



Promoting Credible Elections and  
Democratic Governance in Africa

# ELECTION UPDATE 2004

## MALAWI

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### DEMARCATIION OF CONSTITUENCIES

Demarcation of constituencies is a complex exercise, which requires clear preset rules. In other countries, the Constitution deals explicitly with this issue. Alternatively, there is a separate Demarcation Act,

implemented by a Commission set up specifically for that purpose. In Malawi, although there are guiding principles upon which the exercise has supposedly been carried out, it has not been uniformly and satisfactorily conducted. There is neither a separate Act nor a separate body to

specifically focus on this area. Instead, it is part of the responsibility of the MEC. In 1999, the number of constituencies was raised from 177 to 193. The exercise has, by and large, been considered a product of political compromise, and not something objectively

arrived at based on technical factors alone.

In the year 2001, a strategic survey for capacity building in the MEC was conducted. The findings raised the following issues pertaining to demarcation:

- Should the MEC continue to bear the responsibility for constituency demarcation according to section 76 of the Constitution, or should another body be constituted for carrying out this exercise?
- Was a thorough or at least a partial demarcation exercise possible before the 2004 elections?

The team recommended that the MEC should concentrate on the other aspects of the electoral process so as to come up with acceptable 2004 elections rather than become embroiled in the complexities of determining constituencies. The team, however, expressed an urgent need to set up a consultative process and discussions leading to a new demarcation law focusing on the basis for demarcation and the body that will carry out this exercise.

The MEC stalled the demarcation exercise for the 2004 elections. However, the Constitution in section 76 (2) (b) requires a review of the existing constituency boundaries at intervals of not more than five years.

Whatever, the decision of the MEC may be, the message has not yet been clearly communicated to the key stakeholders, and there is a general feeling that the demarcation issue has died a natural death.

It would therefore be imperative to begin the consultation process on this issue soon after the dust of 2004 elections settles.

### VOTER REGISTRATION

Voter registration exercises in most countries of the region have come to be associated with problems of inadequate registration materials, questionable statistics of eligible voting population, lack of coordination between the various actors, complaints on allowances and the like. The 2004 Malawi elections is not an exception to this norm.

Voter registration for the 2004 elections was initially scheduled to commence on 17 November 2003 but was postponed to January 2004. The reason for postponement according to the Chief Elections Officer, could be attributed to the delay in the commencement of voter/civic education by NGOs. This in turn, was because of delayed funding by donors. Of the 21 NGOs accredited for conducting voter and civic education by the MEC, only 11 were funded. In addition to this, there were also delays in procuring additional cameras

which were expected from Lesotho.

The registration process finally commenced on 5 January 2004 and was supposed to run until 18 January 2004, i.e. for a period of fourteen days. The process however, was soon confounded by severe logistical and management problems that impeded operations and discouraged potential voters from registering. The MEC extended the deadline twice and the exercise finally ended on Wednesday, 28 January 2004 amidst a creeping sense of despondency.

In a number of centres, registration items such as duplicate certificates, registration forms, tamper-proof pouches, plastic bags, files and films were found to be inadequate. Supervisors vainly endeavoured to obtain the requisite items, but were thwarted by the absence or unavailability of Returning Officers. The MEC'S regional office in the north was stormed by party activists and NGOs in protest and agitation as the registration process was virtually halted in a number of centres due to lack of registration materials.

The morale in the registration centres was further lowered by the inadequacy of training that was soon manifested by *ad hoc* and inconsistent ways of handling various issues. For

example, in some centres, transferees (voters who had registered elsewhere in 1999, but had since been relocated elsewhere) were processed without having to go elsewhere, whilst in other centres the transferees were instructed to go to their previous centre to collect the requisite transfer. This was notwithstanding the fact that the MEC had, through the media, clearly outlined three specific methods on transferring voters. The resultant confusion created considerable disgruntlement and consternation in transferees who were *bona fide* voters in 1999.

Irregular, inadequate and in some cases- non- payment of allowances for staff, and monitors at the registration centres was another factor impeding the efficiency of the process. Some of the registration staff, disgruntled with the rates offered by the MEC, almost abandoned their work. The rates were subsequently revised by the MEC.

The Registration at one of the centres was prematurely shut down for a day during the peak of the registration exercise. This was due to a political rally held by the State President at the school which also served as a centre. This was a startling example of total disregard of norms and procedures by the organisers of the event, on the one hand, and the authorities who permitted the rally on the other. Any rally

would have to apply for permission in advance and receive approval from the Police and the local authority. Further to this, the MEC has clearly stipulated that the campaign period would only commence on 9 March 2004. Thus all the other political parties and some civil society organisations stridently cried foul – but to no avail, because the MEC merely shrugged off all objections by stating that they were not aware of the event.

