



PRELIMINARY REPORT ON THE 2014 TRIPARTITE ELECTIONS

Prepared by National Initiative for Civic Education (NICE Trust)

INTRODUCTION

This preliminary report of the 2014 tripartite elections by NICE is based on short and long term observation of pre-election, election and post-election developments registered in all the three regions of the country. NICE monitored the entire polling process for the 20th May Tripartite Election by deploying 45000 monitors and 250 supervisors in all the polling centres and 93 local observers who acted as roaming monitors. NICE also worked with other monitors from the Malawi Elections Information Centre under the auspices of the Malawi Electoral Support Network (MESN).

This report covers various aspects and concepts of the electoral process like constitutional and legal framework, electoral systems, electoral management, registration and verification, choice and nomination of candidates, campaigning, role of the media, funding to CSOs involved in civic education and the polling process. The report highlights some significant strides made, shortfalls observed, and prominent challenges faced. To this end the report is very dynamic and diversified as it covers and analyses various electoral and political issues observed over a long period of time in the run up to the 2014 tripartite elections. Taking cognizance of the fact that the electoral process is still under way and that final results are yet to be released by the Electoral Management body MEC, the observations outlined in this report are preliminary in nature and deal more with the initial phases of the process rather than the final results. NICE will issue a comprehensive report which will include the final results once MEC makes an official statement on the same.

KEY OBSERVATIONS

Pre- election phase

This phase covers developments which were observed from the very beginning of the electoral process which include a continuation of the 2010 process of re-demarcating the boundaries and the appointment of the 10 Commissioners in 2012. It covers such critical areas as the harmonization of electoral laws, the electoral system used, election management, registration and verification exercise, choice and nomination of candidates, political campaign, the role of the media and civic education.

The Legal Frame work and General preparations

Some of the major weaknesses observed in the area of general, technical preparations of the tripartite elections as regards to the legal frame work include the haphazard ward and constituency re-demarcation exercise which created problems of criss-crossing boundaries and un balanced population representation and the late harmonization of electoral laws which affected smooth preparations of the whole electoral process. On a positive note some fundamental democratic observations made under this section include political will of the government to harmonise electoral laws and liberalize vote counting responsibilities and functions under the provision of parallel tabulation of the votes.

The Electoral System

The most critical observation made on Malawi's First Past the Post electoral system or the simple majority criteria used to determine the winner of presidential elections is that the 2014 tripartite elections were poised not to produce a clear winner with a wider margin of percentage due to the closely contested nature of the elections. Just like in 2004 when President BinguWaMutharika won with less than 37% of the total votes, the current elections might end up producing a similar trend hence entailing problems of legitimacy and power struggle in parliament. However it should be pleasing to note that post election political party alliances which have been common in Malawi can easily be formed to mitigate such negative impacts.

Electoral Management

MEC should be commended in the first place for coming up with some outstanding administrative innovations like wide consultations with key stakeholders, listening to different views and observations from various observers, making quick interventions in emergencies and maintaining very

good public relations through frequent communication with the electorate. This commendable disposition by MEC culminated into some positive developments like extensions to the registration, voters' roll verification and polling exercises.

However, it should be put on record that MEC was betrayed by a number of logistical problems relative to the delivery of essential materials during the registration, verification and polling processes. Challenges which originated from this set back fuelled suspicions and fears of possible violence. During and in the run up to the 2014 tripartite elections MEC was also let down by one critical problem which revolved around failure to do some critical things on time according to a particular implementation plan as stipulated in the electoral calendar. This weakness caused so many inconveniences in several stages of the electoral process as it will be highlighted in the sections below. Nevertheless MECs commitment and desire to make up for the consequences of the delays and postponements has been impressive and productive. This positive impression comes against the back ground of an Electoral Management body which has been operating under constrained financial and material support from government.

Registration of Voters

Voter registration exercise was largely conducted in a successful manner, despite the resource, time and logistical constraints experienced by the MEC. Due to intensified civic education mounted by MEC, NICE and other civic education providers, the turnout was high in that over 7,537,548 voters were registered out of the projected 8,000,000 eligible voting-age population, representing 94% registration success rate.. The registration was also done in an orderly, peaceful and calm. Major challenges observed related to the registration processes included; un predicable schedules and cancellations, abrupt beginning of the exercise without giving ample notice to civic education providers, delayed and inadequate supply of registration materials, malfunctioning of the electronic equipment, bad weather in some time due to rains.

The Electoral Commission provided sufficient training to the registration clerks. However, despite that the majority of these clerks were teachers, some of them were not adequately trainable and were found inefficient.

Time that was allowed for registration was sufficient. However, staggering of registration allowed some sections of the public to enjoy good timing for registration while others had to register during rainy season. While this did not

have a direct negative effect on the response of registrants, it had the capacity to do so as people would be busy in the fields during rainy season.

