



**EUROPEAN UNION  
ELECTION OBSERVATION MISSION  
MALAWI, PRESIDENTIAL AND PARLIAMENTARY ELECTIONS, 2009**

**PRELIMINARY STATEMENT**

**A well managed election day, but some important shortcomings  
demonstrate the need for continued reform**

**Blantyre, 21 May 2009**

*The European Union Election Observation Mission (EU EOM) has been present in Malawi since 7 April 2009 following invitations from the Ministry of Foreign Affairs and Electoral Commission. The EU EOM is led by Luisa Morgantini, Vice President and Member of the European Parliament. The mission deployed 77 observers from 23 European Union Member States and Norway to all 28 districts of the country to assess the electoral process against international and regional standards for elections as well as the laws of Malawi. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation commemorated at the United Nations in October 2005. On election day, observers visited 471 polling stations in 125 of the 193 constituencies throughout Malawi to observe voting and counting. The EU EOM will remain in country to observe post election developments and the tabulation of results. This statement is preliminary and the EU EOM will not draw final conclusions until the completion of the aggregation of results and their announcement. A final report will be published within a period of two months after the end of the electoral process.*

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**Executive Summary**

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- The 19 May 2009 presidential and parliamentary elections, have so far been conducted in an environment in which fundamental freedoms and rights of assembly, expression and movement have been generally respected. The people of Malawi turned out to cast their ballots in high numbers demonstrating an awareness and commitment to an election which represents a step forward towards the consolidation of democracy. Election day was calm and well supervised by polling officials and the universal nature of the franchise guaranteed. Despite this the elections fell short of fully meeting Malawi's commitments to international and regional standards for elections as a number of key problem areas exposed structural and regulatory weaknesses. These included limited capacity of the Electoral Commission, the editorial policy of state owned broadcasters that excluded opposition parties, use of state resources for campaign purposes and a lack of a level playing field for campaigning.
- Polling stations generally opened on time or with a short delay and voting commenced at the large majority of these stations according to schedule. Overall, voting was conducted in a calm environment and the process was well organised. Polling staff were highly

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committed to the process and ensured an open election day. Efficient processing of voters, use of controls and safeguards by polling staff and the secrecy of the vote were also assessed as very good or good in over 95 per cent of polling stations visited.

- In general the legal framework provides a good basis for the conduct of democratic elections in line with international and regional standards. The constitution and election related legislation ensure the protection of political and civil rights and guarantee genuine elections and freedom of association, assembly, movement and expression. Nevertheless, the timeframes provided for in the constitution and statutory legislation for the different parts of the electoral process are not consistent and created legal uncertainty. There is also a lack of clear legal provisions for funding of political parties and financing of election campaigns that would provide for public accountability.
- The Electoral Commission, has so far, organised these elections in an independent manner and although it faced many logistical and organisational challenges that exposed a lack of capacity, it managed to prepare for an election day that largely guaranteed universal suffrage. Tight deadlines and limited capacity meant that important areas such as effective training of polling officials, transparency measures, auditing and public accountability were not always adequate. Furthermore, the Electoral Commission's preparations for these elections were carried out in an environment characterised by a general lack of confidence in its ability to supervise the elections and confidence building measures were poorly designed. Nevertheless, the Electoral Commission did manage to deliver key operational needs and despite the challenging environment made concerted efforts to deliver the election.
- The voter register was completely revised in 2008. A computerised register has been introduced and a large number of registered voters recorded. However, the verification period for the voter register that started at the end of March 2009 exposed serious shortcomings in its accuracy and initiated a large scale internal audit in order to make corrections to it. This audit was hindered due to poor archiving and retrieval of material from the voter registration exercise and only a certain percentage of registrations were subsequently verified for accuracy. This meant a large number of anomalies remained in the voter register. A secondary register that was available in polling stations with all entries ordered according to the voter registration number included on the voter registration card ensured that voters were able to vote on election day.
- There were no discriminatory requirements for candidates to submit their nominations to contest the elections. The increase in financial deposits required to contest elections in 2008, although very unpopular and particularly burdensome for smaller political parties, did not result in any significant reduction of candidates from previous elections and in many cases these fees were paid on behalf of candidates by political parties. The technical requirements to register as a candidate are reasonable.
- Generally freedom of assembly, expression and movement were respected and candidates and parties campaigned freely without interference in most parts of Malawi. Campaign rallies were generally small and localised with a few larger rallies of presidential candidates. The candidates also freely canvassed voters door-to-door in an attempt to attract votes down to the grass roots level. Whilst the rallies were peaceful with a festive

like atmosphere, the campaigning of some of the presidential candidates was very personality driven and critical towards opponents and at times defamatory and inflammatory. This was less so at local level where parliamentary candidates engaged in more policy driven campaigns.

