

Introduction

"People seemed ready to accept political 'change', however defined, provided it led them away from the political status quo, which had long been deemed unacceptable. As such mass movements for political transition were generally 'anti-authoritarian' rather than specifically 'pro democratic.'"¹

Malawi's political transition, which occurred in the early 1990s, was propelled by the increased international attention in the rise of human rights abuses due to the oppressive nature of the Banda regime. During this period, basic fundamental freedoms were denied, violence was perpetually used as a political means to silence any opposition and civil society was virtually non-existent. Despite all this, Banda's government thrived as he continued to receive foreign aid due to his ties with the West.

However the end of the Cold War in 1989 was a major catalyst in ushering in the political change in Malawi and contributed to the end of the Banda regime. This was due to the fact that the collapse of the Soviet Union meant that authoritarian regimes lost credibility with the West. More so, Western donors began to demand more efficient use of their resources, thus African states could either opt to rely on themselves or submit to external and internal pressures for political and economic reform. Malawi, as one of the authoritarian regimes during this time, was no exception. As a result donors attached conditions to aid given to Malawi. "British and USA had by then tied all bilateral and

¹ Micheal Bratton and N. Van de Walle, **Democratic experiments in Africa: Regime Transitions in Comparative Perspectives** Cambridge University Press. UK. 1997.

agreements to human rights issues and the democracy question. They funded pressure groups which formed the local front for the call for change.”²

Therefore the Banda regime had no other alternative but to implement the policies proposed by international donors such as devaluation of the Kwacha, hold free and fair elections, separation of powers and liberalisation, to mention a few as Malawi was heavily dependent on aid to implement its programmes.

In addition to pressure from international donors, the Banda regime also faced domestic pressure. The Catholic Church, which had a large following, was at the forefront of denouncing the government for corruption, lack of freedom and violation of human rights occurring in the country. Furthermore, Malawi’s neighbouring countries such as Zambia had experienced transformation from single party system to multiparty. This strengthened the aspirations of Malawians in exile and in Malawi to mobilise against single party rule in this new found wave of opposition.

It was against this backdrop that political protest mobilised against the then existing authoritarian regime culminated in Banda giving in to the demands of the protesters. In the end Banda was forced to call for a referendum on the introduction on multiparty politics, which were held in 1993.

Ultimately the political space that had been denied to Malawians for thirty years had finally opened up. Following the referendum, the first free elections were held in May

² Human Development Report , UNDP 2004. pg 6

1994 and the result was victory for the United Democratic Front, which is still in power to this day.

Objective of the study

Ten years have elapsed since the first multiparty elections in Malawi were held and yet the transition has not yielded much. Of course, Malawians did not expect immediate consolidation of democracy but rather the consolidation of the basic elements such as a more open society, freedom of speech, freedom of the press, a strong civil society and opposition that would in due course have led to the entrenchment of democracy. Instead of creating an environment conducive to political, economic and social development, the post Banda era continues to be plagued with rising corruption, weak opposition, poor economic performance, political violence and deterioration of social services.

This thesis will discuss the transition process with the view to focusing on two areas: factors that led to the opening up of political space in Chapter 1 and 2, and most importantly the outcome of the transition in Chapter 4 and 5 - why political leaders were not able to live to the expectations of the people.

Numerous African countries continue to implement what Diamond termed shallow democracy rather than regime consolidation and Malawi is no exception to this. Shallow democracy occurs when, “the democratisation process spreads to more and more countries but the depth of this process is merely shallow.”³ Thus the basic tenets to

³ Diamond, L. **Promoting democracy in the 1990s: actors, instruments and imperatives** Carnegie Corporation of New York. New York. 1995. p 56

democracy such as free and fair elections, freedom of speech, accountability, transparency, separation of powers are not deeply rooted.

On the other hand, “Regime consolidation involves qualitative change within political institutions and political cultures, processes that Diamond described as democratic deepening.”⁴

Therefore my interest in focusing the thesis on this aspect of Malawi is very simple – to show why the political leaders of the second republic failed to open up society in such a way that it would have led to the consolidation of democracy.

The thesis will argue that ten years of democracy in Malawi has resulted in a dismal failure on the part of the government in implementing democratic principles. In essence there has been a regression to elements of the Banda regime as evidenced in the lack of freedom of the media, the deterioration of public confidence in politics, poor economic performance, rising cost of living to mention a few. These are all clear signs that the state of democracy in Malawi is deteriorating. The reality is that Malawi is worse off now politically, economically and socially than it was prior to the democratic dispensation due to the nature of leadership.

⁴ Diamond, op.cit. p 60

Chapter Outline

The thesis is divided into six chapters.

Chapter 1: Controversies on the Democratisation Process – This chapter will provide an overview on the various factors that prompted the democratization process in Africa in the early 1990s. In so doing, the chapter will highlight how the ‘opening’ for political transformation in most of the African countries was created.

Chapter 2: A Historical Background of Banda’s Malawi – The chapter proposes to highlight the thirty years of Kamuzu Banda’s iron grip on Malawi. In so doing the chapter will argue that Banda’s authoritarianism went too far and planted the seeds for his downfall. This led to political transformation in the early 1990s.

Chapter 3: Transition to Multiparty democracy in Malawi – This chapter will focus on the shift from authoritarianism to multiparty democracy. The chapter will argue that both internal and external factors facilitated the ‘opening’ to materialise, which ushered in multiparty democracy in Malawi in 1994.

Chapter 4: Multiparty democracy in Malawi and its subsequent outcomes – This chapter is in two parts, part 1 will analyse the subsequent outcomes of the democratisation process in Malawi. The analysis will show that despite the initial success in the first five years of UDF rule, little progress in consolidating democracy was made during this period. The second part of the chapter will argue that Muluzi’s failure to consolidate democracy can be attributed to the nature of the ruling class, who have put their needs first to the detriment of the masses.

Chapter 5: Causes of the failure of the Second Republic– This chapter will show why the second republic failed to implement democratic principles in Malawi. It argues that

despite strong condemnation of Banda's political tactics, Muluzi's government was no different, especially during his second term of office (1999-2004). This has resulted in the deterioration of political, economic and social conditions in Malawi.

Chapter 6: Conclusion – As the concluding chapter of the thesis, this chapter will summarise the main points of the thesis.

Chapter 1

Controversies on the Democratisation Process

Introduction

The fall of the Berlin Wall was a major catalyst in the spread of democracy on the African continent. Even the then Organisation of African Unity shifted its emphasis from decolonization to giving priority to economic recovery and good governance. This chapter will show how different theories are applicable to the political transition that occurred in Africa in the early 1990s.

Democracy and democratisation

There are various definitions from different scholars on democracy. This thesis opted for Dahl's definition, which contains two basic dimensions: *contestation and participation*. He suggests that democracy is a system of government that meets three essential conditions, namely:

- Meaningful and extensive competition among individuals and groups (especially political parties) for all effective positions of government power, at regular intervals and excluding the use of force.
- A highly inclusive level of political participation in the selection of leaders and policies, at least through regular and fair elections such as that no major (adult) social group is excluded and

- A level of civil and political liberties – freedom of expression, freedom of the press, freedom to form and join organizations, sufficient to ensure the integrity of political competition and participation.⁵

Democratisation thus becomes a means whereby the citizens can hold rulers accountable for their actions. In addition, democracy does not just end with holding free and fair elections, “democracy is a process. Elections can be held but do not allow freedom of choice, freedom of expression nor open opposition.”⁶

When discussing the democratisation process in Africa, Huntington argues that transitions to democracy occurs as a result of a combination of causes and these vary from country to country and according to the period in which the transition occurs. He identifies three distinct waves of democratisation in history, namely the first wave which occurred in the developed country during the industrial revolution, the second wave – which started during World War II and the third wave, which occurred from the 1970s.

The thesis will focus on the third wave of democracy, as this is the wave that swept through Africa as opposed to the first two, which occurred at the time, when African was colonized. Huntington argues that the third wave of democracy in Africa was a result of the legitimacy problems of authoritarian regimes such as: concentrated decision-making

⁵ Dahl, R. **Democracy and its critics** New Haven: Yale University Press. 1989, p 89.

⁶ Held, **op.cit.** p 21

and dependence on performance for legitimacy. Pressure for liberalization arose because of a decline in the regime's political legitimacy as well as economic failure.⁷

By early 1990s, the third wave of democratization had spread to Asia, first toppling the dictatorship of Ferdinand Marcos in the Philippines in February 1986 and then forcing the complete withdrawal of the Korean military in 1987.⁸ The same year, martial law was lifted in Taiwan and a more gradual transition to democracy began but it was only in 1996 when the first direct elections for president took place. By 1991, Pakistan, Bangladesh, and Nepal had all become democracies.⁹

The call for political reform in Africa became a vital weapon in breaking the shackles of authoritarian and military rule. "In Benin, a coalition of forces in civil society, organized in a 'sovereign national conference,' claimed governing authority and launched a transition to democracy."¹⁰ In South Africa, the apartheid regime released Nelson Mandela from prison and launched a process of political dialogue that gave birth to democracy in 1994. When these two events occurred, there were only three democracies in Africa — the Gambia, Botswana, and Mauritius. Internal as well as external pressures were the catalysts in the various political transitions in Africa. By 1997, most African governments had begun to implement democratic principles such as legalizing opposition parties, the emergence of civil society and held multiparty elections.

The next section of the paper will discuss the external and internal factors that contributed to the democratization process in Africa.

⁷ **Ibid.**

⁸ Thomas Carothers, **Aiding Democracy Abroad: the learning curve** Carnegie Endowment for International Peace, Washington D.C. 1999. p 23

⁹ Carothers, **op.cit.** p 23

The role of internal forces

Internal forces were at the forefront of pressurising authoritarian regimes in Africa to implement political change. A key player in the promotion of the multiparty process was the emergence of political parties. These parties had not existed in most of the countries, as governments were one party states or military dictatorships.

A second internal factor that contributed towards the demise of authoritarian and or military rule is the nature of politics, which led to the crisis of political legitimacy. This came about due to the fact that African citizens no longer believed that the government could solve basic problems pertaining to social, economic and political development at a time when most African countries were experiencing severe economic failure. This had negative impacts on social services.

In essence leaders were responsible for their downfall as they strongly held onto principles of nepotism and corruption, thus creating an environment whereby the few elites lived a better life while the masses suffered. These grievances were exacerbated by the fact that authoritarian regimes did not provide avenues for citizens to peacefully express such grievances and more importantly, to vote such leaders out of office. This was contrary to what African people had expected - that independence would bring both political freedom and better living standards. Instead, once in office, African politicians set about consolidating power by centralising control over public wealth.

The result was that the quality of life indices for many Africans declined. The need for socio-economic change in Africa was obvious to many people in a region where,

¹⁰ Hussein Solomon and Ian Liebenberg, Consolidation of Democracy in Africa – a view from the South

annually, “more than 4 million children die before they reached the age of 5 years, a third of all children are malnourished, one in eight is disabled and one in three has no primary education.”¹¹

Furthermore, the economic environment at that particular point in time in the different African countries contributed to the spread of democracy. Authoritarian regimes claimed that their rule is necessary to “clean up corruption, fight rebellion, unify the country, and/or generate economic growth.”¹² This was all good and well at the time of independence but twenty years down the road most countries, more specifically African countries found themselves worse off economically than they were prior to independence. Indeed a number of factors which were beyond the control of the leaders contributed greatly to the poor economic performance of these countries and in essence weakened their regimes. Such factors include, the two oil crisis of the 1970s, fluctuation of prices of single agricultural commodity goods which African countries relied on to generate income and of course the debt crisis.

