THE ELECTORAL HUB

ELECTIONS AND COVID-19: LESSONS FROM MALAWI'S 2020 PRESIDENTIAL ELECTION

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Introduction

Since the coronavirus pandemic (COVID-19) began in 2019, it has caused immense disruption to many areas of governance including the electoral process. Gathering large crowds at polling stations for in-person voting, highly increases the risk of the virus being spread through person-to-person or person-to-surface contact. According to the Institute for Democracy and Electoral Assistance (IDEA), COVID-19 could affect elections in the following ways: loss of voice for the electorate, claims of political opportunism, low voter turnout, and loss of political debate on important issues.[1] Furthermore, normal election activities such as in-person campaigning, voter registration, voter education, in-person voting, and even domestic and international election observation will be difficult to carry out with COVID-19. In this context, elections have been postponed in at least 70 countries and territories around the world.[2]

Yet postponing elections can only be a temporary solution. Scientists have predicted that the pandemic could last for at least another year,[3] and it would be illegitimate to postpone elections indefinitely until the pandemic is over. Therefore, even as they are trying to contain the spread of the virus, countries must also find a way to carry out free, fair and credible elections in order to promote legitimacy and the rule of law. Examples of countries that have held elections during the pandemic are South Korea and Malawi. While South Korea's April 2020 parliamentary elections were conducted without a large increase in coronavirus cases in the country, the reverse was the case in Malawi's June 2020 elections, which saw a spike in the country's coronavirus cases. In both examples, there are lessons to be learned in terms of what should be emulated and what should be avoided. [Discussion Paper 1/2020](#) focused on the lessons Nigeria can learn from South Korea's elections[4]. This paper focuses on the lessons to be learned from Malawi's elections.

Malawi recorded its first three coronavirus cases on 2 April 2020. Two months later, on 23 June 2020, it held its presidential elections following the annulment of the flawed May 2019 elections. This led to the victory of Lazarus Chakwera of the Malawi Congress Party (MCP), over Peter Mutharika of the Democratic Progressive Party (DPP). Unfortunately, both in the pre-election period and on election day, there were little to no preventative measures taken to prevent the spread of COVID-19. Public health guidelines regarding social distancing and

wearing of masks were largely ignored, particularly in rural areas. This led to a worsening of the coronavirus crisis in Malawi, from 592 cases on 18 June 2020 to 1,038 on 27 June.

This paper analyses the Malawian experience in a bid to understand the reasons for the spike in coronavirus cases, and learn how to prevent a similar occurrence following Nigeria's elections. It discusses:

a) Malawi's political parties and system;
b) Malawi's electoral process and system;
c) Malawi's electoral management body (EMB) – the Malawi Electoral Commission;
d) proposed reforms to Malawi's electoral process;
e) the Malawian electorate;
f) the National Gender Policy which seeks to improve women's participation in decision-making;
g) the National Youth Policy which seeks to improve youth participation in decision-making;
h) background to the elections;
i) the 2020 presidential elections;
j) coronavirus spike following the elections; and
k) lessons to be learned from the elections, including recommended best practices from experts around the world.

It is hoped that from the discussions made in this paper, we can better understand Malawi's strengths and shortcomings, using the lessons learned from them to better our own electoral processes and systems in Nigeria even in the context of COVID-19.

Political Parties' System

Under colonial rule by the British, Malawi was called British Central Africa and later Nyasaland. Having achieved independence in 1964, its name was changed to Malawi and it became a republic in 1966. At this time, it had only one party, the Malawi Congress Party (MCP) led by Hastings Kamuzu Banda. Malawi retained a one-party system until 1993, when pressure from the Public Affairs Committee, a body of activists which included the Alliance for Democracy (AFORD) and the United Democratic Front (UDF), caused Banda to hold a national referendum on the one-party system. During the referendum, over 64% of the people voted in favour of a multi-party system.[5] A new constitution was formed, removing the title of "President for life" that Banda had, and making it legal for political parties to form and elections to hold every five years. Opposition parties were established, and the first multi-party elections held in 1994 which saw the victory of Makili Muluzi of the UDF.

Among the oldest political parties in Malawi are the MCP (founded in 1959), UDF (founded in 1992), and AFORD (founded in 1993). Today, Malawi's multi-party system has grown widely, with over 40 registered parties. They are governed by the Code of Conduct issued by the National Elections Consultative Forum (NECOF) in 2004.[6] At the five-yearly parliamentary elections in Malawi, these parties put forward candidates to represent them. The parties that are represented in the current National Assembly are:

a) Democratic Progressive Party (62 seats);
b) Malawi Congress Party (55 seats);
c) United Democratic Front (10 seats);
d) People's Party (5 seats);
e) United Transformation Movement (4 seats); and
f) Alliance for Democracy (1 seat).[7]

For parliamentary elections, candidates are nominated by getting the signatures of ten registered voters in the relevant constituency, and paying a deposit.[8] For presidential elections, candidates are nominated by getting the signatures of ten registered voters in each district, and paying a deposit.[9] Parties are allowed to campaign for two months and campaigns end 48 hours before the first polling day.[10] There are no limits regarding campaign financing, as every political party is allowed to appeal for and receive donations from any individual or organisation

in or outside Malawi.[11] Furthermore, the State is obligated to ensure that any party that secures more than 10% of the vote during parliamentary elections has sufficient funds to continue to represent its constituency.[12]

Malawi's Electoral Process and System

Malawi is a representative democracy governed by a constitution – the 1994 Constitution of Malawi which was most recently amended in 2017. It has three branches of government: the executive, the legislature, and the judiciary. The executive branch is headed by the President, who is both head of state and head of government, and is elected every five years for a maximum of two terms. Other members of the executive include the Vice-President(s), the cabinet members (a maximum of 24) appointed by the President, and other government agencies.