Provision of Civic and Voter Education

The Electoral Commission accredited 107 service providers. These included NICE. The civic and voter education objective was mainly to mobilise eligible registrants to go and register as well as to go and cast their votes including empowering them with knowledge of tripartite elections, clarity of roles of an MP and a councilor and voting procedures. As such, the packaging of the civic and voter education was motivational. Further more, service providers provided voter information about the registration centres, eligibility of voters and the registration process. Several approaches were used. These included public rallies, candidate debates, distribution of leaflets, use of community structures such as churches and schools, etc.

It is noteworthy that this assessment found out that most of the accredited service providers were unable to effectively take part in the delivery of civic and voter education as they did not receive adequate and timely donor funding. This situation created pressure on NICE and a few other service providers to deliver civic and voter education. Despite this constraints, the civic education undertaken resulted in a high registrant and voter turn out.

Verification of the Voters' Register

A clean Voters Registers is always key in ensuring the credibility of the elections. Its verification guarantees the eligible voters the certainty to participate in voting. Verification of the Voters' Registers also assists the Electoral Commission to rectify the irregularities associated with that Voters' Register.

The Electoral Commission organized the verification of the Voters' Register. This involved inspections by individual candidates. During this exercise a period of five days were allocated to each of three phases. It was observed that the initial voter's roll was in a messed situation with a bigger number of people missing in the register as a major problem which led to MEC to postpone the verification process . After correction, most of the initial problems were electrified and the revised register was displayed for three phase of five days each. The anomalies that were still common included; a high number of voters whose particulars were found to have either been omitted entirely, missing or misspelt names or particulars, Names of Registrants were missing, Registrants' names were wrongly spelt, Registrants did not have photos, Distribution of

registrants to wrong centres, and wrong birth dates were assigned to registrants. The outcome of the verification was low and this was mainly attributed to inadequate voter mobilization because of the short notice that was provided to civic educators as well as most people did not take verification seriously because they knew that even if they do not turn out, still they will be allowed to vote.

Political Campaign

Unlike in the past, the 2014 campaigns were conducted in a relatively peaceful manner and was based on issues to a greater extent. This was a departure from the previous elections whereby, campaigns were characterized by hate speeches. Another commendable aspect of the 2014 tripartite elections campaign, was that the traditional castigatory and personal attack approach to the contest. The other important feature of the 2014 tripartite elections was characterized by yet another new democratic innovation in the name of presidential, parliamentary and ward councilor debates. These debates provided a wonderful opportunity for prospective voters to sample the caliber of candidates as well as manifestoes of contesting political parties. Parties were also involved in voter education especially days towards the elections. Despite this success, there were also isolated cases of political violence such as the one that took place at Goliati fracas in Thyolo during which two people died as well as the consistent violence in Karong Central Constituency.

One of the grey areas that appear to enhance but spoil political party campaigns is the issue of party funding. With the absence a legal framework that regulates political party funding, parties are free to abuse public funds and engage in all sorts of shady deals with no sense of accountability to any one.

Choice and nomination of Candidates

It was noted that the choice and nomination of candidates, particularly at the parliamentary and presidential levels continues to be largely undemocratic and predetermined by a way of staged up party conventions and manipulated party primary elections. Out of the four prominent political parties namely PP, DPP, UDF and MCP for example, it was only one party, the MCP, which was deemed to have held a genuine convention that chose a presidential candidate and his running mate. The rest of the candidates were given the mandate to contest on what can be described as dubious endorsement plans. Consequently such

controversial nominations and choice of candidates culminated into the highest number of independent candidates at all levels in the 2014 tripartite elections hence portraying lack of intra-party democracy. One prominent cause of this problem is the system of conducting party primary elections, the traditional way of blind folding contestants which is manipulatable and intimidatory. No wonder it is being replaced by actual voting in most countries.

One positive, though controversial observation however is that a good number of the so called independent candidates continued to show loyalty to their old political parties by a way of campaigning for their president and using party structures and materials at times. The case of Frank Mwenifumbo and from Karonga central constituency and HophmallyMakande can be cited as examples in this case. What this means ideally, is that such candidates can quickly go back to their parties, in the event that they emerge winners together with their parties.

Role of the Media

One of the key players who played a very commendable role during the 2014 tripartite elections is the media. Electronic media, particularly the radios were so visible in broadcasting various campaign programs and playing related music. Apparently most voters confessed that they learnt a lot of things through the radio.

However some of the most serious negative observations also emanated from the works and role of the media, particularly the relatively new social media in spreading false stories about politicians and political parties. Most of these false unverified stories ended up making news in the print media hence passing wrong messages and information to the electorate. In other words they contributed to the creation of a mood of suspicion, fear and violent reactions on speculations of vote rigging like the Ndirande- Nkolokoti primary school elections day saga where materials for voting were vandalized and the polling center torched.