- The use of state resources for campaign purposes was overt during the whole of the campaign period and there was a blurring of the boundaries between the presidential office and campaigning that included the use of state owned vehicles, public media, police and security services. During the campaign period the president also attended a number of official ceremonial openings of public and private sector projects that received wide coverage in the media. There was a lack of a level playing field in this respect, with Democratic Progressive Party (DPP) candidates enjoying both access to far greater financial resources as well as some of the resources attached to the presidential office.
- Freedom of speech in the media was respected during the campaign period with no reports of any significant restrictions of movement or access of journalists. However, on election day the police entered the premises of the radio station Joy FM in an unproportionate response to this station airing material that breached the campaign moratorium. Furthermore, the state owned media in particular failed to fulfil even their minimum obligations as publicly owned broadcasters as their coverage lacked any degree of balance and was openly biased in favour of the DPP. The election coverage of Joy FM was also similarly biased to the advantage of the United Democratic Front (UDF) and Malawi Congress Party (MCP). In contrast, private radio stations Capital and Zodiak provided impartial and balanced coverage of the political parties contesting the elections as did newspapers.
- From a total of 1,184 parliamentary candidates 232 were women and from the seven candidates contesting the presidential election one of these was a women and two running mates were female. There were some targeted projects to help increase the visibility of women candidates. In general, and reflecting their position in public life, women candidates faced economic and social constraints both in the process of being nominated as a candidate, and where they were nominated, campaigning on a level playing field against their male counterparts.
- There are no obstacles to minority groups participating in the elections as either candidates or voters. No provisions are included in candidate or party registration requirements that are discriminatory to minority groups in Malawi. Likewise the voter register is open to all individuals who have reached the age of 18 years and there are no obstacles to being included in the register based on ethnicity or disability. At polling stations there were provisions for assisted voting and tactile ballot guides were available for blind voters.
- A total of 75 civil society organisations were accredited by the Electoral Commission to implement civic and voter education programmes. Many of these programmes started too late in the election process and this had an impact on the success and reach of the initiative. European Union observers reported inadequate levels of voter education in the field and particularly in remote areas of the country.

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- Civil society organisations also played an important role in providing increased transparency at polling stations as well as greater understanding of election processes amongst the general public in these elections. Domestic election monitors were deployed to nearly all polling stations in the country providing for increased transparency. The main groups to deploy monitors for these elections were National Initiative for Civic Education (NICE) that deployed some 4,200 monitors to polling stations and the Malawi Election Support Network (MESN) which deployed 1,400 observers.
  - The channels for election related complaints are generally clear and offer voters and candidates the right of appeal to any decision of the Electoral Commission to the High Court. A small number of formal complaints were submitted to the Electoral Commission and there were three legal challenges to the decision of the Electoral Commission not to accept nominations papers. The Multiparty Liaison Committees that were established to deal with campaign related complaints at local level played a positive role in resolving disputes.

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### **Statement of Preliminary Findings**

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#### **BACKGROUND**

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Following a referendum in 1993 and the introduction of a multi party system of democracy periodic elections have taken place in Malawi every five years and these were the fourth general elections including those conducted in 1994. Elections were held on 19 May 2009 to elect a president and vice president and 193 parliamentary representatives in single seat constituencies to serve a five year term using a first-past-the-post system elected on the basis of universal adult suffrage. The incumbent president, Bingu wa Mutharika, stood for a second term in office as the presidential candidate of the Democratic Progressive Party (DPP) against six contestants including one independent candidate. He was elected president in 2004 as a candidate of the United Democratic Front (UDF), but in 2005 left the party, to establish the DPP. The nomination papers of one of his main challengers and, the former president, Bakili Muluzi, of the UDF were rejected by the Electoral Commission, a decision that was subsequently upheld by the courts.

Of the remaining presidential candidates John Tembo of the Malawi Congress Party (MCP) was the main contender to the incumbent. A total of 16 political parties put forward candidates for the parliamentary election with a high number of independent candidates contesting parliamentary seats. On 8 April 2009 the UDF and MCP formed an alliance to contest the presidential election and Bakili Muluzi endorsed the candidature of John Tembo. The political situation remained charged throughout the campaign period and the increasingly acrimonious relationship between the DPP and UDF continued as the presidential candidate of the latter party challenged his disqualification for the presidential election.