The legislative branch (Parliament) consists of 193 members of the unicameral National Assembly. These members are called MPs (Members of Parliament) and they serve in single-seat constituencies. They are similarly elected every five years along with the President. Although the Constitution of Malawi initially provided for a second legislative house – the Senate – in Parliament,[13] the National Assembly voted to remove this provision in 2001. On the original wording of the constitution, a Bill could not be passed into law until it had been approved by the President, a majority of the National Assembly, and a majority of the Senate.[14] The Senate was also meant to improve representation for specific interests groups like women, the disabled, and trade unions.[15] The removal of the provision for a Senate is therefore an unwelcome change to the constitution, as it removes an important source of both representation and checks and balances, which are key to any healthy democracy.

The judicial branch is independent of the executive and the legislature, and consists of the Supreme Court of Appeal, a High Court, and other lower courts (magistrates courts, Industrial Relations Court, and traditional/local courts).[16] The judiciary is led by the Chief Justice, who is appointed by the President on the recommendation of the National Assembly.[17] The current Chief Justice is Andrew Nyirenda. All other judges are appointed by the President on the recommendation of the Judicial Service Commission,[18] while magistrates and persons presiding over traditional/local courts are appointed by the Chief Justice on the recommendation of the Judicial Service Commission.[19]

Malawi has held elections every five years since 1994, and introduced tripartite elections (where presidential, parliamentary, and local government elections are held simultaneously) in 2014. The laws governing Malawi's elections include the Presidential and Parliamentary Elections Act 1993, Local Government Elections

Act 1998, Electoral Commission Act 1998, and some constitutional provisions. Only Malawian citizens (or foreign nationals who have lived in Malawi for at least seven years) over the age of eighteen are allowed to vote.

Malawi previously used the first-past-the-post system to elect its President and members of the National Assembly, which means that a candidate only needed to have the highest number of votes (a simple majority) to emerge as the winner. However, following a Constitutional Court ruling in February 2020, it was held that using the first-past-the-post system for presidential elections was unconstitutional and therefore the two-round system would be used instead.[20] This means that a candidate now needs to have 50% + 1 of the vote (an absolute majority) to emerge as President. If no candidate emerges with an absolute majority, then a second election will be held where the electorate will choose between the two candidates with the highest number of votes. This is a welcome improvement to Malawi's electoral process, as it is bound to increase the presidential mandate.

S/N	District	Constituencies	Wards	Registration Centres	Registered Voters
1	Chitipa	5	10	168	95,698
2	Karonga	5	10	131	146,386
3	Rumphi	4	8	108	96,610
4	Nkhatabay	6	12	129	106,074
5	Likoma	1	2	8	6,973
6	M'mbelwa (Mzimba)	11	22	518	389,662
7	Kasungu	9	27	289	324,787
8	Nkhotakota	5	10	150	178,036
9	Ntchisi	4	8	122	129,844
10	Dowa	7	14	206	324,519
11	Salima	5	10	133	171,261
12	Mchinji	6	12	150	242,096
13	Lilongwe	22	61	571	1,011,412

14	Dedza	8	16	237	310,070
15	Ntcheu	7	14	166	228,401
16	Mangochi	12	34	261	402,822
17	Balaka	4	8	152	156,358
18	Machinga	7	14	181	250,759
19	Zomba	10	28	214	319,033
20	Chiradzulu	5	10	85	145,677
21	Blantrye	13	37	196	497,401
22	Mwanza	2	4	42	48,294
23	Neno	2	4	69	56,049
24	Thyolo	7	20	176	279,233
25	Phalombe	5	10	90	167,467
26	Mulanje	9	20	134	282,130
27	Chikwawa	6	12	161	258,470
28	Nsanje	5	10	110	145,472
	TOTAL	**193**	**462**	**5,002**	**6,859,570**

2019 Electoral Statistics of Malawi. Source: Malawi Electoral Commission[21]

Malawi Electoral Commission

The Malawi Electoral Commission (MEC) was established on the mandate of the 1994 Constitution of Malawi.[22] It is meant to operate as a fully independent body, free from direction or interference from any authority or person.[23] It is however subject to judicial review by the High Court over any petition or complaint made against it.[24]

The MEC consists of a Chairperson (a Judge nominated by the Judicial Service Commission) and at least six other members who are appointed by the President for a term of four years.[25] Members of the MEC may also be removed by the President for incapacity or incompetence, on the recommendation of the Public Appointments Committee.[26] The current members of the MEC are Dr Chifundo Kachale (Chairman), Mr Arthur Nanthuru, Mjr Steven Duwa (Rtd), Dr Jean Mathanga, Ms Linda Kunje, Dr Anthony Mukumbwa, and Ms Olivia Liwewe. Members of the MEC are also empowered by the Electoral Commission Act to appoint a Chief Elections Officer for a term of five years.[27] The current Chief Elections Officer is Mr Sam Alfandika.

The functions of the MEC include:[28]

a) to direct and supervise the conduct of all elections;
b) to procure and distribute ballot papers and boxes;
c) to establish polling stations;
d) to take necessary measures for conducting free and fair elections;
e) to ensure security during elections;
f) to organise and direct the registration of voters and establish a voter register;
g) to determine and review constituency boundaries (subject to confirmation by the National Assembly[29]), taking into account population density, ease of communication, and existing administrative areas;
h) to determine electoral petitions and complaints;
i) to promote public awareness of elections through civic and voter education; and
j) to conduct research into electoral matters.