With all said and done, the registration exercise concluded with varying degrees of satisfaction among the stakeholders. The figures are as follows:

<b>Registration in 2000</b>	5,239,156
<b>Registration in 2004</b>	1,231,306
<b>Transfers in 2004</b>	313,331
<b>Deceased</b>	109,617
<b>Total registered voters</b>	6,674,176
<b>No of polling stations</b>	8,240

Voter registration figures MEC

The registration figures and the transparency and efficiency of the exercise are being disputed on many grounds:

- In the above figures, the transfer votes have been added to the total number of voters. Transferred voters are not fresh voters and, as such, should be subtracted from the total.

- It has been noted that in most centres the serial numbers were not numerically consistent.
- There were several allegations of unaccounted voters in the aftermath of 1999 elections. The MEC has not made an effort to assure the people that the anomaly has been corrected.

In the first three weeks of the registration exercise, only about 300,000 voters had registered. However, in the last three days, double this number registered. This phenomenon certainly indicates something amiss. Various civil society organisations have raised concerns about the figure (6.6 million) registered voters as misleading and grossly exaggerated. It has been pointed out that about 60% of Malawi's population is below 14 years. This is plausible considering the alarming decline in life expectancy which currently stands at 37 years. The Malawi Electoral Support Network has observed that the MEC failed to use a computerised voters' roll due to technical problems and was using a manual voter's roll with mixed up figures. This causes difficulties for the voters in attempting to inspect whether their names have been correctly recorded and transfers have been properly effected.

Numerous stories of buying voter certificates are circulating, thereby causing added panic and concern in the public perspective.

## **PARTY CAMPAIGNS**

### **Primary Election Conflicts**

#### *Weaknesses of Coalitions/Alliances*

The lack of foresight and practicality in the formation of coalition is visible from the way the coalition focused singularly on the presidency and neglected the race for parliamentary seats. This weakened their own chances to get more seats in the Assembly and demonstrated the lack of coherence within their ranks. Parties within the coalition fought each other for parliamentary seats. For example, in Nkhata-Bay South constituency, Mr. Aleke Banda from the PPM and Hon. Sam Kandodo Banda from MGOODE both members of the Mgwirizano collation opposed each other for the parliamentary seat.

The alliances and understandings reached between parties at high command levels without consultation and deliberation with the rank and file of the parties, left them confused and frustrated. Thus the coalitions made at the top were not actually working at the constituency levels while fielding candidates. For instance, in the Rumphi West constituency in the northern region, the party

hierarchy at the district/constituency levels were instructed that UDF would not field a candidate in the 2004 elections and that they must support the AFORD candidate there as the coalition candidate of UDF/AFORD. The UDF members were not happy with this decision and they insisted that UDF fielded its own candidate in the constituency and eventually had their way.

#### *Intimidation by Party Heavyweights in the Primary Elections and their Outcomes*

Hon. Lillian Patel is a senior party member who is in her third term in Parliament and has held a ministerial position for some time. In Mangochi South Constituency from where she has been elected, there were instances of intimidation and violence during the primaries. The incumbent MP allegedly had created fictitious areas in the constituency and infuriated supporters of rival candidates then began to disrupt her meetings. The presiding officer cancelled the elections and a re-run was held. However, the presiding officer bowed to pressure from the MP and the party high command and declared the incumbent MP a winner. She thus succeeded in making her way to the National Assembly once again.

The incumbent ruling party MP, Jimmy Chikwenga from the Mangochi Malombe constituency, called for a re-run because the first elections were disrupted by violence between supporters of contesting candidates. A re-run was duly held in which Chikwenga emerged the winner. However, the credibility of his victory was questionable. Chikwenga failed to make it to the National Assembly.

#### *Favouritism*

In several constituencies, some parties held no elections and candidates were handpicked by the high command purely on the basis of favouritism. For instance, in the Southern districts of Nsanje and Chikwawa, no primaries were held by the Republican Party in at least two constituencies. In Nsanje South West constituency, the incumbent MP, a young dynamic member of the MCP, was forced to stand as an independent due to the infighting amongst his party's leaders. His critical remarks of party leaders made in public and subsequent refusal to apologise earned him their wrath and contempt and thus doomed his chances for victory.

In Machinga North, the home ground of former President Bakili Muluzi, his son Atupele emerged as the winner, unopposed despite the fact that there were many other aspirants in the area.

