midday. MEC officials responded to this by moving voting materials around, and having some centres share the materials where it was possible

to do so. The late opening of the centres did not substantially result in the voters being denied the opportunity to exercise their right to vote.

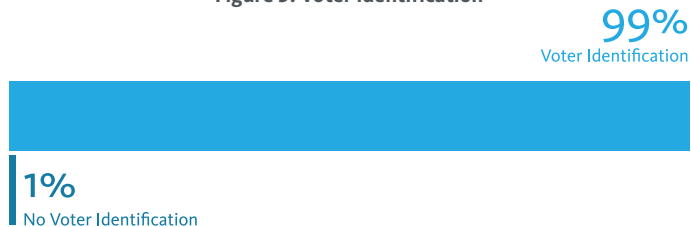
Inadequate supply of materials to some centres included indelible ink, blotting paper, pencils, ballot boxes and the voters' roll. However, the problem does not seem to have been as grave as was feared. For example, of the 2 001 that provided comprehensive information on the availability of voting materials at the time of the opening of the polling centres, more than 80 per cent reported that the voters' roll was available at the time of opening. Less than 20 per cent reported that it was not.

**Figure 4: Availability of voters' roll**



The field data from the polling centres monitored at the time of opening indicate that MEC officials followed the established voting procedures with precision. Voters were properly identified and the voting process explained to them:

**Figure 5: Voter identification**

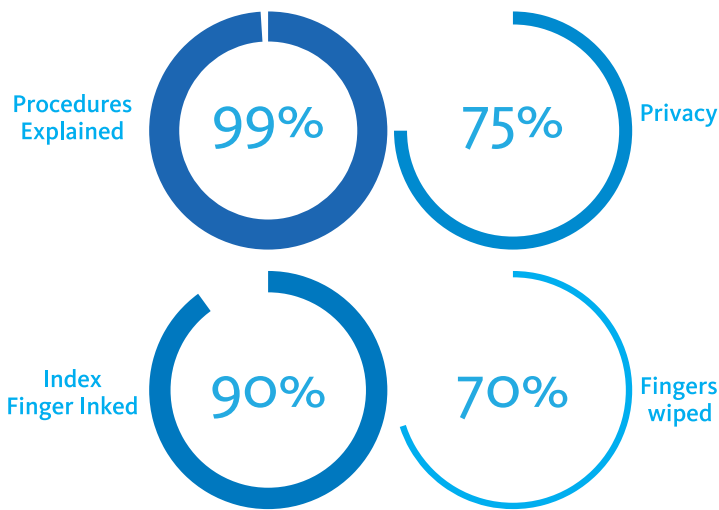


Voter identification was almost 100 per cent, and those who did not have proper identification documents were not allowed to proceed to voting until the issue was resolved. The voter registration certificate was not the only identification document

used by the MEC. Valid driver's licences, passports, employment IDs, and other forms of identification were also used. Local chiefs and their representatives and party monitors, were used to identify voters who did not have adequate identification documents.

Once properly identified, the voters were allowed to proceed to the next voting steps and procedures, and the MEC fully complied with these as the figure below shows.

Figure 6: Voting procedures followed



The data show that voting procedures were properly explained to 99.4 per cent of the voters, and 90 per cent of the voters had their index finger properly inked. Over 75 per cent of the voters were given privacy and close to 70 per cent had their fingers wiped with blotting paper. The shortfalls experienced in relation to privacy were due to the late setting up of polling stations. Inadequate supplies of blotting paper accounted for the failure to have every voter's finger properly wiped.

### Assistance to special needs voters

To ensure that the voters with special needs (such as pregnant women, the elderly and the disabled) were not disfranchised, the MEC officials provided special assistance to such people. The data captured show that the majority of those who needed special attention were assisted.



Figure 7: Special assistance to needy voters



Those who did not need or require any assistance were left alone regardless of whether they were elderly, pregnant or disabled. This would account for the numbers recorded as not assisted.

### Polling centre personnel

The MEIC observers also monitored the availability of polling centre personnel. These comprised the MEC officials, security officers and party monitors. Comprehensive data were received from 3 801 polling stations. Of these, 99.9 per cent reported both availability and adequacy of MEC officials at the polling centre at the time of the opening. Only one centre in Zomba reported either unavailability or inadequacy of MEC officials. This was because some MEC officials were involved in a car accident on their way to that centre. The situation was rectified in a matter of hours.

What was particularly noticeable about the MEC officials available at the polling stations was the almost equal balance between male and female officials.

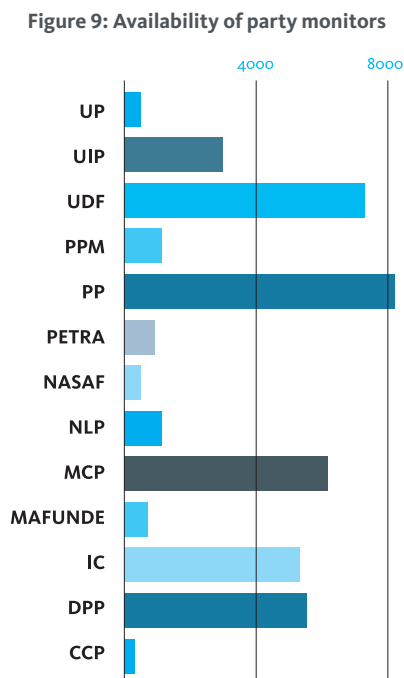
Figure 8: MEC officials by gender



The large female representation among the MEC officials was mostly due to the involvement of female teachers and female civil servants. The MEC does not have polling centre staff of its own. It relies mostly on civil servants and temporary staff hired specifically for election purposes.