As stated on its website, the MEC's vision is "[t]o be a highly professional Electoral Management Body that delivers credible elections in Malawi", while its

mission is "[t]o deliver credible elections that are free, fair, transparent, inclusive, efficient and cost-effective to entrench democratic values in Malawi".[30]

However, there are notable problems with the operation of the MEC. Though it is meant to operate as a fully independent body, there is a significant lack of autonomy and undue interference from political actors. This is partly due to the fact that MEC members are appointed by the President.

Additionally, the MEC has a long-standing problem of shortage of funds which affects its ability to plan elections effectively. Among all the electoral laws of Malawi, there is none that covers the issue of proper funding for MEC to conduct elections. This significantly affects the MEC's effectiveness in performing its functions. Concerns over the inefficiency of the MEC is partly what led to renewed interest in electoral reform, as people have suggested that the MEC should have its own independent fund. This and other reforms are discussed in detail in the next section.

Reforms to the Electoral Process

Electoral reform has been a long-standing topic in Malawian politics. Following the 2004 elections, there were calls for the adoption of a majoritarian electoral system (where the candidate would be required to have an absolute majority). This proposal was among the recommendations during the constitutional review process of 2006; however, these recommendations were never adopted. Three years after the 2009 elections, a Taskforce on the Amendments of Electoral Laws was set up. This taskforce was able to review the electoral laws to allow for tripartite elections to be held in 2014.

Following the 2014 tripartite elections which involved several irregularities, there were renewed calls for a comprehensive review and reform of Malawi's electoral process. The National Task Force on Electoral Reforms was created, consisting of members of civil society and members of the MEC. The Task Force, working together with the Malawi Law Commission, produced a final report with their recommendations in 2017 and sent it to the government as the Electoral Reforms Bill.

The proposed reforms included the following:[31]

a) The President would be required to have an absolute majority (50% + 1 of the vote);
b) There would be 28 new district seats exclusively for women, in addition to the existing constituency seats open to any candidate;
c) There would be a change to the way MEC commissioners are chosen, to ensure that they have independence from political actors;
d) The MEC would have its own fund;
e) Electoral laws would be harmonised and consolidated, particularly the Presidential and Parliamentary Elections Act and the Local Government Act, so as to have one law governing tripartite elections; and
f) Civic competence would be enhanced by making civic and voter education continuous.

The Electoral Reforms Bill was supposed to be put forward to Parliament by the government; however, the then DPP-led government introduced some modifications to the Bill that led to it being defeated in Parliament at the second reading. Only the call for a majoritarian electoral system has been adopted for

presidential elections, and this was thanks to the Constitutional Court ruling in 2020, rather than Parliament. It is regrettable that the Malawian government failed to implement the other proposed reforms that were aimed at improving Malawi's electoral process and laws, the effectiveness of the MEC, and female representation. At a time when support for elections and trust in the electoral process is declining (from 71% in 2014 to 57% in 2017 – see below), it is imperative that the government considers seriously what reforms are necessary in order to maintain the integrity of elections. Indeed, the failure to implement these reforms at the time partly contributed to the incompetence of the MEC and the electoral irregularities that characterised the flawed 2019 elections.

**Figure 1: Declining support for elections as the best way to choose leaders** | Malawi | 2008-2017
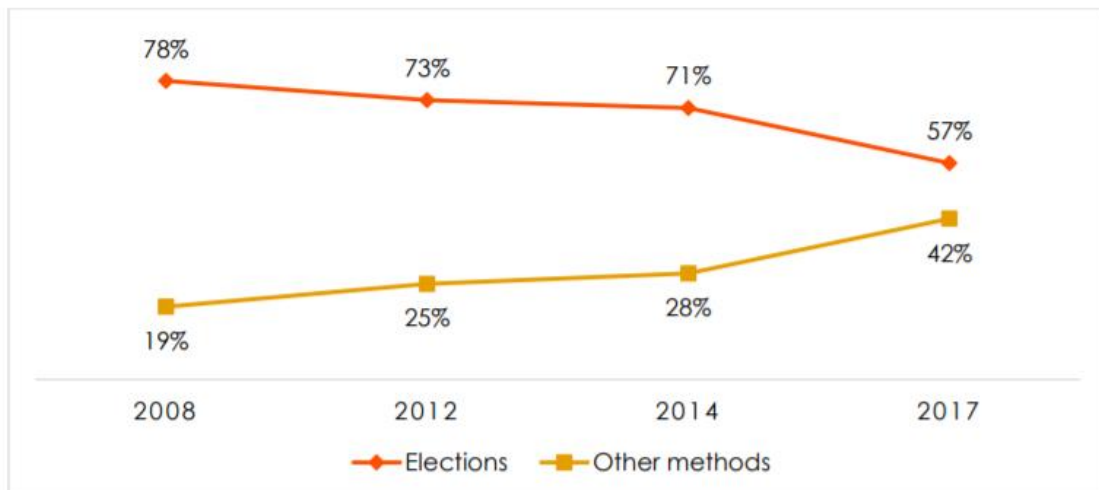
Respondents were asked: *Which of the following statements is closest to your view?*
Statement 1: We should choose our leaders in this country through regular, open, and honest elections.
Statement 2: Since elections sometimes produce bad results, we should adopt other methods for choosing this country's leaders.
(% who "agree" or "agree very strongly" with each statement)

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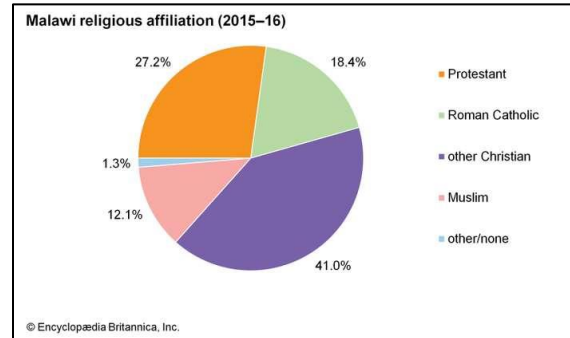
Source: Afrobarometer[32]

