

POLITICS, DEMOCRACY AND GOVERNANCE

IN INDEPENDENT MALAWI:

The dichotomy between promises and reality



Art of Larisa: Mask from Malawi

By

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A Dissertation submitted to
The University of Birmingham
in partial fulfilment of the requirements for the Degree of

MASTER OF PHILOSOPHY

Centre of West African Studies
School of History and Cultures
College of Arts and Law
The University of Birmingham
January 2011

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Acronyms

ACHPR	Africa Charter of Human and People's Rights
ADB	Africa Development Bank
AEDB	African election Data Base
AFORD	Alliance for Democracy
CCAM	Chitukuko Cha Amayi mMalawi (Women Development in Malawi)
CCR	Centre for Constitutional Rights
CPA	Commonwealth Parliamentary Association
DFID	Department for International Development
DPP	Democratic Progressive Party
DRC	Democratic Republic of Congo
HDI	Human Development Index
ICJ	International Court of Justice
ILO	International Labour Organisation
IMF	International Monetary Funds
LESOMA	Socialist League of Malawi
MCP	Malawi Congress Party
MEC	Malawi Electoral Commission
MPhil	Master of Philosophy
MYP	Malawi Young Pioneers
NAC	National Executive Council
NAC	Nyasaland African Congress
NSO	National Statistics Office (Malawi)
PAC	Public Affairs Committee
PhD	Philosophy of Doctrine
SADC	Southern Africa Development Community
UDF	United Democratic Front
UN	United Nations
UNCHR	United Nations Commission for Human Rights
UNDP	United Nations Development Programme
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
WB	World Bank

Dedication

This piece of work is dedicated to

Christine, Webster Jr. and Suwilanji

Acknowledgements

Sir Isaac Newton stated, *“If I have seen a little further it is by standing on the shoulders of Giants.”*¹ I am grateful to all those who gave in everything to make this research project see the light of Day. To you all I say that without your input, this project was never going to be a reality. Let me make special mention of Dr. Keith Shear, my personal tutor who was always there for me when I needed his guidance; All the Academic and Support Staff in the Centre for West African Studies and my fellow researchers. Thank you for shaping the destiny of this project. Special thanks also go to my Family for being there for me particularly my wife Christine for reading through the original manuscript. The list is too long, but suffice to say, above all, I am grateful to the Lord God Almighty, who in his infinite wisdom and power, I live, move and have my being.

Key Words

Accountability, Decentralisation, Democracy, Devolution, Governance, Government, Parliament, Participatory, Politics

¹ Quotation taken from ‘Socrates Paradox’ (<http://socratesparadox.com/?p=38>)

Abstract

We are convinced that the risen masses must stand at the heart and in the vanguard of the great historic process to eradicate the legacy of slavery, colonialism, apartheid and neo-colonialism. (Thabo Mvuyelwa Mbeki)²

True to the words of Mr Mbeki, masses stood in the struggle with their leaders but what did they get in return? Perpetuation of poverty³; dictatorships⁴; violation of peoples' rights; corrupt practices; nepotism and tribalism at the hands of their own people. Since independence in 1964, Malawi has gone through three political regimes. The 1964 to 1994 MCP regime was characterised by authoritarian rule with some of the most horrific violations of human rights in modern history. That era was followed by a 'democratic dispensation'. The UDF's 1994 to 2004 rule was synonymous with corrupt practices and lack of the rule of law. Thereafter, the DPP regime from 2004 to 2014 has been accused of nepotism and dictatorial tendencies.

My argument therefore, in this dissertation is that at every stage of political change Malawians have sacrificed everything to fight for a better future but at every stage, the promises given by the political elite have always been diametrically opposed to the reality. In the final analysis, I argue that a devolved legislative system to the three regions of the country will empower local communities and district assemblies in local resource management and development. Furthermore, it will increase political participation and a sense of ownership of programmes and projects at local level.

²Thabo Mvuyelwa Mbeki, President of South Africa (1999-2008) Thematic Essay from <http://www.thematicessay.com/?p=246>

³ Poverty in Malawi: UNDP-HDI, 2010 is at 72.3% of population below poverty line of less than a dollar a day.

⁴ Dictatorship: Under MCP regime from 1964 to 1994.

CHAPTER 1: INTRODUCTORY

1.0 Introduction

The People

The Words of William Shakespeare (1564-1616), "*Expectation is the root of all heartache,*"⁵ could perhaps best fit the Malawian scenario. An expectation of protection from the slave trade, the Portuguese and the Germans by the British only led to British Imperialism. The sacrifices made by millions of Malawians towards the struggle for independence only led to thirty years of authoritarian rule by Dr. Banda and his MCP regime. Furthermore, a return to multiparty democracy ushered the country into a political fragmentation, corruption and financial mismanagement all committed with impunity by those entrusted with public offices, while the majority of Malawians slide deeper into poverty, desperation and despair with more than 65 per cent of the population still living on less than a dollar-a-day according to University of Oxford-MPI (2010) yet hoping for better things to come. The research project examines the dichotomous relationships between political promises and reality between the political elite who seek to exploit the general public for their own political gain.

⁵ Dune and others argue that the origin of this quote, in this form at least, is unknown – but it is not Shakespeare. No one has been able to find a reference in Shakespeare's works to these words, though it is a matter of opinion whether you might find something similar that Shakespeare said, that has evolved into the above. On line from [<http://www.notbyshakespeare.com/2010/08/25/expectation-is-the-root-of-all-heartache/>]

The Research project will attempt to critically analyse, but not limited to answering questions such as where and why democracy failed in Malawi leading to President Dr. Kamuzu Banda's dictatorship soon after independence? Has multi-party politics created a democratic culture and good governance in Malawi in general and parliament in particular? What are the opportunities and challenges that have either hindered or supported the development of democracy, genuine politics and good governance? And what can be done differently to enable Parliament to meet the expectations of the majority Malawians.

1.1 Background Information

The Land and the People of the Republic of Malawi

Malawi lies on the continent of Africa on longitude 30 degrees east and 15 degrees south. It has a total land area of 118,480 square Kilometres and 24,400 square Kilometres of fresh water. Lake Malawi is about 571 Kilometres in length and about 75 Kilometres in width⁶ (see Maps in Boxes 1 and 2).

Established in 1891 as the British protectorate of Nyasaland, the territory became the independent nation of Malawi in 1964⁷. The country held elections in 1994, under a provisional constitution after three decades of one-party rule under President Dr. Hastings Kamuzu Banda who lost to Dr Bakili Muluzi of the United Democratic Front in the new multiparty dispensation. The Current President Dr. Bingu wa Muntharika was first elected in May 2004 after a failed attempt by his predecessor to amend the

⁶ Malawi Country Profile , [on line] from <http://www.nationsonline.org/oneworld/index.html> (retrieved 16/01/11)

⁷ History of Malawi, [on line] from <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad48> , (retrieved 16/01/11)

constitution to allow him a third term of office. Bingu was re-elected for his second and final term in 2009.

The official population of Malawi is about 15 million people (NSO, 2010 est). According to Africa Guide (2010) life expectancy has dropped by almost 50 per cent since independence from 60 to 42 years. This could be due to HIV and AIDS pandemic exacerbated by poverty, lack of adequate and freely available Antiretroviral drugs. The Malawi people are mostly of Bantu-speaking origin, with the ethnic groups including Chewa, Nyanja, Yao, Tumbuka, Lomwe, Sena, Tonga, Ngoni, Ngonde, Asian and European. The Chichewa (Chewa) people form the largest population group and are largely in the central and southern parts of the country. The Yao people are predominantly found around the southern area of Lake Malawi. Tumbuka are found mainly in the north of the country. There is a small population of Asian and European people living mainly in the cities.

The illiteracy level is still very high in Malawi especially among females due to early marriages; a culture that encourages boys to attend school rather than girls; and an orphanage situation that has left most 'girl children' taking care of other family members. 76 percent of the male and 50 per cent of the female population can read and write. (MPC 2003 est.)

The legislative branch of government has continued to grow since independence. The first Legislative Council met on 04 September 1907. By 1932, there were eight Members of the legislative Council (all whites); 53 elected members of Parliament in 1964; 141 members in 1992; and 193 since 1999. Does this increasing institutional

growth reflect the country's national growth and development, as parliamentary records maintain (Malawi Parliament, 2010) A critical examination of the role that Parliament has played in the development of politics, democracy and governance in Malawi is to a large extent, a part of this study.

Box 1: Malawi in Africa



Source: Karl and Debbie (2010)⁸ Malawi and New Frontiers

⁸ Karl and Debbie (2010), Malawi and New Frontiers, [on line] from <http://debbieandkarl.blogspot.com/> (retrieved on 17th February 2010)

Box 2: Malawi and Neighbours



Source: World Guide- Malawi⁹

⁹ World Guide Malawi, [on line] from <http://www.intute.ac.uk/worldguide/html/948.html> (retrieved 17th February 2011)

1.2 Objectives and scope of study

There are three main objectives of the study. Firstly, is to add new knowledge and make a contribution to the scholarly literature on the politics of Malawi, its democracy and governance. Secondly, to highlight elements that have retarded positive progress in national development, and thirdly to seek new political avenues in improving the process of democratisation and governance. These objectives will be feeding into the general analytical framework covering the period from independence in 1961 to 2014, the end of the current Government's term.

Within the study's scope is an in-depth, chronological analysis of political events and the processes of democratisation in independent Malawi, including but not limited to covering: some brief background on the transition from colonialism to independence; the first multiparty parliament of 1961; the thirty years of Dictatorship (1964 to 1994); the first democratic parliament (1994 to 1999); the second (1999 to 2004); the third (2004 to 2009); and the current (2009 to 2014).

In examining good governance in the Malawi Parliament, I will adopt Ageres' (2000) paradigm of governance that defines good governance as the highest state of development and management of a nation's affairs. It analyses eight areas of concern as the main elements of Good Governance: accountability, transparency, responsiveness, participation, fairness and inclusiveness, effectiveness and efficiency, following the rule of law, and consensus oriented.

Furthermore, the study shall examine the advantages and disadvantages of devolution of legislative powers to regional (Provincial) level as a leverage of empowerment in decision making, implementation and monitoring as well as evaluation of development programmes 'by the people for the people.' To this end therefore, I argue that a 'devolved model' of governance in the Malawi Parliament would be most appropriate if the country is to hasten capacity growth in its infrastructural, political and democratic development. The danger of concentrating all the legislative power in the hands of a central parliament dominated by one political party is exactly what Jefferson argued against in his time when he said,

All the powers of government, legislative, executive, and judiciary, result to the legislative body. The [sic] concentrating these in the same hands is precisely the definition of despotic government... An elective despotism was not the government we fought for... [Thomas Jefferson¹⁰, (1784) Notes on Virginia]

1.3 Conclusion

This chapter has given the background information, objective, context and scope of the study, setting a clear trajectory for the remaining chapters. Chapter two covers a broader view of literature touching on politics, democracy and governance issues in Malawi. Chapter three is the methodological framework outlining the research design, the research questions and the nature of research. Chapter four is the presentation of data, analysis and discussion. Finally, chapter five draws a summary of the research findings, limitations of the research, recommendations and suggestions for further research.

¹⁰ Thomas Jefferson: President of the United States from 1801 to 1809.

CHAPTER 2

REVIEW OF RELEVANT LITERATURE

2.0 Introduction

In this chapter, discussions will be centred on the politics of democracy and governance in contemporary Malawi and the plausibility of a devolved legislature to regional assemblies. My focal point is parliament. I consider its claims to be the cradle and an epicentre of democracy and development.

2.1 The politics of democracy and governance in contemporary Malawi.

The rationale for this literature review is to build a global perspective of the politics of democracy and governance in contemporary Malawi.

It will be important to begin the narrative with the realisation that the ‘Institution of Parliament¹¹’ is not a new or a foreign concept to African societies contrary to the assertions made by Loewenberg and Patterson (1979, p. 16) that legislatures in Africa and Asia were ‘*transplants*’ of European legislatures during the process of colonisation. Wamala (1980) argues that traditional African societies were divided into two broad categories, namely, those which had very highly centralised authority and leadership under kings or powerful chiefs and those which had decentralized authority and leadership, where small chiefs ruled over small clans or lineages. He further points out that in both cases, monarchs ruled through a

¹¹ I will use Legislature or Parliament interchangeably to mean, ‘The power that makes laws’; a body of persons invested with the power of making the laws of a country or state or otherwise referred to as Parliament.

council of heads of clans at various levels of society and that after every debate a consensus had to be reached or sought. He concludes by stating that consensus was very central to the operation of rule and the administration of justice in traditional Buganda¹² society and of African societies generally. This organisational consensus building might have been the same in all cases as stated by Loewenberg and Patterson (1979, p. 8) that in medieval Europe, without the consent of the leaders of society, the King's policies could not be carried out. The same can be said for African Kings and rulers in the pre-colonial centuries that to a larger degree, they governed by consensus.

In Malawi, at the onset of multiparty democracy, the Republican Constitution, (2006), Chapter VI (49:1) provided for a Bicameral legislative system that comprises of two chambers the lower and the upper or the Parliament and the Senate (UNDP, 2005). However, the senate has never been constituted in Malawi; each incumbent government argue that the economic situation cannot support and sustain two chambers. Although Malawi Constitution provides for Bicameralism the reality on the ground is that unicameralism is practiced. Arguably, unicameralism in Malawi has lowered the level of legislative viscosity and government oversights.

¹² Buganda Kingdom: The ruling dynasty of kings was established in the mid-14th century AD. 'Uganda' (*Swahili for 'Land of the Ganda'*) was the name used by the Arab and Swahili traders on the East African coast to refer to the kingdom of Buganda located in the interior of East Africa.

2.2 Parliamentary Politics: Accountability and abuse of Power.

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary (Madison 1997). Parliaments are mirrors of the nature of the state (democratic or authoritarian), party systems (one-party, multiparty, or dominant party), and political culture, according to Mohamed (2005). He further observes that African legislatures, like other legislatures, are caught between two competing roles as part of the machinery that confers legitimacy on governments as well as pivotal oversight institutions responsible for scrutinising the activities of government. In comparative terms however, Loewenberg and Patterson (1979, pp. 197-200), tend to classify the American House of Congress as a clear case of a representative legislating body, the British House of Commons as a deliberating parliament, with the German Bundestag falling in between the two categories. However, they are quick to point out that in practice many legislatures do not fit perfectly into any one classification. The same can be said for most parliaments in developing countries, including Malawi.

2.2.1 Legitimation

Ouziel (2009) in quoting Dolf Sternberger (1968, p. 244) argues that legitimacy as a foundation of governmental power exercised both with a consciousness on the government's part that it has a right to govern and with some recognition by the governed of that right, is in itself not enough. However he agrees with the definition of Seymour Martin Lipset (1983, p. 64) claiming that legitimacy involves the capacity of a political system to

engender and maintain the belief that existing political institutions are the most 'appropriate and proper ones for the society'. What Ouziel and Lipset are not bringing out in their arguments is the legitimacy of the processes that create an environment in the legitimisation of political institutions and systems as well as mechanisms for such institutions and systems to lose their legitimacy depending on performance. For instance, in an electoral or voting system, transparency and accountability must be ensured before legitimacy can be conferred on such outcomes.

2.2.2 Political Accountability

I will look at accountability in general under the Governance topic. For now, let me confine myself to 'Political Accountability.' In this regard, I agree with Smith (2007, pp. 21-22) that the concept of political accountability should not only mean keeping public officials within the law but also 'punishing' those of them that are elected for making the wrong decisions even when made within the law. It should also mean voting them out of office at the earliest opportunity because of their policy errors, failure to act or broken promises. Developed democracies seem to be leading the way in that direction; for instance, Tony Blair had to resign to give way to Gordon Brown, Yukio Hatoyama to Naoto Kan and Kevin Rudd to Julia Gillard in the United Kingdom, Japan and Australia respectively. This phenomenon is a rare occurrence (if any) in developing countries especially in the sub-Saharan Africa. However, as rightly observed by Khouri (2011), the overthrow of president Zein el-Abidine Ben Ali in Tunisia by fearless citizens who were no longer intimidated by their police and army is historically significant not only to

most Arab Counties, but also to Sub-Sahara Africa because of the similar prevailing conditions as those in Tunisia before the revolution.

2.2.3 Abuse of Political Power

"Power tends to corrupt and absolute power corrupts absolutely," Acton¹³, (1834–1902). Chatham¹⁴ (1766-1778) also said, *"Unlimited power is apt to corrupt the minds of those who possess it."*

What Acton and Chatham are suggesting is that any political leader (or any person in leadership) who accrues *'absolute'* or *'unlimited'* power has the propensity to use it as a tool for the oppression of others. By definition, according to the Centre for Constitutional Rights (CCR) (2006), it is the violation of Human Rights as guaranteed by the United Nations Universal Declaration of Human Rights of 1948. Such abuses can emanate from different institutional levels such as the Executive, Parliament, Army, a political party, the police; at the individual level such as the President, Minister, Member of Parliament and City Mayor; or at any level of political leadership. Schedler, et al (1999, p.15) agree that political power should be bound by legal constraints and by the logic of public reasoning. One would be tempted to suggest that all political systems are guilty of abuse of power. The only difference could be in its magnitude. Singling out the United States of America, the CCR argue that the rights of the men held at Guantánamo Bay were violated by torture and indefinitely detaining them in the name of national

¹³ Lord Acton, expressed this opinion in a letter to Bishop Mandell Creighton in 1887.

¹⁴ William Pitt, the Elder, The Earl of Chatham and British Prime Minister from 1766 to 1778, in a speech to the UK House of Lords in 1770.

security. According to UNESCO (2004)¹⁵, after 9/11 the Bush administration used unlawful surveillance and means to secretly abduct local and foreign nationals for detention and interrogation without judicial oversight as part of the so-called “war-on-terror.”

2.3 Parliamentary Democracy

The Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations (UN) in 1948, clearly projected the concept of democracy by stating that *“the will of the people shall be the basis of the authority of government.”* This trajectory however poses two challenges to Parliamentary Democracy, which is based on a theory of representation that strikes a balance between the *‘the will of the people’* and *‘the authority of Government.’* Loewenberg and Patterson (1979, p.111) argue that it is impossible to mirror the diversity of millions of inhabitants in the composition of institutions having only hundreds of members (representatives). Furthermore, Smith (1996, pp. 349-51) argues that Parliamentary politics only helps to institutionalise democracy. In quoting Huntington(1965, p. 407), Smith (1996, p. 350), observes that such a phenomenon has led to *‘institutional decay’* in many developing democracies.

