

CHAPTER 6

Democratization Process in Malawi since Independence

By Annie F. Chiponda

Malawi was known as Nyasaland after the British colonized it in 1891. Full independence was reached in 1964 and the country then changed her name to Malawi. This chapter discusses the democratization process in the country. Starting with a discussion of the failure of democracy in Malawi in the 1960s and Dr Banda's dictatorial rule throughout his reign, we move into an analysis of factors that led to the reintroduction of multiparty democracy and the genesis of this political system in the early 1990s. The consolidation of democracy is then outlined with special focus on problems that discourage democracy and some strategies for strengthening democracy, ending with an assessment of the current situation.

The failure of democracy in the 1960s and Dr Banda's dictatorial rule

Britain ruled Nyasaland as a protectorate up to 1953 when a federation under British control was established between Nyasaland (Malawi), Southern Rhodesia (Zimbabwe) and Northern Rhodesia (Zambia). Although the federal period had a representative form of government, negotiations for full independence were held between Britain and the three countries in various forums. Connected with these negotiations Nyasaland conducted her first general elections in August 1961. Three parties, The Malawi Congress Party (MCP), the Christian Liberation Party and the United Federal Party contested in these general elections. Led by Dr Hastings Kamuzu Banda the MCP won all except one of the seats. Negotiations for full independence continued. Self government was reached in 1963 and

*A federation
with a
representative
system*

Malawi became fully independent on July 6th 1964 when general elections once more were conducted. During the period after these elections, the losing parties got discouraged due to Dr Banda's dictatorial tendencies. From this brief overview it may be seen that although the concept of multiparty democracy sounded new to most Malawians in the early 1990s as they were used to one-party politics for about 30 years, multipartyism was not entirely new or foreign to Malawian politics.

*Multiparty-
ism abolished*

The constitution was reviewed and Malawi became a republic on July 6th 1966. The new republican constitution and its subsequent amendments stipulated that the MCP was to be the only legally recognized political party in the country. Multipartyism was abolished. As expressed by Kanyongolo (1998), the republic and constitution 'did not purport to be a repository of principles of limited or accountable government, as a liberal democratic one would. On the contrary, it reflected the widening of state powers, the diminishing of guarantees of individual liberties, and the merging of the party and government into a centre of virtually absolute power.' Consequently under such a constitution and political atmosphere, the other parties had no chance for survival and what followed was a long period of the MCP dictatorship under Dr Banda.

There is ample evidence that Dr Banda never accepted any differing opinion from his cabinet or any participatory decision making either in the party or government. This was made abundantly clear as early as 1964 during the 'Cabinet Crisis' barely three months after gaining independence. Some ministers in his first cabinet were dismissed and others resigned in sympathy with their dismissed friends because of a disagreement with Dr Banda on several policy issues. Most of these went into exile.

*Seeds of
authoritarian
rule from the
past*

However, before exposing more evidence of autocratic tendencies of Dr Banda's reign, it is essential to comment upon the background of his dictatorial leadership. Phiri & Ross (1998) observe that: 'Most analysts trace the seeds of the extreme authoritarianism, which characterized the Banda regime to the period of national revival and struggle for independence from 1958 to 1964. The nationalist movement driven by a single minded commitment to the achievement of independence, cultivated an intolerant political culture characterized by hero-worship, centralized authority structures, exclusiveness, and intimidation of potential critics. These became the hallmarks of the one-party system'

Unfortunately, after gaining independence Dr Banda did not lessen his power as could be hoped for but instead strengthened it even more. All power and authority were concentrated in the office of the president and there were limited and ineffective checks and balances to monitor government affairs. He made decisions and the judiciary and legislature were not considered in decision making, they were merely used as rubber stamps of the decisions made by the president. For instance, parliament could not question his decision of continuing trade relations with apartheid South Africa despite being a member of the organization of African Unity (OAU)¹².