The Electorate

Malawi is a multi-religious and multi-ethnic nation, with over ten main ethnic groups and numerous languages spoken. The main religions are Christianity, Islam, and traditional religion.
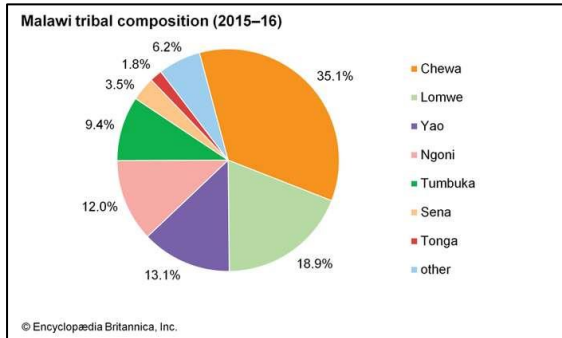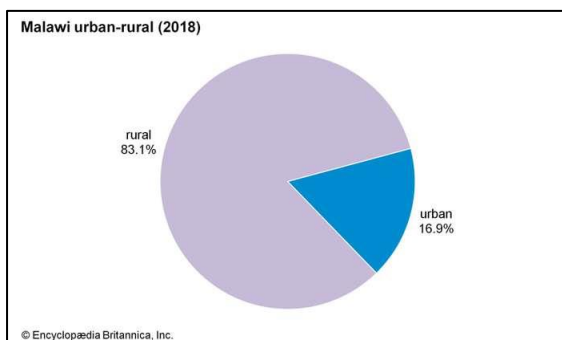

Ethnic composition of Malawi

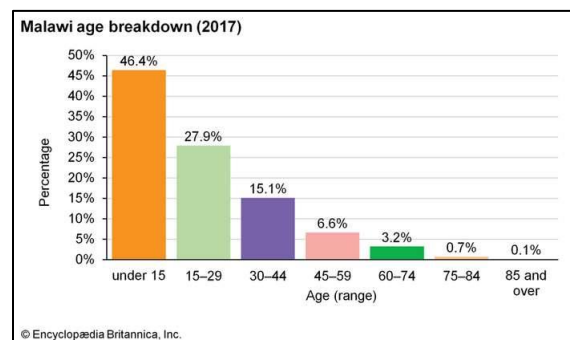*Source: Encyclopaedia Britannia[33]*

Religious composition of Malawi

Source: Encylopaedia Britannica[34]

While urbanisation is occurring swiftly in Malawi, most people still live in rural areas. As of 2018, it was estimated that more than four-fifths of the Malawian population lived in rural areas. Furthermore, although life expectancy in Malawi is low, its population of 17.57 million is growing rapidly due to its high birth and fertility rates. As shown below, in 2017 almost half of the entire Malawian population was below the age of 15.

Rural-urban composition of Malawi

Source: Encyclopaedia Britannica[35]

Age breakdown of Malawi

Source: Encyclopaedia Britannica[36]

This high level of diversity in the Malawian population can sometimes lead to regional division during elections. This was particularly prominent following the recent 2020 elections, as the results of the elections reveal that the southern region voted mainly for the DPP, while the central region voted mainly for the Tonse Alliance (which includes the MCP).[37] Commentators such as Boniface Dulani of the Institute of Public Opinion and Research (IPOR) have accurately noted that "[t]he election created dangerous regional divisions that need to be addressed", and it is important for the president to unite the nation in order to keep this divide from spreading further. [38]

Gender Policy and Political Participation

The second edition of Malawi's National Gender Policy was published in January 2015 by the Ministry of Gender, Children, Disability and Social Welfare (MoGCDSW), following consultation with various stakeholders including government, development partners and non-governmental organisations (NGOs). Its stated purpose is "to mainstream gender in the national development process to enhance participation of women and men, girls and boys for sustainable and equitable development for poverty eradication".[39]

The Policy recognises gender-related problems in the country, among which are unequal power relations between men and women, and limited participation and representation of women in decision-making processes.[40] In this light, the Policy adopts eight priority areas:

a) Gender in education and training;
b) Gender in health;
c) Gender in agriculture, food security and nutrition;
d) Gender in natural resources, environment and climate change management;
e) Gender in governance and human rights;
f) Gender and economic development;
g) Gender-based violence; and
h) Capacity of the national gender machinery.

The area that is relevant to increasing women's participation and representation in politics is gender in governance and human rights, which has the objective of ensuring that women and men "fully and equally participate in politics and decision making positions at all levels".[41] There are four strategies outlined to help with the achievement of this objective:

S/N	Strategy	Responsibility	Timeframe
1	Advocate for legislation and policies to enhance women participation at all levels of	MoGCDSW, National Assembly, Ministry of Local Government, NGO Gender Co-ordination Network (NGO GCN), United Nations Development Programme	2015- 2018

	governance and decision making	(UNDP), Action Aid, World Vision, Oxfam	
2	Advocate for the enactment, popularisation and implementation of gender-related Acts	MoGCDSW, Ministry of Justice, Ministry of Local Government, Office of the President and Cabinet, National Assembly, NGO GCN, UNDP, National Media Institute of Southern Africa (NAMISA), Ministry of Information, Action Aid, World Vision, Oxfam	2015- 2020
3	Promote the provision of information to stimulate women to effectively participate in decision making processes at all levels	MoGCDSW, National Assembly, Ministry of Local Government, NGO GCN, UNDP	2015- 2020
4	Advocate for political parties to give space to women at all levels and positions	MoGCDSW, Political Parties, Ministry of Local Government, National Assembly, NGO GCN, UNDP, Action Aid, World Vision, Oxfam	2015- 2020

Source: National Gender Policy 2015[42]

Having estimated that women's participation and representation in decision-making is only 23% in public sector decision-making positions and 16.7% in Parliament,[43] the Policy also sets 50% targets for the percentage of women and girls participating in decision-making positions at all levels and the percentage of seats held by women in Parliament.[44] It is worth noting that there has been some progress in this regard, as the percentage of seats held by women in Parliament

increased from 16.7% in 2015 to 22.7% in 2019.[45] This achievement is probably thanks to the 50-50 Elect and Retain Her campaign run by civil society actors in the run-up to the 2019 elections. The campaign was used to generate support for female parliamentarians retaining their seats and more being voted in.