A case in point for Malawi, between 2004 and 2008 the opposition members of parliament were a majority in the National Assembly. During this period many government bills including the National Budgets were rejected by the opposition not on merit but because they had the means to do so. Similarly,

¹⁵ United Nations Economic and Social Council, (2004) Civil and Political Rights [on line] from <http://www.humanrightsadvocates.org/wp-content/uploads/2010/05/NGO-94.pdf> (retrieved 16/01/11)

between 2009 and 2014 the Government in power has a comfortable majority in parliament and has technically adopted “*the Dictatorship of the Majority*”, as Escamilla (2008) puts it in quoting John Stewart Mill¹⁶. In both cases none would adequately justify that Parliament was acting on the ‘will of the people’ or that Government’s authority was based on the mandate given by the will of the people.

Let me now review the dichotomy between the ‘will of the people’ and the ‘authority of Government’ in turns.

2.3.1 The will of the People

Dilworth, D.(2006), argues that the measurement of the ‘will of the people’ is the continuum of power sharing with dictatorship on one end (no power shared) and, at the other end, the required voter approval of all policy and priorities of lawmaking, law application and law enforcement. He concludes his argument by stating that real democracy occurs when the decisions actually reflect the will of the majority of those affected while protecting the rights of all minorities. The critical question here is, how do we ascertain the true picture of the will of the people in a parliamentary (representative) democracy? In most democracies the ‘will of the people’ ends on the Ballot Box. The people’s voices are drowned in the ballot box. Once elected to power, most politicians have no interest in listening to dissenting voices. Politicians become omniscient and omnipotent.

¹⁶ John Stuart Mill (20 May 1806 – 8 May 1873) was a British philosopher and civil servant. An influential contributor to social theory, political theory, and political economy, his conception of liberty justified the freedom of the individual in opposition to unlimited state control

2.3.2 Authority of Government

The authority of Government to govern must be earned from the public, argues Baber (1984, p.136) by deliberation and public judgement. In this way, politicians emerge not simply legitimised but also transformed by the process to which they have been subjected. Gross¹⁷ (1992), states that Government loses its claim to legitimacy when it fails to fulfil its obligations. By implication, Gross is stating that legitimacy which translates to governments' exercise of authority is not only gained at an election but rather a continuous process of legitimisation of authority throughout the government's life time. Apart from the referenda and direct consultations, Parliament is best placed to carry out this function through its elected members.

According to the Kenya Department of Parliamentary Research Services, (September 2008), there are five main functions of a Member of Parliament, viz. making legislation, budgetary allocations, oversight, representation of constituents, and making and unmaking of government. In oversight, Parliament holds the executive to account for expenditure of funds as approved by the House to ensure transparency and accountability. In representation MPs are a bridge between the electorate and the government; hence they relay issues facing voters to the government for consideration, and press for action. On the other hand, an MP is expected to communicate to the public the ongoing government plans and policies to address their concerns. Through a vote of no confidence, Parliament has the power to vote out the executive. However, this process will only be meaningful if there is

¹⁷ Mr. Gross has been a member of the faculty of The New School for Social Research and an Adjunct Associate Professor of Social Science at New York University.

good governance within the august House. In my next topic I shall deal with the subject of governance at some length in order to appreciate its significance in Parliamentary politics and for democracy within the legislative body.

2.4 Critical issues of Governance in the Malawi Parliament

Santiso, C., (2001) observes that although the concept of good governance is increasingly being used, its contours remain uncertain. As a result, there is a variety of definitions, greatly differing in scope, rationale and objectives depending on what authors would like to achieve. Santiso concludes that this has generated an increasing confusion regarding the boundaries of the concept.

Let me now examine two definitions of 'governance' from the UNDP and the World Bank perspectives.

*GOVERNANCE is the exercise of political, economic and administrative authority to **manage a nation's affairs**. It is the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights and obligations, and mediate their differences. (UNDP)*

*GOVERNANCE is ... the traditions and institutions by which authority in a country is exercised for the common good. This includes (i) the process by which those in authority are selected, monitored and replaced, (ii) the capacity of the government to effectively **manage its resources** and implement sound policies, and (iii) the respect of citizens and the state for the institutions that govern economic and social interactions among them. (World Bank)*

The UN/UNDP definition, places its emphasis of governance on the management of the 'nation's affairs,' which according to Smith, (2007, p.4), are policies designed for sustainable human development such as a government that is democratic,

decentralised, empowering, accountable as well as a properly functioning legislature, legal and judicial systems to protect the rule of law and human rights including the electoral process. This definition also stresses the importance of governments in creating 'conducive environment' for the private sector to thrive and help in the creation of jobs. The World Bank and the donor community places emphasis on the nation's ability to 'manage its resources.' Smith (Ibid, p.5), states that the donor community are interested in the economic and social resources management, the capacity of government to formulate sound policies and perform their functions effectively, efficiently, and equitably.

However, Smith (ibid, p.4), admits that both the UN/UNDP and the World Bank see governance as the 'manner' in which the country's economic and social resources are managed and power is distributed.

For the purpose of this study I shall analyse governance from Ageres' (2000) typology that places emphasis on its measurements based on eight variables, viz: accountability, transparency, responsiveness, equitability and inclusiveness; effectiveness and efficiency; Participatory, consensus as well as the rule of law, (Box 3).

Box 3: The eight elements of Good Governance



Source: World Bank Labour Market Policy Core Course, (Feb. 28-March 11, 2005)

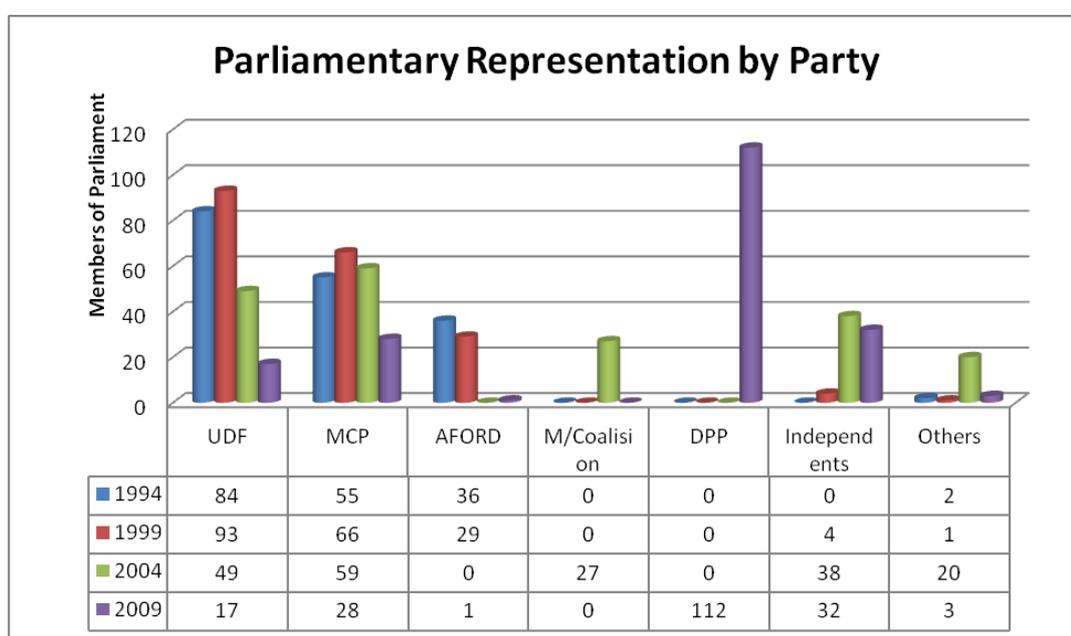
2.4.1 Accountability of Parliament and Members of Parliament

Agere (2000) defines accountability as holding responsible elected or appointed individuals and organisations charged with a public mandate to account for specific actions, activities or decisions to the public from whom they derive their authority. Smith (2007 p21) argues that political accountability means punishing elected members for making wrong decisions, even when made within the law, by voting them out of office at the earliest opportunity because of their policy errors. In Malawi when the multiparty politics were introduced in 1993, an opportunity arose among political parties participating in the electoral process. The incumbent Malawi Congress Party (MCP) that had dominated politics for thirty years in a one party state was defeated by the newly formed United Democratic Front (UDF). While the other newly founded

Alliance for Democracy (AFORD) got the minority vote and remained in opposition. The diagram below (Box 4) illustrates how UDF, AFORD and MCP have suffered losses in the National Assembly for policy errors, failure to act and broken promises. It also illustrates how DPP was ‘rewarded’ for seemingly delivering at that particular time.

UDF dropped from 93 members in the 1999 elections to 17 in the 2009, a total loss of 76 members, representing a decline of 81.7%. AFORD dropped from 36 members in 1994 to a single member in the 2009 elections, representing an almost 100 per cent decline, while MCP lost 38 members, representing a 54.5% decline between the 1999 and 2009 elections. On the other hand, the newly founded party the DPP got 112 members in the 2009 elections.

Box 4: Parliamentary Representation by Party (National) 1994-2009



Sources: African Election Database and Malawi Electoral Commission

2.4.2 The importance of transparency in Parliament

Agere (2000 p131-132) stresses the need for public organisations (including parliament) to commit to transparency as a reflection of their competence in delivering on their mandates. He argues that there ought to be a clear and effective two-way communication with a wide range of people and in all situations in order to take on board a wide spectrum of views. Loewenberge and Patterson(1979 p 43), in quoting Mill¹⁸ and Bagehot¹⁹, state that parliament is a medium of communication between the people and their government and, as an institution, making government responsive to the people who in turn are expected to comply with the decisions of government. It therefore follows that in the absence of transparency, this symbiosis will be unattainable. Furthermore, Hyden (1998, p.51) argues that it is the responsibility of government to initiate transparency within its institutions because according to him, 'government's policy is public Policy.' He qualifies his argument by stating that in this case, public policies are devised, deliberated, adopted, announced, and enforced in the open to encourage institutional openness.

¹⁸ Mill, 1910:239-240

¹⁹ Bagehot, 1966: Chapter 4

2.4.3 Parliament and the Rule of Law

My argument on the rule of law is based on a holistic approach to its quality, quantity and implementation. In adopting this approach, the United Nations Security Council definition is more encompassing:

Rule of Law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.²⁰

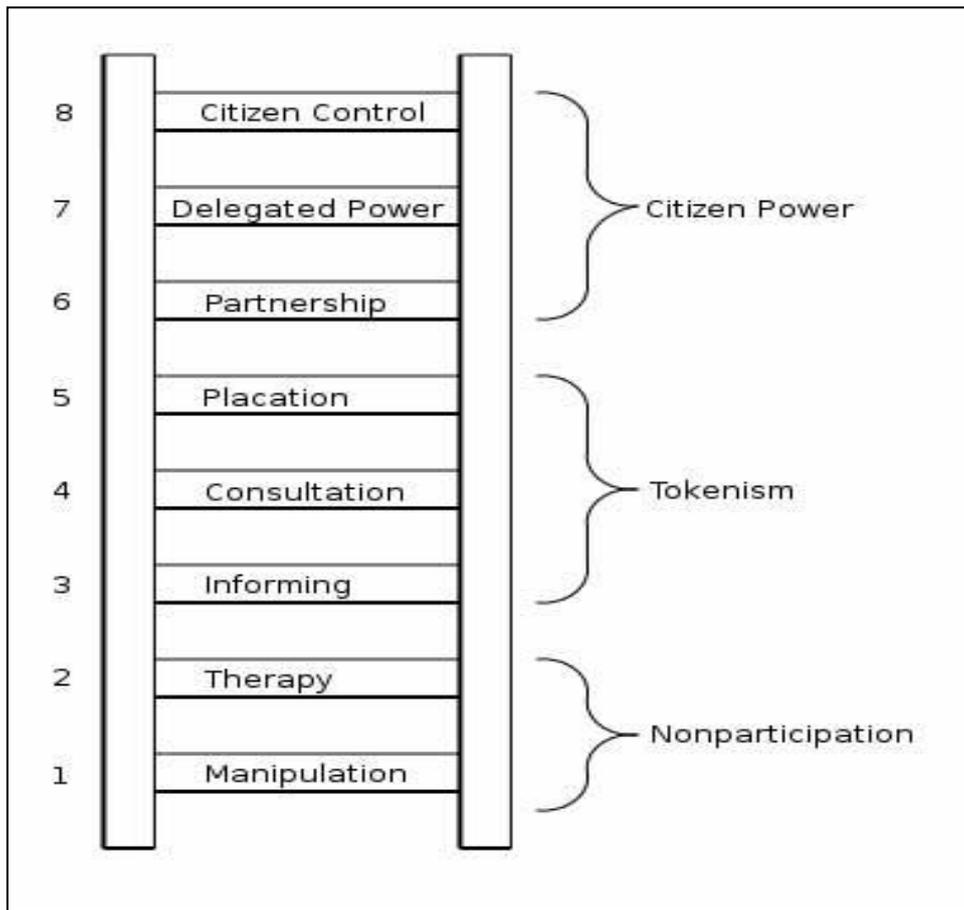
This definition implies that no individual or institution is 'above the law'. As Agere (2000, p. 95) explains, if the rule of law is respected in a country, the popular notion of the separation of powers is put into practice and a predictable legal environment, with an objective, reliable and independent judiciary emerges. To this end, parliament has a duty to provide checks and balances to ensure that powers and privileges of individuals and institutions are not abused. However, in the recent past the world was stunned with the revelations of the MPs and Lords expenses scandal in Britain (see appendix:1). Such occurrences are a regular feature in most African Parliaments (see appendix 2). These examples go to illustrate Agere's (ibid p94) point that a democratic government does not necessarily lead to good governance.

²⁰ United Nations security Council: The rule of law and transitional justice in conflict and post-conflict societies, Report of the Secretary General: S/2004/616 [on line] from <http://www.un.org/Docs/sc/sgrep04.html>, (Retrieved on 12th December 2011)

2.4.4 Participatory

To answer the question of whether or not there is participatory democracy in Malawi, it will be useful to begin by analysing the concept of 'participation.' Smith, (2007 p149), states that participation is understood within the donor community as an end in itself and a means to other political and administrative objectives. He observes that both UNDP and DFID regard participation as a human right. This notion is congruent with the definition provided by Agere (2000), that participation is a process whereby stakeholders exercise influence over public policy decisions and share control over resources and institutions that affect their lives. According to Sherry Arnstein's 'ladder of participation' (Box 5) below, there are three categories with eight levels of participation, viz.: the non-participatory approach that involve manipulation and therapy methodologies; tokenism that involves cosmetic consultation and placation. However, the higher and most desired form of participation is where citizens are truly empowered as partners and take full control of issues that affect their lives.

Box 5: Sherry Arnstein's 'ladder of participation' (adapted from Arnstein, 1969)



Source: <http://www.partnerships.org.uk/10/08/10>

Most developing democracies, including Malawi, have bordered around non-participatory and tokenism approaches both inside and outside parliament in the involvement of stakeholders. As a result, most major bilateral donors have started supporting the principle of participation as an element of good governance by funding ways of strengthening it, including education and training as well as supporting grassroots organisations (Smith, 2007).

2.4.5 Consensus or the majority rules: In whose interest?

From my personal experience as a legislator, consensus has been the most challenging part of the democratic process in the Malawi National Assembly. The ruling parties in parliament have relied on ‘independent’ members and in some instances forming coalition partnerships with smaller parties became inevitable in pushing the government agenda through until the 2009 elections when the ruling DPP won a clear majority in Parliament.

In arguing about the formation of a coalition Government after the 2010 British elections, Bechler²¹ (2010) had this to say,

We want politicians willing to work with people who have different interests from themselves, and who get the point that they ought to be accountable to others...we want open discussion and robust decision-making that takes in a range of options we can keep our eyes and ears on. We want people who answer to our criticisms face to face. We want people who ask us what we think much more often.

What Bechler is arguing here is that the politics of ‘winner-takes-all’, ‘dog-eat-dog’ has no place in contemporary politics. Politicians and political parties must put the interests of their nations first before theirs or those of their political groupings. However, to the contrary, most incumbent African heads of states such as Robert Mugabe of Zimbabwe have persistently defended that whatever he did was in the national interest. Addressing a rally to mark 30 years of independence and his presidency Mugabe (2010)²² said that he would continue Zimbabwe's controversial land-seizure policy, planning to transfer control of foreign firms to locals as part of a black empowerment drive.

²¹ Rosemary Bechler is a Contributing Editor for Open Democracy

²² Mugabe: Mail on line, [on line] from <http://www.dailymail.co.uk/news/worldnews/article-1267022/Zimbabwe-Robert-Mugabe-continue-land-seizure-policy-giving-control-foreign-firms-locals.html> (20th December 2010)

It is against this background that the UN has placed importance on consensus building as a mechanism for conflict resolution and national building as illustrated in the UNESCAP²³ (2010) that good governance requires mediation of the different interests in society to arrive at agreement on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development.

2.4.6 Developing a responsive, equitable, inclusive, efficient and effective parliament.

An influential member of parliament has not only to pay much money to become such, and to give time and labour, he has also to sacrifice his mind too - at least all the characteristics part of it [sic] that which is original and most his own. (Walter Bagehot)²⁴

One way of interpreting Bagehot's wise words would mean that influential Members of Parliament will not only use their economic advantage but also their wisdom by ensuring that their Parliament is responsive, inclusive, efficient and effective as well as one that is guided by principles of equity. A good example of a responsive parliament could be that of Ghana. According to Parliamentary Centre (2004), Ghanaians sought transparency and democratic responsiveness in their governing structures, and the role of Parliament as a key oversight institution to make the executive more

²³ United Nations Economic and Social Commission for Asia and the Pacific

²⁴ Walter Bagehot: British political Analyst, Economist and Editor, one of the most influential journalists of the mid-Victorian period.1826-1877

accountable for its actions was built right into major constitutional provisions. It further claims that Poverty Reduction Strategy efforts in Ghana have emerged as the main new priority for MPs, and there is a crucial monitoring role for Parliament in order to achieve actual results.

According to Inter-Parliamentary (2010) Union, a democratic parliament is one that reflects the social diversity of the population in terms of gender, language, religion, ethnicity, or other politically significant characteristics. It argues that a more inclusive parliament strengthens democracy, promotes integration within society and prevents conflict. One of the major challenges that Malawi's Parliament has experienced since independence (and is still experiencing), has been a lack of clear political ideologies among political parties.