*Dictatorship
under Dr
Banda*

Nobody could challenge the president's decisions. Any citizen who dared to do that could be imprisoned, detained or killed in a dubious manner. A well known example is 1983 when three cabinet ministers and a member of parliament were murdered in a make believe road accident for criticizing how government affairs were conducted. Furthermore government was not accessible to the general public as popular participation in government affairs was non-existent. Dr Banda amassed so much power that everything revolved around him.

Dr Banda's manipulation of the constitution in 1971 declaring him Life President of the Republic of Malawi was another indication of his autocratic style. This meant people could not remove him out of office if they were not satisfied with his leadership. Similarly, selection of members of Parliament was tightly controlled. The ruling party selected its candidates every five years and the names had to be approved by the president. The right of the people to elect their own representatives in Parliament was not respected.

*President for
life*

Furthermore, there were many human rights abuses during Dr Banda's reign. The 1966 republican constitution removed the Bill of Rights that was provided for in the 1964 independence constitution. Consequently abuses of human rights became the order of the day. There was no freedom of the press, the president selected the

*Abuses of
human rights*

¹² For example, in his state opening address to parliament on July 2nd 1971, Dr Banda boastfully challenged his international critics on his relations with South Africa as follows: 'I do what I think is right, in the interests of my people, no matter what anyone thinks, feels, or wants to do. Let others talk and argue about dialogue either in Addis Ababa (headquarters of OAU), New York (United Nations General assembly), London (Commonwealth secretariat), Singapore (venue of the meeting of Commonwealth Heads of state and Government in 1971), or anywhere else. Let them argue, debate this issue, philosophize about it. I will practise, act, behave, live contact and dialogue and take the consequences (Chimphamba 2003).

members of parliament, rights of political organizations were restricted and the government was not responsible and accountable to its citizens. In addition, Moto (1998) states that: 'the judiciary was not independent. There were countless arrests and detentions without trial and freedom of expression and freedom of association were non-existent. Malawi, it was often said, was a huge prison.' As regards detentions without trial, Chirwa (1998) estimates that over 2 000 Malawians were in prisons and detention camps in various parts of the country for political reasons between the late 1960s and 1992.

*Claims of
being
democratic*

Despite his dictatorial tendencies, Dr Banda and the MCP claimed to be democratic. He often referred to himself as a democrat in his numerous political rallies. It may therefore be concluded that he practised lip-service democracy.

Factors for the reintroduction of multiparty democracy in the early 1990's and the genesis of multiparty democracy

Dr Banda's autocratic behaviour coupled with other problems made people cry for political change in form of multiparty democracy. As Chirwa argues, 'the crisis was deepened by three catalytic factors: poor economic performance; Dr Banda's old age and poor health; and international pressure. The last came from two sources: international human rights organizations and both bilateral and multi-lateral donors' (ibid).

To begin with, Malawi faced serious economic problems between the late 1980s and the early 1990s. This was in contrast to the situation from 1964 towards the late 1970s. During that period the economy improved by over 6 percent annually. The improved economy was due to increase in estate production which had a positive impact on exports. Unlike the estate sector, peasant agriculture was in a bad state because of shortage of land, low market prices and high cost of fertilizer and other inputs.

*Poor
economic
performance*

However, the economic achievements of the 1970s did not last long for a number of reasons. First, Chirwa observes that 'by the early 1980s the country entered a period of recession. Prior to 1979, Malawi borrowed substantially from abroad on floating rates; total interest payments on public debts rose from US\$ 7 million in 1977 to US\$24 million in 1979; about 11 percent of this increase was the result of the hike in rates' (ibid).

Second, there was low maize output in 1980 and 1981 because of drought and, to arrest the situation, government imported 11 000 metric tonnes of maize in 1980 and 26 000 metric tonnes in 1981. This was worsened by the closure of the Nacala railway (Malawi's shortest and most direct route to the sea) because of the civil war in Mozambique, which made transport costs to rise very high to about US\$50 million a year by 1984.