The availability and adequacy of security personnel was reported at 100 per cent of the centres that sent in comprehensive data. The data also show that the security personnel arrived on time and were present at the time of opening of polling centres.

The figure below shows the availability of party monitors at the polling centres at the time of opening of polling stations.



The People's Party (PP) deployed the largest number of monitors (about 8 000) as recorded by the MEIC data collectors. The United Democratic Front (UDF) came in second with just over 7 000 monitors recorded. Third was the Malawi Congress Party (MCP) with about 6 000 monitors, followed by the Democratic Progressive Party (DPP) with just over 5 000 monitors recorded.

The MEIC data collectors did not record the even distribution and actual performance of the party monitors. There is a possibility that some centres may have had more monitors than others. In addition to party monitors there were other monitors fielded by other election observers such as the National Initiative for Civic

Education (NICE), the Catholic Commission for Justice and Peace (CCJP) and others.

### Closing of polling centres

The official closing time for polling centres is at 6 o'clock in the evening of the voting day. The time may be extended by the presiding officer if there are still people in the queue. The MEIC project monitored the closing time, start of counting, availability of lighting, and availability and presence of security personnel. Comprehensive data on these topics were received from a total of 1 069 polling centres. The table below summarises the situation at the closing time of the polling centres.

**Table 4: Situation at closing time**

Closed	Still open	Counting	Lighting	Incidents	Monitors	Security
20.6%	79.4%	26.2%	94.4%	2.4%	99.3%	99.8%

Of the 1 069 centres that provided comprehensive data, 20.6 per cent closed at 6 o'clock and 79.4 per cent were still open. This is consistent with the observation that about 70 per cent of the centres opened late and only 30 per cent opened on time. The late closing was therefore caused by the late opening of the centres. Ideally, counting should start only after 6 o'clock. Only those centres that closed early and those where the voting ended early would have started counting at 6 o'clock.

Out of those centres that closed on time, 26.2 per cent started to count the votes on time, and 73.8 per cent started late. This might be due to inadequacy or unavailability of counting materials, particularly tallying sheets. There were centres where the availability of these were reported to be inadequate and others where they arrived late. However, the majority of the centres (94.4 per cent) had adequate lighting for counting at night. Reports indicated that only 5.6 per cent of the centres experienced problems with lamps that were not functioning properly and therefore counting was taking place under torchlight or by use of cellphone lights. The majority of the centres (97.6 per cent) reported no incidents that would compromise the counting process. Incidents were reported at only 2.4 per cent of the polling centres. These were mostly in relation to disagreements on who should be allowed to monitor the counting of votes. Some candidates were reported to have insisted on personally monitoring the counting. Some of the incidents arose from agitation and anxiety at centres where there was insufficient lighting to facilitate counting of ballots in the night.

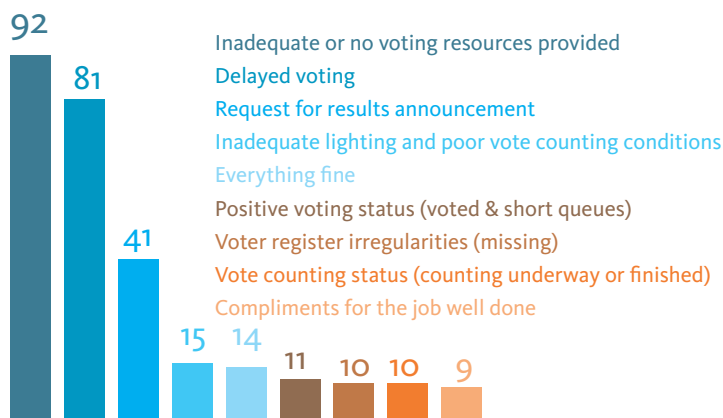
Monitors and security personnel were available at 99.3 per cent and 99.8 per cent of the centres, respectively. These ensured that the counting process was closely monitored and that there were no incidents that would compromise the process.



## Citizen journalism and other communication strategies

**T**he citizen journalism component of the MEIC project aimed at giving citizens a platform (Chisanko Platform) for their voices to be heard. The platform, built on Ushahidi web and mobile-based software, enabled unprecedented collaboration between election observers and citizens to monitor elections in real time. Citizens acted as lay-journalists by sending in evidence-based information about what was going on at and around polling stations in their constituencies at no extra cost to them. The data from the citizens' messages show very similar patterns to those sent in by MEIC election observers on the ground as shown in Figure 10.

Figure 10: Top Issues Report from Citizens (Chisankho)



Between 19 and 22 May, the ESR captured 693 messages on the citizen journalism platform. As the chart above shows, 92 per cent of these indicated that inadequate or lack of voting materials was the major election challenge. Another 81 per cent complained about a delayed start of voting on the voting day. After the polling day on 20 May, there was concern about the delayed announcement of results – 41 per cent expressed anxiety about the late announcement of results.

The above figures from citizen journalists provide further evidence that the shortage of voting materials and the late opening of centres were widespread.

Social media was used to update the public on events on a real-time basis through the Vote n Text System from observers and through the Chisankho platform from various polling stations across the country, and through Twitter and Facebook. The MEIC Twitter account generated 3 039 tweets and 1 856 followers as it became one of the most trusted sources of information regarding the electoral process. The MEIC Facebook page generated 4 556 likes and had active participation from citizens before, during and after the elections.

