



ELECTORAL COMMISSION

REMARKS BY THE CHAIRMAN OF THE ELECTORAL COMMISSION ON THE STATUS OF THE DETERMINATION OF THE NUMBER AND BOUNDARIES OF CONSTITUENCIES FOR THE PURPOSES OF THE 2025 ELECTIONS MADE AT THE MEETING WITH MEMBERS OF PARLIAMENT

30th November 2021,
Sunbird Capital Hotel
Lilongwe

Let me on behalf of:

- My fellow MEC Commissioners
- MEC Acting Chief Elections Officer, Mr Harris Potani
- Management and staff from MEC

Welcome

- The Speaker of Parliament, Right Hon Catherine Gotani Hara, MP
- The First Deputy Speaker, Hon Madalitso Kazombo, MP
- The Second Deputy Speaker, Hon Aisha Annie Adams, MP
- All Cabinet ministers
- Leader of the House, Hon Richard Chimwendo Banda, MP
- Leader of Opposition, Hon Kondwani Nankhumwa, MP
- Parliamentary Service Commissioners
- Hon Alfred Jiya, Member of Parliament for Lilongwe City Centre
- All Honourable Members of Parliament
- Staff from Malawi Parliament Secretariat
- Ladies and gentlemen

Honourable Speaker and Members of Parliament,

It is pleasing to me as Chairman of the Electoral Commission and to my fellow members of the Commission that we have been given an opportunity to have this meeting with members of Parliament to give you and update on the progress which the Commission has made in the exercise of determining number of Constituencies and the drawing of Boundaries.

The Commission would like to express its sincere appreciation in that regard considering that Parliament forms part of the most important stakeholders to this exercise.

Honourable Speaker and Members of Parliament,

I will now proceed to address you as follows:

Introduction

The Commission is in the process of reviewing constituency and ward boundaries to ensure that it discharges its responsibility to review constituency boundaries as provided under the Constitution of the Republic of Malawi (the “Constitution”) and the Electoral Commission Act. It is a requirement that constituency boundaries must be reviewed at intervals of five years. However, the exercise has not been comprehensively undertaken since 1998.

Section 76 (2) (a) and (b) of the Constitution sets the parameters within which this mandate is to be exercised. Section 76 (2) (a) and (b) reads:

“The duties and functions of the Electoral Commission shall include-

(a) To determine constituency boundaries impartially on the basis of ensuring that constituencies contain approximately equal numbers of voters eligible to register, subject only to consideration of:

(i) Population density

(ii) Ease of communication; and

(iii) Geographical features and existing administrative boundaries

(b) To review existing constituency boundaries at intervals of not more than five years and alter them in accordance with the principles laid down in subsection (2) (a) above. (Emphasis Added)

In addition to painstakingly applying the criteria in Section 76 (2) of the Constitution, in the interests of attaining objective outcomes that take into account the views of other key stakeholders, the Commission received very broad views through a nationwide sensitization campaign.

The actual methodology adopted by the Commission for determining the specific number of constituencies per council reflects the legal principles and factors that are explicitly outlined by the relevant constitutional and statutory provisions. Using these factors and principles, the Commission has generated an articulated mathematical formula for all factors that are capable of being represented by a coherent mathematical model; these are the primary factor of number of eligible voters per constituency as well as the first subsidiary principle of population density.

All other subsidiary factors that could not realistically be reduced into such a mathematical formula, namely ease of communication, geographical features as well as existing administrative boundaries, have been applied separately in order to determine the final number of constituencies per Council.

Honourable Speaker and Members of Parliament,

Guided by the requirement that constituency boundaries must be drawn in a manner that ensures that constituencies contain approximately equal numbers of voters eligible to register, the Commission has come up with a weighted formula which represents the population of voters eligible to register to vote and the land size of the particular council as a total ratio of 10 (also referred to as “Total Quota”). The 2025 projected population of voters eligible to register to vote used has been sourced from the National Statistics Office projections. Therefore, considering that population of voters eligible to register to vote is the paramount consideration it has been assigned a total weighting of 9 (out of 10), whereas land size has been assigned a total weighting of 1.