However the authoritarian leaders’ defense for their style of leadership did not explain their failure to deliver on these promises, thus forfeiting their moral entitlement to rule which was their *raison d’etre*. Some authoritarian leaders gave little concern to the impact of their rule on the ordinary people.

Fourthly, the calls for ‘a second liberation’ or ‘second independence’ awakened the political voice of not only opposition leaders and civil society but of religious leaders as

Ashgate: Aldershot. 2000. p 193

¹¹ **Ibid.**

¹² Harry Margreaves, **The end of colonial rule in Africa – the road to independence** Longman: London. 1989, p 75

well. The Catholic Church has a large following in the world and most importantly in Africa. Therefore the Catholic Church was able to mobilize a large group of people to identify with the need for political change and demand for the end to authoritarian rule.

The churches had an advantage over the governments due to the fact that the former had ties with other churches and organizations abroad that supported their call for political transformation. Furthermore authoritarian regimes were under more scrutiny from the international actors due to the increasing gross human rights violations in their respective countries. Thus any harm inflicted on the church or any of its members would have received worldwide condemnation and would have led to further cuts in aid from the western donors. Therefore in most countries, especially in Malawi, the church played a critical role in creating the 'opening' that allowed them to acquire some leverage over the authoritarian regimes they were up against and ultimately succeeded in democracy.

The second part of the chapter will discuss the role played by external forces in the democratization process in the 1990s.

The role of external Forces

During the 1970s and 1980s African regimes with few democratic credentials to speak of were nevertheless often strongly supported by the West as long as they claimed to be 'anti-communist'. Indeed, some - for example, President Mobutu in Zaire - were encouraged to preserve their anti-democratic political systems as a buffer against communism. Neither the World Bank nor IMF showed a serious commitment to promote democratic government - although as primarily economic institutions there was no real reason why they should. In short, for long periods it was widely seen by western

governments as conducive to their strategic interests for undemocratic, 'anti-communist' governments in Africa.

Over the years successive US governments were hesitant about the prospect of democratic governments coming to power - even through the ballot box. In the 1990s, the World Bank argued that nondemocratic government 'in polarized societies' - that is, most African countries - was actually more conducive to economic stability than democratically elected regimes which could have polarized society even further.

As a result, human rights violations coexisted with western aid programmes, trade links or military pacts. Meaningful democratic transitions were inevitably prevented. Despite this, there had existed a period of low intensity democracy in the late 1970s and early 1980s by the Carter and Reagan administrations. This was due to the fact that capitalism was winning the war - especially the global economic struggle - against communism. By the mid-1980s the path was paved for the 'Crusade for Democracy'. What this amounted to was that democratic transition in Africa should be limited to forms of government that could be counted on to apply economic structural adjustment. The fact remains that western donors were serving their own interests in promoting democracy.

During the late 1980s, more specifically after the collapse of the Berlin Wall, Western powers and International Financial Institutions (IFIs) intensified their campaign for democracy. The end of the Cold War ended the West's need to mobilize supporters for its cause in the fight against communism. In addition, the appalling human rights violations

occurring in these countries contributed to the change in the West's stance towards authoritarian regimes in Africa.

The emphasis was now placed on human rights and to democracy *as* a human right — in international treaties, law, and collective action. “The international community increasingly embraced a shared expectation that all states seeking international legitimacy should ‘govern with the consent of the governed’ — in essence, ‘right to democratic governance’ is seen as a legal entitlement.”¹³

Already effectively implied by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, this right to democratic governance has been articulated more and more explicitly in the documents of regional organizations and affirmed by the growing number of interventions by those organizations and by the United Nations.

Thus, Africa became a renewed focus of attention for western governments and western dominated IFIs. Western governments and states began to attach political ‘conditionalities’ to aid and investment, thus African regimes denying human and political rights to their people were likely to be denied the much-needed funds.

In some cases political conditionality was directly linked to democratisation, but in others it was linked to vague notion of ‘good governance’. The reasoning behind political

conditionality was partly economic in that it was argued that economic failure in Africa and Latin America was in some measure due to the absence of democracy and political accountability. Thus significant political changes required the imposition of economic conditionality/reform as precondition for foreign aid and investment, in order to produce the desired economic results.

By the early 1990s most of the African countries had conducted multiparty elections. Slater attributes this transition to four basic factors, “Firstly, the hardliners among the elite undertake democratic reform for calculated strategic reasons. They see that they cannot hold onto absolute power because of the changes and mobilization in civil society.”¹⁴ An example being South Africa, De Klerk as head of the ruling party realized that his party would only have a say in South African government over the long term if it began to dismantle apartheid and share with the black majority. Furthermore, the financial elite realized that maintaining an apartheid state would threaten their long term financial interests. On the other hand, the black South Africans had been pushing for political representation for many years.

The second causal factor is that the norms of society may change and people no longer tolerate repression and concentration of power. Slater argues that, “the widespread growth of informal organizations and movements and of political participation in them has come to constitute the chief pressure and hope for democratisation in much of

¹³ Sheila Mathews, **Human Rights and Democracy in Africa** Longman: New York. 1999. pg 25

¹⁴ Robert Slater, **Global Transformation and the Third World** Lynne Rienner Publishers: Boulders. 1993. p 98

Africa.”¹⁵ Slater’s third element is that the alignment of interests in society shifts when privileged elements come to the conclusion that the regime is dispensable and that its continuation will damage their long-term interests.¹⁶ The last aspect Slater points out is the growth of formal and informal organizations in civil society and their expending resources, autonomy and self-confidence.¹⁷ Thus new sources of information penetrate the veil of secrecy that once surrounded society.

Therefore by the time the Cold War came to an end the time was ripe for political transformation in Africa due to change in donor policies who now attached conditionality to foreign aid. In addition internal factors such as economic failure, increase in human rights abuse and the nature of political rule were key in bringing about democratic transitions in Africa and more specifically in Malawi.

Conclusion

This chapter set out to discuss the various factors that contributed to the promotion of political transition in Africa. These factors included both internal such as poor economic performance, lack of a civil society and the one party system to mention a few. The chapter also argued that pressure from donors acted external pressure that brought about the transition in Africa.

¹⁵ Slater, **op.cit.** p 101

¹⁶ **Ibid**

¹⁷ **Ibid.**

Therefore the purpose of this chapter was to show how the events to be discussed in the subsequent chapters owe their roots to factors discussed in this chapter. If it was not for internal and external factors that existed in the early 1990s, the transition to democracy in Africa and in this case Malawi would not have occurred when it did, if at all. This chapter has attempted to show that there indeed existed factors that facilitated the transition from authoritarianism to democracy.

Chapter 2

A Historical Background of Banda's Malawi

Introduction

Malawi is a small, landlocked country in Southern Africa with a population of 11 million. Full independence was attained in January 1963. Dr Hastings Kamuzu Banda became Prime Minister in February of the same year. Thus the federation of Rhodesia and Nyasaland was dissolved in December 1963. Malawi became an independent state on 6th July 1964. Dr Banda became president of Malawi, which officially became a republic and a one party state on 6th July 1966. The constitution, which came into force the same month and year of independence, gave the President, who was also Commander-in-Chief of the armed forces, widespread power. The aim of this chapter is to show that the authoritarian regime under Banda created the very conditions of its demise.

Political rule during the Banda regime

There is no opposition in heaven. God himself does not want opposition – that is why he chased Satan away. Why should Kamuzu have opposition?¹⁸

The Banda regime epitomised one of the most repressive regimes in Africa. Banda single handedly established an autocratic leadership making himself the 'president for life' for over thirty years. Protests to the cancellation of the elections in 1963 led to the public opposition of four cabinet ministers who were ultimately dismissed because of their conduct. This marked the beginning of Banda's autocratic leadership style and denial of

political freedoms as well as suppression of civil rights. In addition, the 1966 Republican Constitution gave Banda almost unlimited powers to rule the country like a private estate. He was by far the largest private commercial farmer and entrepreneur in Malawi. His Press Corporation company was the largest private enterprise, controlling almost a third of the national economy.

After independence in 1964 Malawi installed a parliamentary system of government following the British Westminster model. The result was the dominance of the MCP in the country's politics.

Over the next thirty years political power was concentrated in the hands of one person, the Life President as no democratic elections were ever held in Malawi between 1964 and 1994. Banda's intentions then were to prevent any political participation by the population. This was done by not holding elections until 1983.

In these subsequent elections all candidates had to be members of MCP and had to receive the stamp of approval from Banda in order to stand for elections. Thus genuine electoral participation of the people did not exist unless dictated by Banda. Even the right to form political parties in Malawi was prohibited. Banda maintained tight control over the ministers by dissolving and reforming the government annually. He held portfolios of Agriculture, Public Works, Justice and Foreign Affairs as well as Presidency. Banda himself described the Malawian system of government as:

¹⁸ Short, op.cit. 40

“The Malawian system, the Malawian style is that Kamuzu says it’s that and then it’s finished. Whether anyone likes it or not, that is how it’s going to be here. No nonsense, no nonsense. You can’t have everybody deciding what to do.”¹⁹

The fact that MCP was in the government of the day, meant it had access to financial resources, which allowed it to strengthen its structures thus spreading its existence to the remotest areas in the country. In addition to this MCP introduced a paramilitary movement Malawi Young Pioneers (MYP) who became synonymous with oppression and violence as they kept a watchful eye on society. The slightest criticism of the MCP regime or the president himself carried with it grave consequences. In 1965 they were given powers of arrest and protected against any police action. President Banda told parliament:

The Young Pioneers cannot be arrested without my consent... if a Young Pioneer arrests anybody and brings them to the police station the police officer in charge of that station must not release them..... if he does release them, he is committing a crime.²⁰

Human rights, civil and political rights under the Banda regime

The human rights record under Banda was appalling, as he either detained or in extreme cases murdered anyone who seemed to pose a threat to his regime. It was during his era that the police together with the infamous MYP were given carte blanche on detaining any citizens suspected of posing a threat to Banda. The human rights violations were particularly strong against Jehovah’s Witness. “Its members were targets of massive repression and thousands were imprisoned. The main reason was the refusal by Jehovah’s Witnesses to buy party cards. Thus they were deemed as a threat to Banda.”²¹

¹⁹ Virmani, K. **Dr Banda in the making** Kalinga: Delhi. 1992. p 78

²⁰ Virmani, **op.cit.** p 79

²¹ Meinhardt, **op.cit.** p 64

Patronage, repression and totalitarian rule on all aspects of life meant that there was no prospect of organized political opposition inside Malawi for over thirty decades. Unlike other authoritarian leaders who allowed their people to generate and use their own sources of income, Banda remained in full control of the patronage system. He allocated power and wealth to his loyal supporters and reserved the right to withdrawal any privileges when ever he saw fit. Only a hand full of politicians survived in office for more than a few years. Popular or too powerful politicians in many cases found themselves victims of Banda's regime and were either sent into exile, dismissed, imprisoned or killed. For example two cabinet members, Henry Chipembere and Yatuta Chisiza faced Banda's wrath when they attempted to stage an uprising against him.

Furthermore, during Banda's regime one found prison sentences imposed on men who wore their hair over their collar or wore flared trousers and on women who wore trousers or mini skirts above the knees. Under the Decency Dress Act 1973, there was a six month prison sentence awaiting any woman who:

is dressed in any clothing which by reason of its nature or of the manner in which it is worn causes, when she is standing in an upright position with arms unraised and with her feet not less than twelve inches apart, to be exposed to view any part of her body between the lower level of her kneecaps and her waist or any under garment covering such part.²²

In addition, hundreds of books such as *Animal Farm* by George Orwell, films and records were banned as controlling the flow of information had become crucial to MCP's monopoly of power. All publications, which circulated in Malawi during Banda's time, were subject to the control of the Malawi Censorship Board. In addition, there was a

²² Phiri, K and Ross, K (eds.). Democratisation in Malawi. A Stocktaking, Blantyre. 1998. p 47

single newspaper, *The Daily Times* which was owned by Banda under a company called Blantyre Print. As expected the newspaper as well as the only broadcasting corporation, which was also state owned reported only Banda's success stories.

