



PAN AFRICAN CIVIC EDUCATORS NETWORK

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11th. November 2024

**CONCERNS OVER NATIONAL REGISTRATION BUREAU (NRB)'S DISREGARD
FOR THE HIGH COURT JUDGEMENT of 25th.OCTOBER 2024 ON VOTER
REGISTRATION.**

FOR IMMEDIATE RELEASE

1.0 High Court Judgement on Use of National IDs on voter registration

On 25th October 2024 the High Court delivered a Judgement on Civil Cause **NO.130** a case where concerned citizens sought a court injunction against the Malawi Electoral Commission's use of the national ID as a sole means of identification for voter registration. Upholding the law on voter registration the High Court ordered the NRB,

" ... to immediately take steps and put in place adequate mechanisms that would ensure that persons who meet the eligibility criteria set by Section 77 of the Constitution and present themselves at the Malawi Electoral Commission's MEC registration centres, but do not have proof of eligibility issued to them by NRB, are assisted to register in its database and given a unique identifier in line with the requirements of Section 12 of the Presidential. Parliamentary and Local Government Elections Act and then allowed to register as voters thereafter with MEC..."

This was followed by a public statement and a press conference by the NRB committing itself to implement the High Court Order without fail, at the commencement of phase 2 voter registration exercise that was set to start on 9th November 2024. MEC also issued a public statement informing the nation that in view of the High Court Judgement phase one voter registration would be extended and that details of such extension would come after phase three. In keeping with its mandate, PACENET issued a press statement on 30th October 2024 urging the NRB to immediately comply with the High Court Order by ensuring that NRB staff present at voter registration

centres are empowered to assist voters without national IDs to obtain IDs and be able to register with MEC.

2.0 NRB's unfortunate disregard for the High Court Order

Shockingly, eighteen (18) days from the day of the judgement and three (3) days into phase two of voter registration, NRB has not provided IDs to new eligible voters, thereby denying them a chance to register with MEC. Fifteen (15) accredited LTO observers for PACENET deployed in Thyolo, Luchenza and Blantyre have repeatedly reported non-availability of NRB services at voter registration centers visited. At the same time, these LTO reported an increasing number of potential voters who were being sent back due to NRB's failure to implement the High Court Judgement.

This is clearly a blatant snub of the High Court judgement by the NRB and smacks of a deliberate attempt by the Government Agency to compromise the electoral process.

It is common knowledge that denying potential voters a right to vote in the upcoming elections through politically motivated tactics as used by the NRB is a very serious dent on democracy. Moreover, failure by the NRB to implement the High Court order is clearly tantamount to contempt of court, impudence, and a deliberate effort to disfranchise potential voters. Such actions should not be allowed in any democratic nation.

3.0 Our Call to Action

PACENET would like to demand the following actions from MEC, NRB, Government and CSOs :

a) Malawi electoral Commission (MEC)

Based on agency collaboration between MEC and NRB on the voter registration exercise and the failure by the NRB to fulfil the High Court Judgment, we view MEC as being complicit to the actions of the NRB who are deliberately disfranchising potential voters in the regions and areas of Malawi in question. We, therefore, appeal to MEC to undertake the following actions:

- i. to suspend the voter registration exercise, as other stakeholders have demanded before, until the NRB is ready to implement the High Court Judgement in totality.
- ii) to engage all political parties through the Centre for Multi-Party Democracy (CMD) rather than making mere public statements, which address no specific entities, and provide no clear direction.

b) *The National Registration Bureau (NRB)*

We would like to remind the NRB that their continued failure to implement the High Court Ruling has great potential to derail the current voter registration exercise, create anger among the electorate, which might lead to chaos now or rejection of the outcome of the elections in September 2025. The NRB needs to do the right thing immediately, which is to follow the law or else be held accountable for any unfortunate events that may ensue due to their lack of respect for legal direction provided by the Court.

c) *Government*

We have noted the unusual tendency by Government to respond to concerns which are specifically directed at MEC or NRB. If these organisations are independent bodies, it would be procedural for them to speak for themselves on matters that are directed at them for their attention or action. Consequently, we urge Government to let the two independent bodies to speak for themselves and be held accountable for their actions. In fact, it would be reassuring if Government even held the two bodies accountable for the challenges faced by the electorate in accessing their services.

d) *Civil Society Organisations (CSOs)*

We appeal to all civil society organisations to remain vigilant and professionally observe all electoral processes including the current voter registration exercise, which is the bedrock of either a credible or flawed election in any nation.

Conclusion

PACENET remains committed to promoting transparency, accountability, and credibility to the electoral process, as Malawi prepares for the upcoming election on 16th September 2025. May the stakeholders targeted by this communique take the matters addressed herein seriously as any election is a serious national issue.



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The following roving LTOs are currently observing the phase two voter registration at selected centers in Luchenza Municipality, Thyolo District and Blantyre.

NO.	NAME OF OBSERVER	PHONE NUMBER
1	Olive Mpina-ED	0995327460
2	Rex Mlotha-Program Manager	0999511870
3	Thomas Wadi	0983044527
4	Anthony Phoya	0882140886
5	Kalisto Phiri	0995196944
6	Demistar Maseko	0886471650
7	Hilda Mtiya	0999380792
8	Enock Kausiwa	0888564602
9	Merina Biziweki	0996582143
10	Nyadani Maseyama	0999347590
11	Brtha Maghe	0998839942
12	Esime Tomato	0983381123
13	Steven Duwa	0995674324
14	Samson Dyton	0888333576
15	Isaac Maston Antonyo	0880424560