This was particularly so after the previous MP resigned saying he would not contest the 2004 elections. However, for some inexplicable reason the other aspirants simply did not come forward. One interesting reason given by a party loyalist, is that if financially poor individuals are encouraged to contest and if they win, they would be busy in elevating their own financial status first and not of that of the constituency. So the President's son's solid financial background was seen as an advantage. However, two other candidates came forward to contest but one withdrew before the elections and the other did not manage to muster enough support required to fill in the nomination form.

There are numerous instances of popular independent candidates being forced, or induced to give way to candidates 'imposed' by the party. This appears to be more so in the case of the UDF. In the most populated and controversial constituency in Blantyre city, the party forced the candidate who won in the primaries to make way for another candidate that the high command wished to impose. The conduct of these primary elections proves the point that parties lack discipline, democracy and fair play in varying degrees.

The selection of candidates for the 2004 elections

generated a large volume of cases that were brought before the courts than during any other stage in the electoral process (Kanyongolo & Gloppen). The 2004 elections were the first in which disputes involving candidate selection within political parties came up for judicial resolution. The cases largely involved complaints about the unfairness of the candidate selection processes. The following candidates took their parties to courts over irregularities in their primary elections:

CANDIDATE	CONSTITUENCY AND PARTY
Clement Khembo	Chikwawa East UDF
Ludoviko Shati	Mchinji West UDF
Symon Bwanali	Balaka North UDF
David Banda	Blantyre Malabada UDF
Benedicto Nyirenda	Blantyre Malabada UDF
Rev. Ndomondo	Zomba UDF
Weston Kanjira	Balaka West UDF
Jodder Kanjere	Ntcheu North East MCP/INDE
Kadzongwe (Wenela)	Lilongwe Msinja South NCD

Adden Mbowani	Nkhotakota South MCP/INDE
Shadreck Kumchenga	Lilongwe Central UDF
Jossy Nthani	Mchinji West MCP/INDE
Fanwell Kwanjana	Lilongwe East MCP/INDE
Steve Tchauya	Lilongwe Northwest NDA/IND

The 2004 elections highlight the imperative need for parties to put their houses in order as their own members feel compelled to seek the involvement of the judiciary in matters which ought to be purely internal in nature.

### Party Manifestos

Contending political parties launched their manifestos signalling the start of the official campaign period. Party manifestos in Malawi are generally displayed by leaders in rallies and distributed to the chosen few. In other words, Manifestos are not documents widely disseminated and freely discussed. In this election, as new parties emerged close to the beginning of the electoral process, several were still finalising their manifestos. However, a summary of the manifestos of the major parties has been presented here in order to judge their assessment of challenges confronting the nation and

the solutions they offered. In the case of older parties which have contested the last two elections, a comparative assessment has been offered.

### *The UDF Manifesto*

After a decade of being in power, the ruling party manifesto has, unfortunately, not shifted from a document of lofty promises to one of guarantee, enforcement and pragmatism. Each section of the manifesto has a long list of what has been achieved, but the challenges and what needs to be done, is much too precise and simplistic. Senior party members admit this by stating that the UDF in the last ten years has installed all the requisite institutions of democracy thereby imparting the impression that they have achieved everything that they had set out to do and were now left with nothing much else to offer.

The UDF manifesto places great emphasis on attaining food security for Malawians and empowering local communities. The challenges to food security have been identified in terms of limited access to inputs and capital, over dependence on weather patterns and infrastructural problems. The document clearly omits a fundamental requisite for securing basic conditions for living, i.e. distributive justice. The country faced one of the worst food shortages in living memory in the year 2002. These were not caused

by drought or floods but out of sheer governmental callousness manifested by selling the reserve stock of maize, which comprises the staple food of three quarters of the nation to another country. As a result, many deaths due to starvation were reported – a tragic irony when one considers that the food was not in short supply, but merely unattainable due to rocketing prices for the staple diet. The 2004 manifesto makes no reference to governmental (non) responsiveness and responsibility for such actions of gross negligence.

The manifesto is silent on the corruption that is wrecking the country politically, economically and politically. It makes a passing reference to the establishment of the Anticorruption Bureau as the final solution to this endemic problem. There is no commitment or firm assurance to the people that corruption will be dealt with the firmness that is essential for eliminating this cancerous growth ravaging the country.

The manifesto also makes no reference to securing independence of the bodies created by the Constitution whose independence and neutrality have been repeatedly challenged, such as The Human Rights Commission, The Senate etc.

