

- Draft -
**Key Recommendations of 2009 election evaluation
conference**

1. Malawi Electoral Commission (MEC)

Support towards MEC has to be ongoing but more precisely defined, like:

a) institutional changes

- Interface commissioners – secretariat: Clearer links between the commission and the secretariat need to be put in place
- Job sharing between commissioners, responsibilities towards secretariate
- Management responsibilities of various staff
- Defining core business of MEC, Outsourcing of various areas like CVE, Finances, procurement, warehouse management etc.

b) staff issues / capacity development measures

- Appointment of commissioners: The appointment based on personal merits rather than party membership has proven to be effective; must be clearly reflected in legal frameworks;
- Balance between TA and core staff in secretariat;
- Recruitment of new staff;
- Civic education for presiding officers, monitors and security personnel is needed, i.e. a booklet on their rights and responsibilities
- MEC should have a legal department to deal with conflicts

c) management issues

- MEC should increase the consultation procedure with stakeholders at all levels and have more TECHNICAL consultation with parties
- Institutional capacity building has to be improved, (long term) exit strategy for TAs where necessary

d) Technical election related issues

- Voters' roll shall be kept and continuously updated
- Flexibility in the handling of the register on election day was greeted
- Result management system incl. announcement of results have to be improved
- need for the improvement of result sheets (Best Practice: Nigeria)
- need for impartial review of constituency boundaries
- level playing field has to be established, incumbency advantages should be reduced by giving MEC more (sanctioning) power to intervene
- Legal mechanism to deal with abuses of public resources is needed
- more civic education might be needed to reduce the number of null and void votes

2. The role of civil society and faith-based organisations

- Civil society organizations shall continue to have a role in ongoing civic and voter education; during elections focus on voter education (VE);
- Civil Society organisations who deliver voter education have to deliver with high quality standards that shall be monitored by MEC; revised role of NICE and other key service providers for VE has to be further discussed and refined;
- inclusion of civic and voter education in school curricula welcome;
- For VE use methods and media that reach the masses (interface with medial as VE providers);
- Move towards a sentiment of “national duty” of holding elections;
- Government funding of NGOs conducting civic education and observation is necessary.

3. The role of the media

- MACRA has been very weak in controlling media. Is there any hope for de-owning government of the day from state media? Legal procedures? Improvement of communications Act?
- Improved role of some private media houses shall be strengthened;
- Partisan role of other private media to be criticised;
- How crucial is government dominance for state media?
- Media code of conduct should be binding;
- To whom address complaints: capacity of journalists – versus policy of editors;
- Most journalists were trained on how to report and handle elections, though not all performed to the best standards as expected.

4. Management of electoral related conflicts

- Support to conflict resolution mechanisms:
 - a) MPLC to be established at the national level and have it funded by government (through MEC);
 - b) Recognise the role of religious organisations i.e. churches in conflict management;
 - c) Institutionalise mediation like NECOT and NAFPESCO;
 - d) Section 13 I of the constitution of Malawi to have a line Ministry or a government charged with the responsibility to implement it.

- Strengthen legal mechanisms to deal with election related conflicts:
 - a) Maintain special election cases procedure to speed hearings;
 - b) Establish a legal department at MEC to deal with resolution of electoral conflicts - take the *Zambian* model;
 - c) Mandate to determine electoral cases should be extended beyond the High court to magistrate courts to give more people access to remedy;
 - d) Timing and effectiveness of remedy should be considered: delays result in remedies have no effect to overturn the reality;
 - e) Need to develop capacity of the judiciary as regard to handling electoral disputes.

5. Political Parties

- Critically look at the issue of independents and their impact on the Malawi's political system: where would they be placed (ruling or opposition) if they are to get more parliamentary seats in subsequent elections;
- Encourage political parties to resolve their own conflicts and disputes;
- The need for Malawi to have political party registration laws to regulate the conduct of parties after they are registered i.e. nomination of leaders, party financing, conduct of primary elections, deregistration, coalition and alliances etc.;
- Lack of reliable funding base for opposition parties and the need for regulation and formulae on government's funds to parties entitled to its financial support (those who get 10% of the national vote);
- Legal reforms to avoid abuse of state resources by ruling party e.g. change the Communications Act to avoid dominance of ruling party on state media;
- Address problems of primary elections;
- Absence of Intra party democracy and significant ideologies to which parties align themselves to, i.a. need to transform parties into "ideology-focused" entities;
- Leadership crisis and lack of succession plan in political parties to be addressed;
- Competencies of candidates
- Final break of geo-political considerations: parties shall finally terminate regional power-base politics;
- Legal framework for regulating intra-party democracy (primaries, conventions, election of office bearers) and party funding is crucial.

6. Gender Debate and Women participation

- Improve skills and confidence in women aspirants;
- Put more focus on political parties i.e. parties should put gender emphasis in their manifestos;
- Improve relationship between male and female at the grass root level;
- Strategy used in 50-50 lacked involvement of party leaders and party structures;
- Terminate practice of handouts – it worked to the disadvantage of women;
- Improve on the flow of information especially at the local level;
- Sustain incumbent women MPs;
- 50-50 campaign implementing partners need to be forthcoming;
- Clear distribution of roles among donors, government and civil society;
- Identification/recruitment/maintenance of women MPs;
- Adequate financial resources a prerequisite for more women participation.

7. The role of national (domestic) observers

- Clarification of legal status as national observers (apart from political party observers) are missing in the actual PPE Act, national observers shall be explicitly mentioned in the revised PPE Act;
- Clearer guidelines for the accreditation of domestic observers are needed: monitors have to be at least literate and aware of the electoral process;
- standards for observations have further to be developed;
- Standardized indices should be used to provide horizontal and longitudinal comparative data;
- But: better coordination of national observers shall not compromise on the plurality of actors and approaches.

8. The role of international observers

- Follow-up strategies for international observers;
- improve coordination between various missions;
- Greater need to work hand in hand with domestic observers;
- Recommendations are not an end in itself, therefore have to be revised time and again and be included in the review process of the next election cycle;
- Establish links with peer review mechanism of NEPAD.

9. The role of development partners (recommendation in addition to recommendations in C. Duncan's paper)

- Improvement of Trust fund management;
- Clarify Role of UNDP and other partners as with regards to support to MEC;
- Review direct technical support against capacity development of core staff;
- Clarify role of various coordination groups and avoid duplication (Heads of Missions / Diplomats, CoG, ETF, Budget group, etc)
- Timely release of funds Donors should not release funds on the last minute; a clearer coordination would ease financing of the MEC;
- Mid-term: phasing out of donor funds from election funding;
- International technical assistance where international standards should be kept.