

# THE NATIONAL INITIATIVE FOR CIVIC EDUCATION PUBLIC TRUST

## 2014 Tripartite Elections Monitoring Report



### 1. INTRODUCTION

NICE, the author of this report is a Public Trust established in March 2012 under the Trustees Incorporation Act. Our overall objective is to contribute to the strengthening of the democratic process, increase citizen participation and promote good governance in Malawi. We also aim to encourage the Malawian citizenry, to actively participate in public life through awareness initiatives and capacity building.

Among the significance interventions implemented by NICE during the elections, is the collation of reports reflecting on the general nature and conduct of each phase of the electoral process. Since democracy is a learning process that matures with time, the said reports are vital in guidance and strategic direction to stakeholders, particularly those that reflect on the past so as to improve on future developments.

As we launch the 2014 Elections Monitoring report, let us bear in mind that, it sets out to present a broad picture on the various occurrences which characterized the electoral process from the pre-election, elections and post-election phases.

Indeed, the report emphasizes the uniqueness and history of the 2014 Tripartite Elections, in a sense that symbolizes a return to a people centered mode of democratic governance through the reintroduction of Ward Councilors after a ten year period of absence.

### METHODOLOGY

NICE used several methods while accumulating and evaluating the data for the said elections. The first approach was the long term election observation in which NICE deployed its national staff countrywide and community volunteers who periodically filed reports to the Secretariat. The second was the desk research approach, which involved perusing both local and international election observers reports, MEC reports, print and electronic media besides visiting news websites, together with the social media.

NICE used a short term observation approach as well, which involved deployment of 4,500 stationary monitors, 250 supervisors in addition to 93 local observers as roaming monitors nationwide. Also, in the short term observation, NICE, collaborated with other monitors from partner local establishments.

In the analysis and interpretation of the various processes and developments in this report, are based on the quantitative approach to gather and scrutinize data. However, narrative or descriptive information, which also forms a significant part of political data, is accorded equal attention in the observations besides analysis of various developments and factors. Quantitative data is lastly presented in form of graphs, tables and charts for easy understanding.

### FINDINGS

The following summary gives an overview of the significant positive and negative developments captured by NICE in the course of monitoring the electoral process. The summary is presented from the nine thematic areas of Legal Frame work, Election Administration, Civic and voter education, Voter Registration,

Verification of voters, Election Campaign, Conduct of the media, Choice and Nomination of candidates, Voting Preparations, Polling and Election Results.

**Legal Framework:** The exercise of delimitation of wards and indeed the tripartite elections themselves would have been a non-starter had it not been for the noble task of harmonizing some electoral laws which were not in tandem with the idea of holding three elections at once. Parliament in collaboration with other electoral stakeholders like MEC, the Law Commission and the Ministry of Justice deserve to be commended for this development. However, it should be pointed out that while an opportunity presented itself for the amendment of some counterproductive electoral laws, not so many of them were amended at that particular opportune time. Additionally, the process of amending the few pieces of legislation through Parliament took longer than most people expected, hence, affected some preparations for the elections.

**Election Administration:** The composition of Commissioners forming the “Board” of Malawi Electoral Commission is yet another development which cannot go without applauding. It was quite evident that the people who were appointed to serve as Commissioners were and are dignified citizens with relevant experience and integrity. However, trends of bias towards certain professions could also be noticed in the selection of the Commissioners. For example four of the ten commissioners have their training and vast experience in pastoral work while seven of the ten commissioners turned out to be men. Also, MEC is strongly associated with government and political parties in terms of appointment compromising its impartiality and competence as the sole Electoral Management body in the country.

**Registration:** One of the most significant exercises of the electoral process that went on well was the voter registration exercise. Apart from being conducted in an orderly and peaceful manner, the exercise in question turned out to be a very big success in as far as the overall figure of registrants is concerned. Considering the fact that close to 7.5 million people registered against the projected figure of about 8 million, this is obviously a big success story worth acknowledging. However, the exercise should have been even more successful had it been that such logistical and technical problems as lack of materials and poorly trained and unqualified staff in some centers were minimized. While the foregoing problems were observed in most of the centers, it was again disheartening to note that not all centers were granted permission to extend the registration exercise.