Thus, the mathematical formula that the Commission used may be stated as follows: - **Total Quota (TQ) = Land Quota (LQ) + Population Quota (PQ)**. To reiterate **TQ = LQ + PQ**. The 3rd Column in the Table below, represents the number of seats that would be proposed per council if only the mathematical formula were used. In other words, in the First Stage, the Commission arrived at

the initial number of constituencies as determined using the population of voters eligible to register to vote and the land size of each council. This was a purely scientific process which could not conclude the entire activity comprehensively as it excludes the other factors that Section 76 (2) of the Constitution subjects the exercise to; namely;

- (i) geographical features;
- (ii) ease of communication; and
- (iii) administrative authorities.

In the Second Stage, the Commission considered separately the other criteria as they applied to each council. Based on this elaborate deliberative process, the proposed number of seats per council was further revised as outlined in column 4 of the **Table Below**.

TABLE SHOWING REVISIONS AND FINAL DETERMINATION OF CONSTITUENCIES FOR EACH COUNCIL

Council	Current No. of Seats	No. from Stage One	No. from Stage Two	Gain/Loss (+/-)	Final Determination
Chitipa District	5	3	2	0	5
Karonga District	5	4	1	0	5
Karonga Town	0	0	1	+1	1
Nkhata-Bay District	6	4	2	0	6
Rumphi District	4	3	1	0	4
Mzimba District	11	11	2	+2	13
Mzuzu City	1	2	1	+2	3
Likoma District	1	0	1	0	1

Kasungu District	9	10	0	+1	10
Kasungu Municipal	0	0	1	+1	1
Nkhotakota District	5	4	1	0	5
Ntchisi District	4	4	1	+1	5
Dowa District	7	9	1	+3	10
Salima District	5	5	1	+1	6
Lilongwe District	17	18	1	+2	19
Lilongwe City	5	11	1	+7	12
Mchinji District	6	7	0	+1	7
Dedza District	8	9	1	+2	10
Ntcheu District	7	7	1	+1	8
Mangochi District	12	12	0	0	12
Mangochi Municipal	0	0	1	+1	1
Balaka District	4	4	1	+1	5
Machinga District	7	7	1	+1	8
Zomba District	9	8	1	0	9
Zomba City	1	1	1	+1	2
Chiradzulu District	5	4	1	0	5
Blantyre District	5	5	1	+1	6

Blantyre City	8	9	1	+2	10
Mwanza District	2	2	0	0	2
Neno District	2	2	1	+1	3
Thyolo District	7	7	1	+1	8
Luchenza Municipal	0	0	1	+1	1
Phalombe District	5	4	1	0	5
Mulanje District	9	7	2	0	9
Chikwawa District	6	6	1	+1	7
Nsanje District	5	3	2	0	5
Total Number of Seats	193	192	37	35	228

Question of Economic Viability of Boundary Review Exercise

One issue that was raised by some key stakeholders, that needs specific mention is that of the economic viability of the review process bearing in mind the economic realities in Malawi. The Commission whilst appreciating the importance of economic considerations, nevertheless resolved to remain faithful to discharging its functions within the framework of the existing legal instruments. To wit, Section 76 (2) of the Constitution which enjoins the Commission ‘to determine constituency boundaries impartially on the basis of ensuring that constituencies contain approximately equal numbers of voters eligible to register, **subject only** to consideration of: (i) Population density, (ii) Ease of communication; and (iii) Geographical features and existing administrative boundaries.