Third, estate production upon which the economy of Malawi depended very much, declined throughout the 1980s. By the early 1990s therefore, Malawi's economy was in a very bad shape and rural poverty became the order of the day. Consequently, 'by the time of political change between 1992 and 1994, the majority of the rural poor, who constitute the majority of the Malawian population, was economically and politically disgruntled' (ibid).

During the early 1990s, Dr Banda became very old and his health was poor. However, as Life President, he had to continue ruling the country and his condition affected his performance as leader. Generally, he lacked a vision for the future of the country and there was no clear successor to him in the party or the government. This created uncertainty in people about the future of the country's leadership.

*Dr Banda's
poor health*

International events also contributed to the pressure for change in Malawi. The most important events that had a direct impact on Malawi were the collapse of the Soviet Union and the eastern block in 1989 and the coming to power of the pro-human rights democrats in the United States in 1992. Despite its dictatorial leadership, Malawi prior to 1989 was on good terms with Western countries and continued to receive aid from them. This was because Malawi was used as a tool to help Western countries fight against the spread of communism in Southern Africa. When communism collapsed, Western countries saw no need of maintaining their relationship with Malawi and consequently the flow of financial aid declined. At the same time when the pro human rights democrats came to power in the US, its policy was to support democratic transitions in third world countries. The international community began to use adoption of human rights and good governance as criteria for financial support of third world countries. Since Malawi fared badly in terms of good governance and human rights, she faced serious financial problems as she could not get any aid from international donors. This coupled with the economic crises Malawi was facing

*International
pressure*

during the same period as well as the severe drought in 1992 aggravated the situation. Consequently, the cry for change became intense while the political bureaucracy remained unmoved.

The final catalyst for change came with the publication of *Living Our Faith*, the pastoral letter of Lent dated March 8th 1992, by the Catholic Bishops. This letter expressed all the human rights abuses and all the suffering of Malawians due to government policies and style of leadership. This letter was read in all Catholics churches on March 8th and made accessible to most Malawians. The letter won many hearts as it touched on problems the people were facing in the country. This was dramatic because the bishops took a risk of throwing the country into a civil war. Dr Banda became furious and wanted to kill the bishops. The pastoral letter was consequently banned. The result was mounting pressure against the government for change since the pastoral letter spoke for millions of voiceless Malawians (Chirwa 2003). University students, urban workers and political activists pressurized the government through demonstrations and riots. Furthermore political and religious activists formed pressure groups. Three influential ones were the Alliance for Democracy (AFORD), the United Democratic Front (UDF) and Public Affairs Committee (PAC). These organizations pressed the government to call for a national referendum to decide whether to continue with one party system or change to multiparty democracy. For a long time Dr Banda gave a deaf ear to this demand and in his political speeches told people that multiparty meant war. However, in October 1992, Dr Banda yielded to the call for a referendum, which was conducted on June 14th 1993. The results clearly showed that people were in favour of multiparty democracy.

*Referendum
in 1993*

Once people had voted for multiparty democracy, the next step was to hold general elections. During the period after the referendum and before elections, known as a transition period, two institutions were formed to act as an interim government. These were the National Executive Council (NEC) and the National Consultative Council (NCC), which acted as parliament and cabinet respectively. Finally, on May 17th 1994 the presidential and parliamentary elections were held simultaneously. The United Democratic Front (UDF) won the majority of the votes in both the presidential and parliamentary polls. Therefore this party became the first one to govern under the new liberal democratic constitution.

*General
election in
1994*

Unlike other countries in the region, the transition to multiparty democracy in Malawi was a peaceful one. With the coming to power of this democratically elected government, Malawians witnessed tremendous changes in the political sphere.