**Voter verification exercise:** Contrary to the registration exercise, the story of voters’ roll verification was not so impressive as it turned out to be more negative than positive. Official dates for commencement of the verification exercise kept on changing hence affecting some other key players in the process like Civic and Voter education providers, not to mention prospective voters themselves. As if this was not enough, the voters roll turned out to be messy with missing names, wrong dates of birth and blurred pictures. The biggest setback to the verification exercise, however, was failure such that, many registrants never participated in the exercise. This was a total contrast to the commendable patronage witnessed during the registration exercise.

**Choice and nomination of candidates (party conventions and primary elections):** Performance of political parties when holding conventions and conducting primary elections to choose candidates for the 2014 tripartite elections was a mixed bag. While there was notable improvement in some parties when holding various elections and therefore electing popular leaders to contest as Presidents and Members of Parliament, the story was different in other parties. Some parties continued to impose candidates who were not popular and gave them preferential treatment when it came to sorting out disputes relating to

primary elections. All in all, the overall picture of the choice and nomination of candidates was not a good one. Most big political parties failed to elect leaders democratically such that the impacts were reflected in the big number of candidates who decided to stand on an independent ticket after getting frustrated by dirty party politics and emerged winners eventually.

**Election Campaign:** There were some commendable unique developments during the 2014 tripartite elections campaign period. Some of these included most political parties concentrating on issues rather than attacking personalities when holding rallies, holding of presidential and parliamentary debates, signing of social contracts and declarations by presidential candidates with various organizations and the holding of regional and national prayers for peace. However, the election campaign period for the 2014 tripartite elections was marred by a number of negative developments like incidents of violence which led to the untimely death of two people in Thyolo and one in Mangochi and persistent intimidation as well as minor violent confrontations in some regions and districts like Karonga and Lilongwe.

**Conduct of the media:** Just like the conduct of some prominent political parties when holding primary elections and party conventions, performance of most public and private media institutions including print and electronic media was a mixed bag. There were some media institutions which were neutral and professional in their coverage of issues during the campaign period while others, and indeed a reasonable percentage of about 60, were biased towards some individual politicians and political parties. The public broadcaster MBC radio and Television for example, was heavily biased towards the ruling party while Joy Radio and Galaxy FM were biased towards the opposition. It was however pleasing to note that there was some significant improvement in the performance of the public broadcaster towards the end of the campaign period after a bold intervention by MEC through the National Electoral Consultative forum (NECOF). Unfortunately the kind of strong intervention which MEC came up with on the public broadcaster was not extended to the other biased media institutions.

**Civic and voter education:** Much as many Civil Society organizations that were ready to conduct civic and voter education were dealt with a big blow when donors withheld their financial support, it should be pointed out that the few that participated in the exercise like MESN, MEC and NICE for example, did a very good job in reaching out to the majority of ordinary Malawian citizens through various convenient strategies like radio announcements and programs. The efforts of the few CSOs were ably complemented by some local volunteer organizations and religious based organizations like CCJP and the Church and Society programs of the CCAP Synods of Blantyre, Livingstonia and Nkhoma. However, Civic and Voter education was compromised by inadequate and delayed donor support, inconsistent messages from MEC arising from cancellation and postponements of certain crucial undertakings and failure to circulate the electoral calendar to all key stakeholders in the electoral process.

**Voting Preparation:** One thing that MEC should be commended for, as far as preparation for the voting exercise was concerned, is of being transparent with the handling and security of crucial materials like Ballot Boxes. Crucial developments like receiving and custody of the Ballot Boxes was communicated to all concerned stakeholders besides the frequent announcements to inform the stakeholders know of what was happening and measures that were being taken to address any crucial problem. However, these preparations were also marred by some serious problems like poor planning in terms of distribution of Ballot Boxes and Ballot Papers which took long to reach some designated places and eventually caused riots and demonstrations in some parts of the country on the polling day and failure to supply some related crucial materials like indelible ink. The preparations were also marred by such logistical mistakes as misplaced delivery of the voters' roll in some cases.

**Polling day:** There were so many encouraging developments that took place on the polling day. Some of these included, good understanding of polling process by supervisors, availability of elections materials and security officers in most centers and presence of different types of local and international observers. On the availability of observers it was interesting to note that most political parties produced observers in reasonable numbers, who eventually outnumbered the CSOs monitors. Extension of polling days in some affected districts and centers like those in Lilongwe and Blantyre to allow more people to cast their vote was one of the most commendable developments registered during the polling period. However, some developments on the polling day left a lot to be desired and these included; late opening in some centres, inadequate and late supply of Ballot Boxes, Ballot Papers and Indelible ink like among others. In some centers, these problems forced some innovative supervisors to improvise Ballot Boxes out of plastic buckets covered by plain plastic papers and Indelible Ink out of charcoal powder.

