

# COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA



## **Official Preliminary Statement by the COMESA Electoral Observer Mission on the 2009 Malawi Presidential and Parliamentary Elections.**

### **Background**

Following the launch and deployment of an Electoral Observer Mission to the 2009 Presidential and Parliamentary Elections for the Republic of Malawi last week on Friday, 15<sup>th</sup> May, 2009, the Common Market for Eastern and Southern Africa (COMESA) would like to issue a preliminary Statement on the findings of its mission. Its findings cover the Pre-Election Period, the Polling Day, including transmission and announcement of the provisional results.

The Republic of Malawi and other COMESA Member States made commitments under Article 6 of the COMESA Treaty; to promote Democracy and the rule of law within the COMESA Region. The COMESA Integration Agenda is also based on the belief that the consolidation of democracy and the rule of law are the foundation stones for successful attainment of regional socio-economic development and political stability.

### **Composition of the Mission**

As indicated in our statement at the official launch of the Mission last week, the mission was composed of eminent persons from six (6) COMESA Member States (DR Congo, Egypt, Kenya, Sudan, Zambia and Zimbabwe) and the COMESA Secretariat.

### **Deployment**

The Mission was deployed in all three (3) provinces of the country namely:

- (a) Northern
- (b) Central and;
- (c) Southern

### **Methodology**

In line with the Universal Declaration of Principles of Democratic Elections the Mission discharged its mandate within the electoral legal framework of the Republic of Malawi. The Mission used a random sampling, selecting polling stations visited by observers, as well as statistical methodology for aggregation of observation of polling stations.

### **Meetings with Stakeholders**

The observers held meetings with a cross section of stakeholders, including the Malawi Electoral Commission (MEC).

The Observers also attended briefings held by the MEC with the view to getting updated on the preparedness of the Commission to manage the 2009 Presidential and Parliamentary elections.

### **Political Campaign**

In addition to having meetings with stakeholders, the Mission also reviewed various media and other reports from the local NGOs. It was evident that there was unbalanced reporting in some media, both private and public. We also noted with regret the use of "hate language and personal attacks" used by some politicians during the campaigns. We however, highly commend the formation of the Malawi Electoral Commission Independent Media Monitoring Unit, which was monitoring the performance of all media and regularly published its' findings. It was further gratifying to note that both the nomination and campaign periods were conducted in peaceful

manner, affording all contending political candidates and parties a chance to freely participate and campaign.

### **General Observations on Pre Election Period**

The Mission observed that the 2009 Presidential and Parliamentary Elections of the Republic of Malawi have been held in an environment of peace and tranquility. The Mission congratulates the stakeholders who got together and recommitted themselves to upholding democratic principles in the conduct of the elections, by signing an agreement to that effect. The high number of independent and women candidates clearly shows that Malawi's quest to further develop an open society in which, every citizen is free to participate at all levels of political governance is being realized.

### **Evaluation of the Polling Day**

#### **Voter Turnout**

Voter turnout in the country was generally high. It was also, gratifying to note that voters on transfer and those whose names were not appearing on the voters roll, but had their certificates of registration were allowed to vote, and MEC ensured that the message got through to all the presiding officers on the day. The introductions of multiple streams at each centre with more than two thousand voters and the arrangement of polling outside eliminated the problems of poor lighting, allowing most of the registered voters to participate in the poll within the stipulated time. This was highly commendable, although the high temperatures experienced around midday may have been a deterrent to some voters.

#### **Voting Process**

##### **(a) Observation of the Opening of Polling Stations**

The Mission observed that most polling stations opened between 6:00-6:30 am, except for some isolated cases, such as the prison station at Kalambwe in Nkhantabay Central in Northern province, where polling did not start until 11:00 am. All the voting process including the pre-sealing of ballot boxes was conducted outside in the presence of voters, party agents and observers who had already gathered, rendering the process transparent. The Mission further observed that correct procedures on the opening of the polling was adhered to.