In essence human rights, civil and political rights did not exist. Fundamental basic rights such as freedom of speech, freedom of expression, freedom of information were denied. The prevention of opposition political parties, trade unions and civil society curbed any meaningful participation or demonstrations as a means of protesting against Banda's oppressive rule.

The justice system under Banda

Detention without trial was vital to the Banda regime and was used as a tool for maintaining political control. As early as 1966 President Banda made it clear that detention without trial was to be a cornerstone of his system of government:

“If to maintain political stability and efficient administration, I have to detain 10,000, 100,000, I will do it. I want nobody to misunderstand me. I will detain anyone who is interfering with the political stability of this country.”²³

The main centre for detainees during Banda's time was Mikuyu Prison, near Zomba, in the Southern Region. Others were held at Zomba Central Prison, Dzeleka Prison in Dowa, Central Region, Chichiri Prison in Blantyre, Maula Prison in Lilongwe and Nsanje Prison. Conditions in these prisons were appalling as prisoners did not receive a regular diet, had no access to lawyers, visitors or reading material. The situation in the women's

²³ Phiri and Ross, op.cit. p 49

prisons was worse as there were reports of sexual harassment by male guards and unwanted pregnancies.

The legal basis for detention without trial was the Prevention of Public Security Ordinance inherited from the colonial power. In February 1965 Public Security Regulations were issued allowing the President to issue a 'control order' used to restrict a 'controlled person' to a particular area or to require him or her to report regularly to the authorities.²⁴ The Regulations however did not contain any of the safeguards one would expect to find with regards to such legislation.²⁵ For example there was no guarantee that a detainee may consult a lawyer at any point in time. There was no requirement that the authorities provide reasons, written or oral for a person's detention. Nor were the authorities obliged to declare publicly that the person was detained.²⁶

At times, important and highly sensitive political cases went to trial. All serious cases were heard by a High Court before which the accused was entitled to legal representation and the right to call witnesses. Parallel to this was a system of 'traditional courts', which heard minor civil disputes and petty crimes carrying a penalty of no more than one year's imprisonment. However Banda disliked the High Court system because too many defendants were acquitted.

In 1970, the High Court tried and acquitted several people accused of a series of murders, which had taken place the previous year in Blantyre. The case gave Banda the

²⁴ Ibid.

²⁵ Ibid.

opportunity he was looking for to change the judicial system.²⁷ The traditional courts were then given the power to try any cases, imposing any penalty including death. These courts did not provide for legal representation of the accused. The judges were a combination of traditional chiefs (without any legal qualifications) and trained lawyers.²⁸

Furthermore the judges were appointed by the President with no security of tenure and thus entirely dependent on the whim of the President. In important cases, Banda would make his view known in advance, usually in public so that the judges were left in little doubt as to what verdict they should give. For example in 1965, before an alleged rebel leader's trial, Banda publicly announced:

I know he is going to be found guilty. What kind of judge can acquit Silombelo? No..... He will be found guilty. And after that, you come and watch him swing. That's all."²⁹

Constant pressure from Banda upon judges entrenched itself in the system resulting in the lack of legal representation for the accused. These were the main reasons for unfairness of the traditional court procedures.

Political opposition under Banda's rule

During Banda's era, Malawian politics took a dramatic turn. "Banda who once voiced anti colonial sentiments and who had favoured home grown development did the opposite. He awarded greater responsibility to the white expatriates while sidelining local

²⁶ **Ibid.**

²⁷ Martin Hannock, **Law, custom and social order: the colonial experience in Malawi and Zambia** Heinemann: Portsmouth. 1998. p 65

²⁸ Hannock, **op.cit.** p 66

²⁹ **Ibid.**

talent.”³⁰ Banda’s reluctance to Africanise the economy drew much opposition from the educated Malawians.

Throughout his rule, Banda took criticism as an offense on his person and a threat to his power base. He therefore developed a highly personalized autocratic system centred on himself and the MCP. This was his tactic for eliminating any opposition that arose. Several attempts to revolt against him were made by the likes of Henry Chipembere and Yatuta Chisiza, the latter being former minister of Home Affairs were unsuccessful. With the former, “Chipembere’s efforts put his life in danger and were forced into exile.”³¹ While the latter, “was accused of leading an invasion into Malawi in October 1967.”³² Chisiza was killed in an exchange of fire with Malawi forces.³³

It was the death of four cabinet ministers in 1983 that shocked political observers and Malawians. Their deaths were a result of their proposal to introduce a motion asking the President to make changes in the electoral procedure, whereby he would nominate three candidates to stand in each constituency. Some reports suggest that they were opposed to a proposal to amend the constitution, creating a post of prime minister to be nominated by the President. It was assumed that John Tembo were to fill the post. Their deaths in a mysterious car accident signified the fact that the possibility that the government could be reformed from within was almost impossible.

³⁰ Pachai Bridgal, Malawi: the history of the Nation Longman: London. 1973. p 36

³¹ Bridgal, op.cit. p 37

³² Ibid.

³³ Ibid.

Religion under the Banda regime

Malawi retained the image of being a Calvinist country. One minority group, which was overlooked, was the Muslim community concentrated among the Yaos around Blantyre and Zomba and Mangochi. Virtually no Muslim had risen to a position of prominence before 1994 except Muluzi who became MCP Secretary General in 1976. Until recently there has been no Islamic education in Malawi.

As mentioned previously, Jehovah's Witnesses were targets of religious persecutions. In the 1970s thousands of Jehovah's Witnesses were detained or expelled from the country and others were killed. "In 1972, the campaign against Jehovah's Witnesses was intensified. The MCP convention in September resolved that all Jehovah's Witnesses should be dismissed from their employment."³⁴ Any firm, which failed to comply, had its licence cancelled. President Banda described the Watch Tower Bible and Tract Society as 'devil's witnesses'. Their houses were burnt to the ground, two were killed and the third had his hands cut off. MCP youths stopped a bus carrying children of college staff and made them inspect the bodies of slaughtered witnesses.³⁵ The result was that by the end of 1973 Jehovah's Witnesses were forced to flee to Zambia.

It is a small wonder that despite such harsh conditions conflict did not erupt in Malawi, as the climate was ripe for such a crisis to occur. Some of the factors that created such conditions include the fact that the government was the biggest means of employment and was controlled by a handful of people, namely Banda, Tembo and Cecelia Kadzamira

³⁴ Ibid.

³⁵ Ibid.

thus promoting political elitism. One had to be in good terms with them in order to make it in Malawi. Inevitably with time more and more Malawians began to feel the pinch from living under such political, economic and social oppression for so many years.

In time Malawians traveled, read more, and heard more on how others lived elsewhere. The desire to change their situation began to gain momentum as even Malawians in exile started their campaign for political change in Malawi. Together with external pressure for democracy from donors and other western countries that had previously supported Banda's authoritarian regime, the time had come for the seeds of change to sprout.

Conclusion

The chapter set out to highlight the oppressive nature of the Banda regime and how this form of leadership created the opening for political space that allowed Malawians to publicly call for political change. The chapter further showed that at the heart of the oppressive regime was the increase in human rights abuses. This was as a result of Banda's desperate desire to maintain power by eliminating any opposition. In addition Banda had in 1971 declared himself 'Life President' thus closing the doors to any incumbents who aspired for the post of President. During this period Banda maintained tight control over his ministers by annually dissolving the Cabinet, no elections took place between independence and 1977, there was no freedom of press and most importantly the youth movement of the MCP was given immense authority, instilling fear in the hearts of Malawians.

It was against this backdrop that the new wave of opposition in Malawi emerged, vehemently protesting against the Banda regime and thus advocating the need for multiparty democracy.

Chapter 3

Transition to Multiparty Democracy in Malawi

Introduction

This chapter will discuss the transition period in the early 1990s in Malawi. It will argue that the emergence of the opposition's, the people's dissatisfaction with the then government of the day combined with donor pressure exerted on the Banda regime led to the end of authoritarian rule in Malawi.

The demise of the Banda regime

Malawi is one of the poorest countries in the world, with an economy based on agriculture. The rural population comprising of about 85 percent of the total population was and continues to be economically and politically marginalized, while the small and educated urban elite were either repressed or were part of the regime. Civil society participation was almost nonexistent. The regime was to a large extent dependent on Western aid, which was mainly used to support Banda's system of patronage. "Western aid accounted for 22.6 percent of Malawi's GDP and contributed to at least 40 percent of the government budget."³⁶ Despite this political climate, Malawi continued to receive aid as reward for its strict anti communist policy by Western donors, while the Banda regime was regarded by the Western world as 'a wall of peace and political stability' in the Southern African region.

³⁶ Venter, D. 'Malawi: The transition to Multiparty Politics,' in John A. Wiseman (ed) **Democracy and Political Change in Sub-Saharan Africa** Routledge: London. 1995. p 114

However at the beginning of the 1990s, the need for political change became visible in Malawi. Pressure from western donors who had previously sided with Banda's regime combined with internal pressure for reform precipitated this transformation. The end of the Cold War ushered in different expectations for Malawi from the western donors. More attention was focused on the country's pitiful record of detention without trial, torture and assassination of Banda's political opponents. In addition, Malawi's increasing economic weakness left it open to foreign pressure to reform the political system in order to promote sustainable economic development and the protection of human rights.

Banda's initial response to this pressure was to release political prisoners and held discussions on the future of a single party system. Banda did not foresee the possibility of losing political power in his lifetime. To him, single party system was the will of the people, therefore would remain the norm. However this was not to be. Factors beyond his control set things in motion at a pace that Banda had not anticipated.

At the forefront of advocating for change in Malawi was the Catholic Church. The church was not perceived as an enemy of the Banda regime as it had never expressed its condemnation towards such rule. Thus its public disapproval of the authoritarian regime in the early 1990s took Banda by surprise. In addition to this, "the Catholic Church was a well established institution which had contacts with various organizations across the world such as other Christian churches in Africa, Europe and North America."³⁷ Thus any

³⁷ Ian Linden, **In search for truth and justice: the confrontation between church and state in Malawi 1960 – 1994** CLAIM: Blantyre. 1999. p 49

act of repression against the Catholic Church would have been met with criticism from the above-mentioned connections.

The Catholic Church went one step further and distributed a pastoral letter titled, 'Living Our Faith' which was read in churches throughout the country. The pastoral letter condemned corruption and government censorship and monopoly of the media. This act came as a bombshell to the government and the MCP due to the fact that, the Bishops had had a meeting earlier with Dr Banda but had not revealed their plans. This had been kept a secret out of fear of the letter being banned before it reached the masses. The response was remarkable, as the majority of Malawians were in favour of the Catholic Church.

Other churches were also propelled into leadership roles by the bishop's letter. This led to the formation of the Public Affairs Committee (PAC), which represented the views of its members on matters of public concern. The formation of PAC led to a channeling of all the pro-democracy energies in one direction.

As a result of the pastoral letter, strikes and demonstrations took place in Blantyre and Lilongwe in May 1992 for the first time in Malawi's political history. These were violently suppressed by the police and this further tarnished Banda's reputation with the international community.

Two underground political groups formed in late 1991 also aided the transition to multiparty democracy in Malawi. Two expatriates working in Malawi initially started

these groups. They were able to provide financial assistance as well as information from abroad through their diplomatic connections. “Most important is the fact that the expatriates were not suspected of doing anything that would undermine or oppose the Banda regime.”³⁸

The first underground opposition group was the United Democratic Front (UDF) with Bakili Muluzi at the helm. These members had served in the Banda regime but had fallen from grace with Banda, for one reason or another. Many of them came from the Southern region and earned their living as businessmen. The second opposition group to emerge was the Alliance for Democracy (AFORD) led by Chakufwa Chihana and was dominated by professional and intellectuals mostly from the Northern region.