One interesting but negative role of the media during the campaign period is that of prominent politicians owning and controlling radio stations and using them in a very biased way for their political campaigns. Out of the four prominent presidential candidates for example, three namely Joyce Banda, Peter Mutharika and AtupeleMuluzi are associated with ownership of private radio stations. (Ufulu FM, Galaxy FM and Joy Radio)

In a unique but surprising and positive turn of events, MEC rose to the occasion in April 2014, to bring sanity of balance and fairness in the coverage of news on the public broadcaster MBC radio and Television. The intervention brought about positive results though not entirely just like it was a bit late.

Over and above everything else, the 2014 tripartite elections campaign was encouraging and very unique in the sense that there was a big departure from the castigatory traditional approach to campaigning to a more issue based form of campaigning

ELECTION DAY PHASE

This phase covers voting, counting and tabulation of results. NICE monitored the entire process by deploying 45000 monitors and 250 supervisors in all the polling centres and 93 local observers who acted as roaming monitors. At least a (95%) of these arrived at the centres before the opening of the voting process. A detailed Election Day Form was used which contained basic elements and principles for a free, fair and credible election. NICE monitored even the election monitoring by other stakeholders and made the following key observations;

Voting Process

Accessibility of the Polling Stations

When assessing the voting process, NICE observed the accessibility of the polling centres, availability of materials, preparedness of the Electoral Commission, and organization of the voting process. Generally, the polling stations were easily accessible to all the eligible voters. Only very small percentage of the polling centres registered difficulties in accessing the centres, however, some visually impaired voters had challenges since the tactile voter guides were not available in all centres, they were randomly placed which made most of the users not access them since they were either not aware or they were not available at the centres where they were casting their vote.

Most of the polling stations did not open on the specified time. The majority (46%) of the sampled centres in the 64 constituencies and 112 polling centres opened 2hrs after the official opening time, 24.4% opened 4hrs late, 6.7 % 6hrs late and 22.2 % 8hrs late. The voting process went on smoothly in most centres however in 13 centres in Lilongwe and Blantyre voting was called off as a result of disruptions or lack of materials. The Malawi Electoral Commission (MEC) made an announcement that the voters in these centres will vote the following day on 21st May 2014, however some of these centres still had not

yet started polling as of yesterday midday due to lack of critical materials such as ballot papers which had not yet arrived by midday , and at Mpapa school in Blantyre South West Constituency materials delayed and polling started around 3pm and when it was getting dark with people still voters were frustrated and destroyed both used and unused ballot papers the security detail was overpowered due to the magnitude number of the voters.

The major cause of the wide spread delays in opening the polling centres was due to poor preparedness and lack of proper planning by MEC as well as late delivery of polling materials such as voters roll, inkpads , ballot papers , ballot boxes etc .The other compounding factor was that in some cases the delays were triggered by delays relating to verification of the voters' registers by some electoral personnel with inadequate learning capacities .

Preparedness of the Electoral Commission

As regards percentage occurrence of either delayed delivery of inadequate availability of the major materials were as follows as per sampled polling stations and constituencies : ballot boxes was 23.2% , ballot papers 10.1% , ink pads was 10.1 %pens was 3.9% , indelible ink was 2.2 % voter roll was 9.4 % ballot seals 4.6% , lamps 17.6% In almost all (96.7%) of the voting materials were supplied in adequate amounts and in good time. However, albeit on a small scale, some centres in six districts, namely Mzimba North East, Blantyre West, Blantyre North, MangochiMkungulu, ZombaChisi, and ZombaChingale, reportedly received inadequate materials or late. The affected materials were ballot papers (11.4%), Voters; Roll (14.3%), Ink (14.3%), Polling Booths (5.7%) and Ballot Boxes (2.9%). Before the polling, procedures for opening were adequately followed. In almost (99.2%) all the centres, ballot boxes were opened in the full view of the people to manifest transparency. The assessment, however, revealed that materials were delivered and stored under strict security such that cases of deliberate manipulations become remote.

The Electoral Commission deployed adequate and responsible personnel. All of these (99.4%) were available through the voting process. Almost all (99.5%) of these personnel were neutral. These enforced the electoral law effectively. These personnel also facilitated that the (99.3%) voters cast a secret ballot however in isolated cases were reported where the secrecy of the ballot and security of the vote was under stake for example at Chisitu in Mulanje a party monitor was caught helping an elderly voter against her wishes but the monitors noted and reported the issue to the centre authorities and the ballot

was nullified. Some centres went to the extent of using a veranda as a polling booth due to inadequate materials and this compromised secrecy of the vote, this was a very isolated and negligible case at Goliati in Thyolo.