There is no recognition of rapidly declining status law,

order and internal security and therefore no suggestive measures to arrest the situation.

What is striking is the manifesto's reference to democracy consolidation is almost in passing – this from a party that has carried the banner of liberal democracy for a decade! The concern and anxiety caused by Constitutional crises in the past years should have compelled the party to reassure the people of its commitment to democracy and Constitutionalism. Further, there is no guarantee of basic civil and political rights. In other words, they have taken the consolidation of democracy and the realisation of basic human rights for granted. The party has missed the point that securing basic rights is an ongoing and never-ending process.

Finally, the document refers in passing to trade protocols, but makes no reference to the process of regional integration and the need for Malawi to play a more active and visible role. Initiatives such as NEPAD and the African Union have, by and large, not caught the attention of the citizenry. The Parliamentary Committee on Foreign Affairs is dormant, which proves that even governing institutions have not woken up to these realities. This is shocking in the light of the fact that in the so called globalised world, the line

between domestic and foreign affairs is thin and blurred.

### *The NDA Manifesto*

The NDA is perhaps the only party that publicised its manifesto by putting it on the Internet several months ago. It is a well worked out document which deals with the underlying problems facing health, science and technology, infrastructure of the economy, and the education sector and the remedial measures. The manifesto delves exhaustively into food security and draws an important distinction between food security at the household and national level, and endeavours to enhance both. Further, the emphasis is not only on enhancing production but also to assure equity in accessing the productive resources for all Malawians

NDA directly points to the deteriorating levels of professionalism in both the civil foreign service by referring to political favouritism on one hand, and political appointees into some services which ought to be above politics on the other.

The section on political governance is weak, and fundamental issues such as challenges to separation of powers, weak parliament and the like, have not been adequately discussed. However, as a measure to

secure governmental checks and balances, the NDA manifesto pledges to reintroduce the Senate, as this body holds a pivotal responsibility in ensuring checks and balances inherent in the legislative arm of the government. Further, specific reference is made to upholding the rule of law, thereby effectively securing basic civil rights.

While the NDA manifesto makes several notable strides on a wide range of issues, it maintains a constant aggressive and critical note against the ruling party and this tends to dilute the substance of discussion and reduces it to a mere campaign strategy.

The manifesto fails to involve the civil society as a key partner in the governing process.

### *The MCP Manifesto*

The manifesto begins with the need to establish clear separation of powers between the three organs of government.

It also identifies the need to professionalise the civil service to ensure efficiency and neutrality as a matter of urgency. Involvement of civil society in governance and the need to enhance direct popular participation in governmental affairs have been identified as corner stones of good governance which needs special focus. To achieve this, freedom of expression and of the media

need to be further secured and guaranteed. The MCP notes with concern the muzzling of the media by the current regime.

The MCP laments on the way in which privatisation of key industries has been conducted in the recent past and guarantees to offer efficacy and prudence in this process. The manifesto discusses the negative impact of commercialisation of ADMARC (Agricultural Development & Marketing Corporation) at length, and makes it clear that MCP will ensure to maintain ADMARC as a public enterprise as it is imperative for preserving food security in Malawi.

While placing a great deal of emphasis on securing popular participation, the party could have also focused on empowering local authorities. It does identify the role of local bodies in furthering primary education etc. but does not place adequate emphasis on local government as being vital for inculcating the democratisation process at grassroots level.

While emphasising the need for the separation of powers, the manifesto could also have emphasised the need for separating the personnel between the executive and legislative branches of government.

### *The Mgwirizano Coalition Manifesto*

Some of the parties in the coalition such as the People's Progressive Movement (PPM) had formulated their own party manifestos. The coalition manifesto appears to have been created as an after thought, as the document seems to be still in its draft form. However, it raises several pertinent issues such as securing the Constitution, separation of powers between the governing institutions, securing independence of the Electoral Commission among other things.

The manifesto places a good deal of emphasis on promoting state-civil society partnership. The partnership concept is refreshing in the Malawian context. However, this section does not clearly expound on the idea.

The Mgwirizano manifesto deals with issues of economic governance by placing great emphasis on achieving food security, raising educational standards, promoting health facilities, transport & communication and so on. However, it is silent on the role of private sector and has not referred to the issue of privatisation in the Malawian context.

Party manifestos in general, do reflect a grasp of pertinent issues and are fairly focused. However, these

issues are not supported by concrete programmes with time frames for implementation. They are thus general statements of intent not supported by appropriate plans of action.