Value, content and extent of stakeholder engagements

Extensive stakeholder consultations provided data which Commission considered when arriving at its decision. In its nationwide consultations the Commission met with over 3000 different stakeholders through a series of meetings at each Council which had been preceded by engagements with political party and other civic leaders as follows:

1. 6th April 2021-Meeting with Leaders of the Malawi Congress Party
2. 7th April 2021-Meeting with Leaders of UTM
3. 8th April 2021-Meeting with the Democratic Progressive Party
4. 9th April 2021 -Meeting with Leaders of the People's Party.
5. 13th April 2021-Meeting with United Democratic Front.
6. 13th May 2021 - Leaders of AFORD and other Political Parties not represented in Parliament
7. 19th May 2021-Interface with members of NECOF and CSOs
8. 19th May 2021 - Interface with Members of Parliament
9. 20th May 2021 - Meeting with Media Managers
10. 9th September 2021-Meeting with the Public Affairs Committee

The other people consulted included academia, civil society organizations, faith and traditional leaders, youth and women representatives as well as ordinary interested citizens.

Honourable ladies and gentlemen,

Throughout these meetings the Commission was quite keen to emphasize the central role of the relevant legal stipulations in guiding the distribution of constituencies as we undertake the review of boundaries. Whilst some stakeholders questioned the economic viability of the process, we have remained committed to discharging our functions within the framework of the existing legal instruments.

Rationale for Revised Number of Constituencies

The Commission has established Constituency and Ward Boundary Review Teams (CWBRT) for each council. These teams, which have a technical mandate, have been deployed to go and consider the creation of fresh boundaries in each council. Before these CWBRTs could be deployed, it was the responsibility of the Commission to determine the number of seats per each council. The process followed in undertaking that exercise was a quite elaborate mathematical process. We worked out the figures that would ensure precise size based on population of eligible voters as well as population density. Because of the challenge of reducing the other elements under section 76(2) of the Constitution into a simple formula, the Commission had to apply those criteria on a council-by-council basis.

It would be inaccurate to suggest that the Commission totally ignored the economic implications of any proposed boundary review process: from our extensive public consultations (which were broadcast live on Facebook) it would be no exaggeration to say that almost each council without exception demanded some form of increment in the number of seats. Looking at the table below, the Commission has clearly not succumbed to those demands because they firstly did not have any objective legal justification and secondly since they would create an enormous burden on our public purse.

Democratic imperative for earnest stakeholder consultations

The Commission undertook the stakeholder sensitization and consultations in earnest: within the context of democratic legitimacy, the views of ordinary rural citizens on any national matter carry similar weight to those of their learned urban compatriots. Thus, when the Commission is exercising its boundary review

mandate it must act with the utmost fidelity to democratic principles of inclusion and equality in order to ensure legitimacy of its decisions.

In that regard, one has to remember that the validity and value of any views is not dependent on anything other than the constitutional imperative for affording everyone an opportunity to influence the outcome of the process on an objective and transparent basis. Since equality of the vote is the foundational yardstick for the entire process, then all stakeholders' views need to be properly accounted for in performing this delicate democratic function. Access to technology and other public media which have the capacity to amplify the voice behind one particular perspective should not unduly distort the overall significance of such a position.

That is one reason why the Commission took the deliberate decision of physically travelling to the various councils in order to ensure that we have access to the broadest range of perspectives available on this very important matter. The Commission is fully aware of the sensitivity and significance of the boundary review process to our democratic landscape: the process of public engagement is designed to reflect the tenet of effective stakeholder consultation on matters that affect their core democratic interests.

Given the level of interest the whole business has generated from the outset, it might have been easy for the Commission to adopt the simple and populist approach of avoiding upsetting the *status quo*. However, the very articulate representations we have received as well as the urgency with which those have been conveyed left little doubt about the timeliness of the process in seeking to restore some equilibrium to the distribution of our constituencies.

Equal representation being so basic to a system of representative democracy, the Commission has embraced its constitutional mandate fully with a view to remedying the imbalances that have arisen in over two decades of inaction as far as the role of reviewing constituency boundaries is concerned. In other words, the views gathered through our travels across the breadth and length of Malawi, made it quite clear that this process was eagerly awaited in the various councils and the Commission is under no illusion about the enormity of the exercise currently under way.