2.5 The dichotomy between Regime and State in Malawi

For analytical purposes, I need to split the thin membrane between regime and state in order to appreciate the governance dynamics between the two. Hyden (1998, pp. 37-40) argues that a regime is not necessarily a group of political actors but rather a set of rules about the organisation of politics, whereas a state is an institutionalised structure of domination and coordination of both law and order on one hand and development on the other. Regimes are 'seasonal' - they come and go whereas the state remains steadfast. In the case of Malawi, there have been three regimes since independence, viz, MCP, UDF and the current DPP. The parallels among the three regimes are their failure to distinguish between the 'state apparatus' and 'party machinery.' This confusion has led to gross abuse of the state apparatus by each incumbent regime as well as by

parliament's failure to act in its capacity as an oversight institution in the face of such abuses. Mapanje (1981, p.139), in defining the MCP regime of Dr. Banda states that it appropriated citizens' cultural activities, producing a political discourse that popularised and legitimised the dictatorship in ways that resonate with Antonio Gramsci's definition of hegemony. Gramsci defines hegemony as "*consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group*" The consistency of that hegemony is evident in each regime, although the magnitude of it may vary.

In all cases there have been gross violations of human rights for instance in the press statement given below.

Box 6: Abuse of People's Rights During One Party Rule (1964-1994)

The abuses, which include the systematic murder of government critics or opposition leaders, occurred during the MCP's 30-year one-party reign under the leadership of President-for-Life Hastings Kamuzu Banda.

Stressing that many of Banda's compatriots were still in government after defecting to the UDF or smaller opposition parties... for instance, hundreds of Jehovah's Witnesses were murdered by the Malawi Young Pioneers on Banda's orders in the late 1960s and early 1970s. Some of these perpetrators are still serving in Government today.

Source: Afro-News,
http://www.afrol.com/News/maw014_human_rights2.htm (retrieved 21/08/10)

Although there is lack of documentation and literature on the magnitude of the human rights abuses during the one party rule, press statements such as the one in Box 6 and that in appendix 3 seem to suggest a well orchestrated strategies on the part of the ruling elite to inflict maximum damage on the perceived political opponents.

2.6 Can devolution of power provide a platform for political, democratic and governance dynamism in Malawi?

In this section I argue that a devolved parliament to Regional Legislative Assemblies will be an ideal situation for Malawi because it brings decision making, implementation, monitoring and evaluation closer to the people. I will make a clear distinction between ‘decentralisation’ and ‘devolution’ and thereafter, move on to present why I think devolution of Parliament could make a stronger case for sustainable development than the current unicameral system²⁵.

2.6.1 Decentralisation: According to Yuliani²⁶ (2004), quoting Sayer, et al., the term decentralisation is used to cover a broad range of transfers of the ‘*locus of decision making*’ from central governments to regional, municipal or local governments. Furthermore, in quoting Ribot (2002), Yuliani states that administrative decentralisation, also known as de-concentration, refers to a transfer [of administrative powers] to lower-level central government authorities, or to other local authorities who are upwardly accountable to the

²⁵ A unicameral system is one that has one centralised National Parliament as opposed to Bicameral (two) chambers. The lower and the upper as the case is in the United Kingdom between the House of commons and the House of Lord or the United States between the Senate and the Congress and many other countries with similar arrangement.

²⁶ Elizabeth Linda Yuliani is an ecologist, working with the Forests and Governance Program at the Center for International Forestry Research, in Bogor, Indonesia.

central government. In contrast, she says, political, or democratic, decentralisation refers to the transfer of authority to representative and downwardly accountable actors, such as elected local governments. It is the local governance that this section is concerned about.

2.6.2 Devolution: In quoting Edmunds, et al, (2003:1), Yuliani (2004) defines devolution as the transfer of '*natural resource management*' to local individuals and institutions located within and outside of government. She argues that the transfer of rights and assets from the centre to local governments or communities is a process that occurs within the context of national laws that set the limits within which any decentralisation or devolution takes place.

Based on the distinctions given above, I am advocating a devolution from central parliament to regional assemblies or '*Regionalisation*;' as referred to by Harding, et al., (1996); who also argue that '*Regionalisation*' is a processes by which regional autonomy is enhanced as opposed to '*Regionalism*' that refers to a state of mind which sometimes becomes an organising principle. In my argument therefore, I am concerned with the former rather than the latter, although the two are complementary.

2.7 Why should Malawi develop Regional Assemblies?

My argument against centralised decision making in a country such as Malawi where information and statistical data are not only thin but also ambiguous can be grossly misleading to policy makers. For instance, a survey by the National Statistics Office

on 'The Welfare Monitoring Survey (2009)' conducted between August and October 2009, based on a random sample covering about eighteen thousand households drawn from all the districts of the country, concluded that the unemployment rate in the Northern region was at zero per cent, the Centre region at one percent, the Southern region also at one percent and the national unemployment was at one per cent (Fig.1), based on the definition of work as follows:

Work (employment): was defined as both formal and informal work, both paid work (in cash, in kind, or barter), and unpaid work contributing to the livelihood of the household, including work on the agricultural holding not only for the owner, but for family members helping out without pay.

Contrary to the statistics given in fig: 1, the reality according to ILO (2007), is that the national unemployment rate stands at 54 percent for the 15-65 age bracket, of the economically active citizens in Malawi.

Fig: 1: Labour force Participation, employment and unemployment rates

	Labour Force Participation (%)	Employment rate (%)	Unemployment rate (%)
National	85	99	1
Northern Region	81	100	0
Central Region	84	99	1
Southern Region	86	99	1

Source: NSO (2009), <http://www.nso.malawi.net>

It is interesting to note the correlation between the unemployment rate of zero percent in the north (Fig.1 above) and the nine percent ultra-poor for 2009 in (Box 7 below), viewed in general terms with the hundred and thirty thousand living in Mzuzu city out of the 1.7million people in the region (NSO 2008 est.). This suggests that the majority of the population in the region are rural based, therefore, are engaged in self employment such as farming and micro economic activities meeting the criterion set up by the researchers in their definition of 'employment.' However, there are indications that more than 87 per cent of the labour force are in the informal sector (NSO 2005), that is self-employment, unpaid family work and subsistence farming.

A household is considered poor if its annual per capita consumption expenditure is below a threshold, or the poverty line. The poverty line is a subsistence minimum expressed in Malawian Kwacha based on the cost-of-basic-needs methodology. It has two parts: minimum food expenditure based on the food requirements of individual and critical non-food consumption.

Box 7: Malawi Poverty Indicators 2004-2009

Poverty status	IHS2 2004	WMS 2005	WMS 2006	WMS 2007	WMS 2008	WMS 2009
Proportion poor						
Malawi	52	50	45	40	40	39
Urban	25	24	25	11	13	14
Rural	..	53	47	44	44	43
Rural Northern region	56	51	46	46	35	31
Rural Central region	47	46	40	36	40	41
Rural Southern region	64	60	55	51	51	51
Proportion ultra-poor						
Malawi	22	21	17	15	15	15
Urban	8	8	6	2	3	3
Rural	..	23	19	17	17	17
Rural Northern region	26	21	17	18	11	9
Rural Central region	16	16	12	11	12	13
Rural Southern region	32	30	25	22	24	23

Source : Welfare Monitoring Survey 2009, National Statistical Office.

It is against this background that Regional Assemblies would be more effective in addressing the unemployment, improve access to education and health, manage as well as benefit from local natural resources at regional level. During the creation of 'Scottish' and 'Welsh' Assemblies in the United Kingdom, the pessimists argued that regional assemblies would just be another tier of bureaucracy on top of the plethora of existing decision-making-bodies (Hazell2003), whereas optimists, to the contrary, argued that there were real opportunities that would come out of successful elected regional assemblies.

Furthermore, Harding, et al, (1996), argue that regional assemblies (regionalisation) would be better placed in facilitating regional integration and cohesion than a

national assembly because they would not only be familiar with regional (local) politics but also its needs, which is crucial to prioritisation in policy implementation. Harding (ibid, pp. 15-17), also argues that regionalisation, among other things, reduces excessive central bureaucracy by mediating between central requirements and local needs; relieves the centre of administrative details; adds legitimacy by adapting central directives to regional circumstances; provides strategic context; and achieves regional economies of scale.

2.8 Learning from South Africa's Model

A synopsis of the Provincial Legislatures in South Africa is provided by South Africa Information (2010) as follows:

South Africa has nine provinces (regions) as indicated in Box 8 below. Each province has its own provincial government, with legislative power vested in a provincial legislature and executive power vested in a provincial premier and exercised together with the other members of a provincial executive council.

The legislatures have members elected for a five-year term based on the province's portion of the national common voters' roll in a proportional representation. Provincial elections are held concurrently with national elections every five years. The legislature is empowered to pass legislation within its functional areas, as well as a constitution for the province should it wish to do so. A provincial legislature is bound only by the national Constitution or by a provincial constitution if it has passed one.

The premier is elected by the legislature and, as with the President at national level, is limited to two five-year terms in office. The premier appoints the other members of the executive council (MECs), which functions as a cabinet at provincial level. The

members of the executive council are accountable individually and collectively to the legislature.

Strengthening the links between national and provincial government, a province's permanent delegates to the National Council of Provinces may attend and speak in the provincial legislature and committees, but may not vote. The legislature may also recommend legislation to the National Assembly. The devolution of power to municipal level is furthered by the province's ability to assign any of its legislative powers to a municipal council in that province. National legislation may prevail over provincial legislation in cases where they conflict under certain circumstances, such as the maintenance of national security or economic unity, the protection of the environment, or in matters prejudicial to the interests of another province.

Box.8: South African Provinces and Malawian Regions with population

South African Province	Population /Millions(2006 est)		Malawian Regions	Population /Millions(2008 est)
Eastern Cape	6.9		Northern	1.7
Free State	2.9			
Gauteng	9.5		Central	5.5
KwaZulu-Natal	9.9			
Limpopo	5.6			
Mpumalanga	3.5		Southern	5.7
Northern Cape	1			
North West	3.4			
Western Cape	4.7			

Sources: South Africa Information (<http://www.southafrica.info/about/geography/provinces>) and

NSO(<http://www.nso.malawi.net>)

Borrowing from the South African Model, Malawi has three Regions (Provinces) that would be commensurate to its economy in terms of maintaining Regional Assemblies. Furthermore, Malawi's population by region can be closely linked to those in South Africa. For instance, Northern Cape Province and Northern Region each has a population of 1.0 and 1.7 million respectively; Western Cape and Central Region 4.7 and 5.5 million; Limpopo and Southern Region 5.6 and 5.7 million. Therefore, the question of the size of population to constitute a regional assembly does not arise especially in the Northern Region.

2.9 Conclusion

In a nutshell, the preceding chapter has covered a wide range of issues in the politics of democracy and governance in contemporary Malawi. It has been suggested through the literature review that 'Good Governance' has been the major casualty in the politics and the democratic process since independence. Literature has revealed that even after a return to political pluralism, accountability, transparency, upholding the rule of law as well as equitable and inclusiveness in governance have conspicuously been absent on the political agenda. Furthermore, I have examined the South African model of regional legislatures as a viable alternative in mitigation of governance deficiency in Malawi.

CHAPTER: 3

Methodological Framework

3.0 Introduction

The purpose of this chapter is to lay down a research 'road-map.' It aims to state a complete research design including all the methodological approaches used in data collection, authentication, triangulation, analysis as well as interpretation and presentation of results.

3.1 Research Design Overview

My initial research design for this project was intended to cater for an 80,000-word PhD thesis. Circumstances would allow only for a 20,000-word MPhil thesis to be completed, necessitating a drastic scaling back of the overall design. Extra care had to be taken in doing this to avoid diluting the quality of data collection and analysis in achieving the objectives of the research project.

In this regard, a number of alternatives were adopted such as a shift from field research to a reliance on library, archives, on-line, press and print media sources. Forms of primary data collection such as interviews, focus groups, questionnaires and observations were therefore not used. Strauss (1987) acknowledges that published documents of all kinds and private documents such as letters and diaries provide a useful source of qualitative data for social research. This research therefore will lean more on qualitative than quantitative analysis although quantitative data would also be used where appropriate.

Whereas quantitative research aims to ‘discover’ universal social laws and test theories which explain casual relationships, this research aims at interpreting meaning and social phenomena as well as exploring new concepts and developing new theories. This is an approach advanced by Alston and Bowles (2003). To this end I will be interpreting the meaning of social phenomena embedded in my research theme *‘The Politics, Democracy and Governance in the Independent Malawi: The dichotomy between promises and reality.’* In order to unveil the logic behind these broader phenomena, the thesis will endeavour to answer the following specific research questions.

3.2 Research Questions

The research project shall endeavour to address, but not limit itself to, the following questions:

- Can good governance be achieved through authoritarian rule? A focus on three decades of MCP Government in Malawi.
- Has multi-party politics created a democratic culture and good governance in Malawi?
- What are the opportunities and challenges that have either hindered or supported the development of democracy, genuine politics and good governance in Malawi?
- What can be done differently to enable Parliament to meet the expectations of the majority of Malawians?

3.3 Location of Research

Malawi is located in Africa. Lilongwe is its administrative capital (map: Boxes 1 and 2). The current Parliament consists of 193 elected members including the speaker and two deputies. The Malawi Parliament also collaborates with other parliamentary groupings such as the SADC Parliamentary Forum, The Pan-African Parliament, The Commonwealth Parliamentary Association-CPA, and the Scottish Parliament to mention a few.

3.4 Nature of Research

Case study: Sarantakos's (1998, p.191) definition clearly explains why I preferred case study research to other methodological approaches in that it is an empirical inquiry that investigates a contemporary phenomenon within its real-life context when the boundaries between phenomenon and context are not clearly evident. In quoting Yin (1991) and Hartfield (1982), Sarantakos argues that case study research is different from other forms of research because it demonstrates the study of a whole unit in its totality and not aspects of variables; it employs several methods to avoid error and distortion; it perceives the respondent as an expert and not just a source of data; and it also studies a typical case. The Malawi Parliament is indeed a typical African case.

3.5 Data Collection

For the purpose of this study, I will employ three data collection principles as stipulated by Yin (2009, pp.114-124):

3.5.1 Using multiple sources of evidence

The rationale behind the use of multiple sources of evidence in my study is that it facilitates achieving the principle of triangulation. In this case, evidence has been collected from government documents, academic papers, archival collections, electronic and print media to mention a few.

3.5.2 Maintain a chain of evidence

Maintaining a chain of evidence increases the reliability of the information in the case study.

3.5.3 Creating a case study database

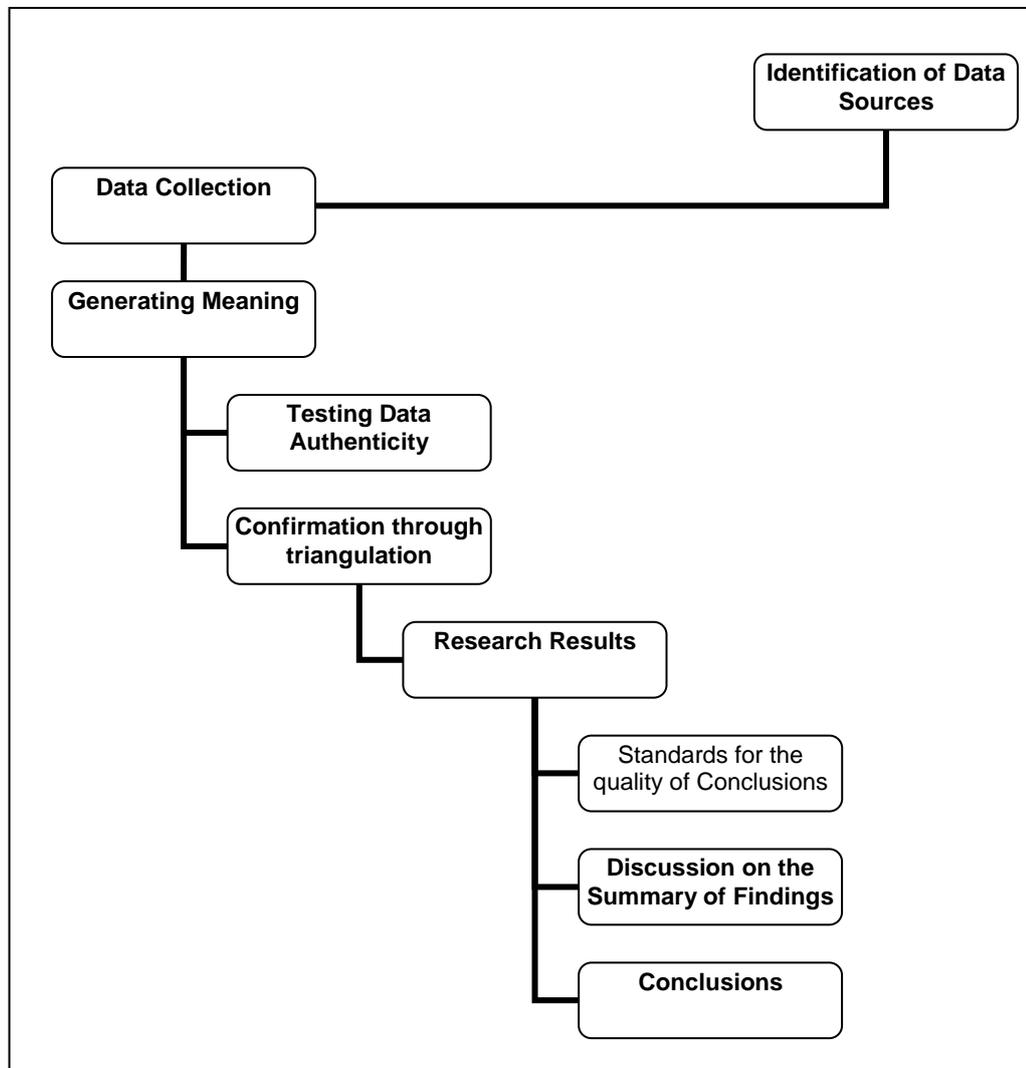
In this study, my database will be in two parts. A clear documentation of evidence (data) collected on the case on one hand and a written report on the other.

3.6 Data Analysis

In this research, I pursue Sarantakos's (1998) four suggested sequences in qualitative data analysis: generating meaning; testing and confirming findings; establishing standards for the quality of conclusions; and proper documentation of the findings. This approach in itself forms the basis of the methodological procedure.

3.6.1 Procedure

Box 9: Research Trajectory.