This is so because party manifestos in Malawi are not something on which parties work consistently, deliberately and collectively. They usually appear during elections and after the event it is normally difficult to find copies - even in party offices. They have a symbolic usage and are not used as active blueprints.

### **MEDIA**

At the launch of the official campaign period, opposition parties reiterated their fears regarding the fairness of elections as far as access to coverage by the Malawi Broadcasting Corporation (MBC) and Television Malawi were concerned. For a nation enjoying its third general election, such fears should have been allayed by extending the access to media to all parties at all times, and not merely for a two month period. Effective statutes are in place, such as the Communications Act, 1998, which, in section 87(2)(a), clearly states that MBC shall function without any political bias and independently of any person or body of persons. In spite of this, there is a marked lack of will to enforce and effect such laws. The opposition parties place the

blame squarely on the Electoral Commission for its inability to level the playing field.

Procedures for media coverage of the parliamentary and presidential elections as well as the local government elections as prescribed under the PPEA No 31 of 1993, Local Government Elections Act of 1996 and Communications Act No 41 of 1998, clearly emphasise the condition of balance and impartiality. Section 1 states that, 'publicly and privately owned electronic media shall ensure that they are balanced and impartial in their election reporting and that no political party or candidate shall be discriminated against in editorial coverage or the granting of access to airtime.' The document clearly outlines that full, fair, and balanced political coverage is given at all times in newscasts and other broadcast output and most especially relating to the campaigns of all registered candidates and parties during the period of campaigning.

This time, the MEC has put a mechanism in place for an accurate assessment of the role of the media in disseminating balanced news.

The weekly report of the MEC Media Monitoring Unit was compiled after listing and filing the details of all news items in the main broadcast bulletins. The

monitoring team timed each story (with a stopwatch) analyse its electoral value (was it positive or negative to the party or parties concerned?) The findings were then fed into a computer programme.

#### ***An Assessment of the Print Media:***

The two dailies show maturity and experience in elections coverage. Among the weeklies the chronicle has established itself in spite of several attempts of

harassment and intimidation by the ruling party supporters. A number of other weeklies have wound up for many reasons such as the high cost of printing, lack of resources, or political pressure.

During the 1999 elections there were many tabloids such as the *National Agenda*, *The Time*, *The Mirror*, and many others each funded by leading political figures, making scathing attacks on each other, indulging in outrageous character

assassination. It was literally a war of words and showed signs of latent tension to the people. This time one did not see this kind of flooding of tabloids. It is heartening that such wars of words are not occurring with the magnitude and nature as was the case during 1999.

Following is a summary of analysis of balanced news coverage since the commencement of the official campaign period:

#### **Electronic Media:**

##### **National broadcasters –1.**

###### **MBC 1**

ITEM	Rallies live/re-broadcast coverage	Campaign News Programme	Total share of coverage
UDF/AF/NCD	100%	41%	77%
NDA	0	13%	2%
MCP	0%	8%	1%
MGWIRI	0%	15%	11%
MALEWEZI	0%	2%	6%
OTHERS	0%	21%	3%

\*Total share of coverage includes main news, special election programmes & rallies.

##### **National broadcasters 2.**

###### **TVM**

UDF/AF/NC	NDA	MCP	MGWIRI	Malewezi	Others
92.6%	1.4%	1.5%	2.4%	2.0%	0.1.%

TVM share of coverage includes news, rallies, and special election programmes

**Private broadcasters:**

Broadcaster	UD/AF/NC	MCP	NDA	MGWIRI	Malewezi	Others
Capital FM	50%	6%	4%	12%	10%	18%
MIJ – FM	24%	14%	20%	20%	17%	5%
Power 101	35%	2%	18%	5%	30%	10%

**Print Media:**

The Print media industry covers mainly the two dailies :

and three weeklies. The balance of their coverage has been as follows:

**The Dailies**

PAPER	UD/AF/NC	NDA	MCP	MGWIRI	MALEWEZI	OTHERS
Daily Times	49%	10%	12%	14%	10%	5%
The Nation	86.9% -	0.5%-	0.5%-	8.8%-	3.3%-	0.0%

The minus sign indicates that the Nation has featured more negative coverage. The ruling party coalition was clearly subject to a lot more negative coverage than other parties.

**Malawi News:** The negative coverage of the ruling coalition stands out. Other parties too, had their share of negative coverage.

**Weekend Nation:** Contrary to its pattern of negative coverage during the week, the weekly has a fair spread of positive coverage and the ruling coalition in particular had a substantial degree of positive coverage.

**The Chronicle:** Most of election reporting has been negative in tone with the ruling party led coalition getting a large chunk of 92% of negative coverage.