**Counting of votes and general outlook of final results:** It was pleasing to note under this topic, that despite being very tasking, some centers finished voting in good time and started counting results on the same day. Likewise, procedures for vote counting were followed in almost all the centers, which among other things included not entertaining unauthorized people during the crucial exercise. One important positive development which was registered during vote counting is that monitors and supervisors in almost all the polling centers agreed to the results and therefore the vote counting process as well, before signing them and sending them over to the District Tally Center. Dispatching of the results to the District Tally Centers was also done under strict security. However, the process of counting and sending results faced a number of critical challenges. Some of these included irregularities like some monitors not actively participating in the exercise due to lack of result sheets, encroaching darkness which prevented vote counting in the absence of lamps, some differences between votes announced by the media and those tabulated at some centers, ferrying and securing Ballot Boxes in very compromised containers like sacks, cartons and plastic buckets.

**Final results:** The picture of overall results for the major political parties in the majority of the polling centers was as follows; Independent Parliamentary Candidates performed much better than the rest of the candidates with slightly over 51% of the total votes. DPP candidates followed with about 50% performing slightly better than MCP which registered close to 47% while PP and UDF came fourth and fifth with about 27% and 14 % of the total votes respectively.

This trend was almost repeated in the Local Government elections though with significant changes in the first and last positions. While Independent candidates performed very well and topped the list in the Parliamentary race, the opposite was true in the local Government elections where they came last. DPP therefore topped the list of winning candidates in the Local Government elections, followed by MCP, PP, UDF and finally the Independent Candidates.

As for the presidential results, key findings from a sample size of 3,628 of the 4,449 polling centres representing 84%, revealed that, in terms of overall performance Professor Peter Mutharika led the four key presidential contenders with about 1.5 million votes representing 36% of the total votes cast, followed by Dr. Lazurus Chakwera with 1.1 million votes representing 27%, while Joyce Banda and Atupele Muluze came third and fourth with about 891,236 (20%) and 597,224 (13%) of the total votes cast respectively. These results have minor differences with official results released by MEC with a margin of error of a range of +/-0.1% to 0.6 %. However, considering MEC's official results are almost similar to NICE's independently tabulated results, these findings provide evidence that the national tabulation process was conducted in a reasonable degree of accuracy and the official results are a true reflection of the citizens' voice.

## **RECOMMENDATIONS**

In view of the major problems and weaknesses observed from various aspects and processes of the 2014 tripartite elections, the following are key recommendations that can be considered by various stakeholders from the findings;

**Revitalization of Electoral Management functions of MEC and undertaken electoral reforms.** In view of the foregoing, the critical problems experienced during the 2014 tripartite elections resulted from weaknesses outlined in the report. It would therefore be prudent and democratically progressive if MEC considered doing the following;

- i. Treating elections as a process rather than an event. As such planning for the next elections should begin immediately after conclusion of the elections of the time.
  - ii. Engaging the Executive and Parliament every budget session, for adequate fiscal allocation for preparation and management of the electoral process on a yearly basis.
  - iii. Undertaking a comprehensive electoral reform that would enhance respect for majority votes, participation and inclusiveness of marginalized groups such women (affirmative action).
  - iv. Amend the legal framework to provide a reasonable timeframe within which election disputes should be resolved and election results announced respectively. This will ensure timely dispensation of electoral justice and give room to complaints before winning candidates at all levels before winners are sworn in.
  - v. MEC should avail both hard and soft copies of complete voter's rolls to facilitate easy access and scrutiny by all stakeholders to eradicate a repeat of the 2014 tripartite elections voter's rolls woes.
  - vi. A reliable results system should be enhanced in order to ensure that there is integrity in the collation, aggregation and tabulation of the results.
  - vii. MEC should adopt an electoral cycle approach to election management with special reference to the Electoral calendar which entails ongoing programs for the professionalization of the commission including its key activities.
- **Appointment of Commissioners and creation of an Independent Electoral Commission.** The legal provision on the appointment of MEC members needs review to enhance its independence, transparency and professionalism.
  - **Localized Civic and Voter Education.** Equally efforts should be made to focus on sing existing structures and institutions such as churches, Traditional Authority structures, ADCs, VDCs and others which are easy and affordable to engage. Similarly the school curriculum should be reviewed in order to enhance civic education in a sustainable manner.
  - **Funding to Civic Education Providers and Election Monitoring Groups.** Development partners and the National Elections Stakeholders should provide support to civic education providers and election monitoring and observation groups as an integral part of the electoral cycle in order to sustainably educate the electorate as well as build a professional domestic election observation team.
  - **Regulating Political party and campaigns financing.** Laws regulating party financing should be enacted in order to provide clear guidelines on party campaign financing that will mandate parties to disclose their sources of funding, provide ceilings on campaign expenditure and mandate an independent institution to supervise party financing.