Although both parties were fighting for a common goal – to rid Malawi of authoritarian rule, the opposition parties opted to do so independently. “Chihana and his party members distrusted the UDF as most of its members had once served the Banda regime in prominent positions.”³⁹ Another reason was the deep mistrust which people from the Northern Region felt towards people from the Southern Region. This had resulted in the unequal distribution of resources as the former had been neglected and sidelined by the Banda regime. In addition both leaders wanted overall leadership of the coalition.⁴⁰

³⁸ Khaila, S. and Chibwana, C. ‘Ten years of Democracy: Voices of Malawians on Democracy and Government. Afrobarometer

³⁹ Maliyamiko, T. L. and Kanyongolo F.E. **When Political Parties Clash** Tema: Dar es Salaam. 2003. p 91.

⁴⁰ Maliyamiko and Kanyongolo, **op.cit.** p 91

Chihana thus decided to mobilize support of the veteran opposition groups but this did not amount to much as they were not willing to return to Malawi and take a stand against Banda nor were they willing to accept Chihana as their leader.⁴¹ He decided to return to Malawi and fight his battles on home soil despite warnings from the Banda regime that he would be arrested upon his arrival in Malawi.⁴²

Chihana was detained on arrival in Lilongwe at the airport on 6th April 1992 when he began to read a speech about democratic reforms. His detention was closely monitored by the international community and this prevented Banda from using his old style of dealing with political opponents. Thus neither detention without trial nor an unfair trial before a traditional court was options for eliminating him. For the first time in Malawi's history an opposition politician was tried in a court of law. Chihana was sentenced to two years in prison, which was later reduced to nine months. "He was released in June 1993. Chihana's imprisonment although unplanned worked to his advantage as people saw him as a martyr and his popularity grew throughout the whole country and abroad."⁴³

In addition to internal pressure, the Banda regime also experienced external forces that compelled it to realize that they might be loosing their powerful hold on Malawian politics. This pressure came mainly from western donors whom since the end of the Cold War had changed their attitude towards supporting authoritarian regimes.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

By the 1990s, IFIs mounted pressure on various authoritarian states by adopting different tactics to influence such regimes to change their policies. These included persuasion, support and pressure. This section of the paper will discuss how International Financial Institutions, (IFI's), pressure on the Banda regime contributed to the transition in the early 1990.

Persuasion took a number of forms. The first involves, “public statements by the senior management of development cooperation agencies expressing displeasure with the high levels of gross human violations and lower rates of development.”⁴⁴ IFIs hinted to the Banda regime that it would be in their best interest if they pursued efforts to reduce their human rights violation, adhere to the rule of law and create a transparent and accountable government. In addition, they informed President Banda that they considered certain policies such as the patronage system, the lack of free and fair elections and gross human rights violations to be of economic and political importance thus it would be in the country's best interest to reexamine such policies.

In addition to persuasion, IFIs provided positive incentives or carrots in the form of financial, technical or diplomatic support. The offer of financial support for the implementation of policy reform influenced Banda's decision to put into action steps leading to political change, for example the referendum in 1993. These incentives – carrots assisted in inducing Banda to comply with the demands proposed by donors.

⁴⁴ Larry Diamond, **Promoting Democracy in the 1990s: Actors, Instruments, Issues and Imperatives.** Carnegie Corporation of New York: New York. 1995. p 43

Placing pressure on a recipient government is also referred to as conditionality, meaning that policy change is a prerequisite for receiving assistance. IFIs applied pressure in Malawi indirectly and directly. The former was applied without explicit conditions on the policies in question and was exerted through IMF's Structural Adjustment Programmes (SAP) program. As part of a SAP program, the IMF exerted pressure on Malawi's budget by setting targets for spending in social and economic areas in order to curb corruption and personal accumulation of wealth by President Banda.

Direct pressure is defined as the linking of particular reforms or actions in exchange for financial resources. IFIs set explicit conditions for lending based on Malawi's economic policies and performance. The IMF and World Bank, for example required specific policy reforms in Malawi as it was receiving economic stabilization and structural adjustment financing. While such conditioned lending often led to changes in policy, countries sometimes prove unable or unwilling to undertake all the necessary reforms. Economic conditionality works best in countries where the government is convinced of the need for change.

In addition, economic conditionality is nearly always combined with persuasion to convince the government of the need for reform and financial support to pay for some of the costs associated with those reforms. Increasingly in the post Cold War era, IFIs have required recipient countries to demonstrate their commitment to goals such as the eradication of poverty, protection of human rights, promotion of democracy, preservation of the environment and reduction in military spending.

Thus the United States and other donors put pressure on Banda by limiting aid to Malawi from 1992 to 1994 until Banda held elections. Conditionality as in the case of Malawi assisted in bringing about changes in human rights standards or political policies. This in turn was hoped would foster a national and even regional environment conducive to the implementation of democratic principles.

In the case of Malawi, from 1992 to 1994, IFIs pressure in coordination with bilateral donors contributed greatly to the first ever citizen's protest movement in Malawi's history. This resulted in the removal of one of Africa's oldest and toughest authoritarian leaders and led to the establishment of the first democratic form of government since independence. The transition was swift and to both Malawians and outside observers was history in the making.

IFIs and bilateral donors not only threatened to suspend aid if certain conditions were not met but actually carried out the threat. In a country as aid dependent as Malawi, the suspension of aid was instrumental in forcing the Banda government to hold the first free and fair elections. The temporary suspension of aid was an effective tool in bringing about a political transition; however it was a rather blunt instrument as evidenced by the decline of the quality of life for the country's poorest people. From the discussion thus far, it is evident that the 'opening' for reform had been created and the citizen's movement with the assistance of the church was going to make full use of such a rare opportunity.

Thus these factors opened the eyes of the then Malawi government that ‘the handwriting was on the wall.’ Rather than risk a civil war or financial disaster in a country that was aid dependent, Banda reversed his policy of repression and scheduled a national referendum to determine whether the Malawian people wanted a multiparty system. In addition he also abolished law that permitted the detention of political opponents without trial.

Banda took up the demand and in October 1992 formed a platform for discussing with the churches about their grievances. He pursued two objectives: he wanted to demonstrate to donors that he was willing to introduce serious democratic reforms in the hope that the suspension of development aid, partly introduced in May 1992 would be lifted. Secondly, “he wanted to include the opposition in formal negotiations in order to maintain control over the reform process.”⁴⁵ While the Banda government wanted to restrict participation in those discussions only to the churches, it finally had to accept the inclusion of other groups such as the Chamber of Commerce and the Law Society. The underground movements AFORD and UDF came out into the open in September and October respectively and joined the discussions as pressure groups.

There was no other way for Banda but to call for a referendum on the question of whether a multiparty system of government should be introduced or not. Banda’s calculation like most other African leaders at that time (who had found themselves in similar predicaments) was that he thought he could easily win the support of the rural population

⁴⁵ Heiko Meinhardt and Nandini Patel, Malawi’s process of democratic Transition Konrad Adenauer Foundation: Malawi. 2003. p 12

(85 percent of Malawians live in the villages) because the pressure groups were still fairly new therefore unknown to people in the villages. In addition, unlike the pressure groups, the MCP had a sound establishment with party structures/offices in all three regions in Malawi.

The Transition Process

According to Jackson there are two basic modes of transition to democracy: “ transition from above, when functioning rulers respond to an impending or actual crisis by initiating democratic reforms and transition from below occurs when there are mounting popular pressures from people resulting in coups d’etat, conferences or revolts, all with the goal of moving toward a more democratic society.

Many observers of political change in Africa believe that the transition from above maybe the more successful approach. Ottaway states that if transitions are to take place it will have to be as a purely political process, supported by commitment to democracy by government and opposition leaders rather than a broader process of social change.⁴⁶ In this way leaders both in power and in opposition can establish the time frame, procedural steps and overall strategy as evidenced in Malawi through National Consultative Council, (NCC). The government agreed to the formation of NCC, made up of seven representatives of each political party (of which seven existed as of November), to provide guidance to Parliament and to oversee the transition, the May elections and the drafting of a new constitution that would take effect following elections on May 17,

⁴⁶ Marina Ottaway, Aspects of Political Development Little Brown and Co: Boston. 1995. p41

1994.⁴⁷ However, the NCC had neither executive nor legislative powers and was merely there to oversee the transition process. This paves the way for civic training as a means of preparing the public for democracy. In cases where leaders are unwilling to promote democracy, transition thus starts from below.

By March 1992, pressure on the Malawian government to dismantle the one party system intensified. There were numerous anti government riots, industrial unrest in the commercial city of Blantyre and pro multiparty campaigns spread across the country.

Combined with donor action in suspending all financial aid because of the governments appalling human rights record, Banda had no other alternative but to hold a referendum by secret ballot on the introduction of multi party democracy. Malawians voted against single party politics with “63.2 percent opting for change. A total of 67 percent of the electorate participated.”⁴⁸ The outcome of this referendum demonstrated Malawi’s region based vote pattern: the north and south strongly opposed one party politics while the central region, where Banda hailed from, remained loyal to MCP.

Although Banda agreed to the establishment of a multiparty national executive council to oversee the transition to political pluralism and a national consultative council to draft the new constitution. The Banda regime felt that all was not lost as MCP stood a good chance of winning the 1994 elections due to the fact that the opposition parties were still trying to establish themselves financially and even in gaining support from the masses.

⁴⁷ Meinhardt and Patel, op.cit. pg 17

⁴⁸ Ibid.

In November, Parliament formalized reforms that the government had already agreed to in principle, including legalization of the NCC, the repeal of provisions for detention without trial, and passage of a bill of rights to take effect immediately following the election.⁴⁹ A democratic constitution was drafted within a few months with the aid and input of foreign experts. The new constitution was passed by the one party parliament a day before the first multiparty presidential and parliamentary elections. In November, Parliament formalized reforms that the government had already agreed to in principle, including legalization of the NCC, the repeal of provisions for detention without trial, and passage of a bill of rights to take effect immediately following the election.⁵⁰ A democratic constitution was drafted within a few months with the aid and input of foreign experts. The new constitution was passed by the one party parliament a day before the first multiparty presidential and parliamentary elections.

Thus the key to the initial democratization process in Malawi was Banda's willingness to acknowledge the results of the multiparty elections and step down. This process also brought with it another element that had been lacking in Malawi – the Electoral Commission. The first commission, the Malawi Electoral Commission (MEC) was established in 1993 to organize and oversee the electoral process. "The Electoral Commission Act of 1998 established the independence of MEC, on condition that the members perform the functions and exercise their powers independently of interference from public office, any organ of the government, any political party, any candidates, any

⁴⁹ Ibid.

⁵⁰ Ibid.

person whosoever or organisation whatsoever.”⁵¹ This body corporate has continued with its functions in the subsequent elections in 1999 and 2004. MEC’s performance in the 1994 elections was commendable in that elections had a large voter turnout, were relatively fair and were declared free and fair by local as well as international observers.

The multi-party elections took place peacefully in May 1994. In the four-candidate presidential contest, “Bakili Muluzi, leader of the UDF, obtained 47.16% of the vote and was sworn in as president on 21 May; Banda himself won 33.45 %, and Chakufwa Chihana 18.9%. The UDF won 84 of the 177 parliamentary seats, the MCP 55 seats and AFORD 36 seats.”⁵² The UDF dominated in the south, MCP central and AFORD swept all seats in the northern region. Malawi emerged out of a one-party dictatorship with one of the most proportionally balanced parliaments in the Southern African Development Community (SADC). Although Muluzi, established a coalition government (but one which excluded the MCP), it soon broke down, however, and Malawian politics became increasingly fractious.