Some 63 journalists were taken through orientation on the MEIC project from all three regions of the country. They played a crucial role in publicising the project, information coming out of the MEIC and its tools to the public through various media platforms, including radio, television, newspapers and social media. Several international and national media houses found the ESR a convenient source of information, with some (including Al Jazeera and Zodiak Broadcasting Services) providing live broadcasting from the centre.

## Citizen voices

Citizen voices included concerns about practices, events and official decisions that hindered effective citizen participation in the electoral process. These included the official decision not to declare a holiday on the election day, bribes offered by incumbent members of parliament, and threats of violence by ruling party members.

### THESE ARE DIRECT QUOTATIONS

- **13:05 May 19, 2014:** When a college is denying to give holiday to students to travel so that they can go and vote in their homes, is there a law that the school can do? - Blantyre, Malawi
- **13:05 May 19, 2014:** Why can't you declare a holiday on the voting day? Because some companies want their people at work of which it's wrong! - Blantyre, Malawi.
- **12:59 May 19, 2014:** Shadow MP wa kuno kwa khongoni ku Lilongwe akutipatsa K500 kuti timuvotere. Kodi izi ndi zololedwa? Ndine Kaiton, ndilipo, ndalandira nawo. (The shadow MP in the area of Khongoni is offering us MK 500 to vote for him. Is this allowed by law? I am Kaiton, I have received some money) - Khongoni, Lilongwe.
- **12:46 May 19, 2014:** Fill me in another day (osabela chisankho). Do not rig the elections - Blantyre, Malawi.
- **4:51 May 19, 2014:** Ndikupempha amalawi azanga kuti tipewe ziwawa panthawi ya chisankho. Ine Chipala, Salima north, T/A Makanjila, Salima. (I request all fellow Malawians to be peaceful during the election time. I am Chipala from Salima north, T/A Makanjila, Salima.)
- **13:29 May 19, 2014:** John Chikalimba of PP called all headteachers of Zomba Chingale constituency yesterday (16 May) at Nswaswa primary school. Mr Ntope. Chingale, Zomba.
- *[Note: the constituency should be Zomba Chingalume not Chingale. John Chikalimba won the seat].*

## **Conclusions**

- » The citizen journalism observations were similar to those of the MEIC election observers, particularly on the widespread delays in the opening of polling stations and the inadequacy of voting materials at most polling centres.
- » Citizens showed awareness of some of the political issues and administrative practices that could affect the fairness of the elections. This was probably due to the civic education they received.
- » The citizen journalism platform allowed citizens to air their concerns and to seek solutions.



# Results management

**D**ue to the late opening of many centres, vote counting also started late in most centres, but proceeded smoothly without major disturbances. Lack of adequate lighting in some centres was effectively resolved by use of hand-torches and cellphones. A few National Initiative for Civic Education (NICE) monitors reported that in cases where there was a complete absence of lighting facilities, counting was postponed to the following day, but such cases were few and reported only in Blantyre, Dedza and Lilongwe.

A new results management and online transmission system was designed to check arithmetical errors. The system did not work due to a number of factors – a major one being inadequate training of the field staff. Consequently the MEC decided to physically transmit the results from local tally centres to the national tally centre. This was another factor in the delay. Following the failure of the online transmission system, local tally centres used different solutions for tallying results and transmitting them to the national level. One could well question the integrity and accuracy of the





system. The MEC took a decision on 22 May to proceed with physical transmission of results from local council tally centres to the national tally centre in Blantyre, and to conduct the aggregation process at the national level. The transfer of the polling station results sheets from the local tally centres to the national tally centre was not secure as the envelopes containing the result sheets had already been opened (EU EOM:2014).

### **Counting and tallying**

Counting was done manually at the polling stations, in the presence of party and other monitors – including those representing the individual candidates, and national and international observers accredited by the MEC. Results were signed and dispatched to the district tally centre from where they were dispatched to the national tally centre, first electronically and then physically. The final tabulation was done at the national tally centre in Blantyre.

Several irregularities were observed:

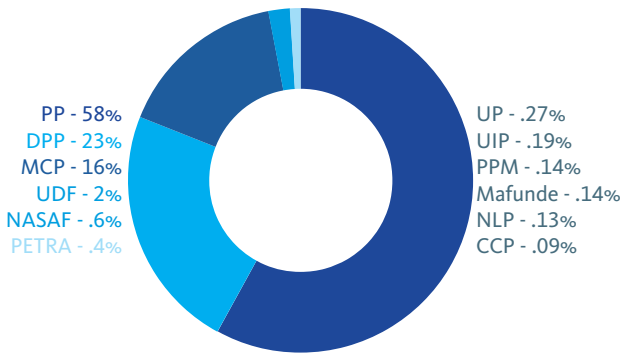
- In some districts such as Balaka, Blantyre, Dedza, Lilongwe and Ntcheu, results from some centres were not counter-signed by all the officially mandated people. Some results sheets had fewer signatures than required.
- Results sheets were received from Balaka and Ntcheu that bore the same name and signature for more than one polling centre, suggesting that one person had acted as a presiding officer for more than one centre. This was a serious irregularity as one person could not be a presiding or returning officer for more than one centre.
- Some results sheets contained cancellations and corrections, including changes denoted with correcting ink in several places, which would ordinarily require the production of a fresh clean sheet. Worse still, the cancellations were not signed and authenticated by all those that were supposed to counter-sign any cancellations.
- In some districts, such as Balaka, Machinga, Mangochi, Dedza and Lilongwe, there were reports of centres where the number of those who voted did not match the number of registered voters. This could have been a problem arising from the failure to produce a credible voters' roll.
- There was a serious capacity challenge at the national tally centre that manifested itself in the form of software failure. The MEC computers were programmed to only accommodate a specific number of entries from the voting

centre streams – about 800 per stream. During data entry some streams had more than the specified number. The system rejected such entries as errors. The MEC therefore migrated from electronic to manual tabulation, resulting in a tedious and painstaking process that took a number of days, and which caused a delay in the announcement of the election results.