Source: Researcher (22/08/10)

3.6.2 Variables

An *independent variable* is one that is manipulated by the researcher. It is like the knob on a dial that the researcher turns. In graphs, it is put on the X-axis.

A *dependent variable* is one which changes as a result of the independent variable being changed, and is put on the Y-axis in graphs. In this research, Governance will be my dependent variable and will be placed on the Y-axis, measured by six independent variables pertaining to the period of independence from 1964 to the present placed on the X-axis, viz. voice and accountability; political stability; government effectiveness; regulatory quality; rule of law; and control of corruption.

3.6.3 Additional analytical Tools

In addition to considering variables, I will also use a combination of other research techniques as elaborated by Yin (2009), including: pattern matching logic that involves examining a sequence of patterns in a given situation and drawing logical conclusions from it; time-series analysis, which involves monologues analysis such as analysing the dynamism of political rhetoric over a period of time; building logic models and cross-case synthesis, in which the former deliberately stipulates a complex chain of events over a period of time into cause-and-effect patterns, and the latter deals with the comparative analyses of multiple cases. The techniques will be particularly useful in

explaining the political and governance phenomenon during the three decades of dictatorship where empirical data is not only 'thin' but also a challenge to authenticate.

3.6.4 Statistical Statement

According to RMKB²⁷, a Statistical Statement is used to describe the basic features of the data in a study. It provides simple summaries about the sample and the measures. Together with simple graphics analysis, they form the basis of virtually every quantitative analysis of data. Furthermore, RMKB states that statistical statements can either be descriptive or inferential, the former referring to what is or what the data shows, and the latter indicating where the researcher is trying to reach conclusions that extend beyond the immediate data alone.

In this research, a combination of both descriptive and inferential analysis will be used.

3.7 Conclusion

The methodological framework for this research project has been designed to capture as much relevant data as the researcher can possibly get including a wide range of analytical tools for purposes of collecting and analysing qualitative and quantitative, primary and secondary data. In short, this chapter describes the research project 'Road-Map'.

²⁷ Research Method Knowledge Base (RMKB) is a web centre for Social Research, [on line] from <http://www.socialresearchmethods.net/kb/statdesc.php> (retrieved on 19th January 2011)

CHAPTER 4:
Data Analysis and Discussion

4.0 Introduction

In this chapter I will endeavour to present both qualitative and quantitative data in a chronological order to allow a sequential presentation and analysis of the politics and governance trends within specific periods. For the purpose of this study and the comparative analysis. I have apportioned five distinctive periods of study as follows:

- a) Towards independence and self government that will examine people's motivations and expectations vis-à-vis the ideological arguments for an independent and self governed Malawi.
- b) The independent Malawi under the Malawi Congress Party and its Leader Dr Hastings Kamuzu Banda's thirty years in power that will examine the authoritarian rule and the role of parliament in its politics, democracy and governance.
- c) Towards political pluralism and the United Democratic Front's (UDF) fifteen years of leadership.
- d) The Democratic Progressive Party (DPP) Minority Government that will examine the role of Parliament in its political and democratic processes.
- e) The Democratic Progressive Party (DPP) Majority Government that will examine the role of Parliament in its political and democratic processes.

Emphasis in this study will be upon the period between 1961 to the present, although brief background information will be given to contextualise the discourse.

4.1 A brief pre-independence background Information.

Ross, C. A. (2009), points out that recognisable modern political parties and politics in Malawi can be identified as early as 1912 when the first 'North Nyasa Native Association' was formed in Karonga District by A. Simon Muhango and Levi Mumba. The second was at Bandawe in 1914 that was followed by Mombera of the Ngonis in Mzimba sanctioned by the paramount Chief Nkosi Mbelwa. The rest, followed in the South and Central regions respectively. The history of pre-independent Malawi will be incomplete without the mention of the John Chilembwe uprising in 1915 who according to Norbert C. B., (1994) instructed his followers to "*strike a blow and die*" against cruel British colonialists. The Native associations amalgamated later in 1944 to form a political party called the Nyasaland African Congress (NAC). There were some political elites such as Orton Chirwa, H.B.M. Chipembere and Kanyama Chiume who were instrumental in propelling Dr. Banda to prominence following his return from America, United Kingdom and Ghana in 1958. In the following year NAC was banned following the 'State of Emergency' which was declared on 3rd March 1959 as a response to an unprecedented colony-wide expression of demands for accelerated decolonisation and secession from the Federation of Rhodesia and Nyasaland, (Kalinga 2010) and the territory was described as a police state, (Baker, 1997). This led to the birth to Malawi Congress Party (MCP) that won both the 1961 and 1964 general elections with a landslide victory. It continued in power as the only political party in Parliament for three decades.

According to Malawi Parliament Archives (1932-1964), the Current National Assembly is the evolved offspring of the ancestral Legislative Council founded in 1932 with eight white British settlers. By 1945, the Membership was reconstituted to

consist of the Governor, six officials, and six nominated unofficial members of whom four were nominated from a list submitted by the Nyasaland Convention of Associations, one by the Northern Provinces Association and one from Missionary Societies to represent African interests. Ironically it had to be a white missionary to represent the Black African Interests. However, by 1949 the Legislative Council was enlarged by the addition of six members comprising two Africans appointed by the Governor on the recommendation of the African Protectorate Council; one Asian selected from a list put forward by the Indian Chamber of Commerce; and three officials to preserve the parity between official and unofficial members. This was the beginning of sectional representation.

It was this white British-dominated Legislative council that voted in favour of the federation of Rhodesia and Nyasaland in April of 1953, the Legislative amalgamation of Northern Rhodesia (Zambia), Southern Rhodesia –(Zimbabwe) and Nyasaland (Malawi) against the will of the people of Nyasaland. In 1958 the first Speaker, Sir Henry Wilcox Wilson, was appointed by the Governor to preside over the Legislative Council in place of the Governor. The Legislative Council consisted of 23 members of whom 18 were Europeans and five were Africans. Between 1958 and 1959 demands were made for a constitutional review to include among others 'equal suffrage' in the voting system that led to the Malawi Congress Party winning all the 20 seats provided for under the Constitution on the lower roll and three on the higher roll in 1961. This meant that of the 28 non-official elected seats in the Legislative Council, 23 were held by Malawi Congress Party and only five by the United Federation Party (an all-white Party). The new Constitution provided for eight seats

for the higher roll, 20 seats on the lower roll establishing a Legislative Council of 28 members.

In 1963, the first Africa speaker, Hon. Alec Mjuma Nyasulu MP, was elected; the Federation of Rhodesia and Nyasaland was abolished; and Dr. Hastings Kamuzu Banda became the first black Prime Minister and later president of the Republic Of Malawi on July 6, 1964. Shortly thereafter he established a dictatorship which lasted 30 years. Malawi was declared a one-party state in 1966 and Dr. Banda named president for life in 1970.

The Malawi National Assembly played a significant role in keeping Dr. Banda and his MCP in power for thirty years, as we shall see below.

4.2 Towards independence and self government: The ideological arguments and black Malawians' expectations.

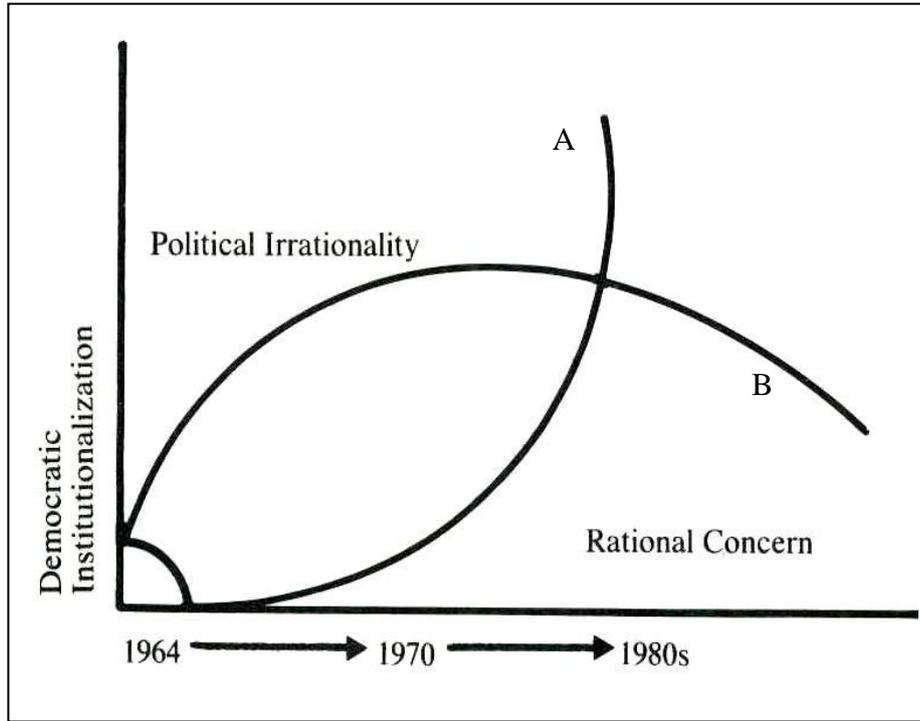
The ideology of pan-Africanism promoted racial pride and claimed Africa for the Africans. Powers (2001) states that Nationalism and Pan-Africanism gained wide acceptance among Africans in the 1920s but their ideological roots extended back to the 19th Century when African intellectuals began to question Western pseudoscientific theories that proclaimed blacks were inferior because of their skin colour. They began to agitate for equality of access to education, to land, and political and economic freedom. Virmani (1992, p.31) rightly argues that the concept of nationalism in Nyasaland had been enthusiastically defined by leadership that made it more effective for popular support among Africans. Cullen (1994, pp.12-13)

states that since Dr. Banda was unknown to most Malawians, NAC organised an intensive publicity drive. He was hailed as the 'greatest' of the Nyasaland sons and the 'equal of any European.' Banda's popularity among indigenous Malawians shifted from a hero to a biblical 'Moses' and 'Messiah.' Such were ordinary people's expectations that their fellow African, one of their own sons would deliver them from the shackles of British imperialism into the promised 'abundance.' Unfortunately, 46 years after independence, the country is still wandering in its political and economic wilderness.

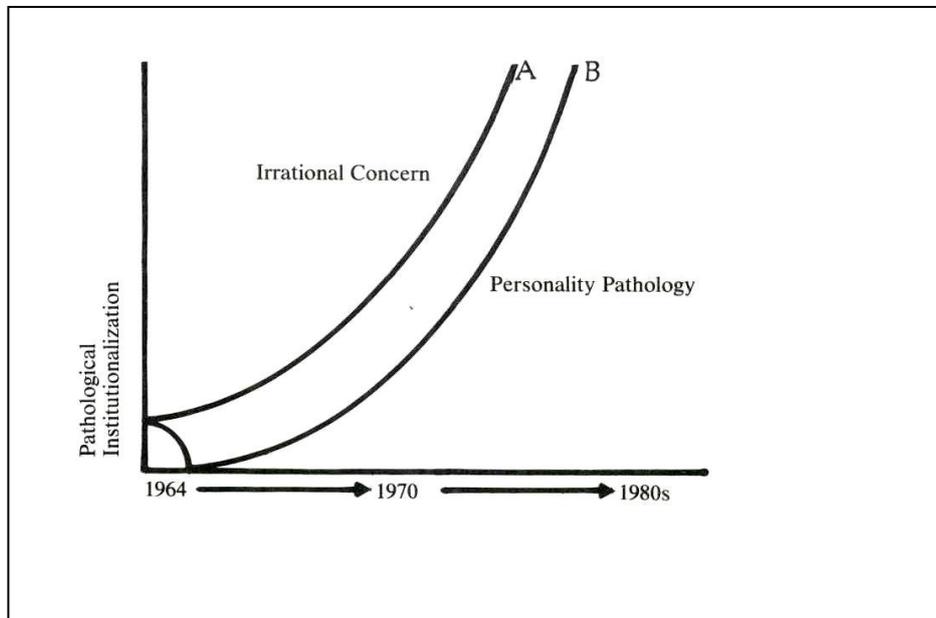
Although it could be partially true by Banda's own claims that he had developed Malawi 'beyond recognition', in comparative terms to what was done in almost a hundred years by the colonising powers, Malawi's global Human Development Index (HDI)²⁸ UNDP (2004) ranking was at number 166 by 2004, it was 12th from the bottom. Infrastructural development did not necessarily or generally translate into improved livelihoods. This dichotomy, as Mtewa (1986) argues was due to what he calls "*a pathological institutionalisation.*" This is demonstrated by showing (Mtewa pp18-29) that when A= Rational Concern is in ascendancy, B= Political irrationality is in decline (Box 10,i). However, in the case of Malawi, a characterisation of undemocratic personality reveals how leadership handles the affairs of the state, executes policy and chooses to disregard political from personal conflict. Box 10, ii, illustrates the reality of the Malawi of Dr. Banda. Political irrationality has been in ascendancy and rational concerns in decline to a point where both values became indistinguishable. There was no distinction between what was 'State's' and what was 'Kamuzu's.' 'The state was Kamuzu, and Kamuzu was the State.'

²⁸ HDI was the aggregate of the life expectancy, education and Gross Domestic product GDP.

Box 10.i) Democratic Institutionalisation



Box 10.ii) Pathological Institutionalisation



Source for 10 i,ii: Mtewa (1986) pp28-29, Malawi: Democratic Theory and Public Policy

There was a song composed to that effect in popular culture that everything in Malawi was for Kamuzu.

The Song

Zonse Zimene, Za Kamuzu Banda!! (Every thing is for Kamuzu Banda)
(Source: Author's personal experience)

In practice, citizens had nothing because if Kamuzu had wanted it for whatever reason you had no right to your property.

4.3 The independent Malawi under the Malawi Congress Party and its Leader Dr Hastings Kamuzu (The thirty year legacy)

Why was Kamuzu Banda invited to come and lead the Independence struggle?

Historical evidence (Cullen, 1994, Virmani, 1992, Baker, 2001) suggests that the founding fathers of the National African Congress (NAC) and the nationalist movement in Malawi were convinced that to speed up the independence process, they needed an elderly and educated personality to lead the country to independence. Dr. Banda, who had moved his surgery practice from London to Kumasi (Ghana) had fitted this profile and singled himself out by the generosity of his donations to the movement, the hospitality and support he gave to NAC leaders in London, and his outspoken and fearless challenge to the colonial policies on Africa. Leaders of the NAC, Chipembere, Chiume, Chisiza and others persuaded Dr. Banda to come back to his country of birth; they would welcome him not as a 'stranger' but as a 'hero.' And indeed, when he agreed to return, the NAC leadership prepared Malawians to welcome him as the 'saviour', the Biblical 'Moses' and the promised 'Messiah,' titles that he was going to use to silence dissent for the next thirty years.

Aged 60, Dr. Banda arrived to a mammoth welcome at Chileka Airport in July 1958. On arrival he made a speech that defined his political career for the rest of his life. Below is an extract of the speech.

Box 11: Dr. Hastings Kamuzu Banda (1st President of the Rep. Malawi)



Source: Extract from Dr. Banda's Video Recorded Speeches - 26/10/10: Photograph:

Source: Malawi Voice - 26/10/10

"I have come home to break their (colonialists) stupid federation and to give you my people, the Africans of this country, your own Government and Independence. I have come back home to act as a bridge, to bridge the gulf of disunity between the races; between Europeans and Indians on the one hand and my own people, the Africans of this country on the other hand..."

Source: Extract from Dr. Banda's Video Recorded Speeches - 26/10/10:

Photograph: Source: Malawi Voice - 26/10/10

Why was this speech a defining moment for Dr. Banda? First of all he was not known to Malawians. Therefore, he had to affirm his return by stating that he was coming back 'home.' He was defining his identity which most Malawians still question today. Secondly, he had to portray himself as a 'Hero,' the deliverer, by stating that he was capable of giving what people were fighting for. He says, "... *I have come to give you, your Government and Independence...*" Furthermore, that he was capable of breaking what he called "*the stupid Federation*" of Rhodesia and Nyasaland. Thirdly and equally important, was to give people hope for the future of the country. He says, "*I have come as a 'bridge' to bridge the gulf of disunity...*"

After this speech Dr. Banda became a household name and NAC was turned into a true 'Mass Movement'. At this point the political situation in the country was getting out of the colonial masters control that under the leadership of Dr. Banda there was an increase in political agitation in the country. According to Kalinga, (2010) the Chief Secretary, C.S. Footman, met with Dr Banda to warn him about the developing political situation in the country and the *Nyasaland Times* editorial urged the government 'to get tough', and identified Congress as responsible for the riots in the North. Consequently, the government apprehended hundreds of political leaders, starting with Dr Banda and his NAC secretariat. This resulted into the 1959 state of emergency as well as the ban of NAC. Furthermore, Kalinga, (2010)²⁹ argues that the Black African agitation for self determination and freedom was to a large extent because of the ill-treatment they received at the hands of their colonial masters. The events leading to the emergency rule were not as purported by 'intelligence' reports that there was a plot for the massacre of the colonial masters and Indians by NAC.

²⁹ Kalinga, Owen J. M.(2010) 'The 1959 Nyasaland State of Emergency in Old Karonga District', *Journal of Southern African Studies*, 36: 4, 743 — 763 [online] from URL: <http://dx.doi.org/10.1080/03057070.2010.527633> (retrieved 11th February 2011)

Philip, (2010)³⁰ argues that such reports were 'sexed-up' by intelligence official and some politicians such as Sir Roy Welensky, who was later to become the Governor of the Federation of Rhodesia and Nyasaland. Philip further argues (Based on the correspondence between Armitage and London) that Sir Robert Armitage (Governor of Nyasaland) although did declare the emergency rule was not convinced that African Nationalists were plotting a massacre on foreign nationals in Nyasaland the 'Mau-mau'³¹ style.

While Banda was in prison the NAC was replaced by the Malawi Congress Party (MCP), to whose leadership Banda was elected after his release. In the 1961 general elections, the MCP won 50 out of the 53 seats (the three other seats were reserved for the whites) in the Legislative Assembly making Dr. Banda the first Prime Minister. According to African Elections Data Base (AEDB), in the April 1964 National Assembly Election, all the candidates of the Malawi Congress Party (MCP) were returned unopposed and without actual voting. Prime Minister Dr. Hastings Kamuzu Banda was unanimously elected president by the National Assembly on 6 July 1966 when Malawi became a republic. He continued to rule the country for the next thirty years.

