



**MALAWI ELECTORAL COMMISSION**

**CODE OF CONDUCT  
FOR  
INTERNATIONAL OBSERVERS**

## **INTRODUCTION**

I would like to thank you for sharing your interest to come to Malawi and take part in the electoral processes by observing the 2009 general Elections.

Election observation is an integral part of free and fair elections and your role is very crucial and the Commission looks forward to your contributions.

**Justice A. S. E. Msosa, Sc**  
**CHAIRPERSON**

30 April 2009

**CODE OF CONDUCT FOR INTERNATIONAL OBSERVERS  
IN THE 2009 PARLIAMENTARY AND PRESIDENTIAL  
ELECTIONS IN MALAWI**

**Code of Conduct - Summary**

1. Definition of International Observation.
2. The General Scope of International Observation.
3. Rights of International Observers
4. Election observers must recognise and respect the sovereignty of the host country.
5. Election observers must be respectful of the cultural values of the host country.
6. Election observers must be non-partisan and neutral.
7. Election observers must be comprehensive in their review of the election, considering all relevant circumstances.
8. Election observation must be transparent.
9. Election observation must be accurate.

## **1. DEFINITION OF INTERNATIONAL OBSERVATION**

This is the verification of the various stages of the elections by international organizations, non-governmental organizations, foreign governments and foreign personalities duly recognized by the Electoral Commission for the purposes of observing elections.

## **2. THE GENERAL SCOPE OF INTERNATIONAL OBSERVATION**

International observation begins with the appointment of the observer by the Electoral Commission and ends with the determination of the national result or the settlement thereafter of all election disputes.

International Observation shall consist of the following activities:

- To verify and monitor the impartiality and the functioning of the Electoral Commission;
- To verify and monitor the impartiality and legality of the decisions; taken by the Electoral Commission and its officers in settling disputes;
- To observe the course of the campaigning for elections;
- To verify and monitor the voting process;
- To verify and monitor the determination of the results of the elections at all stages of determination;
- To observe access to and the use of the media.

Any irregularities noted by international observers must be reported to the Electoral Commission or to the competent officers and the Electoral Commission, or such officers shall examine the activities reported as irregularities and shall, where irregularities are confirmed, take corrective measures necessary to bring the elections into conformity with the Electoral Laws.

Every international observer shall, while exercising their functions, use the identity card and or the badge issued to them.

### **3. RIGHTS OF INTERNATIONAL OBSERVERS**

International observers shall, in Malawi, have the right:

- To obtain a multiple entry visa to enter Malawi for the duration of the period of international observation;
- To have unimpeded access to all election events and to observe all aspects of the civic education programmes, the campaign, the voting and the counting of votes at all stages;
- To enjoy freedom of circulation throughout Malawi;
- To seek and obtain information on the official organs involved in the conduct of an election and regarding the election itself;
- To communicate freely with any political party and with any organization or person;
- To have access to information transmitted by or to the Electoral Commission and its officers;
- To have access to complaints and responses about any occurrence or matter relating to the conduct of elections;
- To open offices within Malawi for the performance of their functions;
- To communicate any specific concerns they may have to members and officers of the Electoral Commission; and

#### **4. INTERNATIONAL ELECTION OBSERVERS MUST RECOGNISE AND RESPECT THE SOVEREIGNTY OF THE REPUBLIC OF MALAWI.**

Election observers should:

- Respect the laws of Malawi;
- Do nothing that interferes with the internal jurisdiction of affairs of Malawi;
- Inform the Electoral Commission of the objectives of the observation process;
- Respect the role, status, and authority of election officials, and show a respectful and courteous attitude to election officials and voters;
- Obtain proper accreditation, and supply any required information for that purpose;
- Maintain close liaison with the Electoral Commission ;
- Give the Electoral Commission copies of any written information or statements produced by the observer;
- Be especially careful when making any public statement that could reflect on the Electoral Commission;
- Avoid interfering with the normal course of the electoral process, or impeding that process in any way;
- To return the identity cards, the badge and any other identification material issued to them by the Electoral Commission at the end of their mission as observers;
- Avoid giving unauthorised information or guidance to persons involved in the electoral process, and avoid providing interpretations of applicable laws;
- Report to the relevant authority any criminal activity concerning the election, and any violation of the electoral laws;
- To maintain the secrecy of the ballot and
- Avoid announcing election results without the authority of the Electoral Commission.