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## **LEGAL FRAMEWORK**

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In general the legal framework provides a good basis for the conduct of democratic elections in line with international and regional standards. The constitution and election related legislation ensure the protection of political and civil rights and guarantee genuine elections and freedom of association, assembly, movement and expression. The right to vote and to be elected in periodic elections through universal and equal suffrage by secret vote is also entrenched in the constitution as well as the right of access to justice and legal remedies and the right to a fair trial. Nevertheless, the timeframes provided for in the constitution and statutory legislation for the different parts of the electoral process, including the dissolution of parliament and campaign period, are not consistent and created legal uncertainty in respect to sitting parliamentarians standing for re-election. There is also a lack of clear legal provisions for funding of political parties and financing of election campaigns that would provide for public accountability. The deadline for petitions to be submitted challenging the results of the elections of 48 hours after their declaration provided by law is also insufficient.

## **ELECTION ADMINISTRATION**

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Article 75 of the constitution establishes the Electoral Commission as an independent body for the purposes of organising and supervising all public elections in Malawi. A board of Commissioners appointed by the president oversees the Electoral Commission's work and in order to conduct general elections 193 returning officers in each of the constituencies are appointed as well as approximately 27,000 polling station staff. The Electoral Commission also received significant technical assistance from the United Nations Development Programme that was funded by the international community which, although supportive to the operational aspects of the elections its capacity building legacy remains to be seen. In accordance with its mandate the Electoral Commission, has so far, organised these elections in an independent manner and although it faced many logistical and organisational challenges that exposed a lack of capacity, it managed to prepare for an election day that largely guaranteed universal suffrage. It reacted to fundamental challenges to the schedule of the elections such as the large number of errors identified in the voter register in a positive manner demonstrating an ability to respond, to some extent, to the demands of stakeholders.

Tight deadlines and a lack of capacity meant, however, that vital areas such as effective training of, and communication with polling officials, transparency measures, auditing and public accountability were not always adequate. Furthermore, the Electoral Commission's preparations for these elections were carried out in an environment characterised by a general lack of confidence in its ability to supervise the elections and key stakeholders including opposition political parties constantly questioned its independence. In this respect, the Electoral Commission failed to provide for an inclusive environment and confidence building measures were poorly designed and not implemented to the extent required to ensure full transparency. Whilst there was a lack of confidence and only a limited degree of transparency in the process the Electoral Commission did manage to deliver key operational needs. In contrast to the negative perception held by stakeholders of the Electoral Commission at national level, at local level its staff received broader confidence in their work. Polling staff worked professionally on election day and demonstrated a high degree of commitment. It is

to their credit that at polling stations across the country they managed to deliver a polling process that was generally transparent, well supervised and without major incident.

## **VOTER REGISTER**

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The voter register was completely revised in 2008 after widespread recognition that the one used in 2004 was substandard. A computerised register has been introduced with voter identity cards and a large number of registered voters recorded. Between August 2008 and January 2009 the Electoral Commission originally estimated that it registered a high number, 5.9 million voters, out of 6.2 million eligible people recorded in the 2008 census (95 per cent) on the new register. There were, however, significant problems compiling the register. The Electoral Commission's registration clerks experienced difficulties using the technology for registration and a lack of adequate training and complex procedures to fill in peoples' details in the registration forms led to a large number of errors in the voter register database. A verification period that was held between 30 March 2009 and 3 April 2009 to allow the public to inspect the register was extended for a period of seven days due to an initial low level of public interest. This period exposed serious shortcomings in the accuracy of the voter register and initiated a large scale internal audit in order to make corrections to it.

The auditing of the voter register ended on 11 May 2009 with registration details in 3,611 registration centres corrected from a total of 3,897. This audit was hindered due to poor archiving and retrieval of material from the voter registration exercise and of these registration centres only a certain percentage of registrations were checked. This was due to a combination of time constraints and the fact the Electoral Commission could not locate a large number of the original script based parts of the registration forms to check against the database. This meant that a large number of anomalies remained in the voter register that was used on election day most of which were related to misspelling or inconsistent entry of names. Because a large number of mistakes were due to misspelling of names the decision to print a secondary register that was available in polling stations with all entries ordered according to the voter registration number included on the voter registration card ensured that voters were able to vote on election day. However, time constraints meant there was no exhibition of the revised voter register and although the Electoral Commission agreed with the political parties that it would distribute the register to them in electronic format, it was unable to fulfil this commitment in time for this to have been of any use as a transparency mechanism before election day.