### Results monitoring

The ESR monitored the results from both the polling stations and the national tally centre. The figures were aggregated at various phases including when 50 per cent of the national votes had been counted, when 70 per cent had been counted, and when the final announcement was made by the MEC. When 53 per cent of the votes in the northern region had been counted, the results showed that Joyce Banda of the People's Party was leading in the region with 58 per cent of the votes counted, followed by Peter Mutharika of the Democratic Progressive Party with 23 per cent, and Lazarus Chakwera of the Malawi Congress Party (MCP) with 16 per cent.

**Figure 11: Presidential results from the northern region at 53 per cent of votes counted**



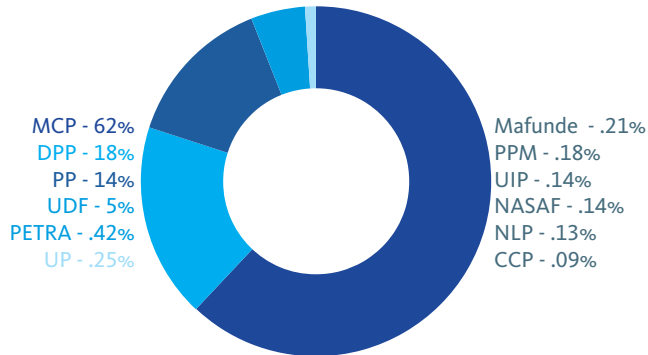
These figures reflected a regionalist pattern of voting. Joyce Banda, much as she originally hails from Zomba in the southern region, was associated with the northern region where she was married. Her husband, Richard Banda, former Minister of Justice and Attorney-General in Kamuzu Banda's government, was from the Nkhata Bay district in the northern region. In her party registration, Joyce Banda registered her husband's home district as her district. She is therefore officially from the Nkhata Bay district in the northern region.

Joyce Banda's lead in the northern region however could not guarantee her victory nationally, given that the region had less than two million registered voters

out of over seven million in the country. She needed to gather more votes in the central and southern regions.

The results from the central region also showed regionalist preferences.

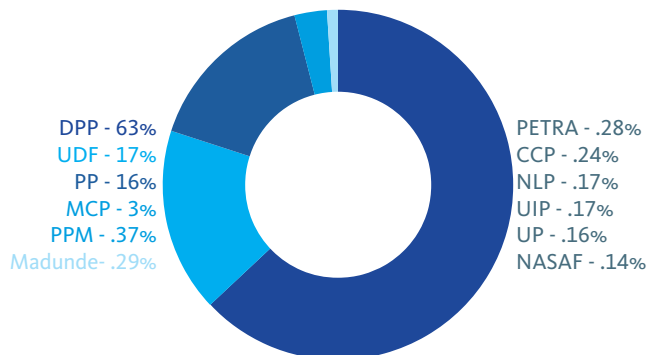
**Figure 12: Presidential results from the central region at 59 per cent of votes counted**



Lazarus Chakwera of the MCP, from the Lilongwe district, led with 62 per cent when 59 per cent of the region's votes had been counted. He was followed by Peter Mutharika of the DPP with 18 per cent and Joyce Banda of the PP with only 14 per cent.

Regionalist preferences were repeated in the southern region where Peter Mutharika, from Thyolo district, led with 63 per cent when 52 per cent of the votes had been counted. He was followed by Atupele Muluzi from Machinga in the same region with 17 per cent, and Joyce Banda with 16 per cent.

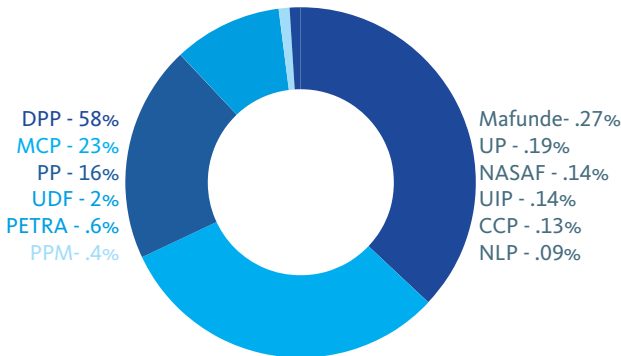
**Figure 13: Presidential results from the southern region at 52 per cent votes counted**



Joyce Banda's poor performance in the southern region when 52 per cent of the region's votes had been counted, combined with her poor performance in the central region where she trailed both Chakwera and Mutharika, was clear evidence that these elections were not in her favour. The contest was between Peter Mutharika and Lazarus Chakwera, who were leading in the populous regions of the south and centre, respectively. Mutharika had an upper hand because he was second best in both the central and northern regions. He enjoyed an advantage over Chakwera in that regard.

Aggregation of the national vote at 54.7 per cent of the votes counted showed Peter Mutharika in the lead with 37 per cent, followed by Lazarus Chakwera with 31 per cent, Joyce Banda in third place with 20 per cent, and Atupele Muluzi in fourth place with 10 per cent. These figures suggest that only the top two were in a tight race.