³⁰ Murphy, Philip (2010) 'A Police State? The Nyasaland Emergency and Colonial Intelligence', *Journal of Southern African Studies*, 36: 4, 765 — 780, [on line] from URL: <http://dx.doi.org/10.1080/03057070.2010.527634> . (retrieved on 11th February 2011)

³¹ Mau-Mau: Were a militant African nationalist movement active in Kenya during the 1950s whose main aim was to remove British rule and European settlers from the country by whatever means necessary. Thier political campaign was characterised by extreme violence to wards their opponents, [on line] from <http://africanhistory.about.com/od/kenya/a/MauMauTimeline.htm> (11th February, 2011)

4.4 At Independence: Ministers' Expectations

After independence, all the key leaders that helped Dr. Banda come to Malawi who led the Nationalist movement were in his Cabinet. Their expectations as suggested by most scholars on this subject were that with Dr Banda's old age the young and energetic Ministers would take the lead and that he would play a 'fatherly' and advisory role. They were sooner rather than later proven wrong.

In July 1964, only two months after independence, Dr. Banda dismissed four cabinet ministers for disagreeing with his foreign policy. The ministers included Kanyama Chiume, Orton Chirwa, Augustine Bwanausi and Rose Chibambo. Three other ministers resigned in protest and fled into exile for fear of their lives. Cullen (1994, p.12) argues that foreign policy was not the only contentious issue. The ministers questioned Banda's preference for a slower rate of Africanisation³² and his acceptance of the Skinner report that gave Malawians lower wages for doing the same job as Europeans. They accused him of running government as his own personal estate and of favouring John Tembo and Aleke Banda. According to *People Record* (2007)³³ John Zenus Ungapake Tembo, was first elected to the legislative assembly in 1961, he is still serving as an MP. Cecilia Kadzamira, President Banda's mistress until his death was his relation. When Dr Hastings Kamuzu Banda became prime minister ahead of independence in 1964, he wanted a trusted person to become his finance minister. The man earmarked for the job was the late Dunduzu Chisiza, who was at the time deputising the colonial finance minister, Sir Henry Phillips. Chisiza died in what most people thought was a mysterious road accident and government was suspected to have played a hand in his death, purportedly

³² Africanisation: A process of giving public jobs that were in the hands of foreign expatriates to deserving Malawian

³³ *People Record* (2007) John Tembo, [on line] from http://www.afdevinfo.com/htmlreports/peo/peo_10961.html, (retrieved 12th February 2011)

paving way for John Tembo who was at the time becoming Dr Banda's 'Strong-Man'. At the same time the young John Tembo got co-opted in the coterie of the MCP which was to control the affairs of state in Malawi for the next three decades. He will be discussed more under the title 'Inner circle'. According to *The Nation Publication* (2011)³⁴ Aleke Banda's personal media house, it was Aleke Banda and Orton Chirwa who founded the MCP while Dr. Banda and other political leaders were in detention during the state of emergency rule. In 1960 Aleke Banda accompanied Dr. Banda to London to negotiate for a constitutional change. At the age of 20 years, he was the Secretary General of the MCP. By 1964 he was holding several positions such as National Chairman of the Malawi Youth League, Commander of the Malawi Young Pioneers, Director of the Malawi Broadcasting Corporation to mention a few. He only became Member of Parliament in 2004 General elections and died in 2010 after retiring from active politics.

Ministers were also irritated because Dr. Banda constantly referred to them as '*His Boys*' in public. Cullen (ibid pp12-13) further observes that Dr. Banda's determination to hold on to power and reject any form of dissent can be traced as far back as 1962 when he made a speech in the Legislative Assembly that it was what (he) Kamuzu says that goes. He made similar remarks in 1964 when he said,

"...this kind of thing where the leader says this but someone else says that: now who is the leader?... the Malawian style is that Kamuzu says,... then it is finished." (Cullen1994)

³⁴ Aleke Banda (2011), Bibliography, [on line] from http://www.mwnation.com/nationonline/index.php?option=com_content&view=category&layout=blog&id=40&Itemid=45 (retrieved on 12th February, 2011)

From then onwards Kamuzu's word became the 'constitution of the Republic.' Those who disobeyed his word paid a heavy price. Nobody was spared in the process beginning from his Cabinet Ministers to the common person in the village.

4.4.1 The Revolt of Ministers and the 1964 Cabinet Crisis

The literature suggests that by 1964 Dr. Banda realised that he had established himself as a political giant on the Malawi political landscape. Therefore his political relevance no longer depended on the political elite. They had become 'political liabilities' rather than 'assets' to his political future. Cullen (1994, p.14) suggests that ministers acted too hastily in trying to remove Dr. Banda. The revolt only helped to entrench and consolidate his power base. To the contrary, literature seems to suggest that when ministers confronted Dr. Banda in the cabinet meeting by raising their concerns, their objective was not to unseat him but rather to 'reason' with him the need for collective responsibilities. Dr. Banda's reaction to this meeting is best described by Williams (1978, p.216):

Faced by Dr. Banda's head-on attack, the ministers realised at last that there was little time left for them to prevent the total disintegration of their own power base, but they appeared to have been unaware that the threat was not of demotion but of disaster. (Williams 1978)

Williams (ibid, pp.218-219) further argues that Dr. Banda adopted a strategy which precluded any chance of compromise; the outcome would be either total victory or total defeat. After his first move of sacking the ministers, his second move was to call for Parliament's support. Parliament was convened

on the 8th and 9th September 1964. In his opening remarks Banda had this to say:

Mr. Speaker, Sir, it is in deep sorrow and grief that I arise this morning. I arise to speak in sorrow and grief because the four cornerstones³⁵ on which the Malawi Congress Party, the Government yes, even more our state, the state of Malawi itself was built, has broken down...I would rather see those benches empty and myself in the bush, dead than see the four cornerstones destroyed by anybody. Once there is no Unity, no loyalty, no discipline, no obedience we are finished. Just as the Congo. It is finished.

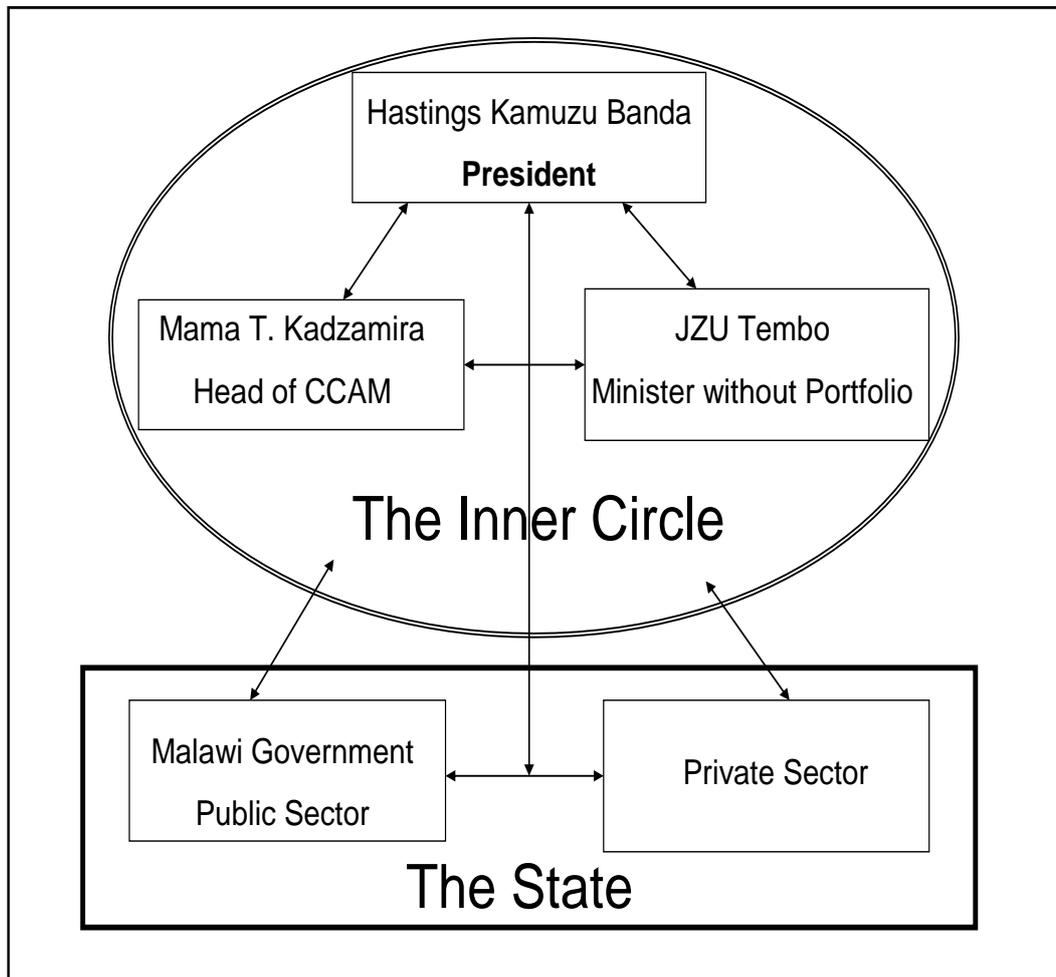
Analysis of this speech suggests that his 'deep sorrow' was not that he had demoted cabinet ministers or what would happen to them thereafter, but that by challenging his style of governance, the cabinet ministers had broken the 'code of ethics.' They had transgressed by breaking the four cornerstones. He was also sending a clear message to other Cabinet Ministers and Members of Parliament that in future, he was prepared to die or see an empty legislature in defence of the four cornerstones. Indeed, for the next three decades, he and the MCP lived and thrived on that doctrine by crushing any dissent with efficiency and unprecedented ferocity. Phiri, K, M. (2000) gives one such example, Yatuta Chisiza, who on the 9th of October 1967 led an insurgency into Malawi from Tanzania. He was killed by Government forces and his body displayed at the Queens Hospital in Blantyre to serve as a warning to other would-be insurgents. From then onwards Banda began to consolidate power and created an 'air-tight inner circle.'

³⁵ The Four Cornerstones were the Ideological creed for Dr. Banda's and the MCP: Unity, Loyalty, Obedience, and Discipline,

4.4.2 The Grip on Power and the Inner circle

For the purpose of this study, it is needless to point out how Mama Cecilia Tamanda Kadzamira (Malawi's Official Hostess) came into contact with Dr. Banda. She came along with her uncle Hon J.Z.U. Tembo. The trio created the unbreakable bond of an 'inner circle' that ruled Malawi until 1994. They controlled every aspect of Malawian life economically, politically as well as socially. For instance, as Cullen (1994, pp. 14-15) notes, at the climax of their leadership Hon Tembo was able to control the MCP, the Cabinet ministers sought his permission before taking a decision. In addition, he was chairperson of more than 24 major companies in Malawi. That meant a direct control of the national economy. At the same time, Mama Kadzamira was in charge of the Chitukuko Cha Amayi M'Malawi (CCAM) - Women in Development. This, according to Cullen (*ibid*), was founded to promote the role of women and charitable activities, but in reality it served to cement Mama Kadzamira's influential political role. All women in Malawi became automatic members. The diagram below helps illustrate the relationship that existed between the Inner Circle and the State.

Box 12: Relationship between the State and the Inner Circle



Source: Author 23/11/2010

In order to sustain the status quo, there was need to create an apparatus in which to operate. In this case an ideology of the ‘Four Cornerstones’ (Unity, Obedience, Loyalty, Discipline) became a ‘nations’ creed.’ The youths through the Malawi Young Pioneers (MYP) and the MCP-Youth League became the ‘Inner Circles’ militia group. Women through the CCAM and the League of Malawi Women of the MCP were mobilised nationwide to ensure that the four cornerstones were adhered to religiously and were a generous source of informants. The price for breaking the cornerstones was heavy. Cullen (ibid,

pp. 16-17) quotes Banda as saying, *“if, to maintain stability and efficient administration I have to detain Ten Million people³⁶, I will do it ...rebels will rot, rot and rot in jail...and that those who oppose us will be meat to crocodiles.”*

That marked the acceleration of the serious violation of human and people's rights in Malawi.

4.5 Thirty years of Human Rights Violations in Malawi (1964 to 1994)

The candle burns not for us, but for all those whom we failed to rescue from prison, who were shot on the way to prison, who were tortured, who were kidnapped, who disappeared (and those that were meat for crocodiles).
Peter Benenson, Founder of Amnesty International (AI)

What I am not attempting to do here is to paint a portrait of the true image of the violations of people's rights in Malawi during the three decades of Dr. Banda's rule but rather to prove a point that authoritarian rule in Malawi was not the best way of governance.

According to Newell, J. (1995) the country was paralysed with fear of pursuing any kind of critical stance towards the president or his leadership. Such an act would ultimately mean detention or worse still *“meat for crocodiles”* in the words of Dr. Banda himself quoted by Roberto Cabrera³⁷ (2003). Although there is no empirical data yet to give an indication of how many people were killed, detained or exiled on political grounds, by 1992 the regime had built a special maximum security prison called 'Dzaleka Prison' (meaning, you will Stop disobeying Dr. Banda) for his political prisoners who were meant to 'rot there'. In this facility, many of his political prisoners such as Focus Martin

³⁶ Ten Million People were about the total population of Malawi in the 70s and 80s.

³⁷ Roberto Cabrera – article 9: Guatemalan human rights activist: “WHO WANTS TO FORGET?” Truth and Access to Information about past Human Rights Violations

Gwede,³⁸ Albert Muwalo Nqumayo³⁹ and many others were sentenced to death on treason charges by the 'Traditional Courts,'⁴⁰ according to *Africa Watch Report* (October 1990)

Orton Chirwa, one of the Founding members of the MCP had this to say when he was visited in Prison by British Human Rights lawyers, Human Rights in Malawi (1992),

For three months in 1986 and 1987 between January and March, they locked me up and chained me, both arms and legs. I was chained all day and night. The handcuffs were attached to a metal peg in the ground, so that I could not stand or move.

Orton was later found dead in his prison cell. According to Klaartjie J., (2004) his wife Vera continued serving her jail sentence until 1993 after spending 12 years in prison. Other political prisoners such as Machipisa Munthali and Gwanda Chakwamba served 27 and 13 years imprisonment respectively. This is in addition to hundreds of others who served shorter but horrendous jail terms. On 17 May 1983, four prominent politicians Dick Matenje, Secretary-General of the Malawi Congress Party (MCP), Aaron Gadama, Minister for the Central Region, Twaibu Sangala, Minister of Health, and David Chiwanga, MP for Chikwawa District were arrested by the MCP regime and later pronounced dead in some form of a 'road accident.'

Malawian critics living abroad were sought out and often silenced. According to Cullen (1994), Attati Mpakati, leader of exiled Socialist League of Malawi (LESOMA) was found murdered in a storm drain in March 1983 in Harare

³⁸ Gwede was head of the special branch of the Malawi Police

³⁹ Ngumayo was the Secretary General of the Malawi Congress Party

⁴⁰ Traditional Courts were set by Dr. Banda's regime to try his political prisoners by traditional Chiefs

Zimbabwe. Mkwapatira Mhango, a journalist exiled in Zambia perished in a fire bomb attack on 13th October 1989. Ten people in total died in this attack including women and Children. At the time of the incident the author was living about 500 hundred metres away from the victim's home. These are just a few of some of the victims of the MCP regime, but the real number of people who disappeared unnoticed will probably never be known. Despite all this intimidation, imprisonments and the killings, people's will power for a democratic change grew stronger and stronger every passing day. Kamuzu and his inner circle could no longer contain it.

4.6 Turning the tide: Why did it take that long for this to happen?

When you get into a tight place and everything goes against you, till it seems as though you could not hang on a minute longer, never give up then, for that is just the place and time that the tide will turn. Harriet Beecher Stowe (1811-1896)

There is no simple answer to this question because there were many factors involved 'for and against' Dr Banda's style of Governance. The euphoria of independence was very high and so were the expectations of them in almost all Malawians, as expressed by one of the 'fathers' of pan-Africanism, Mboya, (1964, p.56), that Africa was awake and on the march to the tune of nationalism, while nationalism was dictating the tempo and rhythm of the march of the people of Africa to independence, freedom, order, justice and economic dignity. Recognition of this new African dynamism and a grasp of elements and forces motivating it are vital to the understanding of the tensions that were inherent in the newly independent Malawi. Dr. Banda moved in very quickly to galvanise his machinery of control around him in the spheres of

politics, the economy and the law. For instance, there was no provision for a vice president, and all members of parliament were required to be members of the MCP and appointed by Dr. Banda to the National Assembly. Furthermore, that there would be only one authorised political party of which all Malawians would become automatic members (a 'one-party' state). Apart from being president for life not only of his party but also of the new republic, Williams (1978, pp. 230-231) states that Dr. Banda had virtually unlimited discretionary powers with respect to party membership and the new constitution allowing him to remove any members of parliament whose loyalty appeared questionable. The rhetoric in the House shifted from being 'constituent centred' to revolving around Kamuzu, and its role altered from being deliberative to one of legitimising the regime.

In the Box 13 below is an illustration of such speeches that were made in parliament for thirty years. This was made by the Member of Parliament for Lilongwe West on 30th January 1968. The Role of Parliament also had to follow suit from deliberative to legitimatisation.

Box 13: Speech made in Parliament: Member for Lilongwe West

Mr. Speaker, Sir, I would like to express my true and sincere gratitude to His Excellency the President, Dr. Kamuzu Banda, for making me Member of Parliament for Lilongwe West. I am really very happy now to be under the Ngwazi's sphere of influence. . . . Mr. Speaker, Sir, I am unable to find suitable words to express my happiness to the Ngwazi, the greatest son Africa has ever produced. There are many things that make our Leader great in Malawi here, in Africa as a whole, and of course, in all countries that matter under the Sun. [Applause.] Here, Mr. Speaker, allow me to name only a few of the things that make our Leader, the Lion of Malawi, the greatest man: (1) He is an upright Christian gentleman; (2) He is a most courageous man; (3) He is the greatest humanitarian; (4) He is the greatest scholar and historian; (5) He is the greatest nation builder Malawi has ever had; (6) He is the greatest orator in Malawi if not in the World [Applause]; (7) He is the greatest teacher. If I have to elaborate this, Mr. Speaker, allow me to do so.

Source: Williams, (1978) p233, Malawi: The Politics of Despair

The 'doctrine' of the four cornerstones that evolved around Kamuzu meant he had to be 'worshiped' and 'adored' as the greatest leader the 'world' had ever produced. This culminated in what most political analysts refer to as 'Kamuzism.' Therefore, to break that needed the same and equal force. That is why it took that long to dismantle Dr. Banda and his regime.