The unbalanced and overtly biased performance of the public media has been a serious cause for concern in the 2004 elections. The judiciary had been called several times in the past (1999) election and again in 2004 elections but unfortunately the courts could make no impact on the MBC.

**ELECTORAL COMMISSION**

The MEC continued to come under fire every single day from several quarters for numerous reasons; marked discrepancies in the voter rolls, lack of fair access to electronic media to the opposition parties, the breakdown of discussions at the NECOF meeting, to name but a few.

The last NECOF meeting placed the Chairman of the MEC into a position of great discomfiture and embarrassment when he apparently accepted the limitations of the MEC to level the playing field. He displayed resentment and anger which fuelled general frustration against the MEC.

There were hardly fifteen days to go before the elections when the four opposition leaders gave the Chairman of the MEC seven days to effectively address the two major concerns at this point in time, namely the exaggerated figure of voter registration of 6.6 million, and to open up broadcasting and give equal coverage to opposition parties, at least during the official campaign period.

## ELECTORAL CONFLICT MANAGEMENT

The aftermath of earlier general elections (1994, 1999), clearly established the need for alternate mechanisms to counter election-related conflicts at all levels and more particularly, at district levels. The courts were being inundated with cases, which could have adequately been dealt with at grassroots levels, if appropriate mechanisms had been in place. The need was further highlighted during the run up to the 2000 Local Government elections, when the MEC forwarded proposals to establish structures entitled “Multiparty Liaison Committees (MPLCs)” at Assembly levels to deal with electoral related conflict.

With the increasingly fluid political climate which has seen the emergence of new political parties formed primarily from breakaway groups of UDF and the growing menace of Young Democrats, a fear of violence that would impede the free conduct of 2004 elections campaign and polls permeated through the public consciousness. All these factors further reinforced the need for conflict resolution mechanisms at grassroots and national levels. This process entailed the active participation of the district chairpersons of parties represented in parliament,

members of civil society, the police and the chief executives of district assemblies.

At the national level, the National Elections Consultative Forum (NECOF) was set up. It was intended to be a broad based forum accommodating controversial bodies such as NIB (National Intelligence Bureau) and NDA (New Dawn for Africa). The first meeting made a good beginning however, all the good intentions failed in providing the right environment for facilitating constructive and amicable dialogue among the various stakeholders.

Civil society, with donor support, set up the Malawi Electoral support Network (MESN) to complement MEC activities in civic education and election monitoring. This could have closely knitted together a number of institutions and built a sense of trust and cooperation. The reality was often very far removed from the purported objective in the almost tangible tension that was often discernible in the heated exchanges that took place between MESN and MEC. Therefore neither NECOF nor MESN could provide that national framework for effectively managing conflicts.

Election conflict management mechanisms at the district level however were far more effective.

After a series of preparatory workshops and intensive training programmes, Multi-Party Liaison Committees (MPLCs) at the district levels were operationalised in 2003 with assistance from the Malawi German Programme on Democracy and Decentralisation (MGPDD) in the run-up to the 2004 general elections. All district assemblies received resources to activate and fund the MPLCs.

Along with the MPLC structures, there were also other initiatives such as the Alternative Dispute Mechanism (ADR) initiative supported by UNDP under the Democracy Consolidation Programme, that carried out several training programmes for key stakeholders in the electoral process. The graduates of the young politicians training programme carried out by the Konrad Adenauer Foundation, joined hands with MPLCs in some districts such as Rumphi and organised activities such as ‘whistle stops’ aiming at sensitising the public against resorting to violence. Thus many activities during the pre 2004 elections were focused towards conflict management/resolution activities.

Following are a few examples to explain the effectiveness of this district level set up.

In Kasungu in the central region of Malawi, one of the volatile districts, it was noted that, independent candidates who are not members of the MPLC, were allegedly flouting the Code of Conduct set for political parties and candidates. A number of UDF – NDA clashes were reported in Kasungu and even the returning officer (NICE) faced intimidation and threats. However, a number of cases were amicably resolved by the MPLC.<sup>1</sup> The MEC had identified Kasungu and Mzimba as districts which needed senior and seasoned police officers as it anticipated serious tensions during the campaign period.

In the Zomba district in the Southern part of Malawi, the MPLC resolved an issue on demarcation. This involved the location of the polling centre, Nakamba, which should actually fall under Zomba Thondwe. It was indicated as falling under Zomba Ntonya. The Hon. Lemani (a controversial and flamboyant person) questioned this anomaly and insisted that the centre be retained under Thondwe. However, the MPLC decided to retain the centre under Ntonya as ballot papers were already printed, distributed. The contending parties accepted the committees' decision.