**Figure 14: Presidential results at 54.7 per cent votes counted**



When the results were aggregated at 70 per cent of the votes counted, Peter Mutharika was still leading with 37.1 per cent, followed by Lazarus Chakwera with 26.2 per cent. Joyce Banda was in third place at 16.4 per cent, and Atupele Muluzi in fourth place at 12.6 per cent. By this time it was clear that Mutharika was heading for victory because the gap between him and Chakwera had widened from 6 per cent to 10.9 per cent. The other two contenders, Joyce Banda and Atupele Muluzi, much as they had made some gains, were unlikely to catch up with the leading two contenders with only 30 per cent of the votes remaining to be counted and aggregated.

### Reactions to preliminary unofficial results

The MEC appointed the Malawi Broadcasting Corporation (MBC) and Zodiak Broadcasting Service (ZBS) as official broadcasters of the results. As ZBS, MBC and other non-accredited media houses started announcing unofficial results, and as it became clear that the incumbent was losing, the president came on air (using

the MBC) to announce the annulment of the elections, and the holding of fresh elections in 90 days, in which she was not going to participate. She backed her action by referring to some sections of the constitution that in fact did not give her powers to do so. President Banda cited 'gross irregularities', 'widespread rigging', 'misinformation' and 'negative propaganda' among the factors that undermined the credibility of the electoral process. Both the MCP and the UDF also challenged the elections with reasons of their own, including the announcement of unofficial results while voting was still taking place in some areas. This, they argued, would unduly influence the voters who were still voting or expecting to vote.

### **Lobbying for post-election political settlements**

Following the political tensions created by the president's actions and the hostile sentiments emanating from the other political players, the MEIC project decided to embark on lobbying and advocacy for post-election political settlements. The short-term aim was to keep the public calm, allowing the MEC to complete the counting process, and for all political players to follow the due process of filing complaints as established by law. The long-term aim was to facilitate a post-election settlement that deepened the democratic process, based on the understanding that elections are not only about the announcement of winners and losers – they are also a tool for shaping a country's political and governance processes.

The lobbying efforts involved bringing CSOs together to take a common position on the events in the country, meetings with media houses and managers to control and monitor the type of election news provided to the public and to include appeals to the public to remain calm, meetings with key retired politicians such as former President Bakili Muluzi and former vice-presidents to join the lobby efforts, meetings with representatives of diplomatic missions to join the lobby by talking to the key political contenders, and meetings with key religious leaders to appeal to their followers to remain calm and to encourage the politicians to value peace. A short paper on possible political settlement scenarios was produced as a lobbying tool.

### **Official presidential results**

The MEC challenged the president's directive in court and won. A number of other related legal challenges followed. In the process the MEC announced a recount of votes in some centres where it had evidence that irregularities had occurred. It sought the authorisation of the courts to reopen the sealed ballot boxes as required by law. The court ruled that, although the MEC could recount the votes as requested, it could do so only within the 8-day period stipulated in the law. The law provides that the announcement of results should be done within 8 days from the day of voting. The MEC therefore complied with the court ruling and proceeded to announce the election results without recounting in the affected areas. The MEC finished the

counting and tabulation of results by 28 May and the announcement was made on 30 May.

A recount would probably not have changed the outcome of the elections as the number of affected areas was small and the margin of difference between the leading candidate, Peter Mutharika, and the second contender, Lazarus Chakwera, could not be offset by the total votes in the affected areas even if all the votes were given to Chakwera. In the end, Mutharika was declared the winner with 36.4 per cent of the votes against Chakwera's 27.8 per cent. Joyce Banda came third with 20.2 per cent.

**Table 5: Official presidential results**

	Candidate	Party	Votes	%
1.	Joyce Banda	PP	1 056 236	20.2
2.	Lazarus Chakwera	MCP	1 455 880	27.8
3.	Kamuzu Chibambo	PETRA	19 360	0.4
4.	John Chisi	UP	12 048	0.2
5.	Friday Jumbe	NLP	8 819	0.2
6.	Aaron Davis Katsonga	CCP	7 454	0.1
7.	Mark Katsonga Phiri	PPM	15 830	0.3
8.	Atupele Muluzi	UDF	717 224	13.7
9.	Peter Mutharika	DPP	1 904 399	36.4
10.	George Nnesa	MAFUNDE	11 042	0.2
11.	James Nyondo	NASAF	10 623	0.2
12.	Helen Singh	UIP	9 668	0.2

A total of 5 285 278 votes were cast for the election of the president. Of these, 56 695 (1.07 per cent) were null and void and 5 228 584 (69.99 per cent) were valid votes. The election had a 70.7 per cent voter turn-out rate.

Delays in announcing the results caused a violent demonstration in Mangochi district, in which one person was shot dead by the police. No incident followed the actual announcement of the results, much as the three losing parties – the MCP, the PP and the UDF – maintained that the elections were not credible and that Peter Mutharika was becoming president through a faulty and fraudulent process. However, they did not officially challenge the election outcome.

## **Conclusions**

- » The process of counting and tallying revealed major capacity weaknesses in the MEC. The use of a manual and electronic system, though desirable in the sense that this ensures internal backing up of data, is cumbersome and clumsy.
- » The MEC showed signs that its technological capacity is limited and unreliable.
- » The legal battles that ensued following the presidential directive to stop the counting suggest weaknesses in the electoral law in relation to the management of election results.
- » The MEC procedures for announcing results are not adequate. Written procedures are needed that clearly state who precisely should announce the results, at what point, and in what form.
- » The Malawi electoral law does not specifically provide for a recount of the votes by the MEC without seeking court approval to reopen the ballot boxes. The law does not provide procedures for a recount such as auditing of the voting papers before a recount is done.