4.7 The Resistance: When did it start?

Following political developments in Malawi one gets a clear impression that true resistance to Dr. Banda's style of leadership did not start with the 1992 Pastoral letter of the Catholic Bishops, "Living Our Faith"⁴¹, as most political commentators have made us believe, but rather with the 1964 cabinet that disagreed with him on several issues and caused what is commonly known as the 'Cabinet Crisis.' It continued with the three cabinet ministers and a Member of Parliament that were murdered in 1983 and all the other 'freedom

⁴¹ See a full version of the letter Living Our Faith in Appendix

fighters in between such as Machisa Munthali who spent 27 years behind bars as political prisoner, many others who died in detention and others made meat for crocodiles. All these formed a solid backbone of the resistance on which the Bishops' letter in 1992 rested.

The Pastoral letter acted as an 'earthquake' that triggered a political 'Tsunami' that would later completely wash away the MCP regime in the 1994 general elections. The Bishops' Pastoral letter "*Living our faith*" that was read on the 8th March 1992 in all the Roman Catholic Churches throughout the country resonated with the deep inner feelings of the people at a time when nobody would dare speak out. It served as an ice breaker and set an agenda for change.

According to the Bishops, seven areas of governance needed serious positive consideration. The Bishops observed that there was an increasing inequality between the rich and the poor. This they said was the result of among other factors the deplorable wage structure that existed. Corruption, bribery, nepotism were rampant in politics, economic and social life. Serious flaws within the education system perpetuated illiteracy. Cutbacks in health care caused serious shortages in the health delivery system. Basic freedoms were denied such as freedom of the press, expression, freedom of worship, and access to public places. Blatant injustice was a common occurrence where people's properties were confiscated without compensation. Detentions without trial were cited as gross violations upon humanity. The bishops also appealed to those responsible for the administration of justice to ensure that

not only procedure be respected but also that impartial judgement was rendered to the accused persons.

The contents of the letter were 'religiously' received by all sectors of society both locally and internationally. Students in institutions of higher learning demonstrated in the city streets demanding their rights, as did the industrial workers and civil servants. According to Cullen (1994, pp. 40-52), government's overreaction to the letter, by declaring it as seditious, detaining the Bishops and threatening to kill them only helped the general public and international community consolidate the resolve for 'change.'

4.8 The Political players: Creating a level playing field

After the bishops' letter with all the reactions it provoked from both the public and government, the 'baton' was passed on to political players to create a level field of play if genuine political change was to be realised. First to arrive on the political platform and publicly call for 'change' was Dr. Chakufwa Tom Chihana, a trade unionist. In a keynote address to pro-democracy exiled Malawians in Lusaka on 22nd March 1992 (Cullen *ibid*, pp 53-58) on the theme, "*Prospects for Democracy in Malawi*" Chihana said,

The immediate history of our country shows the gross abuse of basic human rights, growing poverty and mass starvation, personalised rule and total tyranny by the leadership that brought independence to Malawi... all Malawians should stand up to one of the worst dictatorships in Africa.

On 6th April 1992 he was arrested on arrival at the international airport in Lilongwe on his way from Lusaka Zambia to come and lead the opposition

movement in Malawi. He was released on 12th June 1994, a few days before the historic referendum that decided the return to political pluralism. However, his detention was an added catalyst to the pastoral letter calling for change. Many other 'political voices' were coming out in the open to challenge the regime such as those of Kamlepo Kaluba (operating from South Africa), Rev. Aaron Longwe of Livingstonia Synod and others. Dr Banda declared 14th June 1992 a referendum day to decide the political destiny of the country. The results of the referendum were that 63.5 per cent were in favour of political pluralism. It is interesting to note the voting pattern in the referendum according to regions in fig.2.

Fig.2: Referendum Results by Region

Region	Single party	Multi-Party	Null and void
North	11%	88%	1%
Centre	65%	31%	3%
South	15%	83%	2%

Source: Cullen (1994) p78

A plausible analysis of the pattern of results above tends to confirm the general feeling of Northerners that Dr. Banda's regime, to a very large extent, disenfranchised the region, depriving it in terms of infrastructural and human development. Dr. Banda himself often times referred to the region as the 'Dead North' meaning that there was nothing tangible in the region. Teachers from the north in other parts of the country were sent back to their region, many senior government and public appointments were reserved for those

from the Centre or the south. Therefore, most fearless critics of the regime were from the north, including Dr. Chihana.

According to Cullen (1994, p.78) in fig. 2 above, that the South favoured a return to multi-party politics by 83 percent, suggests that the majority of the population in the region is concentrated in the urban areas where their livelihoods depended on employability and the wage earned which according to the Pastoral letter was dismal and certainly insufficient to meet basic family needs. That could confirm the reasoning behind David Whitehead & Sons (Malawi) Limited employees being the first in thirty years to going on a 'wildcat strike' demanding a wage increase and political change.

Matchaya's (2010)⁴², observations that the Central Region of Malawi has been regarded as the MCP's stronghold (corroborated by the referendum results in Fig. 2, 1994, 1999 and 2004 elections where MCP got most votes and MP in the Central region), one would assume that this was for two main reasons: Firstly, that there are indicators of 'regionalism' being a factor because the 'inner circle' - Banda, Tembo and Mama C.T. Kadzamira – were all from the Central Region (the so called *Wakwatu syndrome*⁴³), hence the agency of kinship and belonging. Secondly, that the economic livelihoods of the majority of people in the Central Region depended on the farms that were owned by the conglomerate of Dr. Banda, the Press Corporation and Press

⁴² Matchaya, C.G., (2010) The Performance of the Malawi Congress Party in the General Election, [on line] from <http://www.academicjournals.org/AJPSIR/PDF/pdf2010/June/Matchaya.pdf>, (retrieved on 12th February 2011)

⁴³ Wakwatu Sydrom: I where people tend to support or vote for a candidate on the basis of the region, ethnic or tribal backgrounds.

Agriculture. Therefore, voting for change would have meant creating uncertainty for their future.

After Dr Banda conceded defeat, Parliament amended the constitution to allow for a multi-party system of governance and repealed the act that constitutionalised his *'life presidency.'* Consequently, pressure groups such as the Alliance for Democracy (AFORD) and the United Democratic Front (UDF) became official opposition parties. The political players at that time therefore became the MCP, AFORD, UDF and a non partisan Public Affairs committee (PAC) that played an advisory role to political players.

4.9 Analytical discussion of Dr. Banda's Governance Theory and the response of the Western Democracies (1964-1994).

Before we examine Politics, democracy and Governance in the new political dispensation after the 1994 elections, it will be helpful to conclude this consideration of Dr. Banda's leadership with an analysis of his governance theory and the response of the Western Democracies.

During his thirty years of rule Dr. Banda managed to completely destroy all opposition elements. He firmly managed to consolidate his political and economic power through the state apparatus.

4.9.1 Elimination of political opponents

From the outset we see Dr. Banda's quest for total control of all leadership powers. As Virmani (1992) and Cullen (1994) observe, one of the conditions of his coming back to Malawi (Nyasaland) to lead the NAC was that the leadership allow him to lead the political movement in his own 'style'; this they accepted. Cullen (ibid pp12, 13) confirms that the NAC leadership gave him power to appoint officers of the congress and members of the executive council. He further observes that the leadership made a costly mistake by giving him too much power at that early stage thinking that he would confine himself to a symbolic role while they wielded 'real power.' Further observations are made that only two months after independence followed the cabinet Crisis of 1964 when four cabinet ministers were dismissed for disagreeing with his foreign policy towards South Africa, the Portuguese and the recognition of the Republic of Taiwan among other domestic policies. Chirwa (2001) states that ministers resigned, some were dismissed, and they fled the country into neighbouring Zambia and Tanzania. Banda denounced them as rebels and dissidents, and took advantage of the events to consolidate his position. Songs were composed denouncing the 'rebels' and using intimidation through his established 'militia,' the MYP and the Youth League of the Malawi Congress Party, Banda fended off political opponents.

He was also very heavy handed on freedom of the media and expression. The only views and opinions that the Malawi public was exposed to were his and his government's.

4.9.2 Consolidation of political power

Williams (1978) observes that Dr Banda quickly galvanised his machinery of control through politics, economic opportunities and the law. While he continuously kept guard in suppressing dissenting voices with brutal force, Banda also quickly consolidated his political power; through the MCP party machinery, he controlled parliament, the judiciary, and the executive.

4.9.3 Consolidation to economic power

Cullen (1994, p.15) rightly argues that Tembo's influence through the 1980s was such that as minister without portfolio he was able to control the MCP, Cabinet Ministers sought his permission before taking decisions and that as chairman of more than 24 major companies in the country under the conglomerate the Press Corporation, he ensured that Dr. Banda had immense support from the business community. The Corporation has now taken on a more charitable role than ever before. According to Press Corporation (2006), on 5th November 1995, the National Assembly passed the Press Trust Reconstruction Act (the Act), which redefined Press Trust's charitable objectives. During the MCP regime there were stringent restrictions on the free market economy and only those business enterprises that were supportive of

the regime were allowed to operate. Public and private sector wages did not keep pace with inflation. As a result, the majority of the work force lived on the fringes of perpetual poverty. Arguably, a denial by the state in providing economic empowerment of its citizens is in itself tantamount to the violation of their rights. Nelson Mandela as quoted by Amnesty International (2008) said, *“Ending poverty is not a gesture of charity. It is an act of justice.”* I accept the argument of Amnesty International and Mental Health Europe that *‘poverty’* is a human rights issue. Therefore, denying citizens to economic advancement would suggest that Dr. Banda’s regime was violating people’s rights.

4.10 Did Western Democracies help keep Dr. Banda regime in power?

A one-word answer to this question is ‘Yes!’ But why and how did they do it?

Human rights violations in Malawi and in many newly independent countries began during the Cold War. Donnelly (2003, pp.136-154) maintains that at that material time, the decision making and the implementation of the Declaration of Human Rights by the United Nations was entirely left to the discretion of the individual states. He further argues that it took another three decades (after the end of the cold war) before even the rudimentary promotion and monitoring procedures of the covenants came into effect. The newly independent states had three options to choose from: align with the Communist ideology or with the Capitalist powers, or join the new movement of non-aligned states. Dr. Banda sided with the west, and the latter averted its eyes from his style of governance.

Secondly the Human Rights charter was not backed by appropriate international regimes to promote, enforce and monitor its progress in independent states.

Therefore, many African leaders such as Mobutu Sese Seko of Congo (Zaire at the time), Dr. Kamuzu Banda of Malawi and Jomo Kenyatta of Kenya, who suppressed their people went unpunished by the international community because they were pro-west.

Thirdly and equally important was that the international human rights regimes had always acted ‘reactively’ rather than ‘pro-actively.’ For instance, after the Jewish holocaust, The Balkans and the Rwanda Genocides organisations such as the UNCHR, International Court of Justice (ICJ) (Hague) and the Africa Court of Human and People’s Rights were founded. Therefore, countries where infringement of people’s rights were taking place over a long period of time such as Malawi and the Congo (DRC) were not an immediate international human rights concern. Box 14 below are some of the human rights initiatives that have taken place since World War two.

Box 14: Human rights initiatives since World War II

Human Rights Initiative	Year of Establishment
United Nations Commission for Human Rights (UNCHR)	1946
International Court of Justice (ICJ) (Hague)	1946
United Nations for Human Rights Council (UNHC) replaced the UNCHR.	2006
Africa Charter of Human and People’s Rights (ACHPR)	1981
Africa Court of Human and People’s Rights	1998-2006

Source: UN, African Union, UNCHR, UNHC

According to United Nations Human Rights Index, the UN has introduced the Human Rights Index measurement mechanism since 2000 by its eight human rights treaty

bodies which are committees of independent experts that monitor implementation of the core international human rights treaties in its member countries. The eight specialist group committees as indicated in Box 15 below.

Box 15: UN-Specialist group committees

The eight UN-Specialist group committees
Human Rights Committee
Committee of economic, social and cultural Rights
Committee on elimination of Racial Discrimination
Committee of the elimination of all forms of discrimination against women
Committee against torture
Committee on the rights of the child
Committee of migrant workers
Committee on the rights of persons with disabilities

Source: UN, African Union, UNCHR, UNHC

In addition, individuals and non UN and nongovernmental Organisations such as Amnesty International, the Africa Barometer, the Mo Ibrahim Foundation to mention a few have brought human rights and the good governance agenda to the fore. Facilitated by the new technological advancements in media and communication, it is getting harder and harder for individuals and governments to get away with human rights abuses unnoticed.

In the case of Malawi it was not until the late 1990s that the international community began to exert pressure on Dr. Banda’s regime to improve its record on human rights and to return to multiparty democracy through the suspension of budgetary support

by the IMF, World Bank and bilateral donor agencies as also observed by Lovasz, J.,(2008)⁴⁴ in the following statement:

Since the beginning of the 1990s, Malawi has experienced fundamental political changes and yet more internal and external shocks. With changes in the world political situation, western industrialised countries began to make more political demands on governments and put pressure on those that violated fundamental human rights... In May 1992, the international donor community, including the EC, decided to freeze non-humanitarian aid to Malawi until such time as the government introduced and practised basic human rights in accordance with recognised international standards.

It was only then, that the regime began to give in to the demands of the opposition movement leading to a change of government in Malawi's first multiparty general election in thirty years.

4.11 The new political dawn in Malawi: Was it multi-party without democracy?

The difference between a democracy and a dictatorship is that in a democracy you vote first and take orders later; in a dictatorship you don't have to waste your time voting. Charles Bukowski (1920-1994)

Perhaps the words of Bukowski could be prophetically applicable to the Malawi situation. According to the study commissioned by the National Initiative of Civic Education (NICE) and the Malawi Election Commission in 2008⁴⁵, of the sample of 2,897 respondents that did not vote in 2004, 33% did not bother voting at all while the large majority (67%) wanted to vote but failed to do so for one reason or another, underscoring the fact that Malawians are not indifferent to voting. The study further

⁴⁴ Jurgen Lovasz, (2008), EU-Malawi cooperation - Linked to changing needs, [on line] from <http://www.greenstone.org/greenstone3/nzdl;jsessionid=F2AB96DE0898BD89E23503B7671BF7D0?a=d&d=HASHa7900b2d2f8eb089a2b801.5.pp&c=edudev&sib=1&dt=&ec=&et=&p.a=b&p.s=ClassifierBrowse&p.sa=> (retrieved on 15th February 2011)

⁴⁵ The study recommends that institutions such as NIMD's partner, the Centre for Multiparty Democracy and others "should develop training programmes for political parties become more innovative in their campaign strategies and not make promises they cannot fulfil. This can be done by developing ideologies and core values within the parties.

found out that a large majority (79%) did not bother voting (Voter Apathy) because they were dissatisfied either with the failure of politicians to deliver on their campaign promises or felt frustrated with the lack of intra-party democracy which saw the party leadership imposing candidates on their membership pushing aside the popular preferred candidates.

The findings of N.I.C.E. confirm results of a similar study that Malawian political parties themselves commissioned through their Centre for Multiparty Democracy (CMPD, 2006) concluded that Lack of intra-party democracy and weak party institutionalisation led to the formation of breakaway parties from the UDF, Aford and MCP (and of late the DPP) as also argued by Musuva (2009) in quoting Khembo and Mcheka (2005). I shall now give an overview and analysis of the political spectrum in the multiparty dispensation from the 1992 to the 2009 elections.

Walle van de, N. (September 2000) observes that there was a widespread movement towards multiparty electoral politics in sub-Saharan Africa in the 1990s. For instance, between 1990 and 1998, some 70 legislative elections involving at least two parties were convened in 42 of the region's 48 countries, Malawi inclusive. Ven de Walle (Ibid) wonders about the extent to which these countries are progressing toward democratic consolidation.

The graphs below help to illustrate the political mobility in the multiparty politics of Malawi from 1999 to 2008.