The Commission has the unenviable task of seeking to reconcile what might sometimes appear to be irreconcilable expectations from various quarters. In order to attain such a delicate balance, the Commission has been quite keen to emphasize the centrality of the applicable legal and constitutional provisions in prescribing relevant factors for consideration. We have expressed our commitment to carry out the assignment independent of any political or other external influence; by disclosing the methodology and the plan we intend to follow; the Commission wishes to remain fully accountable in law and in practice to the people of Malawi.

In the course of engaging various stakeholders, some made proposals similar to what has dominated the discussion recently, even questioning the economic viability of the entire process. In the mind of the Commission, our democratic duty and constitutional responsibility is to perform the functions outlined in the relevant instruments at present: in this regard, there is a subsisting need to review constituency boundaries in order to correct any distortions arising by reason of demographic or other developments. Within the context of democratic governance and the rule of law, the Commission must always endeavor to uphold its oath of office in order to cultivate the right values for public institutions.

Public Debate and Criticism Very Welcome

The Commission is very grateful for the level of interest its recent report has generated so far about constituency boundary review. As a body discharging a constitutional function, public discussion and criticism of our work is inevitable and indeed a welcome aspect of a healthy democratic accountability matrix. In that vein, the Commission would like to assure all stakeholders that our implementation program for this process has made further provision for direct engagement with everyone at an appropriate stage before we finalize the assignment. In order to discharge our responsibility competently, the Commission must pay close attention to what it understands to be the parameters defined for this activity in the law as it now stands.

Robust public debate and stakeholder criticism of this work can only enhance the quality and validity of the final report out of this process. We remain committed to full public accountability and accept with utmost humility the onerous responsibility this office confers upon our shoulders in our evolving democratic nation.

Next Immediate Steps and General Way Forward

As the Commission proceeds with the work, the presentation of the revised distribution of constituencies means that as far as the 2025 General Elections are concerned all boundaries have been abolished. The Commission has deployed Constituency and Ward Boundary Review Teams (CWBRT) across the whole country; their task is to physically (and technologically) ascertain what the new boundaries would look like. The reports from the CWBRTs will form the basis for consideration and determination of the Commission of the specific fresh constituency and ward boundaries in all the councils across Malawi.

Once that formal determination has been done, fresh maps will be generated and circulated to each council for public viewing in the months of February to March 2022. Thereafter, the Commission will undertake another nationwide tour in order to engage the various stakeholders directly in a series of public hearings. On that occasion, the Commission will have the duty of addressing any queries or observations emerging from the gatherings. In addition, the Commission will arrange special engagements with members of various political parties, CSOs and other stakeholders we interacted with at the onset of the entire process.

Above all, the Commission will have an opportunity to engage the National Assembly in order to discuss the draft report emerging from the prior consultations. This will be an opportunity to address any issues of concern from the honorable members who, under the law, will have the final say on whether or not the report will be implemented.

Confirmation by the National Assembly

Thus, the final decision whether or not the Commission's recommendations as regards review of constituency boundaries and numbers will be implemented lies in the hands of the National Assembly. The Commission fully appreciates its duty to ensure that we attend to and address any legitimate concerns from the relevant stakeholders in order to anticipate possible hurdles to the adoption of our final report. The Commission remains committed to being transparent and accountable in the performance of this very important assignment; we remain positive about the prospect of a favorable outcome based on the good faith we have enjoyed dealing with the honorable members of the august house. However, we fully respect the constitutional mandate to make a decision based on their best judgment and we cannot be presumptuous about that outcome. Meanwhile, we must content ourselves with the opportunity of undertaking this task with due diligence and apt competence, within this very delicate terrain of competing democratic and economic interests.

Thank You Very Much

God Bless You All; and

God Bless the Republic of Malawi