



Centre for Social Research, University of Malawi  
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## News release

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### **Most Malawians see legal challenge to election results as justified, courts as impartial and trustworthy**

As of late 2019, a majority of Malawians considered the political opposition justified in challenging the declared results of the 2019 election, a new national survey by Afrobarometer shows. Most also saw the country's courts as trustworthy and impartial.

Findings from the survey, which was conducted last November-December, provide insights into how Malawians perceived their courts as the pivotal legal challenge advanced and public debate continued to rage in late 2019.

Most citizens were aware of the court case, and most said the opposition Malawi Congress Party (MCP) and United Transformation Movement (UTM) were justified in filing a legal challenge against the declared victory of President Peter Mutharika of the Democratic Progressive Party (DPP).

Large majorities saw the courts as impartial and trustworthy, and most said the president must always obey the laws and courts, even if he thinks they are wrong.

But Malawians were split as to whether the losing side in an election should always have the right to challenge its defeat in court.

### **Key findings**

- As of late 2019, eight out of 10 Malawians (79%) were aware of the court case challenging the validity of the 2019 presidential election results (Figure 1), and among these citizens, more than two-thirds (68%) believed the opposition parties were justified in filing the case (Figure 2).
- Two-thirds (68%) of Malawians saw the country's courts as neutral bodies "guided only by law." Among key public institutions, the courts were second only to the Malawi Defence Force (78%) in perceived impartiality (Figure 3).
- Similarly, two-thirds (68%) of respondents said they trust the courts at least "somewhat," including half (50%) who said they trust them "a lot."
- Three-quarters (76%) of Malawians said the president must always obey the laws and courts, even if he thinks they are wrong. Opposition supporters were particularly insistent on presidential respect of the law (Figure 4).
- Malawians were divided as to whether the losing side in an election should accept defeat in the interest of peace and development (54%) or should always have the right to challenge the results in court (45%).

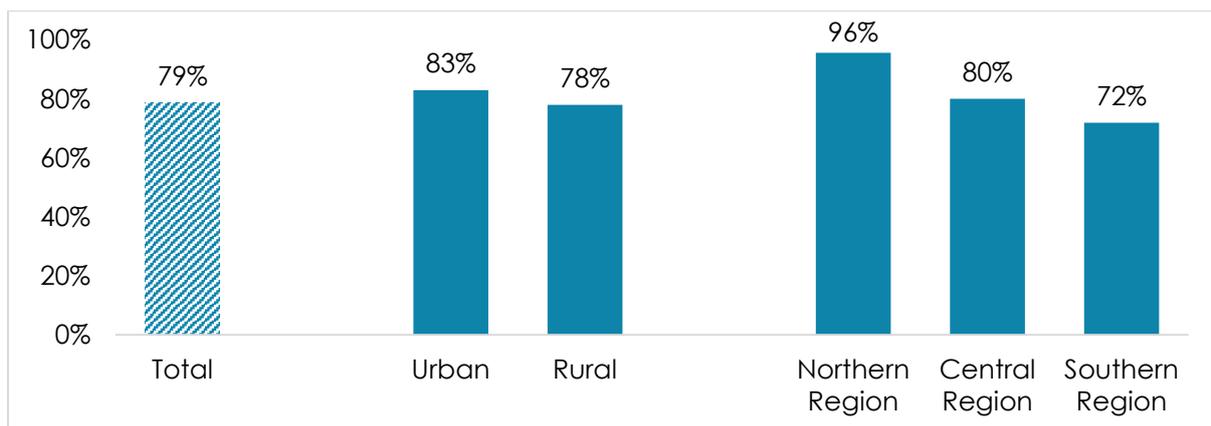
## Afrobarometer

Afrobarometer is a pan-African, non-partisan survey research network that provides reliable data on Africans' experiences and evaluations of quality of life, governance, and democracy. Seven rounds of surveys were conducted in up to 38 countries between 1999 and 2018, and Round 8 surveys are being conducted in 2019/2020. Afrobarometer conducts face-to-face interviews in the language of the respondent's choice with nationally representative samples.