Although Banda’s death (at the age of 99) at the end of 1997 led to something of a spirit of national reconciliation, as Muluzi publicly praised his achievements amidst national grief, this did not amount to much as Malawi’s politics continue to be divided. At this stage the MCP was governing as a minority party, but Muluzi narrowly won the election of June 1999.

Although the MCP did not gain an immediate parliamentary majority at that stage, it subsequently gained one through by-election victories. The May 2004 elections saw the

⁵¹ The Electoral Institute of Southern Africa, Election Update 2004: Malawi. Pg 9

⁵² **Ibid**

UDF win the elections for the third consecutive time, this time with a different president at the helm – Dr Bingu wa Mutharika.

Table 1: Number and Regional Distribution of Votes – Referendum 1993

(Figures in brackets for single party and double party)

No registered by region	Total No Voted (for single party)	Total No voted (for multiparty)	Null & Void
629, 339 North	444,196 (47,103)	444,196 (392,569)	4,526
2,236,350 South	1,438,371 (208,959)	1,438,371 (392,569)	28,017
1,833,820 Central	1,270,881 (832,413)	1,270,881 (400,032)	38,436
4,699,509	3,153,486 1,088,475	3,153,486 1,993,996	70,979

Source: International Observer Briefing for the Parliamentary and Presidential Elections, 1994

Table 2: 1994 Presidential Election Results

Candidate	Total Votes	Percentage of Votes
H.K. Banda	996353	33.45
C. Chihana	562862	18.90
B. Muluzi	1, 404 752	47.16

Source: Electoral Commission Report 1994

Table 3: 1994 Parliamentary elections distribution of seats

Region:	North	South	Centre
Political Party: MCP	0	5	51
UDF	0	71	14
AFORD	33	0	3
Indep	0	0	0
Total:	33	76	68

Source: Electoral Commission Report 1994

Table 4 - Results of June 1999 presidential election (percentage of popular vote per candidate by region)

Region	Muluzi	Chakuamba	Other
	UDF	MCP/AFORD	(3)
North	9%	88%	2%
Centre	35%	61%	2%
South	77%	18%	3%
Total	51%	44%	2%

The parliamentary vote produced more regionally concentrated results (see Table 5). As in 1994, the South's large population and therefore the highest number of constituencies gave the UDF a plurality but not a majority in parliament.

Source: Electoral Commission Report, 1994

Table 5 - Results of the June 1999 parliamentary elections (number and percentage of seats by region)

Region	UDF	MCP	AFORD	Independent	TOTAL
North	1 (3%)	4 (12%)	28 (85%)	0 (0%)	33 (100%)
Centre	16 (22%)	54 (75%)	1 (1%)	1 (1%)	72 (100%)
South	76 (87%)	8 (9%)	0 (0%)	3 (3%)	87 (100%)
Total	93 (48%)	66 (34%)	29 (15%)	4 (2%)	192 (100%)

Source: Electoral Commission Report 1999

Table 6: Number and Regional Distribution of Votes – 1994 and 1999 elections
(The figures in brackets are for 1994 and those outside for 1999)

Number regisyered by region	Number voted	Null & Void	Valid
North (545,195) 678,906	(459,708) 652,505	(6,758) 5,096	(452,950) 647,409
Central (1,461,367) 1,975,203	(1,168,473) 1,839,032	(30,506) 37,876	(1,137,967) 1,801,209
South (1,768,694) 2,417,713	(1,376,654) 2,263,885	(33,286) 48,759	(1,343,368) 2,215,126
Total (3,775,256) 5,071,822	(3,004,835) 4,755,422	(70,550) 91,731	(2,934,285) 4,666,751

Source: Electoral Commission Report 1994 & Electoral Commission Report 1999

Results of the May 2004 presidential elections

Registered voters: 5,742,747

Valid votes counted: 3,119,645 (54.3%)

Candidate	Party	Votes	%
Bingu wa Mutharika	UDF	1,119,738	35.9
Gwanda Chakuamba	Mgwirizano Coalition	802,386	25.7
Brown Mpinganjira	NDA	272,172	8.7
Justin Malewezi	PPM	78,892	2.5
John Tembo	MCP	846,457	27.1
Total		3,119,645	

Source: International Observer Briefing for the Parliamentary and Presidential Elections
2004

Conclusion

This chapter set out to discuss how the transition process to multiparty democracy in Malawi came about. The chapter highlighted the fact that Banda's repressive measures such as the lack of freedom of press, human rights violations, donor pressure and the emergence of the opposition precipitated the transition. Thus this chapter argued that these oppressive measures drew international condemnation and pressurized the Banda regime to hold the first ever-multiparty elections in the country's history. This was done in order to ensure the continuation of foreign aid from Western donors. In addition this transition period also brought with it a new wave of the opposition, which combined with external factors brought to an end thirty years of authoritarian rule. The second part of the chapter discussed the transition process, highlighting the results of the three elections, which took place in 1994, 1999 and 2004.

Chapter 4

Multiparty Democracy in Malawi and its subsequent outcomes

“As the dust was settling over the ruins of the Berlin Wall, people everywhere, in all walks of life and of all ideologies, shared a moment of wild optimism toward the prospects of a more just and democratic world. In little than a decade, it has become apparent that democracy may not be all it is reputed to be and to some, justice seems to recede even as it is pursued.”⁵³

Introduction

This chapter will focus on the outcome of the multiparty democracy under the Muluzi government. It aims to show that some progress was made towards entrenching democratic principles, especially during the first five years. However these efforts did not last long as Muluzi’s second term of office reflected elements of regression to MCP form of rule.

The second republic

The current political climate in Africa shows that elections alone do not constitute a transition or rather democracy can change for the better or worse within a short period of time. Therefore the transition to democracy does not ensure its consolidation or continuation.

⁵³ Marina Ottaway, Democracy in Africa: the hard road ahead Boulder: Colorado. 1997. p 77

According to Huntington, the rate of reversions to authoritarianism after an initial transition has been fairly high. Many regimes must make several attempts at democratic transition before democracy can be consolidated.

Slater on the other hand summarized the conditions, which he believes must exist for democracy to be consolidated. These conditions include strong economic, social and political foundations to include the following characteristics:

- Economies must be vigorous engines of self sustaining growth, based on open market oriented structures
- Societies must be increasingly just and inclusive. Societies must be densely organized, democratically concerned and include an informed civil society.
- Political foundations must be comprised of effective governance, well articulated and reliable rule of law and durable coherent political parties with effective ties to major interest groups and internal structures, which make them responsive and accountable.⁵⁴

Ndue on the other hand asserts three conditions, which he believes, are needed to ensure that progress toward democracy can be perpetuated in any given African country. “The first is the presence of a democratic state whereby there is the presence of at least two political parties, freedom of press, an independent judiciary and free and open elections. Also important are the separation of powers, separation of state and religion and the

⁵⁴ **Ibid.**

separation of state from political parties. The second element is a vibrant society and the last is the existence of democratic states within the region.”⁵⁵

With regards to Malawi, Muluzi’s first term of office showed significant institutionalization of democratic freedoms as well as the protection of human rights. This was shown through freedom of expression, freedom of participation, political opposition parties and a more independent media to mention a few. By 2000, the prospects for consolidating democracy in Malawi were promising. Factors which led to this included a constitution which provided an agenda for good governance. However since then the development of democracy dwindled due to the change in the nature of leadership.

To date Malawi has proven unable to develop the necessary elements as pointed out by the various scholars above. Instead what one finds is a state unable or rather unwilling to build viable political and economic structures leading to major political crisis. This is due to the fact that democracy is simply not creating development, progress, an accountable government, and protection of human rights that the people wanted and were promised prior to the elections in 1994. The next section of the thesis will highlight the failures of the Muluzi government in consolidating democracy in Malawi.

Economic failure

Poverty in Malawi is deep and severe resulting in 65.3 percent of the population falling below the poverty line of an income of less than a dollar a day. In 1994 per capita income

⁵⁵ Paul Ndue, ‘Africa’s Turn Toward Pluralism,’ in *Journal of Democracy* vol 5, no 1, January 1994. p 17

was 160 US dollars and it was the same in 2001.⁵⁶ Furthermore, there is a very high level of inequality in Malawi, for example, “the richest 20 percent of the population consumed 46.3 percent while the poorest 20 percent consumed only 6.3 percent of the total reported consumption of goods and services.”⁵⁷

Overall, the World Bank and IMF considered the Malawian economy under Muluzi relatively successful, especially in lowering interest rates and bringing down inflation. A number of measures were taken to liberalise the economy, including the elimination of subsidies and tariffs and the liberalization of business licensing for small traders. However compliance with other measures remained slow. For example, the government failed to reduce the size of the cabinet ministers and instead raised the salaries and allowances of ministers, deputy minister and permanent secretaries. In addition, in 1998, government decided to end public funding of 21 institutions, such as Human Rights Commission, which were severely deprived.

Furthermore the economy continued to face enormous challenges. There is a need to move away from tobacco, which provides about 70 percent of export earnings, yet it is hard to find a suitable substitute in order to diversify.

A number of structural weaknesses plague Malawi’s economy: a very narrow export base – namely tobacco, tea and coffee, subject to international price fluctuations and local climate conditions, heavy dependence on imports and inefficient public planning and

⁵⁶ Poeschke, R and Chirwa, W. The Challenge of Democracy in Malawi: Socio-Anthropological Conditions, Lilongwe and Bonn. 2002. p 56

resource management. Under the Muluzi government there was a decline in food production due to drought, insufficient access to credit, difficulties in repaying past loans and the phasing out of agricultural subsidies. Certain roads deteriorated so much they were impassable cutting some of the people from the market and forcing them to return to subsistence farming. In addition, most farmers in the rural areas were and are still unable to afford fertilizer and other farm inputs since the IMF pressured government to remove remaining farming related subsidies in 1995.

Structural adjustment has also undermined the process of democratization by reducing already low expenditures in health care, education and social services. For example, “the government raised hospital fees by up to 400 percent in September 1997, making healthcare service inaccessible to many. In July 2000, the government raised annual tuition fees at the University of Malawi by 3000 percent from 54 US dollars to 1, 672 US dollars.”⁵⁸

In conclusion, the government failed to meet the people’s expectations due to bad governance. The poor majority had hoped for greater assistance from the state, especially in the economic sphere including salary increases, price controls and job creation.

Political Situation

There were many cases where the Muluzi government, especially the executive acted above the law and there was no body to account to. This was despite the fact that the Anti

⁵⁷ Poeschke and Chirwa, op.cit. p 56

⁵⁸ Ibid.

Corruption Bureau existed and continues to exist in Malawi. However this body turned a blind eye on every serious corruption cases which occurred in Malawi during Muluzi's term of office. For example corruption cases such as Fieldyork involving the Minister of Education and National Grain Reserves have gone uninvestigated. In addition the former president is a major distributor of sugar, fertilizer and importation of petroleum products (PETRODA).

Thus individual cabinet ministers continued to hold their positions despite their well publicized corruption scandals. The reason for this was that Muluzi was indebted to many of his supporters and bound by the politics of patronage. For this reason, Muluzi's cabinet as very large – had 33 ministers.

Another distinct feature of the Muluzi regime is that it brought an increase in political allegiances, which have become unpredictable and erratic. In addition, political parties are not constructive and intra-party politics is also a major concern. In essence, parties have not established a truly democratic process to select their leaders through regular discussions and dialogue. The result is that people have been victimized because either their opinions are different or that they do not agree with the views of the party leadership. This is attributed to the fact that most leaders of the new political parties are really from the previous regime, thus do not know any other tactics than those used during the one party system.