Signs of democratic changes in Malawi since 1994

Indeed the new democratic government brought dramatic and far reaching changes in the politics of the country. To begin with, the provision for Life Presidency was repealed and replaced by a State President elected by the people and mandated to serve a term of five years with a maximum of two terms. Thus people were given the right to choose their own government. At the time of writing (2007) this has happened in 1994, 1999 and 2004. Furthermore, the executive authority of the president is balanced by a careful separation of powers. Special attention has been given to secure the integrity of the legislature and the judiciary. Opposition in Parliament is also permitted and one is free to criticize government. This became evident during the discussions on and defeat of the third term Bill in parliament proposed by the Muluza reign in 2003.

*The Life
Presidency
abolished*

The constitution has enabled the exercise of free expression, political association and individual rights without fear of being victimized by the state (Chirwa 2003). Other human rights that have been achieved include freedom of information, right to liberty and freedom from detention without trial, the right to dissent, freedom of worship and dress and the right of access to courts and other institutions for protecting rights. Since literacy is considered a right for all, free primary education was introduced in 1994 for every child of school going age.

*Human
rights re-
introduced*

The democratic government also created national mechanisms that help people to promote, protect, claim and redress their rights. Among these are the office of the Ombudsman where people whose rights have been violated or not respected, can appeal their cases; and the Anti-Corruption Bureau that ensures accountability for resource management by those entrusted with public office. Equally important mechanisms are the Human Rights Commission, the Law Commission and the National Compensation Tribunal.

Furthermore, Non Governmental Organizations that act as watchdogs in the political system have mushroomed with the com-

ing of the new democratic government based on the constitutional review of 1994. Several of these organizations¹³ champion the rights of the poor and marginalized. This is part of the civil society which has been growing and spreading and which actively works to ensure that people's rights at the grass root level are respected.

Problems that discourage democracy in Malawi

Despite many positive changes, some problems still persist and discourage the growth of democracy in the country. There is no doubt that Malawi really underwent a transition from one-party dictatorship to multiparty democracy. However, the transition did not and still does not ensure the complete dismantling of the institutions that were entrenched in the dictatorship (Chirwa 2003). Some legacies from the era of dictatorship still remain and discourage the attainment of genuine democracy in Malawi. For instance, in 1998 Chirwa observed that the press was far from being free, and in 2007 this is still the case. Reports of press personnel losing their jobs and sometimes being jailed under the cover of irresponsible journalism have been published in the country. The electronic media such as TVM, MBC and others are still controlled by the Broadcasting and the Telecommunications Act. Even today the ruling party as opposed to the other parties monopolizes use of the national radio as well as TVM.

*Remnants of
the
dictatorship
culture*

Furthermore, the attitude of the people towards political leaders has not changed much despite living in a democratic era for about 13 years. From 1994 to the present, people still show signs of hero-worshipping their leaders as they were doing with Kamuzu Banda. For example, women still dance for political leaders and the leaders themselves show signs of wanting to be treated with special respect and obedience. Most politicians of today, just like during Dr Banda's regime, do not take criticism kindly and there is always suspicion and mistrust of one another amongst themselves.

Corruption

Another hindrance to genuine democracy in Malawi is corruption. This was on the increase especially in the first ten years of democracy. For example, Chirwa (1998), states that in less than a year of its launch, between March 1997 and January 1998, the Anti-

¹³ For instance Women's Voice, Malawi CARER, Civil Liberties Committee and Public Affairs Committee (PAC)/NICE

Corruption Bureau received a total of 3,100 written reports and complaints of corruption. Interestingly enough, politicians and government officials are still major perpetrators of corruption and economic inequalities. For example, a report of the Consumer Association of Malawi towards the end of the 1990s indicated that over 70 percent of the sugar business in the country was in the hands of politicians and the rest in the hands of their relatives, influential bureaucrats in government and organizations with political connections and traders of Asian origin. In his campaign speeches, the current president, Dr Bingu wa Mutharika, stressed that once elected he would fight corruption. This indicates corruption was still a major problem before he came to power. As a consequence of the strict measures the president is taking against any cases of corruption, the tendency has been reduced. Some people have lost their jobs and others have been jailed because of corrupt practices.