## **REGISTRATION OF CANDIDATES**

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There were no discriminatory requirements for candidates to submit their nominations to contest the elections. The increase in financial deposits required to contest elections in 2008, although very unpopular and particularly burdensome for smaller political parties, did not result in any significant reduction of candidates from previous elections and in many cases these fees were paid on behalf of candidates by political parties. The remaining technical requirements to register as a candidate are reasonable. The Electoral Commission accepted the candidatures of seven people for the presidential elections and rejected two. The candidature of Bakili Muluzi who was the presidential candidate for the UDF was rejected by

the Electoral Commission due to its interpretation of section 83 (3) of the constitution that states there is a limit of two consecutive terms that a president can remain in office. And the nomination papers of Tionge Juda Maywa were rejected due to lack of payment of the nomination deposit fee.

A total of 1,184 candidates had their nomination papers accepted to contest the 193 parliamentary seats. One nomination was initially rejected for Yerehiah Chihana of the New Rainbow Coalition (NARC) as he had been convicted for a criminal offence. On appeal he was reinstated. In all a total of 16 political parties put forward candidates for the parliamentary election. The DPP had 193 candidates contesting, UDF 171, MCP 134, People's Progressive Movement (PPM) 50, NARC 33, Alliance for Democracy (AFORD) 29, New Republic Party (NRP) 24 and People's Transformation Party (PETRA) 16. The remaining parties fielded a limited number of candidates and a number of parties only one single candidate. There were also a large number of 480 independent candidates contesting seats. The independent presidential candidate James Nyondo also paid the nomination fees for a total of 120 of these independent parliamentary candidates in return for their support for his candidature.

## **CAMPAIGN ENVIRONMENT**

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Generally freedom of assembly, expression and movement were respected and candidates and parties campaigned freely without interference in most parts of Malawi. The Multiparty Liaison Committees that were established to deal with campaign related complaints at local level, received broad confidence from stakeholders and played a positive role in resolving disputes. Despite this there were frequent violations to the campaign code of conduct and the declaration agreed between the main political parties on 13 March 2009. Whilst there were no incidents of officials limiting the campaign activities of the candidates, there were some cases of restrictions or undue influences in parts of the country. These included arbitrary decisions by traditional leaders and chiefs regarding access to political parties to campaign venues as the candidates followed cultural convention and approached them for permission, which was refused on occasions. As well as in some cases these chiefs and traditional leaders openly campaigning for parties. On a limited number of instances rallies were also intentionally disrupted by opposing parties and at times this led to isolated clashes between supporters, particularly in the south of Malawi.

Campaign rallies were generally small and localised with a few larger rallies of presidential candidates. The candidates also freely canvassed voters door-to-door in an attempt to attract votes down to the grass roots level. Whilst the rallies were peaceful with a festive like atmosphere the campaigning of some of the presidential candidates was very personality driven and critical towards opponents. At times the speeches of candidates at rallies were also defamatory and inflammatory. This was far less so at constituency levels with parliamentary candidates discussing more policy driven issues. Whilst on a national level there was little tension evident, in pockets of the country, where the DPP were contesting against UDF candidates, or where independent candidates were contesting against opponents whom they lost the primary elections to there were increased tensions.

The DPP and to a lesser extent the UDF and MCP and the smaller parties all distributed t-shirts, printed cloth and other party paraphernalia at rallies. There was a marked difference between the political parties in terms of their investment in these handouts with the DPP's campaign team distributing these widely and the remaining parties and candidates all complaining about the lack of adequate resources to mount an effective campaign. The use of state resources for campaign purposes was also overt during the whole of the campaign period and there was a blurring, particularly of the boundaries, between the presidential office and campaigning that included the use of state owned vehicles, public media, police and security services. Furthermore, during the campaign period the president attended a number of official ceremonial openings of public and private sector projects that received wide coverage in the media. Incumbent parliamentarians were also observed using state owned transport for campaign purposes. There was a lack of a level playing field in this respect, with DPP candidates enjoying both access to far greater financial resources as well as the resources attached to the presidential office.

