

Electoral Commissions Forum of SADC Countries

Plot 50362, Block C, Unit 3, Fairground Office Park
Private Bag 00284
Gaborone, Botswana
Tel: **(+267) 3180012** Fax: **(+267) 3180016**

www.ecfsadc.org



A PRELIMINARY STATEMENT TO THE MALAWI ELECTORAL COMMISSION BY THE ELECTORAL COMMISSIONS FORUM OF THE SADC COUNTRIES (ECF-SADC) OBSERVER MISSION ON THE TRIPARTITE ELECTIONS OF THE REPUBLIC OF MALAWI HELD ON 20TH MAY 2014

1. INTRODUCTION

The Electoral Commissions Forum of the SADC Countries (ECF-SADC) was launched in July 1998 and comprises of fifteen (15) SADC Member States' Electoral Commissions. As per its Constitution, the mandate of ECF-SADC amongst others is to strengthen co-operation amongst Member Electoral Commissions as well as to promote conditions conducive to credible and transparent elections in the SADC region.

The Electoral Commissions Forum of SADC was invited by the Malawi Electoral Commission (MEC) to observe the Tripartite Elections of the Republic of Malawi held on 20th May, 2014. Election Management Bodies (EMBs) in the SADC region nominated delegates to be part of the Observer Mission. The ECF-SADC Mission constituted 25 delegates from 10 Member Commissions, namely: Electoral Commissions of Angola, Botswana, Democratic Republic of Congo, Lesotho, Mozambique, Namibia, Swaziland, Tanzania, Zambia, and Zimbabwe. The Mission was led by Mr. Mzwandile Fakudze, the Deputy Chairperson of the Elections and Boundaries Commission of Swaziland (EBC).

2. THE ECF-SADC ELECTION OBSERVATION

The ECF-SADC views election observation as an important component of promoting democratic elections and consolidating democracy in the SADC region, hence its involvement. Through election observation processes, ECF-SADC promotes mutual learning amongst fellow Election Management Bodies (EMB's), thereby promoting the adoption of common principles and standards in election administration and management.

The ECF-SADC election observations are principally guided by two (2) major instruments, namely: the Principles for Election Management, Monitoring and Observation (PEMMO) in the SADC region and the Principles and Guidelines Governing Democratic Elections in the SADC Region.

Forum Presidency: Adv P.Tlakula - **President** (RSA), Rev. Apollinaire Malumalu Muholongu (DRC) **EXCO: Chairperson:** Justice Damian Z. Lubuva (Tanzania)- **Vice Chairperson:** Justice Maxon R. Mbendera, SC (Malawi), Justice A. Tafa (Botswana), Justice Mahapela Lehohla (Lesotho), Abdul Carimo Nordine Sau (Mozambique), Adv Notemba Tjipueja (Namibia), Justice Irene Mambilima (Zambia).

These two regional instruments set benchmarks for the conduct and management of transparent and credible elections. In addition, the Mission worked within the legal framework governing elections in Malawi.

The ECF-SADC Observer Mission Terms of Reference are to:

- Observe the pre-election environment and to examine the conditions in which the election was taking place;
- Observe the conduct of the election itself; and,
- Evaluate the electoral process and make recommendations that will contribute to the improvement of this process in Malawi.

3.0 PRE-POLL MISSION ACTIVITIES

3.1 Interaction with Stakeholders

The Mission met with the following:

1. The Malawi Electoral Commission which provided the Mission with a brief on its preparedness for the May 20, 2014 Tripartite Elections and the Result Management System (RMS) which was demonstrated.
2. Electoral Stakeholders which included: Civil society, media institutions, political parties, youth and gender organisations; and
3. Other Election Observer Missions to exchange notes and experiences on the electoral processes.

3.2 Key Issues Raised by Stakeholders

The following issues were raised:

- Shortcomings in the voter registration process.
- Unavailability of the Voters Register.
- Malawi Broadcasting Corporation (MBC) biased coverage towards the ruling party.
- Alleged vote buying by contesting political parties.
- Perceived or alleged use of state resources for political gain.
- Need to provide for and enhance gender equality through legislative framework.
- Non-enforcement of various electoral codes relating to stakeholders.

Notwithstanding the issues raised above, MEC and the Electoral Stakeholders were confident that the elections would be credible.

3.3 Deployment

The Mission deployed observers to the Southern and Central regions of Malawi. All the teams made pre-poll visits to their assigned areas to establish the readiness of the conduct of the poll including interacting with electoral stakeholders at regional level.

Some of the teams were afforded an opportunity to visit the MEC regional offices to appreciate the packaging and dispatch of material to the various districts, which, at the time was in its final stages.

4. POLLING DAY

In general, the Mission observed the following:

- Opening procedures were adhered to.
- Some polling stations opened late due to late delivery or insufficiency of material, and the late setting-up of the stations.
- No signage to polling stations.
- Long queues of voters in the morning.
- The secrecy of the ballot was generally safe guarded. However, in some polling stations, the set-up had the potential of compromising the secrecy of the ballot.
- The ballot boxes were labelled.
- Late or no arrival of Part “A” of the voters register so as to verify those not appearing in the final voter register.
- Inconsistency in the management of the voting process.
- Adequate security, presence of party agents, monitors and observers.
- Polling was peaceful and orderly except for isolated incidents of disruption.
- Closing of the poll was extended for various reasons.
- Inadequate lighting in some polling stations during polling and count.
- Counting took place in the presence of party agents, observers and monitors.

5. BEST PRACTICES AND LESSONS LEARNT

The following best practices and lessons are noted by the Observer Mission:

- Adequate security.
- Presence of party agents, observers and monitors.
- Creation of voting streams.
- Verification of voters.
- No evidence of voter intimidation.
- Tolerant electorate.
- Setting up of the Complaints Handling Unit.

6. MISSION RECOMMENDATIONS

- The accreditation of observers should be improved.
- The process of voter registration must be enhanced so that there is sufficient time for eligible voters to register, public inspection of voters register, objections and adjudication of appeals etc.
- Voters register should be timeously made available to stakeholders.
- The signage to polling stations should be visibly displayed.
- Early and timely dispatch of election material to the polling stations. Sufficient polling material should be provided to cater for unforeseen situations.
- Training of polling staff should be intensified and accorded more time.
- Adequate transport be made available on time to enable prompt delivery of polling materials at polling stations.
- Enforcement of various electoral codes relating to stakeholders.
- Polling staff should be easily identifiable.

- Monitors and party agents should be seated in a manner that enables them to observe everything going on at a polling station.
- Provision of adequate lighting at the polling stations.

7. CONCLUSION

Generally, the Mission observed that the preparation for the elections was on schedule and this assisted the people of Malawi to exercise their Constitutional Right to vote.

Furthermore, the process of elections was generally in compliance with the recommended Principles for Election Management, Monitoring and Observation in the SADC region cited in PEMMO (2003) and Principles and Guidelines Governing Democratic Elections in the SADC Region.

The Mission encourages the electoral stakeholders to further respect the will of the people of the Republic of Malawi in other electoral processes to come.

The Mission applauds the positive efforts and contributions by all the relevant stakeholders towards the success of the elections. It therefore takes this opportunity to congratulate the Malawi Electoral Commission, the Government and people of Malawi, and all electoral stakeholders for undertaking credible elections.

Signed in Blantyre, Malawi this 22nd day of May 2014.

Mr Mzwandile Fakudze

**Head of ECF-SADC Electoral Observer Mission &
Deputy Chairperson of the Elections and Boundaries Commission- Swaziland**