Despite 13 years of practicing democracy, incidents of police brutality and abuse of power, political intolerance and violence have been witnessed in the country. There have been widespread allegations against the police of ill-treating and torturing people in custody (Chirwa 2003). Political intolerance and violence is very common in almost all major political parties. The dismissal of some members of AFORD from the party because of their opposition of the party's joining UDF in government provides an example of such political intolerance. There had been cases of young democrats in the major parties inciting violence during political meetings.

Furthermore, a misconception of democracy, stressing the freedoms and neglecting the responsibilities, represents a huge challenge. Chidam`modzi (1998) argues that 'violence against women including rape and other forms of harassment has multiplied, incidents of mob justice have become common, and the youth and students have abused the democratic freedom through indiscipline and lack of respect for cultural values.'

Ethnicity and regionalism pose another challenge to our democracy. Phiri & Ross (1998) argue that 'Malawian politics revolves around ethnicity and regionalism in a way that inhibits the development of a mature approach to policy formation and implementation.' The results of all the three presidential and general elections so far testify to this as most people voted for candidates from their own regions. This is a serious problem yet not much effort has been put to address the issue.

Abuse of power

Neglecting responsibilities

Ethnicity and regionalism

Poverty

As expressed by Chirwa (2003), one of the issues raised by Catholic Bishops in their heralded Pastoral letter of 1992 was their concern over the growing gap between the rich and the poor. So poverty is another fundamental obstacle to genuine democracy in Malawi. It is disheartening that after 13 years of democracy poverty still remains the major problem in the country. The rural and urban working classes are still lowly paid and life is hard for them due to exorbitant prices of commodities and services allowing a large gap between rich and poor. As Chirwa (1998) argues, 'political changes have not been accompanied by substantial material benefits to the majority of the ordinary Malawian people.' According to this writer's judgment, this is still the case. Such a poor economic climate is not conducive to genuine democracy as the poor hardly can access their human rights. The rich tend to dominate. 'Tragically, too many Malawians are not even aware of the relationship between their suffering and the deprivation or violation of their rights' (ibid).

Some strategies for strengthening democracy

Civic education

If Malawi is to strengthen her democracy, one of the strategies is to offer intensive civic education. This includes human rights issues to the people at grass root level as most violations of their rights are ignored because of lack of knowledge on their part. It is sad that even today, most people are unaware of their rights, and that their rights are being violated. It is therefore essential to maximize civic education efforts to empower such people to be able to claim and defend their rights.

A vibrant civil society

A strong and vibrant civil society is essential for dealing with the challenges in any democracy. For instance, the fight against the third term Bill would not have been won if the civil society were not united and strong in opposing it. The church and other civil society organizations worked hard and in unison in sensitizing people to fight against this Bill and in the end democracy prevailed.

Erase poverty

Since poverty is one of the challenges confronting our democracy, economic development is fundamental. Private sector should participate actively in this endeavour. Government should institute programs that will help to reduce poverty among people. Some of this is already taking place like for instance free primary education and the 'One Village One Product' project. Intensification of such

measures combined with improved infrastructural development is essential. Democracy thrives in environments where the economic climate is viable and conducive to development.

Finally, there is need to ensure that people in authority over others and those responsible for enforcing the law exercise their duties with integrity. Such people include clergy, lawyers, MPs, police, teachers and many more. Such people should be knowledgeable and accountable for their actions, offering good examples as role models for democracy.

*Personal
integrity*

The current situation

In the Human Development Report (UNDP 2002: 4) it is said that a central challenge for deepening democracy is building the key institutions of democratic governance. Six key institutions are listed:

- A system of representation, with well-functioning political parties and interest associations.
- An electoral system that guaranties free and fair elections as well as universal suffrage.
- A system of checks and balances based on the separation of powers, with independent judicial and legislative branches.
- A vibrant civil society, able to monitor government and private business – and provide alternative forms of political participation.
- A free, independent media.
- Effective civilian control over the military and other security forces.