However, despite the progress that has been made, the 50% targets have still not been met, even though the timeframes for the implementation of these strategies have expired. Given that women constitute over half of the total population of Malawi (50.7% in 2019[46]), the 22.7% figure is still poor. Had the proposal for 28 new district seats exclusively for women been adopted, the representation of women in Parliament is likely to have increased significantly, and it is regrettable that this proposed reform was abandoned.

Youth Policy and Political Participation

As discussed earlier, majority of Malawi's population (almost three-fourths) are young people under the age of 29.[47] It is therefore paramount to ensure that they are adequately represented in decision-making processes. In this light, the Ministry of Youth and Sports (MoYS) published the National Youth Policy in 2013, with one of its guiding principles being the "[a]ctive involvement of the youth in decision-making and national development programmes and policy debates".[48]

Like the National Gender Policy, the National Youth Policy also has a number of priority areas. These are:

a) Youth participation and leadership;
b) Youth economic empowerment;
c) National youth service;
d) Education for youth;
e) Youth in science, technology and environment;
f) Youth health and nutrition; and
g) Social services, sports, recreation and culture.

The area of concern for decision-making is youth participation and leadership, which has the objective of increasing the "participation of youth in development initiatives at community and national level".[49] To achieve this objective, the Policy sets out four strategies:

S/N	Strategy	Responsibility	Timeframe
1	Facilitate the establishment of youth clubs, youth centres and youth networks	MoYS, NGOs, faith-based organisations (FBOs), Malawi Confederation of Chambers of Commerce and Industry (MCCCI), United Nations Children Fund (UNICEF), United Nations Population Fund (UNFPA), UNDP, African Development Bank (ADB)	Continuously

2	Facilitate the growth and development of youth clubs to youth organisations	MoYS, National Youth Council of Malawi (NYCOM), NGOs, FBOs, MCCCI, UNICEF, UNFPA, UNDP, ADB	Continuously
3	Equip leaders of youth clubs, youth organizations, youth centres and youth networks with leadership and management skills	MoYS, NYCOM, NGOs, FBOs, MCCCI, UNICEF, UNFPA, ADB	Continuously
4	Develop and provide a minimum standard package to youth clubs, youth organizations, youth centres and youth networks	MoYS, NYCOM, NGOs, FBOs, MCCCI, UNICEF, UNFPA, UNDP, ADB	Continuously

Source: National Youth Policy 2013[50]

Having outlined these strategies, the Policy sets a target of 30% youth representation in decision-making bodies including the National Parliament.[51] According to OECD, the percentage of young people who declared interest in politics and public affairs increased from 60% in 2011 to 72% in 2015, while the percentage of youth who never discusses politics decreased from 35% to 24%.[52] This suggests that the National Youth Policy has been successful to some extent in encouraging youth participation and representation in politics.

Another notable achievement in this regard is the election of Fyness Magonjwa of the DPP, who is just in her early twenties, into the National Assembly in 2019 to represent the Machinga South East constituency. This is a feat worthy of emulation by Nigerian youths, in light of the "Not Too Young To Run" Act that

reduces the minimum age limit for running for political office. When young people are involved in politics, it increases representation, presents a diverse range of views, and produces innovative solutions.

Background to the Elections

Malawi's presidential elections were initially held on 21 May 2019, when the first-past-the post system was still in force. These elections led to a narrow victory for incumbent President Peter Mutharika with 38.57% of the vote and 62 of the 193 seats in the National Assembly for his party, the DPP. The voter turnout was relatively high, at 74.44%.

Candidate	Party	Votes	Percentage
Peter Mutharika	Democratic Progressive Party	1,940,709	38.57
Lazarus Chakwera	Malawi Congress Party	1,781,740	35.41
Saulos Chilima	United Transformation Movement	1,018,369	20.24
Others	UDF, MMD, UP, and IND	290,446	5.77

Total	Votes	Percentage
Total Valid Votes	5,031,264	98.54
Null and Void Votes	74,719	1.46
Total Votes Cast	5,105,983	–
Total Registered Voters	6,859,570	–
Voter Turnout	–	74.44

Malawi's 2019 Presidential Election Results. Source: Malawi Electoral Commission[53]

However, defeated candidates Lazarus Chakwera of the MCP (with 35.41% of the vote) and Saulos Chilima of the United Transformation Movement (with 20.24% of the vote) challenged the election results in court. This was coupled with months of protests against the results and calls for the removal of Jane Ansah, who was the MEC Chairperson at the time.[54] Allegations were made

regarding the MEC's incompetence, with many arguing that they failed to effectively perform their functions under the Constitution and the Electoral Commission Act.

