

MALAWI ELECTION SUPPORT NETWORK

INTERIM STATEMENT ON THE 2009 MALAWI PRESIDENTIAL AND PARLIAMENTARY ELECTION

20 May 2009, COMESA Hall, Blantyre

INTRODUCTION

Malawi Election Support Network (MESN) is a coalition of 75 civil society organisations dedicated to ensuring that national elections are held in a credible and transparent manner. The network was formed in 2003, to harmonise and coordinate civil society's role in the electoral process, such as joint planning, implementation and standardisation of materials. In the run up to the 2009 Elections, with the objective of promoting free, fair and credible elections, MESN and its member organisations undertook various activities in support of the electoral process, including civic and voter education and monitoring the pre-election period.

The following is an interim statement on the election process up to the afternoon of 20 May 2009. This statement is preliminary in nature as MESN recognises that the Electoral Commission (EC) has not completed its tabulation of the official results. For polling day, MESN deployed 800 monitors to a random statistical sample of polling streams throughout the country, supported by 193 constituency supervisors. MESN also deployed 486 other monitors. The observations presented below therefore are based on a systematic election-day observation process. MESN's methodology is explained fully at the end of this statement.

MESN will complete its analysis of voting results and will comment on the official election results when they are announced by the EC. The next MESN statement is therefore anticipated by Friday, 22 May 2009.

SUMMARY OF OBSERVATIONS

Election Day was peaceful, and Malawi's voters turned out in great numbers. Despite the challenges with the voters' register and insufficient voter education, the voting process went smoothly. However, there were some problems on election day and even more so in the pre-election period.

Ballot secrecy was generally secured throughout the country, and reconciliation of ballots used at polling streams went well. Monitors from various parties were present at polling streams and were able to witness and endorsed the count. However, complaints by political parties and candidates were lodged at a fair number of polling streams distributed relatively evenly around the country. Public posting of results was not accomplished in a few places.

A significant number of voters' names did not appear on the voter registers at the polling streams, which prompted the Electoral Commission (EC) to make a public announcement concerning their ability to vote; nonetheless, it is impossible to determine how many of these people did not return to the polls, thus being disenfranchised.

There were logistical problems on Election Day. In some instances polling streams opened late, however this did not appear to hinder the process. Though the provision of generators and some lighting was an improvement over the past, the counting process in many locations went very late into the night, and in some instances the counting of voting streams was mingled together, contrary to the set procedures.

MESN applauds Malawians for the expression of their patriotism in this election and their evident desire to entrench democratic values. MESN appreciates the EC's efforts to properly conduct the elections. MESN also appreciates the support of the regional and international community for this process.

PRE-ELECTION PERIOD

While the voter registration process was extended several times in order to include eligible voters and other positive steps were taken, the pre-election environment fell short of the minimum conditions outlined in the SADC Principles and Guidelines Governing Democratic Elections in several important respects. In particular, concern remained about the heightened level of political tension between the ruling party and opposition and the lack of confidence in certain quarters of the voting public as well as the opposition concerning the impartiality and effectiveness of the EC.

The question concerning the candidacy of Bakili Muluzi was not resolved until the last minute which added to the uncertainty of the environment.

The voter registration process was marred by irregularities ranging from broken equipment, inadequately trained staff, the late delivery of materials to cite a few examples. Some eligible voters were thus denied an opportunity to register.

Malawi's Constitution guarantees the right to equal participation at all levels which is in tandem with SADC and African Union (AU) declarations on gender and development. In addition, this year, the pre-election environment was marked by the NGO Gender Coordination Network (NGO-GCN) 50-50 Campaign, which aimed to augment the number of women candidates in the 2009 General Elections. In this election 237 female candidates contested in parliamentary races across the country, a significant improvement from past elections. MESN however noted that political parties to mostly supported male candidates. MESN also noted that many women participated in the election as polling staff and monitors.

Equitable access by the political parties and candidates to the media, as well as media bias particularly the public media, was a serious problem in this election. Coverage by the state media of the campaign period was skewed in favour of the ruling party. This was compounded by the failure of the Malawi Communications Regulatory Authority (MACRA) to enforce media related guidelines on both electronic and print media engaging in unprofessional behaviour. These problems provide an unfair advantage for the ruling party of the day. Further, despite of the increasing number of privately owned radio streams and newspapers, national coverage remains a challenge. This negatively affected voters' access to information concerning the election.

Although MESN was unable to systematically observe the abuse of state resources, it noted from media reports and other sources that public funding was used by political parties to printing campaign materials. MESN further noted the use of public vehicles used to ferry political party supporters during the campaign period.

Civic and voter education was hampered by bureaucratic disbursement processes of the joint donor basket which affected civil society's ability to provide adequate and timely information to voters.

It must be emphasized that many of these problems also occurred in the 1999 and 2004 elections, as observed by MESN and the Church-NGO Consortium and Public Affairs Committee (PAC) before it. It is therefore critical to prevent them from becoming entrenched negative practises.

ELECTION DAY

These findings are based on monitor reports from a representative sample of polling streams from across Malawi. At this time, 73% of the sample has reported. MESN continues to capture data and will update this information as more reports are received.

Set Up and Opening of Polling Streams

Across Malawi, MESN monitors reported that at the opening 98% of polling streams had no or minor problems and only 2% had major problems that affected the rights of citizens' to vote. In approximately 5% polling streams monitored, MESN monitors were initially barred because they were not on the EC list or the list was not available. However, after consultations with election staff at the district level, almost all were eventually allowed to monitor.

Voting Process

The voting process generally took place without serious problems. Nonetheless, MESN monitors reported that in 20% of polling streams some or many voters were unable to find their names on the register. Of those who were unable to find their names on the register, approximately 28% were not permitted to vote even though they presented voter registration certificates.

In addition, there were a number of polling streams where minor problems were reported. For instance, in 9% of polling streams monitored ballot papers ran out. Ink ran out in 10% of polling stations.

Closing of Polling Streams and the Counting Process

The closing of polling streams and the counting process largely took place without major problems. According to monitor reports some polling streams experienced problems with lighting during the counting process caused by generators lacking fuel or breaking down. Across the country, the counting process was very slow and lasted long into the night. In some cases counting of ballots from streams was merged contrary to EC procedures.

Tabulation of Results

MESN will continue to gather and analyse information from the random statistical sample and will comment upon the EC's official results which are expected by Friday.

MESN'S ELECTION DAY METHODOLOGY

Unlike in previous elections when MESN's monitors were deployed to all polling centres, MESN employed a statistically based monitoring (SBM) method to collect information on the conduct of polls. In this effort, MESN deployed more than 800 well-trained monitors to observe the 2009 Elections all using MESN forms designed to monitor key elements of the Election Day process. These monitors were supported by 193 constituency supervisors. In addition, MESN members also deployed 386 monitors to constituency returning offices and 100 mobile monitors at district level.

Through the SBM exercise, information on the setting up of polling streams, voting, closing of polling streams, and counting of the Presidential Election ballots was rapidly collected and transmitted from a random, nationally representative sample of polling streams across Malawi. This methodology allowed MESN to conduct a rigorous and systematic observation throughout the country and to base its observations on highly accurate findings.

CONCLUSION

MESN thanks the EC and its staff at all levels for its extraordinary cooperation with MESN's monitoring efforts. MESN appeals to all Malawians to remain calm and to be patient as they await the final result of the elections.

Signed: _____
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