##### **(b) Observation of Polling Operations**

With regard to polling operations, the Mission noted the following:

- (i) Polling stations allowed easy access to voters, observers and monitors/party agents and, guaranteed secrecy of the vote in most cases.
- (ii) The Mission did not observe any form of intimidation of voters nor any campaign material inside the 100m perimeter of the polling stations visited;
- (iii) Law and order were observed in all polling centers visited. Therefore, the presence of armed security personnel was limited to keeping of law and order without interfering in the polling process, except at a few centres, where overzealous soldiers were seen assisting in sealing ballot boxes;
- (iv) Voting procedures such as checking the voters certificate of registration cards and the application of indelible ink on voters finger was adhered to;
- (v) Where voter identification problems occurred, electoral officials recorded and handled such cases in a manner that ensured that voters with valid documentation were accorded the right to vote even if their names did not appear in the voters' roll;
- (vi) Observers and agents of political parties were allowed to witness the process, however, concern was expressed where some political party agents representatives looked too young to be registered voters themselves, let alone understand their roll at the poll;
- (vii) Voters who did not have a good understanding of the voting procedure and those who needed assistance were facilitated in a courteous manner by polling staff.

##### **(c) Observation of Closing and Counting Operations**

The Mission also observed closing and counting operations at a number of polling stations and noted the following among other issues:

- (a) That most of the electoral staff had sufficient knowledge of rules of procedure on counting and closing operations and were conducted in a transparent manner.
- (b) Party agents and observers were allowed to observe the closing, counting and result data entry procedures; in some cases party agents and observers were later invited to sign off the ballot tallying forms as witnesses.

### **Capacity of Polling Staff**

The Mission observed that overall; polling station staff displayed sufficient knowledge of the electoral procedures and handled situations in a professional manner when challenged about some of the procedures being applied.

### **Overall Assessment**

Before the Mission makes its preliminary assessment of the Electoral Process, it would like to underscore the following:

- (a) The objective of the observation was a sign of solidarity of the people of the COMESA Region with their brothers and sisters in the Republic of Malawi as they re-affirm their commitment to democratic system of governance; and a contribution of the people of the COMESA Region to the transparency of the electoral process.
- (b) genuine democratic elections are an expression of sovereignty, which in this case belongs to the people of Malawi, whose free expression of will provides the authority and legitimacy of government;

Looking at the country as a whole and taking into consideration the foregoing, the Mission has come to the conclusion that the 2009 Presidential and Parliamentary Elections for the Republic of Malawi took place, in an environment of peace, and tranquility. The Mission did not witness any occurrences that could have compromised the integrity of the votes cast. In short, the process took place in an environment, which was transparent and secure enough to guarantee the freedom of the vote and respect the will of the voters. The Mission, therefore, considers that the votes cast and the declared results thus far as a true reflection of the will of the people of Malawi in the 2009 Presidential and Parliamentary Elections.

We would however wish to emphasize that this assessment doesn't include the post election activities, which we are still observing.

### **Conclusion**

The COMESA Electoral Observer Mission is aware that the electoral process is still on-going and would like to call upon the people of Malawi to maintain peace and security as the MEC prepares for the announcement of the final results. Cognisant of the fact that democracy is a process and not an event ending in elections, the Mission would also like to call on the peoples of the Republic of Malawi, the COMESA Region and cooperating partners to continue working together to consolidate the democratic system of governance that the Republic of Malawi is committed to under its own constitution as well as the COMESA Treaty and other regional and international instruments.

Lastly, the Mission would like to congratulate the people of Malawi for turning up in large numbers to express their will. We also commend the Malawi Electoral Commission for the able and professional manner in which they handled the mammoth task of organizing successful national elections, despite a few logistical challenges. We also wish to express our gratitude to the people of Malawi for the warm hospitality extended to us since our arrival. The Mission shall prepare a detailed report of its observations which shall be submitted to the people of Malawi through the MEC.

Finally, the Mission would like to express its appreciation to all COMESA Member States for showing solidarity with the people of the Republic of Malawi in reaffirming their commitment to democratic system of governance. Special tribute is paid to the COMESA Secretariat and the Embassies and High Commissions of the Democratic Republic of Congo, The Republic of Kenya, The Arab Republic of Egypt, The Republic of the Sudan, The Republic of Zambia and The Republic of Zimbabwe for facilitating the COMESA Mission in Malawi.

I Thank You!

**Ambassador Otema Musuka**  
Head of **COMESA** Election Observer Mission

**Ms. Lucie KASANGA**  
**COMESA** Technical Advisor & Mission Coordinator  
21<sup>st</sup> May, 2009