Eventually, the elections were annulled by the Constitutional Court in February 2020, as the court acknowledged evidence of electoral irregularities including the use of correction fluid, Tipp-Ex, to alter tally sheets.[55] The court also found the MEC to be incompetent, and declared that new elections be held within 150 days.[56] As referred to in earlier sections of this paper, the court in this decision declared that it was unconstitutional for the President to be elected with a simple majority; rather, a candidate must have an absolute majority to emerge as President. Following an appeal by Mutharika, the Supreme Court upheld the Constitutional Court's judgment in May 2020.[57] Having been pressured by the protesters and the court decision confirming MEC's incompetence, Jane Ansah also tendered her resignation from the MEC in the same month.[58]

In recognition of the court's judgment, on 24 February 2020 the Parliamentary and Presidential Elections Act (PPEA) Amendment Act was passed, with the new date of the elections fixed at 19 May.[59] A new date, 2 July, was announced by the Malawi Electoral Commission in March,[60] and the final date of 23 June was announced by the Legal Affairs committee on 21 May.[61] This also meant that the term for Members of Parliament and ward councillors was extended by one year to allow for the holding of simultaneous elections in 2025.

The decision to have a rerun election for the first time in Malawi and the second time in the whole of Africa, has been hailed as a "milestone for democracy".[62] It reflects the role of the judiciary to uphold the constitution and the rule of law. This is an important step forward for Malawi which ranks low on Transparency International's Corruption Perceptions Index (123 out of 189).[63]

The 2020 Presidential Elections

Following the requirement of an absolute majority in the run-up to the June 2020 elections, parties in Malawi started to form alliances to increase their chances at getting a higher share of the vote. The Democratic Progressive Party formed an alliance with the United Democratic Front; the Malawi Congress Party formed the Tonse Alliance with eight other parties including the United Transformation Movement.[64]

The elections had a total of 5,002 voting centres and saw Lazarus Chakwera of the MCP emerge as the new President with as much as 59.34% of the popular vote, compared to just 39.92% for incumbent President Peter Mutharika and 0.74% for the lesser known Peter Kuwani.

Candidate	Party	Votes	Percentage
Lazarus Chakwera	Malawi Congress Party	2,604,043	59.34
Peter Mutharika	Democratic Progressive Party	1,751,877	39.92
Peter Kuwani	Mbakuwaku Movement for Development	32,456	0.74

Total	Votes	Percentage
Total Valid Votes	4,388,376	98.71
Null and Void Votes	57,323	1.29
Total Votes Cast	4,445,699	–
Total Registered Voters	6,859,570	–
Voter Turnout	–	64.81

Malawi's 2020 Presidential Election Results. Source: Malawi Electoral Commission[65]

Although the voter turnout at the 2020 election was 64.81%, 9.63% lower than the turnout at the 2019 elections, the reports were mostly positive. There were only domestic observers at the elections, due to COVID-19 restrictions which made it difficult for international observers to be present. Apart from Mutharika's claim that there was violence, these domestic observers generally agreed that the elections were free, fair, and peaceful.[66] This is a step in the right direction compared to the 2019 elections that were marked with violence and electoral malpractices.

With regard to precautions taken to mitigate the spread of COVID-19, the government had adopted some measures prior to the election. In March 2020, schools were closed and large gatherings were banned.[67] In April, President Mutharika attempted to order a 21-day lockdown[68] but this was temporarily barred three days later by the Malawi High Court, because there were no protective measures put in place for the poorest members of society who would have been hit the hardest by the lockdown.[69]

The MEC supported the government's COVID-19 efforts by announcing that "masks, gloves, water and hand sanitisers for use" would be provided at polling stations.[70] There was also a requirement of "strict observance of distances between individuals as well as gatherings of less than 100 people during meetings."[71] To support these measures, the MEC appealed to political parties to find innovative ways of campaigning that would not expose voters to COVID-19, and used social media and radio to raise awareness of COVID-19.[72]

The MEC also engaged in voter education through a series of videos titled "My Country, My Choice".[73] This initiative, supported by the International Foundation for Electoral Systems (IFES), encouraged voters to adhere to public health guidelines including using hand sanitisers, wearing face masks, and maintaining a social distance of at least 2 meters from others.

On election day, people were advised to bring their own pens from home to reduce the risk of them contracting the virus through shared pens for voting. However, as will be discussed in the next section, many of these precautions were not properly followed.

Coronavirus Spike Post-Election

Malawi recorded its first three coronavirus cases on 2 April 2020. By 18 June 2020, it had 592 coronavirus cases and eight deaths. On June 23 (election day), this number had increased to 803 coronavirus cases and eleven deaths. As of 27 June, there were a total of 1,038 cases and thirteen deaths. This steady increase in cases during the election period suggests a close relationship between the elections and the spike in coronavirus cases.

Despite the precautions taken by the MEC to prevent the spread of the virus during the elections, many of them were not adhered to. Various sources report that political parties continued their campaigns with large public rallies and no social distancing[74]. Pictures and reports also reveal that on election day, social distancing was not strictly enforced in all the polling centres (particularly those in rural areas), and only a few people had masks on.[75] According to Mr Boniface Chibwana, one of the reasons for this is that the civic and voter education done by the MEC before the elections was concentrated in urban areas; therefore, people in rural areas were either unwilling or unable to follow the guidelines for safe voting.[76] Given that majority of Malawi's population live in rural areas, it is easy to see how their actions would affect the entire nation. It is therefore no surprise that the elections saw the number of coronavirus cases across the country almost double, from 592 on 18 June to 1,038 on 27 June.

There are many lessons, both good and bad, to learn from Malawi's elections. This section presents these lessons under two broad themes of Democracy and Political Participation, and Public Health.