**5. ELECTION OBSERVERS MUST BE RESPECTFUL OF THE CULTURAL VALUES OF MALAWI.**

Election observers should:

- Show respect for the people and the cultures of Malawi;
- Always be polite;
- Not take photographs unless permission is given by those whom you wish to photograph;
- Where possible observe cultural rules and conventions (if not sure ask a local).

**6. ELECTION OBSERVERS MUST BE NON-PARTISAN AND NEUTRAL.**

Election Observers should:

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• Act in a strictly neutral and unbiased manner in relation to national authorities (including the Electoral Commission), political parties, candidates, the voters, and the media;</li><li>• Avoid anything that could indicate, or be seen as indicating partisan support for a candidate, political party, or political actor;</li><li>• Disclose to the Electoral</li></ul> | <p>Commission or the Election Observation Support Team any relationship that could lead to a conflict of interest with their duties as election observers, or with the process of observation and assessment of the election;</p> <p>Not accept any gift or favour from a political party, organization, candidate, or person involved in the election process;</p> |
|---|---|

- Not participate in any function or activity that could lead to a perception of sympathy for a particular candidate, political party, or political actor;
- Not express a view on any subject that is likely to be an issue in the election;
- Not communicate with any voter on a matter of partisan significance; and
- Not wear, carry or display any party symbols or names.

**7. INTERNATIONAL ELECTION OBSERVERS MUST BE COMPREHENSIVE IN THEIR REVIEW OF THE ELECTION, CONSIDERING ALL RELEVANT CIRCUMSTANCES.**

Election observers should:

- Consult widely with all stakeholder groups;
- Try to form a valid view of all aspects of the election process, in order to determine its legitimacy;
- Try to form a valid view of the progress of the election process in all parts of the country, not just at the national and regional levels;
- Analyse the legal framework within which the election is being conducted, and assess whether it is adequate for the Malawi;
- Try to determine whether the laws governing the electoral process are generally being observed;
- Try to determine whether the Electoral Commission has acted impartially and in a manner that is consistent with a free and fair election;
- Try to determine whether freedoms of expression, organisation, movement and assembly have been respected;
- Try to determine whether women have had a chance to participate equally in all aspects of the electoral process;
- Take special note of the participation of the illiterate and the disabled with a focus on measures which facilitate casting a vote, and casting a vote in



secret by these individuals;

- Try to observe political meetings, demonstrations and/or note media coverage;
  - Try to determine whether the process for registering voters, candidates and parties has been carried out equitably and comprehensively;
  - Try to determine whether voters have enough knowledge about the electoral process to participate meaningfully in the election;
  - Determine whether
- effective steps have been taken to prevent persons from voting more than once;
  - Determine whether voters have had the opportunity to vote in secret;
  - Try to place observers in counting centers, in order to observe the compilation and communication of results; and
  - Try to determine whether there is an adequate complaints handling mechanism.

## **8. ELECTION OBSERVATION MUST BE TRANSPARENT.**

Election observers should:

- Identify the objectives of their observation, both at the beginning of the process and when they report;
- In all their reports, follow principles based on recognised scientific, methodology,, including:
  - identify the exact information they have gathered and used as a basis for their assessment of the electoral process;
  - when reporting statistical information, identify the basis of sampling they have carried out, and disclose the measures of uncertainty associated with those statistics;

- identify all the assumptions that they have used; and provide evidence and arguments to support all their assumptions and judgments.
- Be prepared to communicate to the Electoral Commission a final collective assessment of the observation process;
- If appropriate and necessary, inform the Electoral Commission of alleged shortcomings in the electoral process, so that they can take remedial action if they wish; and
- Communicate directly and openly all collective conclusions arising from the observation process.

## **9. ELECTION OBSERVATION MUST BE ACCURATE.**

Election observers should:

- Ensure that information is collected, compiled, and published in a way that is systematic, clear, and unambiguous;
- Take any action necessary to ensure that all the information that they compile, use or publish as part of the observation process is received first-hand and is verifiable;
- If they receive any allegation that reflects adversely on the Electoral Commission, or on any participant in the electoral process, seek a response from the person or organisation concerned before treating the allegation as valid.