# General conclusions and recommendations

Using the general assessment criteria of free, fair, transparent and credible elections, the 2014 tripartite elections in Malawi give rise to a number of recommendations.

## Conclusions

Granted the challenges and institutional weaknesses discussed, the 2014 tripartite elections were free in the sense that nobody was deliberately disenfranchised. Those qualified to vote were given adequate opportunity to exercise their right to vote. Attempts were made to correct every obstacle that arose. The elections were transparent because the MEC provided adequate and timely information at every stage of the electoral process. Key stakeholders, including CSOs and local and international observers, were allowed to participate in various electoral activities.

However, the elections cannot be regarded to have been fair because the playing field was not level. The power of incumbency and its associated advantages militated against the opposition. Use of state resources, acts of patronage, gift-giving, rewards to chiefs and other civic leaders created an environment in which the incumbents, both at the presidential and parliamentary levels, were unduly advantaged over those in the opposition and newcomers in the race.

The elections also lacked credibility due to problems associated with the voters' roll, the inadequacy of voting materials on the election day, delayed opening and closing of polling centres, and poor management of the election results.



## **Recommendations**

Most of the challenges experienced in these elections were not new and had been experienced in previous elections. Due to lack of political will there is a failure to take the right action at the right time.

- Institutional reforms – These have been recommended after every other general election since 1994. There are recommendations by local and international election observers, academic researchers, CSOs and others. They include recommendations on enhancing the independence of the MEC; enhancing the management and the technical capacity of the MEC; systems for ensuring adequate preparations for elections; the need to treat elections not as an event but as a process; recommendations on systematic financing of elections and party financing; how to support CSOs so that they effectively contribute to various electoral processes; establishing a civic register to enhance the credibility of the voters' roll; pre- and post-election conflict management systems and procedures. Data are available on all of these. The MEC should collate all these recommendations, analyse them, prioritise them, and work out an implementation plan over the next five years.
- Electoral law reforms – These have been proposed by not less than three legal reform exercises, including the 2006 constitutional review. It is recommended that the MEC push for the implementation of the proposed electoral law reforms through cabinet and parliament.
- Election systems reform – This has been previously recommended by local and international election observers, academics, and other interested parties. The MEC should study the previous recommendations, prioritise them, and propose relevant amendments to the electoral system.
- Use of election observer mission reports – After every election these have made specific recommendations on constituency and ward demarcation, civic education, election funding, the electoral system, electoral law, management of results, and other matters. The MEC should consolidate these and identify those that can be implemented in the short, medium and long term.

# Appendix A: CSO Statement

CSO grand coalition statement on concerns on the road to 20th may tripartite elections and our continued worries in the governance of Malawi regardless of the forthcoming elections

## **Preamble**

We, members of the CSOs Grand Coalition under the leadership of CONGOMA are making this public statement to express our serious worries, anxiety and concerns over some emerging trends and challenges in some processes related to the electoral events on the road towards the 2014 tripartite elections. As Malawian CSOs, we seek to inform Malawian citizens and raise awareness of various stakeholders and the general citizenry in the governance processes of the elections to our noted concerns so as to generate debate and honest dialogue that will ensure credible, free, fair, transparent and peaceful electoral processes before, during and after May 2014.

We make this statement realising our enormous responsibility on the governance of the elections and on the general governance of this country. Further, we cannot and shall not remain silent when injustices, acts of intolerance, acts of imbalances, actions of omissions and commissions, among many other issues are crippling the electoral processes leading to seemingly shrinking prospects of having free, fair, peaceful and credible elections. We, also confirm our understanding about the significance of the 2014 tripartite elections in relation to the socio-economic and political development of this country.

Ours is a continued commitment to giving a platform to the voiceless since we continue to note that Malawians, especially those in the rural, areas cannot speak out their concerns on the way elections preparations are being handled, just like their voices are not well organised to be heard by those in leadership positions.

## **Major concerns on the road to 20th may tripartite elections**

1. Unsettled voters' registration figures/statistics. MEC has received complaints in numerous NECOF meetings to harmonise figures and provide justification for the total of 7 500 000 registered voters. Many stakeholders feel this figure is on the higher side and may imply deliberate bloating of the figures to the advantage of someone or some political party. Furthermore, recent media reports still show

that this remains a contentious issue; if unresolved, it leaves a lot to speculation as to what the real figures are, and if bloated, what the intention is. This may translate into some electoral stakeholders failing to accept results. We therefore propose that there is time for MEC to conduct a voters roll audit to authenticate this unsettled figure.