Democracy and Political Participation

Malawi teaches us important lessons about improving democracy through the electoral process, stakeholder engagement, political participation, and preventing an abuse of the power of incumbency.

a) Electoral process

For democracy to work effectively, the government in power must have the mandate of the people. Malawi upheld democracy effectively by using the judicial process to not just annul the 2019 presidential elections which were characterised by numerous irregularities, but also require that the President cannot be elected unless they have the mandate of a majority (50% + 1) of the people. In doing this, Malawi improved the strength of its electoral process and demonstrated the independence of the judiciary, which was willing to uphold the rule of law even though the decision was unfavourable to the ruling party. This is something that the Nigerian government as well as the judiciary can learn from, as its previous elections have also been characterised by irregularities and reports of electoral malpractices.

There are also lessons to learn from the peaceful process that characterised the rerun election. Having gotten it wrong in 2019, Malawi was able to improve when it had the elections in 2020, as evidenced by reports that the elections were peaceful, free, and fair. Given the high level of insecurity during the election and post-election periods in Nigeria, this is an area in which we need to improve.

b) Stakeholder engagement

Stakeholder engagement, including lobbyists and active citizens, has played a large role in bringing about positive change and reform to Malawi. For example, protests and demonstrations prevented Bakili Muluzi, who was President from 1994 to 2004, from abolishing term limits during his second term in office.[77] It is also pressure from citizens that has driven the electoral reform process since 2004. Although not all of the proposed reforms have been adopted, there has

nevertheless been some progress, the most notable being the adoption of tripartite elections in 2014 and the adoption of a majoritarian electoral system in 2019.

With regard to the elections, it was the protests against the irregularities in 2019 that led to the election results being challenged and subsequently overturned in court. Similarly, protests against Jane Ansah's incompetence during the 2019 elections led to her resignation from the MEC. This shows how citizens can engage directly in the political process without having to wait for elections every couple of years. The high level of citizen engagement and direct participation in Malawian politics (lobbies, protests, and petitions) is something that Nigerian citizens can learn from in order to improve their own electoral processes and systems.

c) Political participation

Another related point is the inclusion of women and youth in the political process. As noted earlier, following the establishment of the National Gender Policy, Malawi has seen some progress in the number of women represented in Parliament. Similarly, following the establishment of the National Youth Policy, Malawi has seen an increase in the percentage of youth showing an interest in politics. These are all areas worthy of emulation by Nigeria. Given that women constitute almost half of Nigeria's population,[78] and young people aged fourteen or below constitute over 40%,[79] it is crucial to involve them in the political process. When this happens, better decisions will be made, more groups will be considered and represented, and the government will have more legitimacy.

d) Power of incumbency

Incumbent Presidents seeking re-election have advantages over their opponents in many ways: they have more recognition in the country; they can cite examples of achievements they have already made when their opponents can only make promises; they can get campaign sponsors and donors more easily; as the leader of the ruling party, they are likely to have more supporters, and so on. In this way, they can use their office to promote their campaign in a way that opposing candidates cannot.

However, when incumbents try to use state resources or interfere with state institutions for their own personal reasons, this becomes an abuse of power. In incumbent President Mutharika's case, just ten days before the rerun elections he attempted to force the premature retirement of Malawi's chief justice, Andrew Nyirenda, who was part of the judges that annulled the elections the previous year. However, this move was blocked by the High Court following protests and

appeals from civil society groups who condemned the action as "an unprecedented assault on judicial independence in Malawi".[80] This is a strong example that demonstrates why it is important to have both civil society groups and government institutions like the judiciary, that can offer checks and balances to prevent an incumbent President from abusing the power of their office.

Public Health

On the other hand, Malawi teaches us that countries must not focus on the electoral process to the detriment of public health. Rather, they must strike a balance between promoting public health and conducting free, fair and credible elections. Organisations such as the Centers for Disease Control and Prevention, International IDEA, and Open Society Initiative for West Africa (OSIWA), as well as other experts, recommend some best practices for conducting elections during a pandemic.[81] These include: (a) start planning early; (b) maintain social distancing; (c) provide thermometers and sanitation stations; (d) wear masks; (e) supply PPE; and (f) inform the public.

a) Start planning early

The first important thing to do is to start planning early. The coronavirus pandemic puts countries in an unprecedented situation when it comes to conducting elections. It is therefore important to set enough time to plan how to appropriately handle these unique circumstances. Countries cannot afford to continue conducting elections as normal, just like Malawi did. As Anthony Banbury, President of the International Foundation for Electoral Systems (IFES), puts it, "Planning for elections must start as early as possible; electoral administrators must work closely with public health authorities, security services, and other key state actors".[82] To guarantee effectiveness, everything from the administrative to the financial aspects of preventative measures must be planned out from the onset.

Through planning and inter-agency collaboration, innovative solutions can be born. For example, more polling centres can be created to prevent overcrowding, as in India, where the maximum number of people allowed at a polling centre is being reduced from 1,500 to 1,000.[83] Staggered voting, where different categories of people vote across different times of the day, can also be implemented. This will help to reduce the number of people on the queue at any one time. Dr Maria Carnovale, Lead Policy Analyst at SciPol, suggests adjusting in-person voting by expanding early voting and election day voting hours.[84]

Another innovative solution that can be adopted through planning is allowing self-quarantined voters and those suspected of having COVID-19 to vote at a separate time. Indeed, the Centers for Disease Control (CDC) recommends a switch to remote voting wherever possible.[85] However, this might not be conducive to the Nigerian environment for at least two reasons: the high risk of electoral malpractice that comes with remote voting, and lack of adequate facilities to implement this in Nigeria. Even areas that had pre-existing mailing facilities (e.g. Georgia in the USA) struggled to cope with the large numbers of people who chose to vote by mail.[86] Given our situation in Nigeria, it is therefore preferable to adopt other measures such as setting up polling stations at isolation centres (with officials wearing full personal protective equipment) to allow infected patients vote.

b) Maintain social distancing

Research by Laura Matrajt and Tiffany Leung suggests that social distancing measures are effective in either delaying or flattening the epidemic curve of COVID-19.[87] In line with this, both during the run-up to the elections and on election day social distancing must be maintained, with each person maintaining at least a two-meter distance from others. The kind of mass public rallies organised by Malawian politicians must be avoided. Politicians should adopt innovative measures to pass their messages across to the masses without overcrowding at large public rallies. For example, they can adopt more digital campaigning methods by using social media and television stations. Undoubtedly, digital campaigning will not be enough to get across to everyone, particularly those in rural communities; however, it can be used as a supplement to reduce the number of people present at physical campaigns.