The other worrisome observation which the monitors also reported was the use of cartons , plastic buckets and other materials as ballot boxes , this was reported in centres like St Theresa and Chinguni in Machinga among others . In some extreme cases it was reported that voters were using charcoal powder for thumb marking due to lack of ink.

The other factor worth noting is the fact that the ballot papers especially those for presidential candidates were bigger in size as compared to the other ballots used in previous elections due to the increased number of candidates this led to the ballot boxes to get filled quickly before the polling came to an end and this led to logistical night mare in some centres where polling staff were forced to transfer the ballot papers to other un protected materials such as sacks which compromised security of the ballot , this happened in very isolated cases such as at a centre called Jumbe School in Mangochi . In other centres such as Mwalawambira in Nkhotakota South East Constituency got ballot boxes without lids hence they improvised and used plastic papers as lids

Security of the Polling Centres

The Electoral Commission was under obligation to ensure that all electoral stakeholders were abiding by the law and that elements of crime were effectively checked and arrested. For this reason, the Electoral Commission deployed sufficient numbers of security personnel. Most of the centres had received at least 2 uniformed police officers/ army officers

Security personnel were available throughout the voting process and effectively played their roles. For instance, they ensured that there was no presence of unauthorized people at the polling centres. Furthermore, campaigning and bribery during the voting process within the perimeters of the polling centres was absolutely (98.0%) restrained.

However, security of the polling centres was compromised by a number of sporadic cases of violence which took several forms such as burning and destroying polling materials , marching , monitors coming very close to a voter when being helped by a polling staff , blocking roads , verbal attack towards polling staff , riots , voters fighting among themselves , burning of houses (ie Malawi Housing Cooperation in Chiwembe , headmasters office in Blantyre South East . The other cases of violence were reported at Ngwenya in Lilongwe ,

kachere , Matoipe and Namalimwe in Blantyre Central , Tax Office centre, Catholic Institute, Ndirande Hall in Blantyre , Jali and Chisi in Zomba, Namame and Nkolokoti in Blantyre among other places

Stakeholders in Election Monitoring

NICE has been deploying both local observers and monitors in all elections and Bye elections since 1999 Presidential and Parliamentary Election. Recently NICE deployed over about 5000 monitors in all the registration centres some of whom were roving monitors. NICE realises and cherishes that the fact that elections are a celebration of fundamental human rights and, more specifically, civil and political rights, and election observation therefore contributes to the overall promotion and protection of these rights. Election observation also enhances accountability and transparency, thereby boosting both domestic and international confidence in the process.

NICE also recognises the presence of monitors of the major four political parties such as DPP, PP, UDF and MCP , although most of the political party monitors were ill equipped and trained as evidenced by their limited understanding of the ;polling and other electoral processes , during this election as compared to the previous ones they were more present in almost all polling centres and more vigilant to secure the vote , this should be commended since political parties as a major stakeholder and beneficiary of elections they should not leave issues of monitoring to CSOs only they need to take an active role

Apart from domestic monitors, a few centres had been visited by International Observers deployed by Southern Africa Development Community (SADC) Observer Group. Other observers were deployed by European Union (EU), African Union (AU), United Nations (UN) and other groups.

Counting of the Votes

This sub-section focuses on the assessment of the ability of the Electoral Personnel to effectively and efficiently undertake counting and tabulation of results, the speed of counting, transparency in counting and opportunities to redress any grievance that might have arisen. It also assesses the compliance of the electoral staff with the procedures. Most (99.0%) of the NICE monitors observed the entire counting process and left only counting was over.

In most cases, voting did not close as scheduled due to late starting , inadequate materials and other logistical hitches as advanced above . According to the assessment, almost all (99.5%) of the electoral personnel, party monitors and non-partisan monitors were adequately aware of the counting procedures. Of course in a few cases non-partisan monitors from accredited service providers lacked some knowledge. Otherwise, the assessment (98.4%) revealed that there were no unauthorized persons present during the counting.

Generally counting reportedly went on smoothly. There were no serious reports of tampering with the votes. Almost (98.1 %) all the centres confirmed this assertion. In most centres due to lack of lamps and other forms of light counting was postponed to the following day and this has also contributed to late announcement of results .Other challenges that affected counting also include inadequate security personnel, inadequate communication facilities and capacity gaps in numerical skills and aptitude of most of the Presiding Officers and other Electoral Staff.

CONCLUSION

In terms of general assessment, the initial stages and indeed the whole of the 2014 tripartite elections process can be described as having been conducted in a peaceful environment with isolated but some times very pronounced cases of violence.

In the same vein the elections were marred by some serious logistical hiccups, therefore a lot of work needs to be done in the areas of electoral management on the side of MEC in terms of logistical, financial and technical aspects of the elections.

However such big changes towards better management of the electoral process can not be championed by MEC alone but need the combined effort of government, civil society organizations, the donors, parliament and legal practitioners including their institutions.