The Afrobarometer team in Malawi, led by the Centre for Social Research at the University of Malawi, interviewed 1,200 adult Malawians in November and December 2019. A sample of this size yields country-level results with a margin of error of +/-3 percentage points at a 95% confidence level. Previous surveys were conducted in Malawi in 1999, 2003, 2005, 2008, 2012, 2014, and 2017.

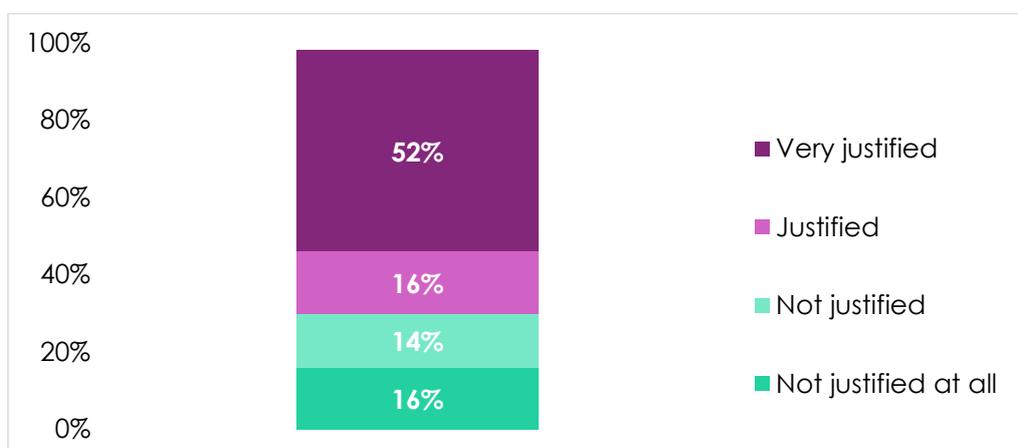
## Charts

**Figure 1: Awareness of the 2019 presidential election court case** | by urban-rural residence and region | Malawi | 2019



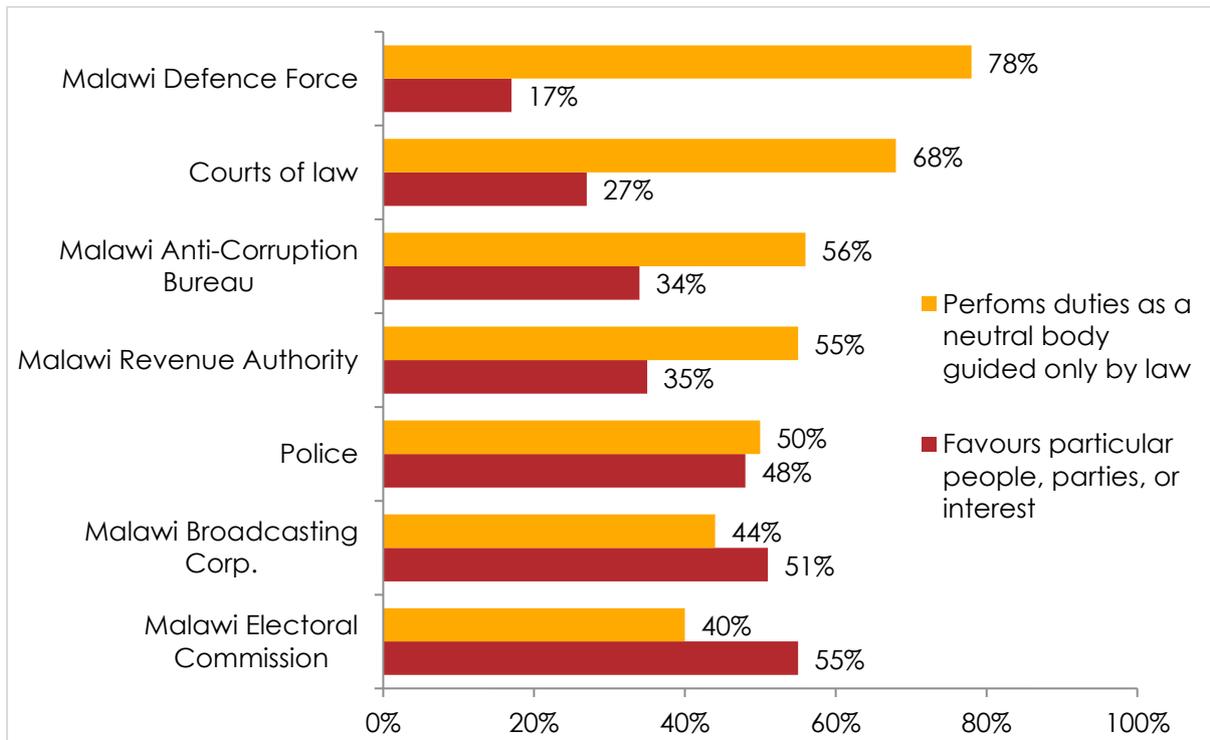
**Respondents were asked:** Are you aware of the court case brought by MCP and UTM presidents challenging the validity of the 2019 presidential election results that were announced by the Malawi Electoral Commission? (% who said "yes")