2. Unconvincing voter verification exercise: Malawians deserve more quality work and approach to the voters roll verification exercise. With minimal and limited publicity of the process coupled with the postponement of the process and its subsequent resumption without concrete reasons given to the public; poor organisation and a poorly managed verification exercise will affect the acceptability of anticipated polling results. Missing details of many people will further disenfranchise the voters. This we, note, is critical for more reflection by MEC to sustain trust and confidence in the electoral preparatory processes.
3. Unequal playing field through the abuse of the public broadcasters favoring PP: Use of public resources in conducting political rallies under the banner of development rallies whilst we observe that public resources which are supposed to serve government assignments are being used in political rallies across the nation. Government motor vehicles and human resources have been spotted in political rallies some of which have their number plates replaced with ordinary number plates for the public not to recognise them. The abuse of public resources and power is not only uncalled for but also gives an added advantage to the ruling party while other political parties do not have similar privileges.
4. MEC's statement that all people that have voters ID will vote is our concern especially when fake voter IDs have been produced as evidenced by numerous cases reported in the media. Similarly, the MEC's mobilisation message that those that need help in casting their ballot on the polling day shall be assisted by MEC officials is outrightly false and must be stopped right away. Such voters in need of help shall be assisted by people of their choice as the laws indicate.
5. It's also worrisome that there is an emergence of government oriented NGOs (GONGOS) like Forum for National Development that is accorded a lump sum of airtime on TV and radio to castigate other accredited CSOs and other political players including MEC itself. This shows that such a grouping is financed by government to deal with its perceived enemies or political competitors. It is proper that CSOs or NGOs should not be abused by being enticed to abandon their own code of conduct for the sake of providing political mileage to any given political party.

6. We further note that there is deliberate propaganda to undermine the leadership of the Malawi Electoral Commission through fake bank deposit slips stories. We assume those writing these stories and sources of such stories would want to discredit the enormous work being done by MEC, regardless of its challenges here and there. Those behind such incidents should be ashamed and allow for independence of MEC to run the elections freely.
7. We are also worried that MEC has opted to adopt additional but peripheral roles to the electoral processes like organising national prayers when it has essential core functions (like cleaning up the voters roll) that they can concentrate their resources and energies on. Despite that we all know that Malawi is God-fearing nation, in many people this is creating the perception that MEC with its over-stretched personnel and resources could have left this task to faith institutions and that it would have concentrated its energies on sorting out challenges dogging the voters' roll verification exercise not overlooking other contemporary burning electoral issues.
8. Political parties' campaign manifestos have been launched by many political parties. This consolidates the intended issue-based campaign and issue-based civic education processes. However, not all political parties contesting have made their manifestos public; we also doubt that some development success stories proclaimed by some party manifestos like the PP are indeed belonging to their regime achievements. Issues like Karonga road, BICC, and many others are being politicised for cheap propaganda; we further note that some pockets of political violence are due to not aligning the campaign messages to the political parties' manifestos, a sad development that takes away our trust in believing that these leaders, once elected, will ever live the lives of their manifestos.
9. Declaration of presidential candidates indicating that they will surely win elections and insinuating that a ruling party never loses is a worrisome trend. PP through its secretary-general, in the last NECOF meeting assured all electoral stakeholders that PP will never use this slogan, but Alas! Many PP party leaders are daily using this slogan. PP's spokesperson defended this slogan; and the 23rd April Nation newspaper article by Mavuto Banda quotes the president of PP in an overconfident mood of winning the May 20 elections seemingly to corrupt the mindset of Malawians. This is further anchored by false and fake opinion polls conducted on social media links showing PP winning notwithstanding MBC using this anonymous poll to the public. Please let us desist from corrupting the citizens' minds so that they vote with a clean conscience for their leaders of the next five years.

10. Violence going unpunished as perpetrated in Karonga central and other places. The role of MEC and police in this takes away the confidence in decisively dealing with electoral related violence. Specifically in Karonga, we have heard, starting from when primary elections were conducted, violent scenes till now during the official campaigning period. Michael Usi's disrupted public lecture and many other politically oriented abductions and public threats going on are worrisome.
11. Endorsement of presidential candidates especially the ruling PP candidate by chiefs during the so-called development rallies is a worrisome situation considering that chiefs are supposed to be apolitical.
12. The recent report from MACRA that almost 83 per cent of print and electronic private and public media houses are covering PP is worrying considering the existence of other political players. If true, this may imply that there is a heinous plan between PP and media houses to eclipse the other political parties. This further deepens the wider speculation about possible collusion between different media house, CSOs and PP on infecting the nation with only PP propaganda and news. A level playing field is needed and this can be achieved, in part, through balanced media coverage to all political parties contesting in these elections.

## **Emerging picture**

What we are seeing on this road to 20th May tripartite elections is a clumsy picture with the following pointers:

- There are serious doubts about the authenticity of the 7 500 000 registered figures, yet a poor voters' roll verification exercise notwithstanding, nothing by authorities is happening to authenticate this. Are the registered figures not a launch-pad for rigging? There is no responsibility being taken to address this. As already said, this has an implication on the acceptability of electoral results.
- There is a questionable capacity of MEC in handling tripartite elections processes as from registration process, equipment and data capturing have been faulty till the voter verification process. If not deliberate to aid a rigging process, we have serious doubts to the efficacy and effectiveness to deliver credible electoral results.

- Cases of buying and selling or photocopying of voters ID cards on the increase in Chikwawa, Mangochi, Kasungu, Lilongwe-Kawale, Lilongwe-Kiboko hotel (according to media reports) – these have not been dealt with completely. If police and MEC cannot conclude these cases, then people are very worried that such occurrences may be consolidating the fears of rigging which is a recipe for unacceptability of electoral results.
- If MEC is failing to deal with registration data that they captured sometime back without pressure, how do they manage polling data that is needed to make a decision within limited time of 8 days

## **Implications**

In view of the above picture, we believe MEC and other key stakeholders need to know that:

1. Credibility of elections is not a one-off thing but it must be seen in all the preparatory processes ending up in announcing the results.
2. With shrinking confidence in the elections management body, it could be a recipe for voter apathy or for post-electoral violence.
3. Loss of confidence and trust in the elections management body means acceptability of results will be a challenge and can sometimes be a source of civil unrest.
4. Key electoral stakeholders like opposition parties can demand MEC to account for certain actions before their participation in the polling processes in so doing delaying what would have been a smooth and time bound process.