*Key
institutions*

How does Malawi fare on these measures? A system of representation is established on the national level. Political parties and interest associations are there, but we can hardly claim them generally to be well-functioning. The electoral system has several times given a result contrary to the sitting regime which in the context of an early democracy may be taken as a sign of a free and fair system. Checks and balances in government have not been touched heavily upon in this chapter, but institutions like the Ombudsman and the Anti-Corruption Bureau have been mentioned. It is further clear that the executive, legislative and judicial powers are separated even though the executive in the form of the president surely exercises a lot of

*The country
is making
progress*

influence on the national assembly. The civil society played a highly celebrated role as the multiparty system was re-introduced in the country and still exercises considerable influence. We should, however, be careful not to overrate its potential but rather strive to strengthen civil society's role in the shaping of the democracy. As pointed out above, it is far from certain that the media is free and independent even though today the problems and shortcomings in government and society may be described with considerable boldness. The president is the Commander in Chief for all branches of the armed forces and thus at least formally there is civil control over the military and claims of police brutality seem to come forth more seldom than before.

Summed up, it seems fair to say that on most of the measures from the Human Development Report (UNDP 2002), Malawi has made substantial progress after the Banda period. However, it is obvious that there is still some ground to cover before it may be claimed that the stage of a well-functioning democracy is reached.

Questions

1. Describe the transition from British control to independence for Malawi.
2. Which were the forces and processes that brought about a change for multi-partyism in the early 1990s?
3. Name examples of the legacy from the dictatorial era in Malawi today.
4. Which hindrances to genuine democracy may be observed in Malawi today?
5. Make a list of strategies for strengthening democracy in Malawi.
6. Describe the present state of democracy in Malawi.

Compare and contrast Malawi and Norway

After having read two or all of chapters 5, 6 and 7 in this book, discuss the following questions.

1. Make a list of similarities and differences between Malawi and Norway in the development of democratic government.
2. What similarities and differences can you draw from Norway's union with Denmark and Sweden and how does this compare with Malawi's experience as a British protectorate?

References

- Chidammodzi, H.F. (1998): 'Democracy and Moral Degeneration in Malawi: Some Personal Reflections,' *Bwalo. A forum for social development*, Issue 2, pp. 63-73. Zomba: Chancellor College Publications.
- Chimphamba, B. (2003): 'What We Fought for.' In B. Immink, S. Lembani, M. Ott & C. Peters-Berries (ed), *From Freedom to Empowerment: Ten Years of Democratisation in Malawi*, pp. 39-44. Balaka: Forum for Dialogue and Peace.
- Chirwa, V.M. (2003): 'What we Fought For.' In B. Immink, S. Lembani, M. Ott and C. Peters-Berries (ed), *From Freedom to Empowerment: Ten years of Democratisation in Malawi*, pp. 49-60. Balaka: Forum for Dialogue and Peace.
- Chirwa, W.C. (1998): "We Want Change": Transition or Transformation? *Bwalo, A Forum for Social Development*, Issue 2, pp.1-23. Zomba: Chancellor College Publications.
- Kanyongolo, F.E. (1998): 'The Limits of Liberal Democratic Constitutionalism in Malawi.' In K.M. Phiri & K.R. Ross (ed), *Democratisation in Malawi: A Stocktaking*, pp. 353-376. Blantyre: CLAIM.
- Moto, F. (1998): 'Domesticating the Definition of Democracy,' *Bwalo. A forum for social development*, Issue 2, pp. 24-43. Zomba: Chancellor College Publications.
- Phiri, K.M. & K.R. Ross (1998): 'Introduction: From Totalitarianism to Democracy in Malawi' In K.M. Phiri & K.R. Ross (ed), *Democratisation in Malawi: A Stocktaking*, pp. 9-18. Blantyre: CLAIM.
- UNDP (United Nations Development Programme) (2002): *Human Development Report 2002. Deepening democracy in a fragmented world*. Oxford, New York: Oxford University Press.