Fig. 3: Closeness to Political Party

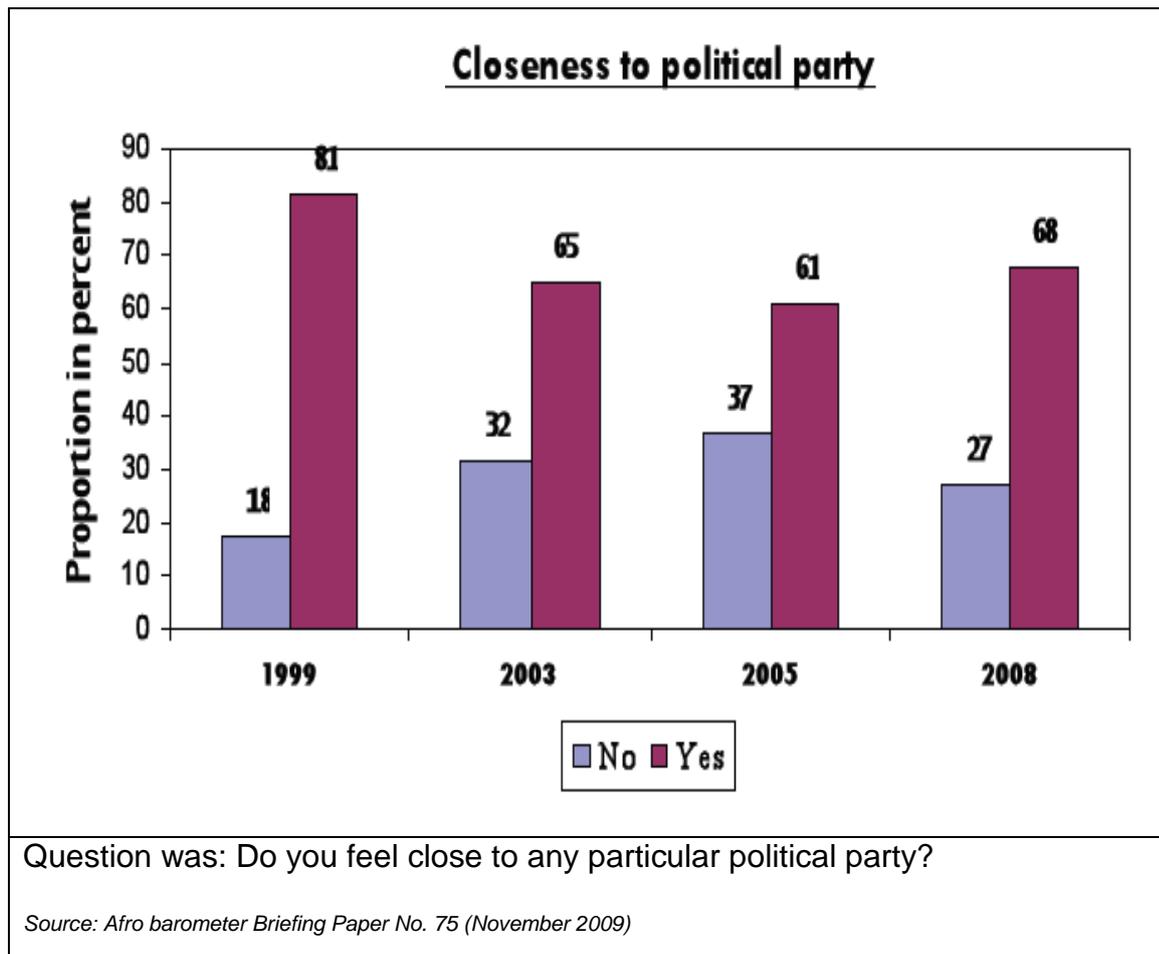
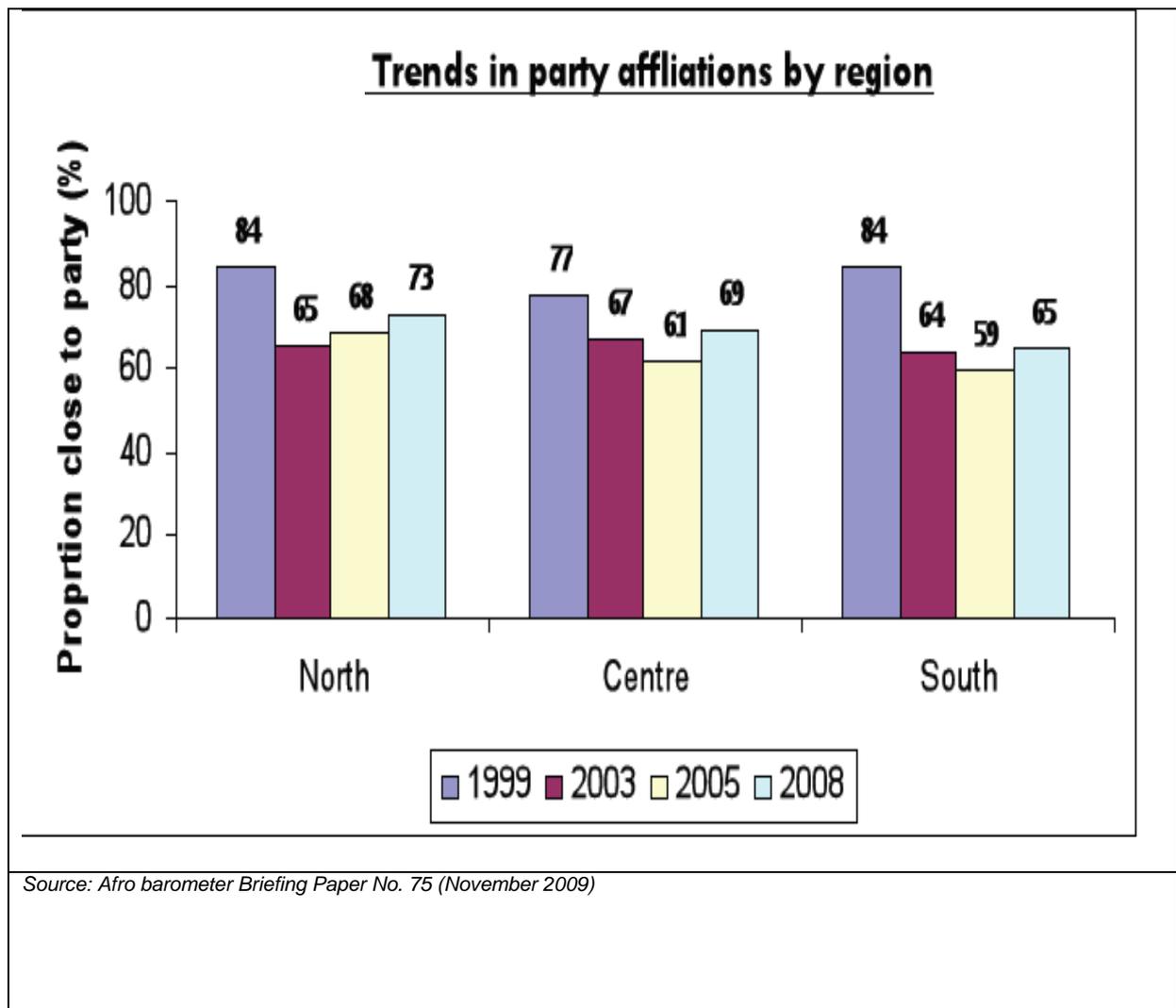


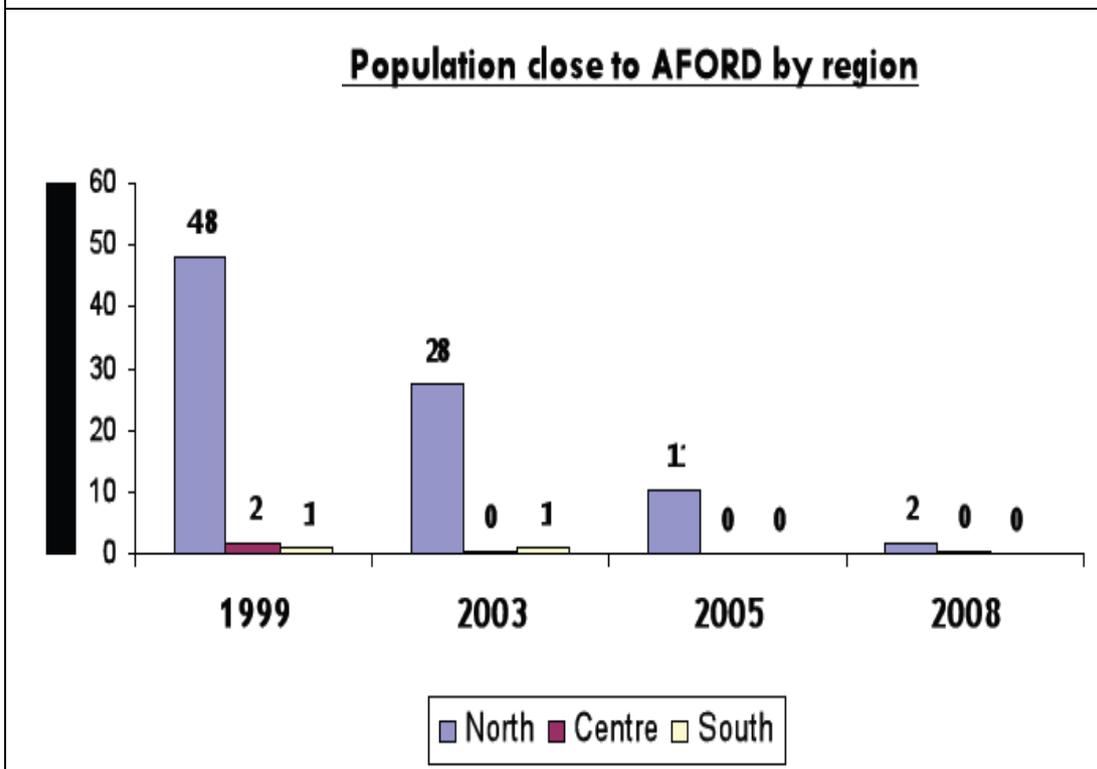
Fig. 4: Trends in Party affiliation by Region



In Fig. 3 above we observe that at the beginning of the multiparty dispensation in Malawi over 80 per cent of the population identified themselves with some political party and only about 10 per cent did not. However, the figure declines in 2003 to 2005 with a steady but small rise in 2008 at 68 per cent belonging and 27 per cent not belong to any particular political party. The reason for this decline is the failure of both the Parties in government and those in opposition to meet people's expectations in their delivery of goods and services.

Similarly in fig. 4, the trend of party affiliation by region is shown declining from 84 per cent in the north in 1999 to 73 per cent in 2008 with the lowest in 2003 at 65 per cent, whereas in the south in 2005, affiliation went down to 59 per cent. The lower percentages between 2003 and 2005 may be directly attributed to the infamous attempt by the UDF government to secure an open or third term, which saw the party split and the consequent formation of the now ruling DPP as well as the humiliating defeat of the UDF in the 2009 elections.

Fig. 5 AFORD by Region



Source: Afro barometer Briefing Paper No. 75 (November 2009)

Fig.6 MCP by Region

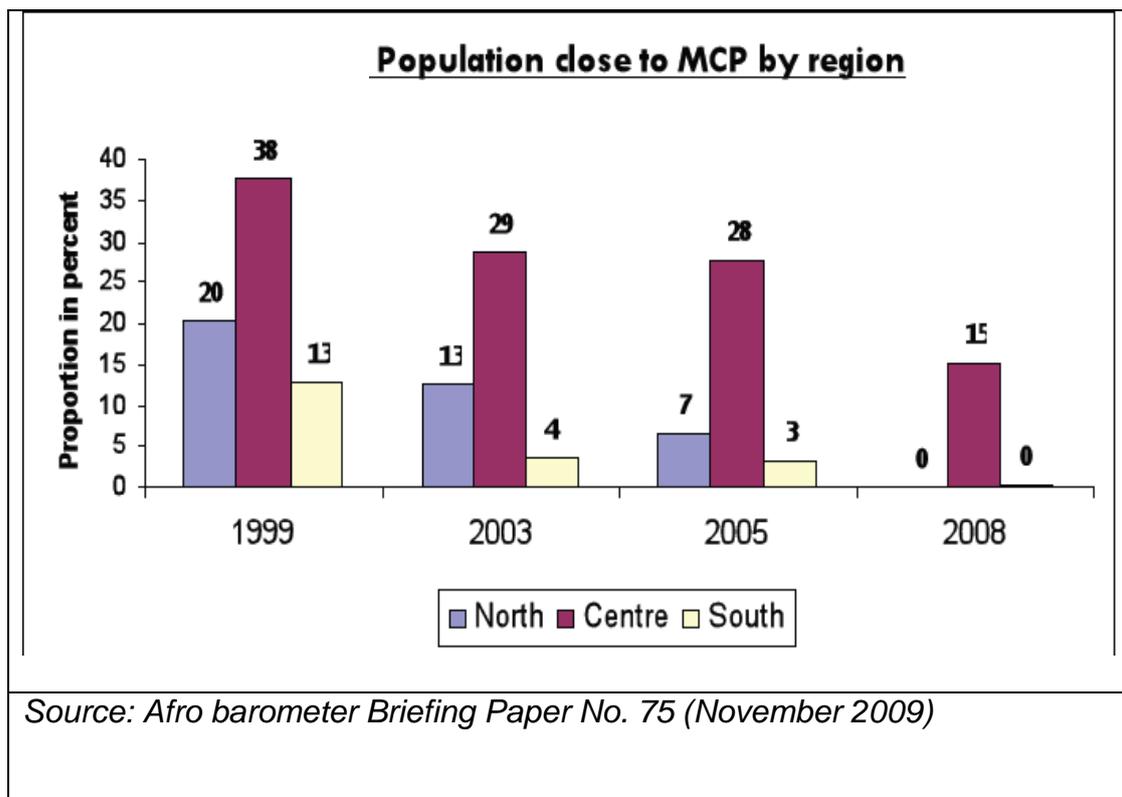


Fig. 7 UDF by Region

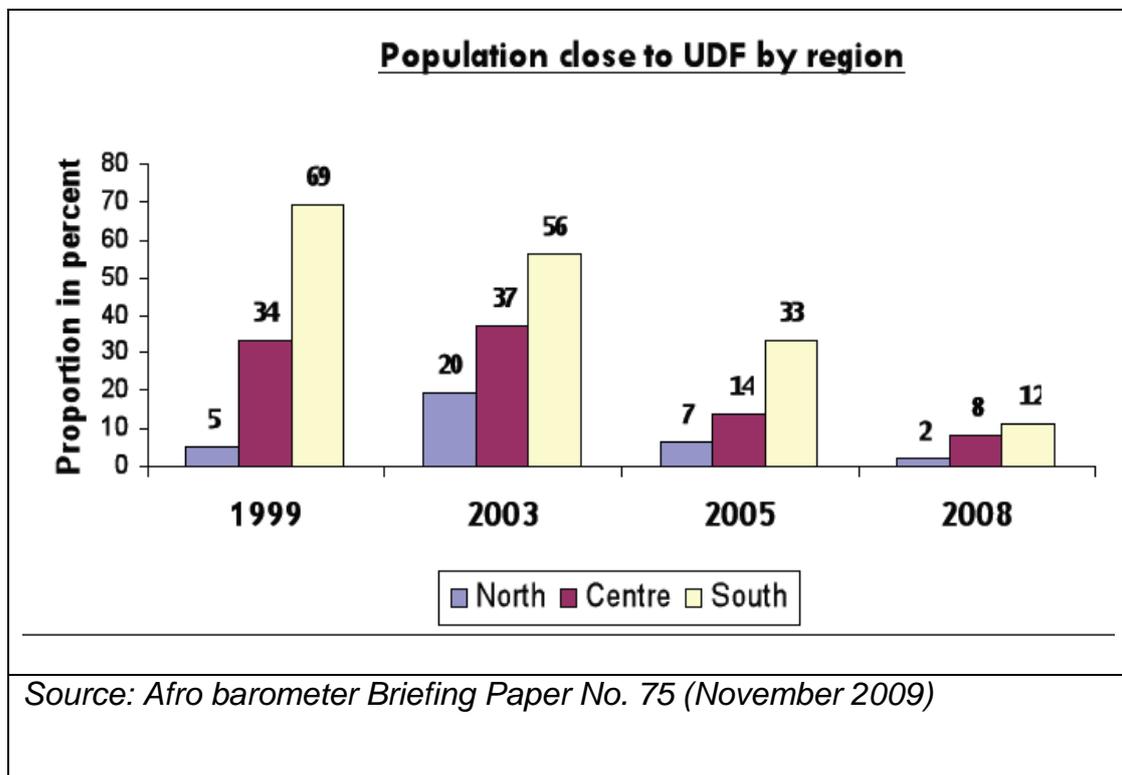
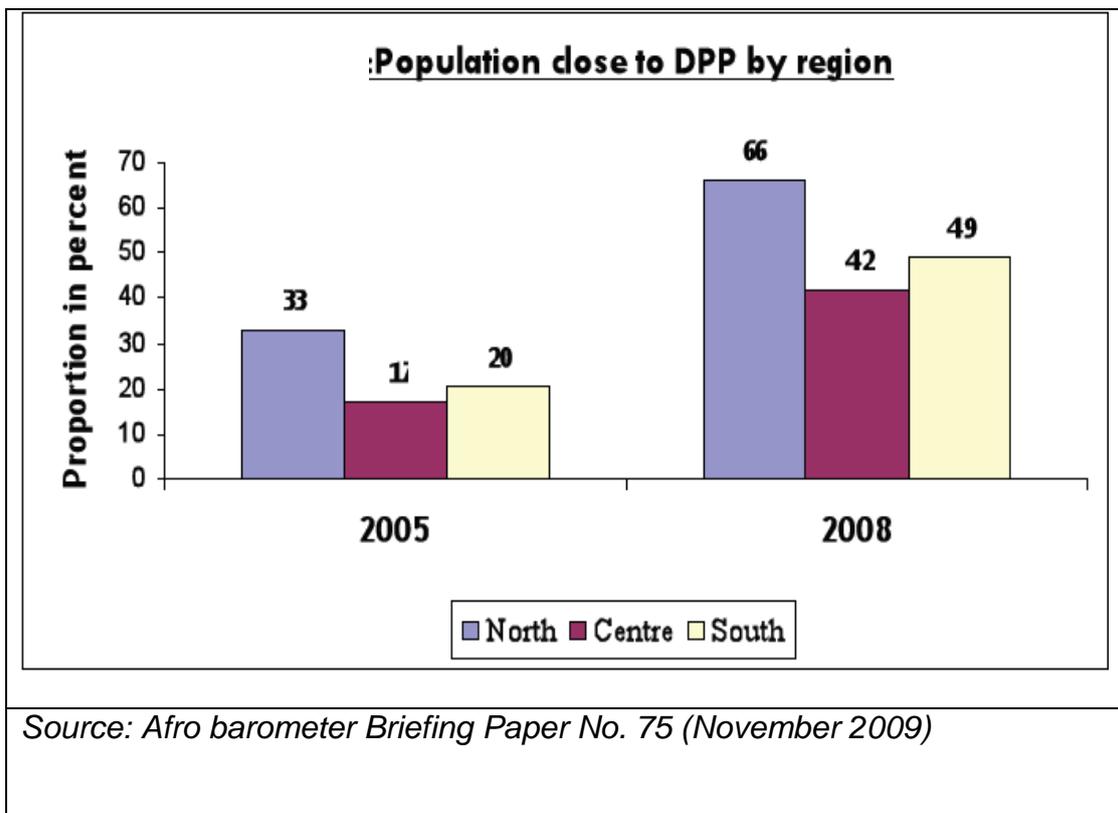


Fig. 8 DPP by Region



In figures 5 to 8, each figure represents a political party, AFORD, MCP, UDF and DPP respectively. A sharp decline in AFORD's support in its power base in the north from 48 per cent in 1999 to just about two per cent in 2008 was according to a European Commission Report (2003) due to its nomadic movements in establishing alliances with other parties: an alliance in 1994 with UDF, in 1999 an alliance with MCP and then back to UDF in its support for the open and third term bids. Fig. 6 shows a steady but declining scenario for MCP in the central region from 38 per cent in 1999 to 28 per cent in 2005. The further fall to 15 per cent is largely due to two

major reasons according to P. T., Zeleza⁴⁶(May 2009): first, that MCP is still tainted by its repressive history and is led by one of Dr. Banda's most feared and loathed henchman, John Tembo; and second is that an intra-party power struggle, like in other parties, has let to other parties splintering off from it.