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<sup>1</sup> Kasungu Multiparty Liaison Committee report. 2004

Another interesting case was amicably handled by the MPLC Members of Chradzulu district, It was the case between the Malawi Congress Party and the Republican Party where there was conflict over an office that initially belonged to the MCP but after RP broke away it continued to use the same office. The multiparty Liaison Committee advised the concerned parties to share the office until the court ruling was delivered since the MCP had already filed the case on the issue. Thus the committee managed to temporarily defuse the conflict by applying a timeous interim compromise.

While interviewing a cross section of members of the MPLCs, one of the most striking aspects, was the certainty and confidence with which party representatives could almost unanimously vouch that no violence was perpetrated or initiated by any political party. In other words, they emphasised the mutual trust and cordiality that they had developed at inter-party level. This seems acceptable in the light of the overriding observation that campaign-related violence has been visibly low this time, although intimidation and harassment, particularly of independent candidates, have been very high.

The interviewees generally held that the grave incidences of violence that

erupted after the announcement of results were an outburst of public frustration and anger arising out of a range of factors and it was beyond the reach of the MPLC to contain or curb. Among the factors identified, particular emphasis was placed on the failure of intra-party democracy, lack of transparency in the procedure of selection of candidates, the flawed primary elections leading to the emergence of an overwhelming number of independent candidates. Reference to some senior leaders making premature declarations of results before the announcement of official results was also made.

### **Lessons from the Blantyre Episode**

- National structures such as NECOF must be more effective in order to promote better coordination and interaction between all stakeholders at the national level;
- Extend the membership of MPLCs so as to bring other potential actors under its fold.
- Cast special focus on the role of the police in pre-electoral, electoral and post-electoral contexts. While the long-term police reform programmes are on, there is an urgent need for more short term and specific programmes to

make the Police Service more socially responsive and accountable

In the recent past, political leaders resorted to using the youth to interrupt campaigns/rallies of other parties and also to perpetrate violence. The UDF in particular, had their Young Democrats' who virtually became a threat to law, order and security. Many initiatives by various institutions were undertaken to arrest the use of youth against such antisocial activities. One such activity was the one undertaken by the National Initiative for Civic Education (NICE) in conjunction with British government. A workshop for about thirty young politicians from five different political parties was conducted and, at the end of it, a Memorandum of Understanding was signed and an inter-party peace forum was formed. These young politicians admitted their ignorance of political tolerance and also admitted that they were misled by offers of money and favours from senior politicians to perpetrate such deplorable actions. Having now realised their errors, they vowed to stop political violence.

In the Rumphi district located in the northern region, the young politicians from different political parties have formed an interparty group and organised a whistle blowing campaign to sensitise people

on the consequences of political violence and the need to prevent it. This district suffered violence after the 1999 elections and the group has vowed to ensure that there will be no repetitions of that scenario.

### VOTER/CIVIC EDUCATION

The MEC, through its civic education policy, endeavours to provide civic education that is coordinated, focused and non-partisan. The policy aims at facilitating, regulating and guiding civic and voter education by providing the necessary administrative structures, systems, procedures and mechanisms for effective and efficient delivery of services by all stakeholders. Such a policy has been formulated to check imparting of biased and partisan information through civic education, which had led to some such allegations about the behaviour of some NGOs during the 1999 elections.

Civic/ voter education has, by and large, been on a low key and has been found generally inadequate due to a number of reasons:

- Only eleven NGOs were accredited out of twenty NGOs that had applied.
- The reversal from tripartite to bipartite elections - after civic education materials were

already prepared and disseminated.

- The Malawi Electoral Support Network (MESN) formed to carry out civic education, suffers from a lack of funding and support. It lacks the outreach and presence that the church/NGO consortium had during the 1999 elections.

The National Democratic Institute (NDI) organised a series of public debates in different parts of the country, where all political parties and independent candidates had an opportunity to express their vision and present their manifestoes.

In addition to the above, Capital Radio held daily phone-in programmes where callers were free to express views and opinions, as well as raise questions regarding all aspects of the elections – from credential of candidates to shortcomings of the incumbents.