**Figure 2: Is the court case justified?** | Malawi | 2019



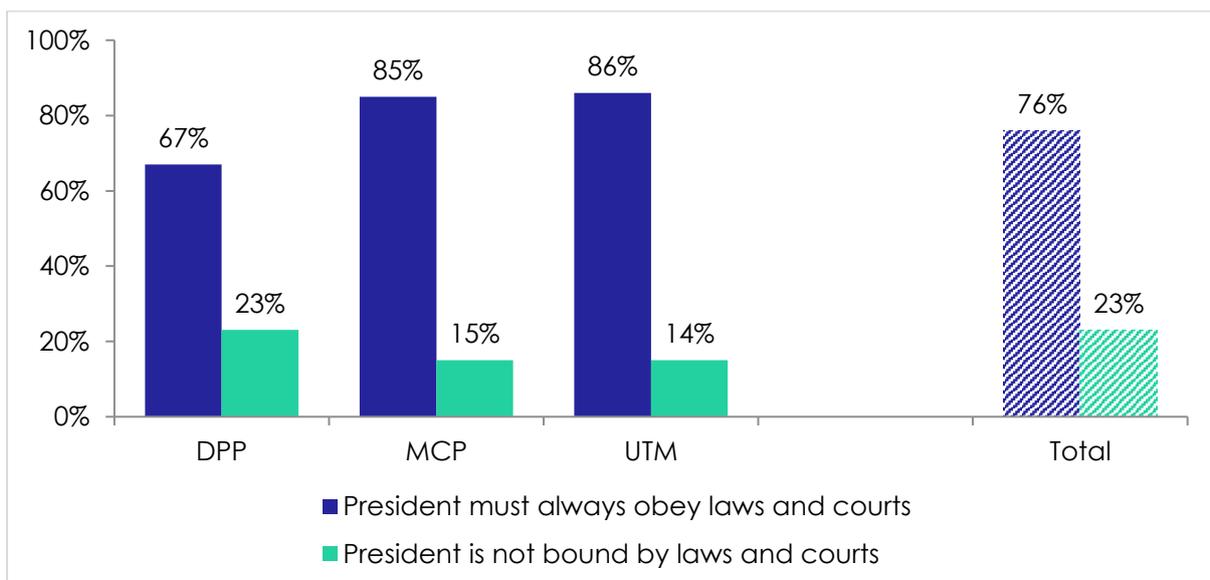
**Respondents were asked:** In your opinion, would you say that the MCP and UTM presidents are justified or not justified in challenging the election results in court?

**Figure 3: Neutrality of courts and other key public institutions | Malawi | 2019**



**Respondents were asked:** For the following organizations, please tell me whether you think they perform their duties as a neutral body, guided only by law, or would you say they make decisions that favour particular people, parties, or interests?

**Figure 4: Must president obey laws and courts? | by party affiliation | Malawi | 2019**



**Respondents were asked:** Which of the following statements is closest to your view?  
 Statement 1: Since the president was elected to lead the country, he should not be bound by laws or court decisions that he thinks are wrong.  
 Statement 2: The president must always obey the laws and the courts, even if he thinks they are wrong. (% who "agreed" or "strongly agreed" with each statement)

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