## **MEDIA ENVIRONMENT**

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Freedom of speech in the media was respected during the campaign period with no reports of any significant restrictions of movement or access of journalists, who were relatively free to cover the campaigns of the candidates and parties. However, on election day the police entered the premises of the radio station Joy FM and, in an unproportionate response, this led to the suspension of this station's factual programming after it aired material that breached the campaign moratorium. The unsatisfactory regulatory framework, poor financial resources of media outlets and lack of editorial independence of state owned media also meant that in key areas the election coverage of some sections of the media did not meet international or regional standards. The state owned media in particular failed to fulfil even their minimum obligations as publicly owned broadcasters, as their coverage lacked impartiality and was openly biased in favour of the DPP. The private radio station Joy FM also failed to provide balanced coverage to the advantage of the UDF and MCP. Whilst the Electoral Commission managed to introduce an initiative to provide for free airtime for party political broadcasts on the private radio stations Capital and Zodiak, this had limited success because it started late in the campaign period and the failure of the state owned media to participate in the scheme undermined its full potential.

The state owned radio and television broadcasters, the Malawi Broadcasting Corporation (MBC) and Television Malawi (TVM), allocated almost all of their coverage of political actors to the president, government and DPP. On MBC the president, government and DPP received a total of 81 per cent share of coverage of political actors with the MCP receiving seven per cent and UDF six per cent. Similarly on TVM the president, government and DPP was afforded 81 per cent share of coverage, MCP seven per cent and UDF six per cent. On both of these channels the tone of coverage of the incumbent was largely positive. None of the other political parties received any notable coverage on both of these channels and when they did receive coverage it was consistently negative in tone. The content of the private radio station Joy FM also demonstrated imbalance with the UDF and MCP receiving 45 and 41 per cent share of this station's coverage of political actors respectively. The DPP received 13 per cent share of coverage on this radio station. In contrast, the remaining private radio



stations monitored, Capital and Zodiak, provided impartial and balanced coverage of the political parties contesting the elections as did the newspapers.

## **PARTICIPATION OF WOMEN**

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The constitution guarantees equal rights for the sexes and there are no legal impediments for women to stand for election or be registered as a voter. However, their representation in Malawian public and political life remains limited. From a total of 1,184 parliamentary candidates 232 were women and from the seven candidates contesting the presidential election one of these was a women and two running mates were female. There were some targeted projects to help increase the visibility of women candidates under the auspices of the 50:50 campaign and these included advertisements and capacity building. There was some recognition by the political parties of the need to provide greater support for women in public life and particularly DPP raised a number of gender issues in their campaign manifesto to promote the position of women in society. However, in general women candidates faced economic and social constraints both in the process of being nominated as a candidate, and where they were nominated, campaigning on a level playing field against their male counterparts. They experienced obstacles ranging from a lack of financial resources, male dominated local social structures as well as the generally low opportunities women have afforded to them in the educational system.

## **MINORITY ISSUES AND SPECIAL NEEDS VOTING**

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There are no obstacles to any specific minority group participating in the elections as either candidates or voters. No provisions are included in candidate or party registration requirements that are discriminatory to minority groups in Malawi. Likewise the voter register is open to all individuals who have reached the age of 18 years and there are no obstacles to being included in the register based on ethnicity or disability. The constitution provides for the fullest possible participation of the disabled in all spheres of society. At polling stations there were provisions for assisted voting and tactile ballot guides were available for blind voters demonstrating a positive policy towards inclusion of all groups in society. Although there were no specific voter education programmes for disabled persons, there has been an effort from the Malawi Union of the Blind to inform the blind how to cast their vote on election day.

## **VOTER EDUCATION**

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A total of 75 civil society organisations were accredited by the Electoral Commission to implement civic and voter education programmes and 34 of these organisations received funding from the international donor basket fund for the elections. These initiatives included plans for a range of programmes to increase public awareness of both the voting procedures and the rights of voters. In this respect, voter education included advertisements in the media, some grass roots level outreach and printed material. Many of these programmes started too late in the election process and many of the organisations responsible for these programmes complained of delays in receiving funds. This had an impact on the success and reach of the

initiative. European Union observers reported inadequate levels of voter education in the field and particularly in remote areas of the country. There were, however, some very successful programmes including a series of town hall meetings with parliamentary candidates debating their manifestos that were organised by the National Initiative for Civic Education (NICE) across the country.