## **Our demands on electoral issues/challenges**

We members of the Civil Society Grand Coalition strongly demand that drastic and punitive measures should be put in place in order to wake up from the lethargy those responsible leaders that appear to be sleeping. As such, we call for immediate updated information on the voters roll verification exercise, the cleaning of the voters roll and its subsequent publication and dissemination to the public, MEC to conduct the audit of the voters roll to regain credibility. We also call upon MEC to ask the police and judiciary to expedite the investigations of rumours of voter ID purchases or photocopying and conclude them so that the nation knows what

actually was happening before polling. We further call upon political parties, if need be, to seek legal mitigation measures to reinforce MEC to comply with best practices in ensuring a level playing field and stop the abuse of state resources; among many other possible avenues.

## **Our worries regardless of the forthcoming tripartite elections**

Whilst the nation is gripped with elections fever, we members of the CSO Grand Coalition further note that processes for ensuring transparency and accountability by various stakeholders are being buried in the ground. But we would like to remind the nation and the general citizenry that despite the elections, as a nation, the challenges below keep on dogging our nation's economic development and political sovereignty. We reiterate that these issues remain worrisome concerns not to be forgotten, no matter what.

5. There are still challenges on principles of transparency and accountability e.g. In cashgate, jetgate where details are scanty, contradictory, hidden and no tangible progress seems to be made. These two issues involve our public money and we must continue to get concerned.
6. The role of parliament in ensuring accountability and transparency got diminished by choosing to dissolve parliament without discussing these two issues and other issues concerning the nation. If the role of parliament is compromised, then the essence of representative democracy is taken away.
7. The role of the judiciary in promoting transparency, accountability and justice for all in case of cashgate is noted to be not clear and ambiguous in part. Whilst courts cannot be pushed to conclude cases in the context of non-interference, we rather are seeing a scenario in which court cases like cashgate ones, are handled with intentions to take ages before they are concluded. We need responsiveness in the justice and judiciary sector as justice delayed is justice denied.
8. Constitutional provisions and the failure to respect them i.e. Section 65, Section 64, poor weak legislative levels of parliament leading into few laws those sponsored by government continuing to see the light in parliament whilst many other bills are gathering dust because the executive is not committed. There is still more work to be done here.
9. The role of the executive in muzzling spaces for effective and meaningful

engagement towards transparency and accountability as it is co-opting CSO leaders into its systems and structures that subsequently become silent, the recruitment of members of parliament into the same especially those from the opposition so that government has majority voice on all issues is a continuing sad development of our country.

10. Lack of responsible and active citizenry. We sadly continue to see citizens that still await CSO leaders, faith leaders and few opinion leaders to champion their cause for fighting injustices. If only a few leaders are left to do the work, it will not be possible to champion the cause for justice; therefore, all citizens must take up their mantle and get involved and engaged in the work on justice and better governance for mother Malawi.
11. Impact of cashgate scandal on institutions of service delivery is all there for all to see. Drug shortages, dysfunctional health facilities, and almost a grounded government operating structure. We cannot sit idle while man-made poverty is taking peoples' lives yet some few Malawians are getting richer at our expense. So Malawians must wake up to challenge this practice and behaviour.
12. Constitutional reforms are needed to revise the following Acts so that they resonate with the current political discourse: MBC act, Political Party funding Act, MACRA Act, the Chiefs Act, the extractives legal framework among many others.
13. Careless selling of land to foreign companies and individuals is taking away our land forever. It is critical to put a mechanism on how Malawian land can be sold to other people to avoid regretting in the nearest future.
14. Over-reliance on donors and multilateral financial institutions still remains a menace in our politics and needs to be considered as an old model of running national governments. We need to push for the radical change of perception and change of direction.

### **Emerging picture**

Due to these issues above, we note the following picture staring at us: Resigned to fate citizens with little activism, government becoming insincere and non-responsive to the demands of citizens and CSOs, opposition parties seem to get satisfied with people's support without doing serious homework on alternatives to the current processes; economic and livelihoods of people are getting worse and eroded away.



It seems instead of building the systems and structures of governance that ought to anchor self-realisation and reliance, we are consolidating politics of the belly and of handouts to continuously trap the poor in abject poverty.

### **Recommendations and way forward**

Malawians must collectively take up their rightful role as citizens of this nation to engage leaders in different institutions to ensure responsiveness and activism on the main challenges facing this country; similarly, the elections issues must be ardently tackled to restore confidence levels and credibility of the anticipated electoral results. We have one Malawi and as our only nation, we must come together and work together to build one nation where peace, justice, truthfulness and responsiveness reign.

### **Conclusion**

The Grand Coalition of CSOs in Malawi, under the banner of CONGOMA, would like to support the initiative by Malawi Electoral Support Network in its efforts to observe tripartite elections through the Parallel Vote Tabulation (PVT), the long-term and short-term observation, and the Malawi Election Information Centre (MEIC) Projects. We call upon all election stakeholders especially MEC and political parties to support these efforts as well.

Finally we categorically raise these issues to demand dialogue, debate and action on these issues. Better governance is a recipe for a socio-economically developed nation, just like better management of elections processes is a recipe for a legitimate government for all. Long live Malawi, long live peace!

Signed on behalf of the CSO Grand Coalition by:

Mr Voice Pearson Mhone  
CONGOMA Chairperson 25/04/14

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