However one trademark of political parties in Malawi is the regional bases which became more evident in the 2004 elections. AFORD has its stronghold in the Northern region, MCP in the Central region and UDF in the Southern region. However due to demographic in Malawi, AFORD has never stood a chance of winning any election on its own, hence its allegiance to MCP in 1999 and UDF in 2004. Thus politics since 1994 have been characterized by shifts in alliances among political parties as well as individual politicians. The former president, Muluzi, has extended his hand to several opposition members who have actually accepted the various offers made to them. These include John Tembo, Brown Mpiganjira, Hetherwick Ntaba as well as the current president, Bingu wa Mutharika. However Chihana has lost his grip in the Northern region due to his political allegiance with the UDF, which his supporters disapprove of.

The shifts in alliances reveal that politics in Africa are driven by greed and being in government is seen as a means of exploiting the local resources for personal gain. During this process of shifting alliances, political behaviour of the ruling party has been less than a complete democracy. What restricts the competitiveness of parties is their limited perception of their long-term vision and programmes. The parties are not clear on what they stand for and, as such, their messages are not strong in terms of problems affecting the masses.

The Muluzi government seemingly inherited a distinct feature of the Banda regime – monopoly of power. This has increased the political polarity in Malawi. Key to that process has been an official campaign which begun in 2002 to change the constitution to

allow President Bakili Muluzi to run for a third five-year term in 2004. Two attempts to pass a constitutional amendment failed in the face of widespread civil society protest determined to defend what they alleged was a threat to Malawi's democracy. When the third term bid was defeated by Parliament, the UDF national executive committee changed the party constitution to allow Muluzi to continue as party chairman after leave of office. Amidst protests from UDF members aspiring for the presidency, the party executive proceeded and handpicked Bingu wa Mutharika as Muluzi's successor. The result was the exodus of some key members of the UDF who joined opposition parties or stood as independent candidates in the 2004 elections.

Although the political transition led to the creation of the Malawi Electoral Commission (MEC), this corporate body's lack of neutrality during the 1999 and 2004 elections has been criticized. It has been argued that of the three elections conducted by MEC, only the first was free and fair. The 1999 elections were faced with numerous logistical and administration inadequacies arising out of lack of sufficient planning and coordination with the various stakeholders. These elections raised serious doubts about impartiality of the Commission. In the 2004, several complaints and cases were registered against the then Chairman of MEC questioning his political neutrality and competence to head the Commission.

In addition, elections have not been fought on the basis of policies but rather on personalities. Parties enjoy the right to campaign, although this right has certain limitations in terms of access to the electronic media for opposition parties. The radio is

the most viable means of reaching the majority of the people, especially those in the rural areas who have no access to newspapers or televisions. The national radio station MBC, only covers and broadcasts the ruling government's campaign and political rallies despite a court ruling for free and fair access to public resources. During the 1999 and 2004 general elections there were instances of voter intimidation as well as cases of reported violence and disturbances of campaign meetings of one party by another and physical threats to candidates.

These events have led to disputes questioning the level of neutrality of this body as the 1999 and 2004 elections were declared not free and fair by some international observers. The electoral process in Malawi could thus be managed and conducted more efficiently if the people at the top conducted and performed their duties in a neutral manner. This inefficiency undermines the whole process. The 2004 elections in particular have also brought to the fore the need to restore the credibility of the Electoral Commission and to build the capacity and skills of the Commission's secretariat.

Role of Civil Society

The advent of democracy in 1994 in Malawi brought with it the emergence of civil society in Malawi. More and more NGOs have emerged with their focus on the promotion of human rights, good governance, economy and culture. The church continues to have the biggest voice among CSOs. It played a critical role in the bid against the third term bid in 2003 and in the promotion for change in leadership in the 2004 general elections.

The relationship between the current state and CSO, compared with the previous regime, has improved but is still characterised by mistrust and fear. Civic education is the area, which attracts most CSOs. However issues pertaining to gender, HIV/AIDS and business financing have lately received considerable attention.

Overall civil society is weak in Malawi. Several factors have contributed towards this institutional weakness. First, some political leaders still perceive CSOs as a threat to their power thus do not give them the leeway to act as a watchdog over their activities. Second, probably out of fear from the previous regime, people are not inclined to get involved in controversial political and economic issues for fear of the consequences such actions might warrant, thus rendering the CSOs weak.

Furthermore, the majority of these CSOs lack organisational skills, do not use reliable information and are understaffed with unqualified people. Another flaw is that CSOs are urban based therefore do not reach the majority of the people in the rural areas. Lastly, almost all CSOs have a weak financial base, as they are not able to generate resources locally, and thus are too dependent on donor funding and agenda. Thus CSOs in Malawi need to empower and strengthen themselves in order to promote democratic principles in a country where democracy seems to be in a crisis.

The role of the Media

As mentioned elsewhere in the paper, the role of the media was very limited prior to the democratic dispensation in Malawi. There was no freedom of expression, as the only radio station and newspaper were state controlled and owned. However the political transition that begun in the early 1990's created the 'opening' for the media to empower itself and was at the forefront of condemning the Banda regime.

The media was further strengthened by clauses in the new constitution outlining in sections 35, 36 and 37, the fundamental freedoms that had been denied previously. Among them were the freedoms of expression to every person, the freedom of the press to report and publish everything freely and to obtain access to public information. In addition to these developments, new radio stations were granted licenses and carte blanche to broadcast whatever they wanted, as long as it did not infringe on other people's rights.

This freedom increased the role of the media in that now Malawians had access to television services such as Television Malawi as well as DSTV. In addition there are two radio stations, four community and three commercial radio stations. The print media also expanded immensely in that there are two main opposing newspapers, *The Daily Times* and *The Nation* among eight major newspapers.

The media as in any democratic country has continued to provide information to the masses as a means of assisting and informing them in the decision making process. They

have played a critical role during the three elections in Malawi that have taken place since the call for multiparty democracy. Those that have benefited from the media, more specifically the radio are those in rural areas who do not have access to the print media. In addition, various educational programmes have been introduced on the radio stations aimed at providing civic education on issues pertaining to their rights and duties as citizens of Malawi.

However one finds that at the crucial times or events such as elections the MBC tends to revert to the principles of the Banda regime. The MBC's role in both the 1999 and 2004 electoral processes was far from providing fair competition and a level playing field. The MBC has been completely monopolised by the ruling party. The common feeling is that the MBC had played a fairer role in the 1994 elections. The opposition parties have consistently expressed serious concerns as to the continued monopoly of the MBC and Television Malawi by the ruling party and have begun to doubt the fairness of the electoral process.

Such actions derail the progress the media made in Malawi and contributes to the challenges it currently faces. First is the issue of ownership of the media houses. Most are owned by politicians or their families or by individuals with strong political leanings. Political power and control hinders not only on the neutrality and independence of newspapers, but also on the job security and survival of reporters who do not comply with the wishes of their employers. Second, the lack of professionalism in the sector is a major handicap, with the majority of journalists being untrained and inexperienced. This

is due to the fact that journalism is a new field and before the transition there were no training or educational facilities in this field. Third, media organisations such as the Media Council, which should safeguard media ethics, remains weak. Thus there is a need to empower it, in order to protect and promote the role of the media.

Lastly, women's views are under represented in the media. A study carried out by Gender Links based in South Africa showed that, "the views of women in general and those of women politicians specifically are often under represented and misrepresented in the media. The survey also revealed that there are still cases of sexist reporting in the media."⁵⁹ Issues pertaining to women are said to be accompanied with language that reinforces stereotypes of women as mothers, wives and victims of beauty and not as professionals and individuals in their own right. The study also revealed that women and children are given the least voice in both print and electronic media."⁶⁰

The role of Trade Unions

The winds of political change in Malawi opened the door to the emergence of trade unionism, an aspect that had been absent during the entire Banda regime. The transition from 1992 was marked by a series of strikes, especially between May and September 1992. The end of 1993 reported more than 88 cases of strikes. The workers were in full support of the Pastoral Letter as it made particular reference to low wages and poor working conditions. Being very small, the work force in Malawi could not play an effective role as an organised entity, but workers were fully supportive of the formation

⁵⁹ Henry Kamakwelelo, 'The media and democracy in Malawi' www.accord.za/ct/2003-6/accord_2003_n4_a9.html

of underground pressure groups, which eventually became political parties. This alliance came to an end after the dust had settled down, as political parties and trade unions went their separate ways. It almost seemed as though the parties did not need the unions any longer.

The new constitution guarantees the right to form unions. The Labour Relations Act of 1996, which guaranteed freedom of association to both employers and employees, followed this. “A sectorisation plan was adopted in the formation of unions with a view to avoiding unnecessary multiplication of trade unions, and as of 1998 there were 12 unions representing 12 sectors.”⁶¹

Critics argue that the motive behind sectorisation was political; it was meant to give the state a hold over the labour movement. What has also weakened the labour movement is that the Malawi Congress of Trade Unions (MCTU) was designated by the state as the umbrella organisation encompassing all unions in Malawi, without the body receiving such a mandate from all the unions. The Civil Service Trade Union (CSTU) was a strong and powerful union but was forced to join the MCTU. In sum, the unions have succumbed to political pressure and have been lured by gifts, while at the same time failing to generate a genuine spirit of unionism. There are no labour education institutes and centres, as exist in other countries. Malawi’s labour movement is perhaps the least developed and weakest in SADC in terms of unionisation levels and material resources.

⁶⁰ Kamakwelelo, op.cit.

⁶¹ Ibid.

The role of women

Women were among the most marginalized people during the Banda regime. Restrictions on their dress code included that they could not wear pants or mini skirts be it in public or in the privacy of their homes.

Thus in practice discrimination against women was persistent and women did not have opportunities equal to those available to men. Women had significantly lower levels of literacy, education, formal and nontraditional employment opportunities, and access to resources to increase agricultural productivity.

Furthermore, women often had less access to legal and financial assistance, and wives often were victims of discriminatory inheritance practices in which the deceased husband's family took the majority of the estate unlawfully, especially if their spouses died interstate. Households headed by women were represented disproportionately in the lowest quarter of income distribution. Furthermore, about 85 percent of the population lives in the rural areas and these rural households headed by women are among the poorest of the country's households. These women have limited access to agricultural extension services, training, credit as well basic health and education facilities.

To add to the burden of being a housewife, women typically worked more hours than men to complete the same farm tasks because they rarely had comparable tools and equipment, and they remained responsible for all household tasks. Women had limited access to agricultural extension services, training, and credit. The participation of women in the limited formal labor market was particularly constrained; they constituted less than

5 percent of managerial and administrative staff. Women usually were thus at a disadvantage in marriage, family, and property rights, but they have begun to speak out against abuse and discrimination

The post Banda government has taken steps to alleviate these problems facing women in Malawi. Society has begun to take the problem of violence against women seriously. Some progress has been made in all of these areas with gender training for agricultural extension workers and the gradual introduction of rural credit programs for women. The press published frequent accounts of rape and abuse, and the judiciary continued to impose heavier penalties on those convicted of rape. In April 2001, an NGO in Lilongwe established the country's first confidential shelter for women who were victims of physical or sexual abuse. Between April and December 2001, 72 women sought protection at the shelter.

Press coverage of domestic violence increased substantially following a November 2001 conference called "Sixteen Days of Activism" sponsored by NGOs in cooperation with the Ministry of Gender and Community Service. NGOs sponsored subsequent workshops to inform local tribal leaders and journalists of the importance of legislation against domestic violence with a specific focus on spousal rape. Women now have the right to full and equal protection by law and may not be discriminated against on the basis of gender or marital status.