- **Move towards electronic voter registration, verification and counting.** Electronic voter registration, verification and tabulation of results should be consolidated in order to ease pressure on the process, while most importantly minimizing errors due to manual processing.
- **Legal Framework guiding timeframes related to dissolution of Parliament, Nomination of Candidates, Campaign Period and Election Day:** There is a need to align the electoral calendar to ensure different parts of the electoral process (dissolution of parliament, nomination of candidates, campaign period and Election Day) are consistent.
- **Review of the Electoral System:** The FPTP system has not helped to de-escalate election related conflicts, redress regionalism, and promote consensual/inclusive politics. Hence it is imperative that Malawi undertakes a reform of its electoral model to deliberately strive towards proportionality with a view of achieving a broad representation in parliament.
- **De-politicizing State/Public Media:** There is need for Malawi to align itself to the best regional electoral practices by allowing all contesting political parties and candidates to have equitable access to taxpayer funded public media in order to allow the electorates make informed choices.
- **Women Participation in the electoral process:** Affirmative action should be taken to amend the Constitution, electoral laws and Political Party Registration Act in order to enhance women's participation in all decision making processes. One option would be introduction of legislated quota system such as in Uganda, Rwanda, and Kenya.
- **Expedite the finalization of National ID System:** In order to save resources which are associated with conducting fresh registration of voters every election year, the Government should expedite the finalization of the national registration process. Since this process will be continuous, the voters will also be registered on a continuous basis hence removing the burden of voter registration every election year.
- **Implementation of domestic and international Observer Reports' Recommendations.** MEC and key electoral stakeholders should review all the key recommendations that have been made from the previous elections and the 2014 tripartite elections for implementation. A consultant should be assigned to come up with concrete issues and facilitate the preparation of an implementation plan as well as resources needed.

## CONCLUSION

In general assessment it should be pointed out that the electoral process was conducted in a transparent, consultative and peaceful manner, which was capable of motivating prospective voters and producing other related positive developments. Turnout during registration and polling, was quite commendable in the same way as there were few null and void votes as compared to those registered in the 2009 election.

All in all, acknowledgement is due to MEC for the commendable role they played in managing the 2014 tripartite elections for the first time. Despite a myriad of challenges, i.e. financial and technical encounters, limited time and resources, tempers, emotions and suspicions from all manner of people and institutions, they remained committed to the process besides being steadfast.

In the face of these successes, there were a number of teething troubles which greatly compromised most phases of the electoral process. Some of these revolved around logistical glitches and technical

irregularities relative to the availability and delivery of materials during the registration, voter verification and polling including handling of results in a number of polling centers as well as the National Tally Center.

Notable among the setbacks of the 2014 tripartite elections was the dismal performance of women which dropped by 26% from 43% to 32% in the Parliamentary race. It is also noteworthy that, although there were wide spread irregularities registered during the polling process, there were no evidential patterns of tampering with the process.

All things considered a string of negative developments influenced by different stakeholders from the very first stage of delimitation of Wards and Constituencies, to the tabulation of the final results, largely contributed to the negative image of the 2014 tripartite elections.

In conclusion, it can therefore, be argued that the 2014 tripartite elections in Malawi, being the first of their kind, were challenging as they were characterized by logistical problems, irregularities and failures registered by different stakeholders including MEC. As such, one can only describe them as having been relatively free and fair.

However, one cannot describe them as having been credible considering the so many anomalies and setbacks that were visible in almost all the stages of the process. In this case, credibility is looked at as a more encompassing core value of assessment going beyond that of free and fairness and scrutinizing the electoral process as whole rather than just a few key areas. In this regard, different stakeholders including political parties and Malawi Electoral Commission contributed in different ways to undermine the credibility of the electoral process.

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