Voting centres should also make provisions for social distancing even as people are on queues. It is recommended to use large spaces and well-ventilated areas, as the virus is more easily spread in confined spaces.[88] If necessary, there should be separate waiting areas for those who are waiting to be called upon to vote.

c) Provide thermometers and sanitation stations

Infrared thermometers and sanitation stations should also be provided at voting centres. The temperature of each voter should be taken and those with high temperatures should be attended to separately to prevent them from potentially infecting others. Each voter should also be required to sanitise their hands before and after touching any material like the voting sheet or the ballot box. Alternatively, all voters may be required to wear gloves before touching any

material. This is in order to reduce the risk of spreading the virus through person-to-surface contact.

d) Wear masks

It is imperative that all voters wear masks at voting centres. Research has shown that just saying a short phrase is enough to transmit hundreds of respiratory droplets through which COVID-19 can be transmitted.[89] However, when worn correctly, masks can capture nearly all of these droplets, thereby preventing them from being spread to other people.[90] In this light, mandating people to wear masks can go a long way in slowing the spread of the virus, as was seen in fifteen states and the District of Columbia in the US, where the daily COVID-19 growth rate slowed by two percent just three weeks after a mandatory mask order was imposed.[91] Unlike in Malawi, countries must not just adopt but also enforce the policy of wearing masks in order to lower the transmission rate and ensure that elections are conducted in the safest way possible.

e) Supply PPE

Election officials at voting centres should be supplied with PPE to reduce the risk of them getting infected or infecting others. This should be coupled with training on how to use the protective equipment effectively, dispose of it properly, and implement other preventative measures that will reduce the risk of transmission. There should also be arrangements to replace any official who shows symptoms of COVID-19. India, for example, has made arrangements for a Returning Officer, who will maintain a reserve pool of election officials to replace those who show symptoms.[92]

f) Inform the public

Finally, it is important to inform the public about these measures not only to enlighten them but also to increase trust in the process. People need to be informed in order to take these preventative measures while voting. Messages should be publicised on television stations, social media platforms and, on election day, in polling stations. Importantly, a major thing we can learn from Malawi's experience is that when informing the public on how to vote safely, we should ensure that traditional and marginalised communities are not left out. Digital messages might not get to them, so community outreach might be necessary in order to educate them on the guidelines to follow when voting (provision should be made for the officials going on this outreach to wear protective gear).

At the same time, people need to know what changes to voting will be taking place for the sake of transparency. They should be assured that coming out to exercise their civic right to vote will not endanger their health. As Quarcoo puts it, the reason for South Korea's high voter turnout is that "citizens also felt confident in the process because they trusted their government's overall pandemic response".[93] Conversely, countries like Malawi recorded lower turnouts than usual in elections held during the pandemic. A possible reason for this is lack of trust and confidence in the process. As voter turnout is an important factor in determining the legitimacy of a government, it is important to ensure that people have enough information and trust in the government so that they will be willing to come out and vote.

If Nigeria is able to learn from Malawi and not just adopt but also strictly adhere to these recommended practices during its elections, then the likelihood of a post-election spike in coronavirus cases will be low.

Conclusion

Nigeria can learn lessons about upholding democracy and the rule of law from Malawi's rerun elections in 2020, which overturned the results of the flawed 2019 elections. However, the need to continue the election process must be balanced against the need to contain the spread of the coronavirus. Malawi seems to have focused on elections to the detriment of public health, which led to a worsening of the coronavirus crisis in the country. As Dr Charles Mwansambo of Malawi's Ministry of Health notes, "[w]e stand to lose more than what we will gain" if we do not take preventative measures.[94]

We must therefore learn from Malawi's experience in order to prevent a similar spike in coronavirus cases in Nigeria. As the Centers for Disease Control and Prevention and other experts have recommended, inter-agency planning should start as early as possible, social distancing and wearing of masks should be enforced throughout the election period, sanitation stations and thermometers should be provided at voting centres, election officials should be provided with protective gear, and importantly the public should be informed about every change. When these preventative measures are taken, Nigeria will be able to strike a better balance than Malawi at upholding democracy and promoting public health at the same time. No doubt, it will be far from easy to implement and also raise finances for these measures, but as we can see from the case of Malawi, it is much better to adopt these measures during the elections than to deal with a spike in coronavirus cases later.

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About the Electoral Hub

The Electoral Hub (E-Hub), an organ of the Initiative for Research, Innovation and Advocacy in Development **(IRIAD),** is a multidisciplinary strategic think-tank which seeks to provide solutions to improve the credibility and integrity of the electoral process. It is conceptualized to complement the roles and activities of the different institutions, stakeholders and drivers of the electoral process and governance. The Electoral Hub's aim is to strengthen electoral governance and accountability in Nigeria through the provision of data and critical analysis supporting the credibility and integrity of the electoral process. We believe that the integrity of the electoral process is crucial in improving the electoral governance architecture and democracy in Nigeria. We also believe in contextual analysis for solutions rooted in the principles of justice and equity

Our core values are knowledge-exchange, inclusion, justice, equity, transparency and accountability.

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