In 2000 women joined the army for the first time in noncombatant positions as a result of a 1994 revision in the government directive that previously had prohibited women from military service. By August 2001, there were new recruit classes of women, who were

serving both as officers and as enlisted personnel in the armed forces. Female soldiers may only be deployed in combat as support personnel, such as in the communications field. The Government addressed women's concerns through the Ministry of Gender and Community Services. In 2004, the first female Inspector General was appointed as head of the police in keeping with government's efforts to empower women.

Despite these reforms, women in Malawi still face significant problems, especially health related. The country has a high maternal mortality rate. In addition, HIV/AIDS is becoming a major threat, and females between 15 to 24 years are three to four times more likely to be HIV positive than men.

Furthermore, the presence and participation of women at policy and decision-making levels is small. Although gender equality and mainstreaming is underway, it will be some time before tangible results are shown. There is ongoing debate on ways in which to enhance representation of women in all sectors. While there is general consensus regarding the need to increase the number of women Members of Parliament, the challenge lies in getting more women contestants to stand in the elections as the number of women joining political parties is low. Interestingly though, political rallies are largely attended by women and it is also a common observation that women vote in large numbers.

Human rights

The lack of respect for human rights in Malawi was among the major driving factors towards the call for the transition to democracy in Malawi. As mentioned previously, the

Banda regime was characterized by trials without detention, opponents were killed or sent into exile as human rights were totally disregarded prior to 1994.

However, the UDF government has incorporated human rights in the Constitution of the Republic of Malawi. This section of the constitution deals with aspects such as freedom of movement within and outside the country, respect for political rights, governmental attitude towards alleged human rights violations by NGOs, women, children, workers, privacy, torture and other inhumane crimes, arbitrary detention, denial of fair and public trial and unlawful deprivation of life to mention a few.

The Government generally respected the human rights of its citizens; however, there were serious problems that need to be dealt with. Police use of excessive force or negligence resulted in some unlawful killings, including deaths of detainees while in, or shortly after release from police custody. The police beat, abused detainees and used excessive force in handling criminal suspects. Prison conditions remained harsh and life threatening and result in a large number of deaths. Arbitrary arrest and detention were common, and lengthy pretrial detention was a serious problem. An inefficient, understaffed, and underfunded judicial system limited the ability of defendants to receive a timely, and in some cases, fair trial.

In addition, the UDF government under Muluzi initially respected freedom of speech and the press, as they pioneered for an independent media. However, there were some exceptions as there was limited self-censorship. At times police used force against demonstrators, in addition, hate speech became synonymous with the UDF during

campaigns targeting opposition party leaders and in many cases this violated personal privacy of individuals.

The role of the Judiciary

Reforming the judiciary in the post 1994 era in Malawi posed the most severe challenge to the consolidation of democracy. During the Banda regime, judges were handpicked by him and were often untrained for reasons already discussed previously. Thus the task before the Muluzi government was to appoint qualified judges and ensure neutrality in their work. The first five years 1994- 1999 showed a clear attempt in promoting such a culture.

However conditions deteriorated during the second term of office of the second republic as judges became more biased towards the government, in essence reverting to the old Banda practice. This lack of professionalism from the judges led to a petition for the removal of three judges by parliament on grounds of alleged misconduct and incompetence. The action of the Assembly generated wide condemnation from within and outside the country. To this day the judiciary remains one of the key areas among others that need to be reformed in order to successfully consolidate democracy in Malawi.

Table 1: Perceived democracy in Malawi by region

Item	Central Region	Northern Region	Southern Region	Total
A full democracy	15.0	13.8	19.6	17.0
A democracy, but with minor problems	17.5	7.2	26.9	20.6
A democracy with major problems	41.1	21.1	41.0	38.5
Not a democracy	21.1	55.9	6.1	18.5
Do not understand a democracy	2.1	. 7	2.3	2.0
Don't know	3.3	1.3	4.1	3.4
Total	100.0	100.0	100.0	100.0

Source: Afro barometer: Ten years of democracy in Malawi by Stanley Khaila and Catherine Chibwana 2003

Table 2: Satisfaction with democracy by Region

	Central Region (percent)	Northern Region (percent)	Southern Region (percent)	Total (percent)
Very satisfied	23.2	13.2	26.2	23.3
Fairly satisfied	22.6	9.9	28.5	23.8
Not very satisfied	20.7	13.8	28.9	23.7
Not at all satisfied	28.1	59.9	12.7	24.9
Malawi is not a democracy	1.6	2.0	2.3	2.0
Don't know	3.7	1.3	1.4	2.3
Total	100.0	100.0	100.0	100.0

Source: Afro barometer: Ten years of democracy in Malawi by Stanley Khaila and Catherine Chibwana 2003

Table 3: Perceived political freedoms under multiparty compared to the one party era in 1999 and 2003

	Freedom of speech	Freedom of speech	Freedom of association	Freedom of association	Freedom of choice	Freedom of choice	Mean Total	Mean Total
	1999	2003	1999	2003	1999	2003	1999	2003
Much worse	5.5	3.0	1.8	1.6	4.9	1.3	4.1	1.9
Worse	2.5	5.3	3.4	3.1	9.5	2.9	5.1	3.8
Same	39.3	2.1	2.3	1.2	6.8	1.3	16.1	1.5
Better	49.0	26.6	39.0	30.8	40.6	30.3	42.9	29.2
Much better	0.4	62.3	52.1	62.5	35.7	63.7	29.4	62.8
Don't know	0.4	0.7	1.3	0.7	2.4	0.4	1.4	0.6
Refused	-	0.1	-	0.1	-	0.4	-	0.1
Total	-	100.0	-	100.0	-	100.0	-	99.9

Source: Afro barometer: Ten years of democracy in Malawi by Stanley Khaila and Catherine Chibwana 2003

Table 4: Perceptions of freedoms and rights during the first and second term of multiparty

	Much worse		Worse		Same		Better		Much better		Don't know	
	A	B	A	B	A	B	A	B	A	B	A	B
Freedom to say what you want	5.5	3.8	2.5	10.1	39.3	40.3	49.0	20.9	0.4	24.0	0.4	0.8
Freedom to join any political organization	1.8	2.0	3.4	4.8	2.3	40.3	39.0	24.0	52.1	27.3	1.3	1.5
Freedom from being arrested innocently	4.9	4.8	9.5	12.2	6.8	40.3	40.6	22.0	35.7	17.4	2.4	2.7
Freedom to choose who to vote for	1.7	2.2	3.2	5.1	3.8	39.8	41.1	29.4	49.6	26.9	0.7	1.1
The ability to influence what govt does	4.3	5.7	8.3	10.7	11.7	38.7	35.3	21.5	37.7	20.8	2.7	2.8
Safety from crime and violence	43.8	38.6	22.6	22.1	7.5	20.8	17.3	9.4	7.7	7.7	1.2	1.5
Equal and fair treatment of all by govt	11.5	12.7	16.0	13.2	13.3	43.9	32.8	16.3	23.2	11.8	3.1	2.2

A = Perceived increases in freedom and rights under multiparty

B = Perceived increases in freedoms and rights in the second term of office

Source: Afro barometer: Ten years of democracy in Malawi by Stanley Khaila and Catherine Chibwana 2003

Table 5: Perceived Government performance on a range of issue

	Performance rating				
Job being rated	Very badly	Fairly badly	Fairly well	Very well	Don't know/haven't head enough
	%	%	%	%	%
Combating malaria	17.0	18.8	41.9	19.3	2.9
Delivering household water	18.4	18.8	36.2	23.8	2.8
Improving basic health services	26.7	20.6	39.4	12.5	0.8
Addressing educational needs	27.8	20.5	34.5	16.0	1.1
Combating HIV/AIDS	27.8	16.9	32.8	16.0	3.1
Ensuring everyone has enough to eat	34.6	24.8	28.9	10.2	1.5
Resolving conflicts	25.7	25.0	29.2	9.9	10.2
Managing the economy	46.8	19.2	22.1	6.6	5.1
Fighting corruption in government	46.0	22.3	18.5	6.8	6.4
Reducing crime	58.7	17.5	17.6	4.5	1.6
Creating jobs	61.1	20.4	12.8	3.1	2.5
Narrowing gaps between rich and poor	60.6	21.3	11.2	3.3	3.6
Keeping prices stable	71.1	16.3	8.6	2.7	1.3

Source: Afro barometer: Ten years of democracy in Malawi by Stanley Khaila and Catherine Chibwana 2003

Conclusion

This chapter argued that during Muluzi's first term of office (1994-1999), various democratic institutions were implemented such as fundamental freedoms, participation of opposition parties especially within parliament, aspects denied by the previous government. However at the turn of the century, politics in Malawi took a downward turn as the Muluzi government was characterized by a lack of transparency and accountability, compromised independence of the media, severe corruption within government, a weak economy and country's ethnic divisions became more pronounced during this time than ever before. As a result of the failure to consolidate democracy, Malawi continues experience the impact of the mismanagement of the Muluzi regime to this day as this country is plagued with increasing levels of poverty, food shortages and HIV/AIDS. These issues need to be urgently addressed in order to prevent the total extinction of democracy in Malawi.

Chapter 5

The failure of the Second Republic

Introduction

The birth of multiparty elections in 1994 gave Malawians hope for political, economic and social change that would eradicate years of oppression by the Banda regime. This chapter proposes to show that the consolidation of democracy in Malawi remains elusive due to the nature of the ruling class of the second republic.

Elements of the multiparty system

1. Multiparty system as a guarantor of transparency

The multiparty system, where it exists on legal and democratic foundations is the only means for checking the ambitions of politicians through exposure and timely controls, especially with regards to the use of foreign aid. The misappropriation of such funds by the political elite for their own gain causes the aid donors, rural and working classes to loose out. Thus if a government's conscience is clear with regards to the conduct of public affairs, it has no reason to avoid public scrutiny. The reason for this being that multiparty democracy is the only political system, which allows checks and balances on the political conduct of the country's affairs.

2. Multiparty system as a test of democratic culture

The multiparty system requires that leaders with a strong personality run the State, possessing the qualities and skills that would enable them to competently deal with the various needs of the people. Therefore weak personality will be tempted to create institutions tailored to his own needs and not those of the people.

3. Multiparty system and good governance

One of the obstacles facing African countries and more specifically Malawi is that once in office, political leaders fail to respect human rights. “Respect for human rights and citizen’s rights are so important a value that it is felt as a burden by those who do not fully comprehend the need for this.”⁶² Therefore heads of state with no democratic background but rather greed, lack of morals reject the many opportunities to protect and promote these rights, which are the very foundation of democracy.

In addition, when the multiparty system is applied correctly it defuses social tensions, allows for freedom of expression, opinions, key to a country’s affairs. This breeds a group of high quality decision makers who force power seekers to pay more attention to the needs of the country and also prevent government officials from rent seeking.

The political, economic and economic crisis currently facing Malawi is due to the political basis because of the absence of democracy and multiparty system.

⁶² Ibid.

Democracy comes from the will to live and the will to do and in the process ensuring the participation of all stakeholders for the common good.

Failure to consolidate democracy in Malawi

The thesis has already established that although there were signs of consolidating democracy in Malawi during the mid 1990s, the scenario changed for the worst towards the beginning of Muluzi's second term of office. This was due to the change in the goals of the political leaders who overlooked the need address the expectations of the people. Instead they turned to personal poverty alleviation using government resources. This can be attributed to the fact that most of the people in power were not well to do prior the multiparty dispensation as Banda had kept a tight reign awarding contracts, business ventures in Malawi during his time.