## **CIVIL SOCIETY AND OBSERVATION**

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Civil society organisations also played an important role in providing increased transparency at polling stations as well as greater understanding of election processes amongst the general public in these elections. These organisations also attempted to broaden the policy debate in the country by publishing their own manifesto for civil society. Domestic election monitors were deployed to nearly all polling stations in the country providing for increased transparency. The main groups to deploy monitors for these elections were NICE that deployed some 4,200 monitors to polling stations and the Malawi Election Support Network (MESN) which deployed 1,400 observers. International observer missions from the African Union, the Commonwealth and the South Africa Development Community (SADC) observed the elections.

## **COMPLAINTS AND APPEALS**

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The constitution requires the Electoral Commission to determine electoral petitions and complaints related to the conduct of elections while also providing the High Court with unlimited original jurisdiction to hear and determine any civil or criminal proceedings. The channels for election related complaints are generally clear and offer voters and candidates the right of appeal to any decision of the Electoral Commission to the High Court. The Electoral Commission has the authority to deal with any complaint or petition relating to the electoral process as long as it is not of criminal nature. Election offences, considered criminal acts, and petitions challenging election results fall clearly under the jurisdiction of the judiciary. In order to limit the time periods for election related cases, the Chief Justice issued a practice direction in February 2009 abridging the time periods for election related cases to be dealt with.

Three candidates challenged the decision of the Electoral Commission to reject their nominations in the High Court. The most high profile case of those disqualified was that of former president, Bakili Muluzi, at the Constitutional Court relating to the interpretation of section 83 (3) of the constitution. The court upheld the decision of the Electoral Commission that no candidate could stand for more than two terms in presidential office. Another presidential nominee, Tionge Juda Mauya whose nomination papers were rejected by the Electoral Commission because he did not pay the nomination fee, also appealed the decision. However, the case was adjourned without a date set for the hearing. A final parliamentary candidate, Yerehiah Chihana, whose nomination papers were refused by the Electoral Commission because of a criminal conviction also appealed his disqualification. The High Court ruled on 9 April 2009 that the Electoral Commission did not have the right to disqualify him from standing because his conviction was not under the category of

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disqualified offences. The Electoral Commission has appealed against the decision of the High Court in Mzuzu.

Prior to election day the Electoral Commission received approximately 30 formal complaints. Most of these referred to the voter verification exercise and the omission of names in the voter register as well as false information during candidate nominations. There were a few complaints concerned with campaigning and defacement of campaign material. However, most complaints related to the campaign were resolved by consensus at the Multiparty Liaison Committees. Regarding prosecutions for electoral offences, there were 11 cases reported to the police including seven cases of illegal possession and attempts to sell voter certificates, three cases of destruction of campaign material in Zomba and one case related to the disruption of a rally in Blantyre. Furthermore, the Electoral Commission has referred to the police 485 cases of double registration detected during the cleaning of the voter register.

### **POLLING, COUNTING AND TABULATION**

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Generally, all material required for voting and polling staff was present on opening to ensure voting started on time and voting commenced at the large majority of polling stations according to schedule. The death of a NARC candidate in the constituency of Blantyre Central led to the cancellation of the parliamentary election in this constituency. However, the presidential election went ahead as scheduled. Overall, voting was conducted in a calm manner and the process was well organised. Polling procedures in 85 per cent of polling stations visited by European Union observers were assessed as satisfactory or positive and although there was inconsistency in following certain procedures, including security checks related to the voter register, the intent of the officials was to be inclusive. In a few polling stations visited some sensitive material was missing including items such as the secondary registers, but this did not affect the overall process.

Polling staff were committed and overall acted professionally in the polling stations visited. Efficient processing of voters, use of controls and safeguards by polling staff and the secrecy of the vote were also assessed as very good or good in over 95 per cent of polling stations visited. European Union observers assessed the overall environment for polling positively. Closing was also assessed as fair to good in all polling stations visited. Immediately following the close of polling, counting commenced at all polling stations in clear sight of party agents and election observers. Counting was mostly conducted in a calm and orderly environment with procedures mainly followed in very difficult conditions in many cases due to the poor visibility conditions. It went on across the country throughout most of the night. On the whole opening, voting itself and closing and counting were carried out transparently and in full view of monitors providing for an inclusive process.

The EU EOM continues to observe the aggregation of results and will follow any complaints and the appeals process before reaching its final conclusions.

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The EU EOM wishes to express its appreciation to the Government of Malawi, the Electoral Commission and civil society as well as the people of Malawi for their cooperation and

assistance in the course of the observation. The EU EOM is also grateful to the Delegation of the European Commission to Malawi and the member states' diplomatic missions resident in Malawi for their support throughout.

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