This was in stark contrast to the Malawi Broadcasting Corporation (MBC), who focussed mostly on ruling party "favourites". Indeed, the Lilongwe Press Club was extremely upset and outraged by the MBC's refusal to air interviews that the Press Club had conducted with all Presidential aspirants. The MBC finally consented to run the programmes when they were reminded that the

said programs had been fully paid for in advance and failure to air them would probably be sound cause for legal proceedings, however there is one (in)famous episode in which the programme was abruptly terminated when the erstwhile State Vice President, Justin Malewezi, standing as an independent candidate, was being interviewed. No plausible reason was given for the abrupt termination of the programme.

### **CIVIL SOCIETY**

A novel feature of 2004 elections is several civil society organisations, led by the Malawi Economic Justice Network (MEJN), have devised a civil society manifesto focusing on all major areas of economic governance, with some focus on political governance. The manifesto is a good civil education tool as it gives an overall economic and social appraisal.

It urges enhanced public participation in governmental policy processes such as budgeting, poverty reduction, education, taxation, and decentralisation. The fundamental issue of fair distribution of national produce in order to realise equality and social justice has been well emphasised.

The manifesto identifies institutions, such as the district assemblies, village

development committees, regional structures of registered political parties, religious bodies and civil society organisations, through which the state/civil society partnership can be enhanced. Taking the cue from here, it is now a challenge for civil society to chart out how they will participate in the policy-making process and programmes.

Public participation in matters of governance is still very much focused on elections for high offices and the concepts and processes of direct democracy have not yet taken root. However, the "Civil Society" manifesto falters by being unduly confrontational in the manner in which it assumes the governmental mantle. In other words, it assumes the role of being a political party manifesto instead of offering alternative views and recommendations from the civil society perspective.

### **The Church vs. State Controversy:**

The central role of the church in the democratisation process in Malawi is undisputedly a highly acclaimed factor. Church in Malawi is referred to as a synonym for religious institutions. The church has a strong and well established presence throughout the country. In the initial years of the new political dispensation, the relation between the church and the

government was cordial. However, in the last few years this equation began to change drastically. The 1999 elections and its aftermath, the constitutional crises and other threats to some of the fragile democratic institutions evoked strong sentiments from the church. These were well received by the UDF government but they accused the church of indulging in politics. At the time of the open/third term debate, the Public Affairs Committee (PAC), an umbrella body of various denominations, came out with a serious of statements against the proposed motion. Some church leaders took the lead in the formation of the Forum of the Defence of the Constitution (FDC) which was joined by NGOs and members of the opposition parties. All these were seen by the UDF as church's active involvement in politics and this was severely criticised. In the formation of the opposition coalition, the parties sought the intervention of the clergy to mediate the process. Several members of the clergy participated, much to the annoyance of the ruling party.

In December 2003, the Catholic Bishops issued a pastoral letter entitled *Choosing Our Leaders in the Forthcoming Elections*, which was regarded as a guideline on who to vote for, or rather, who not to vote for. The letter advised the

Electoral Commission 'to avoid being partisan and perform their duties for the good of the nation without fear or favour'. It goes on to implore the state run media 'to play their rightful role of fairly serving all without favouring certain parties, institutions or individuals'. It then states 'the period of elections offers citizens a unique opportunity to take stock and evaluate the state of the nation's economy, education, health, governance, developmental achievements. It is time to choose and confirm successful leaders and replace those who have failed us'. The letter then went on to identify qualities of leadership; 'Leaders should be honest, trustworthy, fair, truthful, with good reputation and integrity'. 'People aspiring for higher office and indeed, any public office must be exemplary in their own life and in their ability to work for a corruption free Malawi.' The letter also

contained a dire warning; 'While those in leadership have the right to propose or suggest names, they should not impose candidates on people, constituencies or wards.'

There is a pressure on the church to play this role in the governance process because other civil society institutions are still fragile and lack the capacity to fill in the vacuum. However, in the meantime, the church is coming more into focus and its role is becoming more controversial.

The above discussion raises some pertinent questions. What should be the role of religious bodies in politics? Should they be key actors in the process or should their role should be one of guidance and inspiration?

#### **DONORS -**

The relation between the MEC and the donor community has been far from cordial in the past

election and continues to be so. There is a marked lack of coordination between the MEC, NGOs and the donors. Much of the delay in the electoral process is due to this coordination aspect as well as the increasing lack of trust.

Though the donor community support amounts to approximately 33% of the total election budget, this seems to entitle them to wield an inordinate degree of influence on the MEC and the conduct of elections. A spate of finger pointing, accusation and refutation has broken out as a consequence of the lack of trust and the rifts that have developed between the MEC and the donors on the one hand, and the donors and civil society (MESN) on the other. This futile venting of spleen serves no purpose but to inject more uncertainty, confusion and irritation amongst the voting population.

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