The result from this period was that the opportunity to create an enabling environment that would address the needs of the people was lost. Malawian politics regressed to the domination of a single party the –UDF. This in turn undermined the integrity of key components to implementing democracy such as the judiciary, the Anti Corruption Bureau, civil society and MEC to mention a few. The ability of these key organs was severely compromised as they were forced to serve the interests of the ruling party as opposed to the nation. This ultimately derailed the process on economic recovery in areas such as poverty reduction thus eroding the integrity of the country.

One key factor that has hindered a successful transition to democracy in Malawi is the class of the political leaders. As pointed out elsewhere in the paper, most of the leaders who rallied for the transition are the very people who at some point in time served in the

previous regimes. Ntalaja and Lee argue that, this point alone explains the high incidence of political opportunism, the endless divisions within opposition parties, and the lack of respect for democratically adopted decisions that may not conform to their narrow personal interests.⁶³ They further argue that when this kind of behaviour is combined with a lack of respect for the constitutional order and democratic rules of the game, multipartyism becomes an antithesis of democracy.⁶⁴ Thus it is safe to say that democracy cannot thrive in an environment whereby political leaders link political office to personal privileges and gains. This is evident in Malawi, especially in the decline in social services as well as the stagnant economy.

The second obstacle is related to the first, the weakness of the means of the middle class and its exploitation by the ruling grouping in order to weaken the democratic forces. The middle class is made up of intellectuals such as lawyers, university professors, and medical doctors. During the Banda regime there was no base for the existence of the middle class, as Banda prevented the emergence of this group to tame any opposition that might arise from them. Thus, the majority of the middle class went through an economic decline during the Banda regime due to the heavy restrictions placed on them. Thus the democratic era posed new opportunities such as better paying jobs by following a political career. In the case of Malawi, the ruling group, UDF has used this as a tool for weakening any opposition by co-opting them in the UDF with the promise of better jobs as ministers or even in the diplomatic corps.

⁶³ Georges Nzongola Ntalaja and Margaret Lee, State of Democracy in Africa Africa World Press. New Jersey. 1998. p 21

⁶⁴ Ntalaja and Lee, op.cit. p 22

The third obstacle is related to the failure to build institutions that would consolidate democracy, for example the monopoly of the media by the government in office. This is due to the fact that without access to the media, especially radio stations (as this is the most accessible medium of communication in most parts of Malawi), the opposition is weakened, as they do not have the means to spread their message to the masses. This has become a perpetual problem in Malawi, especially during election times, as the ruling party has denied access to MBC as well as TV Malawi to opposition parties to air their manifestos as well as their rallies during the campaigning period.

Furthermore, violence is yet another obstacle against democracy. This includes intimidation of civil servants (who constitute a large number of the working force), with the aim of preventing them from joining the democratic struggle. Violence against democracy has a tendency of derailing it. There have been cases whereby the ruling party in Malawi, especially with the creation of the Young Democrats, has used violence. Such violence has occurred repeatedly again during the campaigning period prior to elections in 1999 and 2004.

Another internal factor is the fact that the opposition parties in Malawi are weak. This could be attributed to the fact that democratic mechanisms to elect party leaders have not been created. One often hears of party conventions taking place but the end result is always the same with the same people retaining their key posts. This can be attributed to greed to stay in power, as this status creates many opportunities to alleviate one's poverty. Thus politics in Malawi are perceived as a means to make a living as opposed to serving the needs of the people.

In addition to this, the fact that political parties mostly rely on personal funding for political campaigns which most often than not are limited leaves them susceptible to 'floor crossing.' AFORD has fallen victim to this since the democratic dispensation commenced in Malawi. In 1994 AFORD entered into a coalition government with UDF, then in the 1999 elections it shifted allegiance and allied itself with MCP and eventually reverted to UDF. The then president appointed Chihana and four others AFORD members as cabinet ministers forming a government of 'national unity.' However this move caused a major rift within AFORD forcing some party members to leave the party and started their own party.

Internal rifts have also weakened MCP, the main opposition party. This party posed a major challenge to the UDF in the 1999 and 2004 elections. However a split into two major groups due to disagreements on who should be the president of the party has rendered this party too weak to present a strong opposition to the UDF. Thus greed for power and money has caused the current status of opposition parties in Malawi.

Such a political climate tends to make one want to shudder at the thought of what would have become of Malawi had the infamous third term bid succeed. This bid is a classic example of the shortsightedness of politicians where money is concerned. As the debacle was taking place, thousands of Malawians were dying from hunger due to maize shortages. These shortages arose due to the fact that the very man bidding for a third term sold grain reserves to Kenya and pocketed the money. Yet opposition party members were enticed with money to vote for the bid, which would have allowed Muluzi to stand for the third consecutive time in the 2004 election.

In order to consolidate democracy in Malawi, the opposition needs to form a united front towards the government if they are to make any difference at all. Divisions within and among opposition parties simply leaves them vulnerable to opportunistic politicians who will seize such indifferences to further weaken them thus enabling the UDF to further advance its plans without any resistance.

The issue of a weak opposition closely linked to the next factor to be discussed – political allegiances based on ethnicity. As mentioned previously, there are three major ethnic groups in Malawi, those from the North, Central and Southern region. The battle to obtain the majority is usually based on ethnicity has made a mark in Malawi's history and now more than ever ethnicity is more pronounced. This is due to the fact that ethnicity is used as a means of contestation for power. This has led to divisions among Malawians as people now tend to align themselves based on where one comes from and not so much who is the best candidate (if ever there is one in politics).

Thus this factor has contributed towards a weak opposition, as parties tend to focus in their areas of origin instead of fighting for the common cause of all Malawians. This trend in Malawian politics has led to a system of entrenched nepotism whereby the president would appoint cabinet ministers from his constituency. Developments such as new schools, hospitals, tarred roads, electricity, bore holes primarily occurred in areas affiliated with the president, namely the Southern region. Whereas MCP'S stronghold,

the central region was generally disregarded, despite the fact this is where the capital city and where central government offices are located.

In order to promote sustainable development in Malawi, politicians and the citizens need to stop politicising ethnicity and rather focus their energies on key issues such as improving the economy and essential services to mention a few. Government appointments need to be based on merit in order to ensure that qualified and thus competent people are in the key positions to change things around in order to pave the way for a better future for the people of Malawi.

Although the church has continued to put pressure on the government in opposing some of its policies, for example the third term bid, civil society in Malawi remains weak. This is due to the fact that their loyalties are divided between the government, the opposition and the rest are neutral. Thus civil society needs to unify thus strengthening itself in the process in order to have a strong impact.

The problems plaguing Malawi have not gone unnoticed by the donors to the extent that key donors such as the Danes and IMF have withheld foreign aid to Malawi due to its poor record of corruption. This has worsened the people's burdens as government has had to devalue the local currency – the kwacha on more than one occasion resulting in inflation.

In conclusion, the need for political change in Malawi in 1994 had reached a point whereby people were merely concerned with getting rid of the Banda regime with little

regard as to who should succeed him. Thus the consequences of such desperate measures were not considered at all. This myopic view has led to the deterioration of a country that was once on the brink of prosperity. Instead, now one finds corruption in most sectors of society that have contributed to the stagnation of the economy. Most civil servants barely make ends meet due to their low salaries, teachers go without pay for months on end, and nurses have left the country or have opted to work for NGOs in the hope of seeking greener pastures.

The past ten years have seen an influx of foreign businessmen from within Africa and overseas flooding the market with pirate copies from automobile spare parts to DVDs, crippling the indigenous people's business. One tends to ask then, are the people responsible for their own misery? Did the people's desperation for change blind them from the ambitions/ hidden agendas of those who claimed to fight the battle for them?

This culture has seen people like the former president Muluzi, whom in 1994 did not own a car or a house but has amassed numerous property and business ventures to become one of the richest people in Malawi. It is no small wonder that the state of affairs in Malawi has deteriorated immensely since 1999 due to the fact that politicians' energy is constantly being channeled towards their own personal gain to the detriment of the nation.

Chapter 6

Conclusion

During the Cold War, African countries were caught up in the fight against communism. Many African states attempted to play the West against the East to maximize external support thus both the United States and Soviet Union supported undemocratic leaders by choosing policies, which fostered stability over social political change.

As the challenge of Soviets in Africa disappeared in the late 1980s, Western donors who had previously assisted African development took a different political attitude towards these countries. Western donors began to demand more efficient use of their resources and set conditions for assistance, such as economic reform, transparency, governance, political liberalization and democratization.

It was against this backdrop that the thesis set out to discuss the transition process in Malawi. It did so by focusing on two areas: factors, which led to the opening up of political space in a country that had been under authoritarian rule for thirty years. In addition, the thesis also showed how this transition was aided by both internal and external factors. Lastly the thesis argued that certain factors such as corruption and ethnicity to mention a few have prevented the consolidation of democracy in Malawi.

The first chapter of the thesis applied the various theories on the transition process to the African context in order to show how internal and external factors exerted unprecedented pressure on the numerous authoritarian regimes in Africa. The thesis did so by providing the various factors based on theories from scholars such as Huntington and Slater, to mention a few. Thus the chapter concluded that the various theories showed that there indeed existed factors, which paved the way for political transformation in Africa in the early 1990s.

The second chapter briefly discussed the historical background of the nature of politics in Malawi during the Banda regime. In so doing the chapter highlighted how Banda's oppressive measures spread their tentacles to all sectors of life. For example, there was only a single party since independence; there was no freedom of speech let alone political participation to mention a few. The core argument of this chapter was that Banda is important to Malawi's history as his insatiable appetite for power at the expense of the people's needs led to his downfall. The citizen's grievances combined with increasing donor pressure for political, social and economic reforms were major catalysts in ushering in multiparty democracy in Malawi in 1994.

The third chapter argued that the Church, the rise of the opposition and pressure from external forces were key factors in which led to the peaceful transition in Malawi. These factors forced Banda to hold a referendum in 1993, the results of which showed overwhelming support for political transformation. This led to the first multiparty elections in 1994, ushering in a new government, UDF under President Bakili Muluzi.

Therefore the transition in Malawi was from above – that is the ruling elite were able to relinquish power without a fight.

These elections in Malawi marked the end of an era notorious as one of the most oppressive authoritarian regimes in Africa and as a result the UDF came into power. At that particular point in time, the future for Malawi had never looked brighter as the new government promised to improve the people's welfare. The chapter further discussed that the Muluzi government attempted to abide by their words on issues such as ensuring the separation of powers, good governance, economic growth, freedom of speech, of the press and the participation of opposition parties, key elements of society that had been absent for thirty years.

The fourth chapter argued that after ten years of multiparty democracy the Muluzi government failed to initiate most of the promises it made. The hope that Malawians held on the eve of democracy ebbed only to be replaced by despair and disillusionment, as Malawi became worse off economically, politically and socially as opposed to prior the 1994 elections. This chapter argued that corruption, lack of separation of powers, lack of transparency and accountability and the patronage system during Muluzi's term of office all impacted negatively on the social, political and economic sectors to the extent that people in Malawi are struggling to make ends meet.

The last chapter focused on the factors that led to the failure of the Muluzi government to consolidate democracy in Malawi. These factors include the friction that exists more so now than ever due to ethnicity, corruption by top government officials who go

unpunished, and greed for power for example the third term bid to mention a few. These are indicative of the fact that people in power are more concerned with maintaining the status quo for personal benefits at the expense of the needs of the people.

The thesis argues that the basic preconditions for democratization in Malawi do not exist and the prospects for their development are very bleak. Key components such as commitment of the leaders to democratic principles and economic growth are absent. Other factors that aid the consolidation of democracy such as a viable opposition, democratically based political parties, a strong civil society are lacking. A key component slowing the democratisation process in Malawi is ethnic divisions that are now more pronounced. The road ahead is long and if democratization is to take root in Africa and more specifically in Malawi, it will have to develop at a much slower pace based on homegrown political, economic and social conditions.

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