Fig.7 shows that the fate of UDF, like that of AFORD, was sealed with the Cabinet crisis of 2003 when Bakili Muluzi dissolved it due to bitter disagreements on the candidature of his choice of successor in Bingu wa Mutharika after his failed bid for an open and third term of office. What followed after that were serious divisions and in the final analysis the Party that had ushered Bingu wa Mutharika into Government found itself in opposition in 2005 after Bingu resigned from the party and founded his own, the DPP. This explains the sharp decline in the UDF's support in the south from 69 per cent to 12 per cent between 1999 and 2008.

In fig. 8 , the DPP appears to have overwhelmingly enjoyed support across the country since its formation in 2005, rising from 33 to 66 per cent in the North, from 12 to 42 per cent in the centre and 20 to 49 per cent in the South between 2005 and 2008. This data is supported by the results of the 2009 General election, in which the DPP won a comfortable majority whereas MCP, UDF and AFORD were reduced drastically in parliamentary seat as illustrated in Box 16⁴⁷ below.

⁴⁶ Dr.Paul Tiyambe Zeleza is an educator and university administrator. He has taught at universities in Malawi, Kenya, Jamaica, Canada and the United States. He has published scores of essays and more than two dozen creative and scholarly books including several that have won prestigious awards.

⁴⁷ Total number of Seats is 193. Number of seats contested in 2009 was 192. Majority of independent members have since joined the ruling DPP.

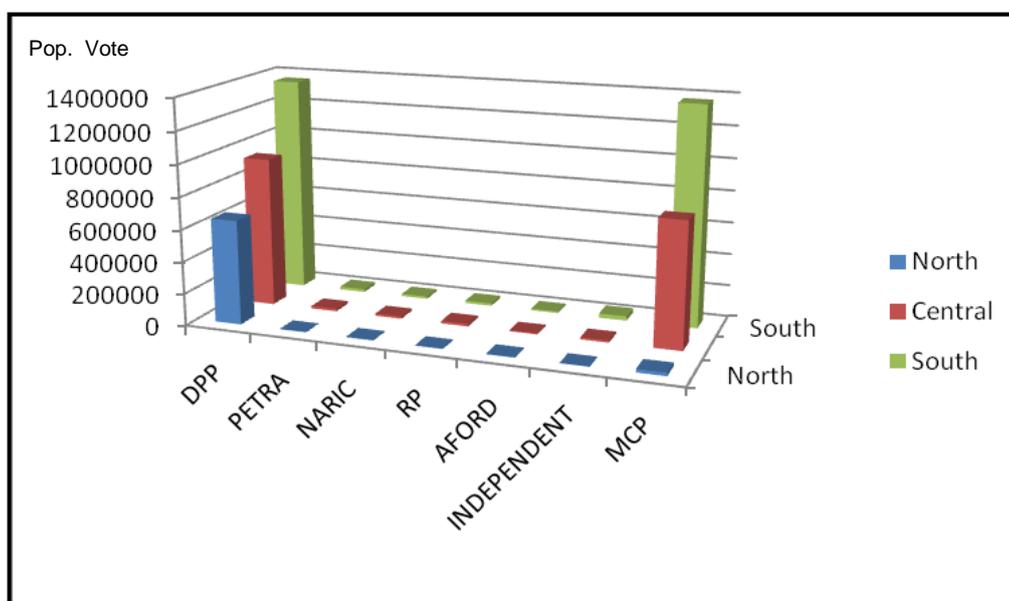
Box 16: Composition of Parliament by seats from 1994 - 2009

Party	1994	1999	2004	2009
UDF	85	93	49	17
MCP	56	66	58	27
AFORD	36	29	06	01
DPP	-	-	-	113
Independents	0	4	40	32
Other parties	0	0	34	02

Source: Nandini Patel: The Institute for Policy Interaction- Malawi (2010)

4.12 An analysis of the presidential vote in the 2009 general elections and the current distribution of Members of Parliament

Box 17, a
Distribution of National Presidential Vote 2009 Elections



Sources:

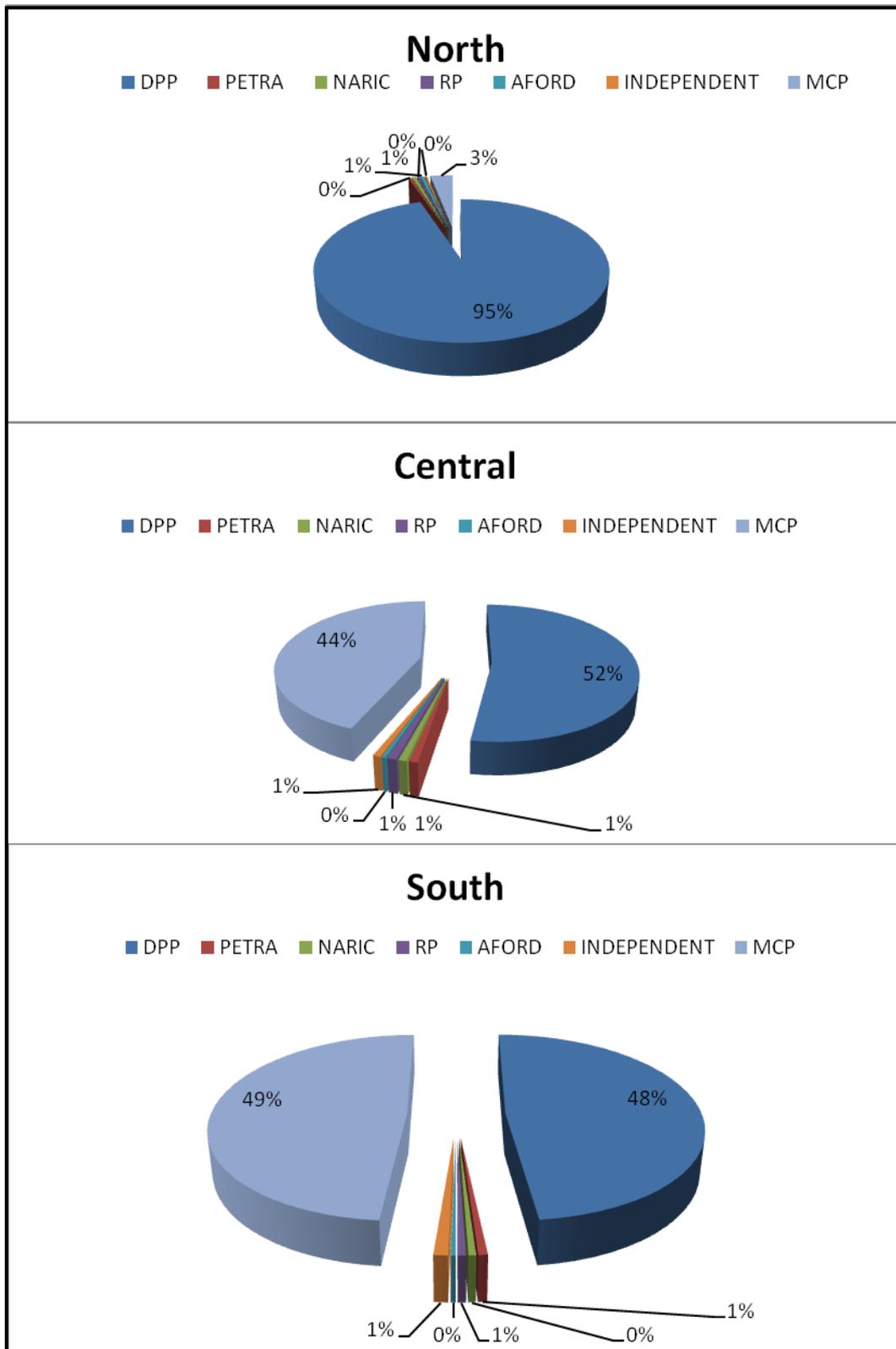
Boxes 17:a,b,

Graphs: Generated by researcher

Data: MEC and Malawi Parliament <http://www.mec.org.mw/PPE2009/2009ResultsReports>

<http://www.parliament.gov.mw/> (23/11/2010)

Box 17, b: Presidential Results 2009: by Region %



Sources:

Graphs: Generated by researcher

Data: MEC and Malawi Parliament <http://www.mec.org.mw/PPE2009/2009ResultsReports>

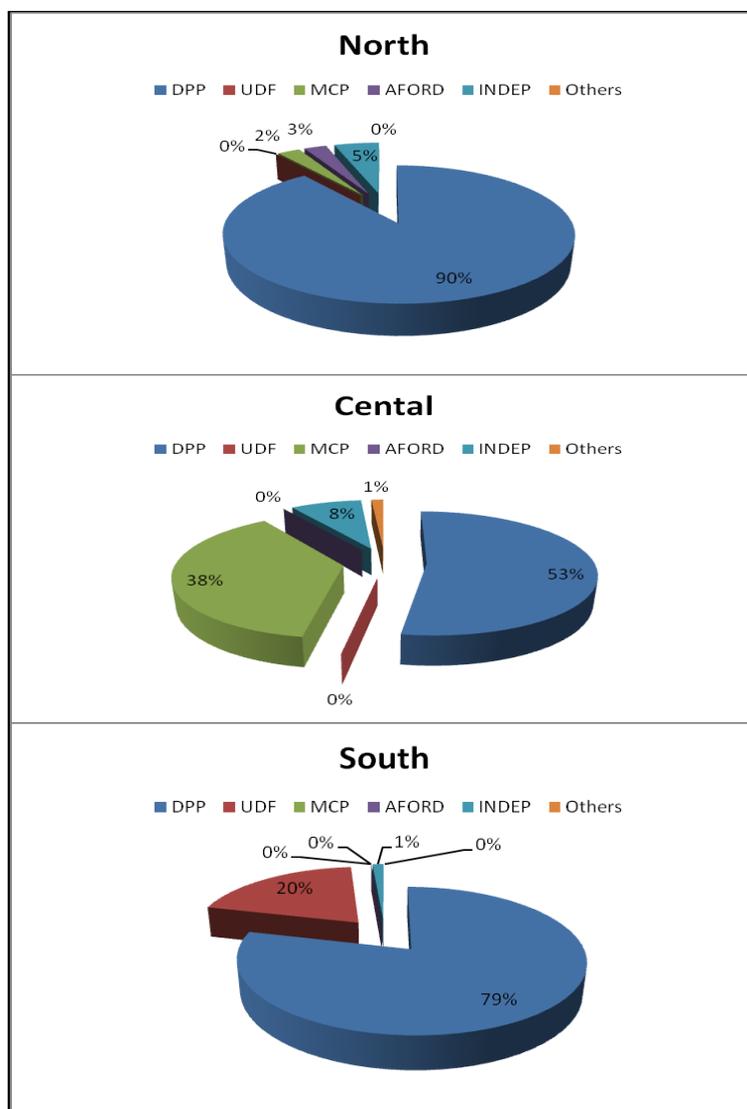
<http://www.parliament.gov.mw/> (23/11/2010)

Box 17:a shows that the DPP presidential candidate received support nationwide, whereas MCP's came from the central region. It is interesting to note that the MCP candidate vote in the south is in actual sense a UDF vote because the UDF did not feature a presidential candidate and forged an alliance with the MCP. It is therefore not surprising to note that while UDF supporters gave their presidential vote to the MCP in the south, their parliamentary vote was given to the UDF candidates. Consequently, MCP did not get any parliamentary seats in the South. In terms of the percentage vote indicated in Box17:b, the North gave the DPP the highest vote with 95 per cent, with 52 and 48 per cent from the Centre and south respectively. The MCP candidate had three percent in the north, and 44 and 49 per cent in the centre and south respectively.

As see in Box 18: a below, DPP got 35 seats in the North, representing 90 per cent of the parliamentary seats in the north, 39 seats in the Central and 69 seats in the South representing 53 and 79 per cent of parliamentary seats respectively, while MCP got 28 seats in the Centre and 1 seat in the North and none in the South, representing 38 per cent of seats in the Centre, less than one per cent in the north and no percentage in the South. UDF got all its 16 seats in the South and none in the North and Central; representing 38 percent of seats in the south, none in the north and south.

The national distribution of seats in Box 18:b indicates that the DPP had a country wide distribution of seats in all the three regions, where as UDF was confines to the South with no presence of MPs in the North and Central regions. Furthermore, MCP was confined to the Central region with only one MP in the Northern Region.

Box 18: a
Regional Distribution of MPs by Percentage 2009 Election Results %

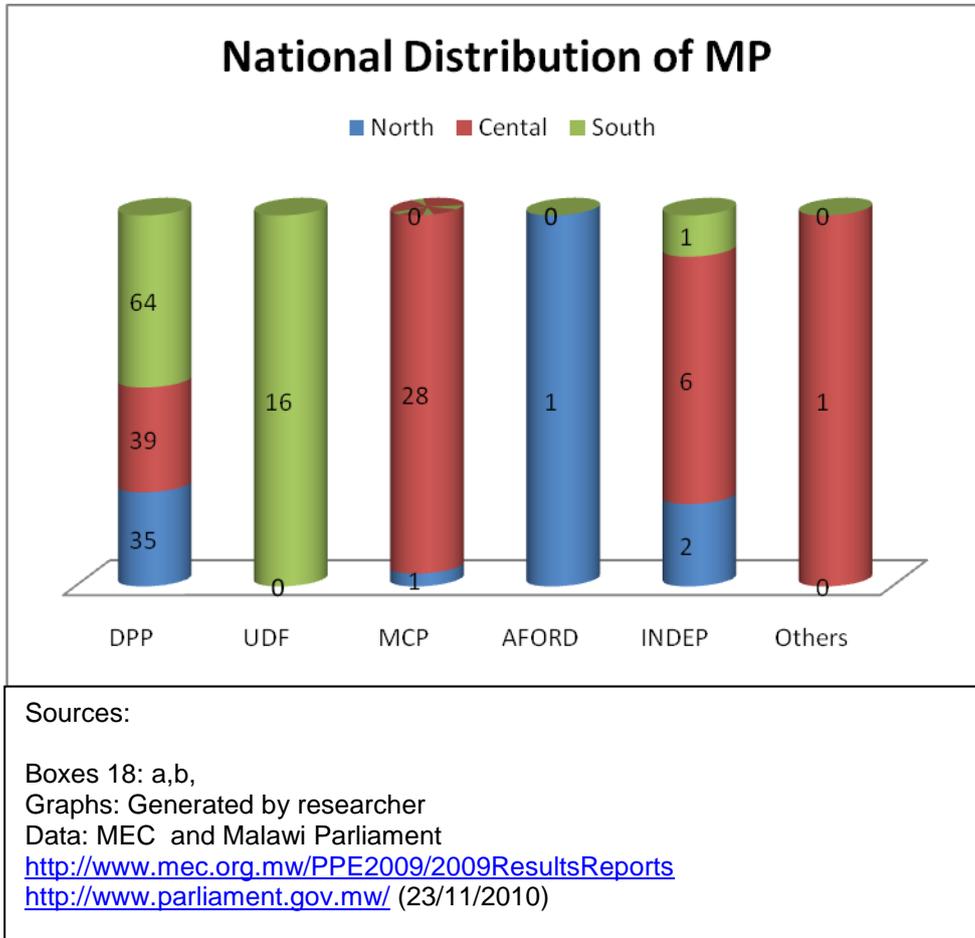


Sources:

Boxes 18: a,b,
 Graphs: Generated by researcher
 Data: MEC and Malawi Parliament
<http://www.mec.org.mw/PPE2009/2009ResultsReports>
<http://www.parliament.gov.mw/> (23/11/2010)

Box 18: b

National Distribution of Members of Parliament, 2009 Election Results



4.13 DPP Majority Rule: is it a threat to Malawi's fragile democracy and good governance?

Paddy Ashdown⁴⁸ (1994 p. 199) opens his argument in the debate on '*Democratic renewal*' by stating that a crisis of democracy is developing as people have less and less confidence in the ability of their politicians or democratic institutions to provide answers and solutions to the problems they face. The same was the case in Malawi when the UDF-led Government had failed to live up to the people's expectations in its delivery of democracy and development. The majority of the people turned their support to the newly founded DPP in hope of realising their expectations.

There are three important factors that assisted in propelling the DPP from a minority to majority party. The first one was that the last-minute move by the UDF to support MCP John Tembo as their joint presidential candidate contributed to both parties' losses in the elections because he was not a winning candidate based on his past political history as Dr. Banda's most feared and loathed henchman.

Secondly, according to Kaspin (1995), the UDF was characterised ethnically as a party of the Southern Region dominated by Yao-speakers, the MCP as a party for the Central region dominated by the Chewa-speaking group, and AFORD as a party for the Northern Tumbuka-speaking group. Most political analysts were wrong to believe that a repeat of the 1999 and 2004 voting pattern on regional lines would replicate itself in the 2009 elections. Instead, DPP managed to get support and votes across the country.

⁴⁸The Lord Ashdown of Norton-sub-Hamdon was Member of Parliament (MP) for Yeovil from 1983 to 2001, and leader of the Liberal Democrats from 1988 until August 1999; later he was the international High Representative for Bosnia and Herzegovina from 27 May 2002 to 30 May 2006,

The third important factor was that the monopoly of state media by the DPP did help drum up support from the public since people were only given the government side of the story, before, during and after elections. Brian Ligomeka (2009), one of the Malawian journalists who has suffered the Government's wrath with his critical writing says,

Despite returning to multiparty democracy in 1994, the (DPP) government of Malawi has continued to infringe upon press freedom, even though one of the tenets of multiparty democracy was the assurance of a free press.

The effects of this outcome (MEC 2009 results) was that the DPP managed to get more than two-thirds of 192 parliamentary seats, including 32 from the independents who in practice support the DPP-led Government. It thus had 16 members over and above the required two-thirds majority required to effect major constitutional amendments in Parliament.

It follows that the opposition in parliament is heavily weakened with only about 48 members in total from all other political parties, making it impossible to block any controversial bill brought before the house in favour of the government.

Since the DPP came into power from the last elections in May 2009, Parliament has already passed two such bills, the Local government bill and the Police Bill. According to press reports (Jomo 2009), churches are up in arms about a new measure passed by their parliament which they say gives President Bingu wa Mutharika dictatorial powers to decide when local government elections should be held. If he signs (*he has already signed*) the law into force, it is said, the country will

start sliding back to dictatorship such as existed under President Kamuzu Banda for decades until the early 1990s.

The second controversial measure is the Police bill. According to Namadzunda (2009), this bill enables the police to search citizens without a search warrant provided that the law enforcers make a 'record' of such an exercise.

These controversial bills are in addition to other non-constitutional controversies such as the selection of students to the Public State Universities by district of origin in 'quotas'. According to press reports (University World News, 30 March 2008), the quota system that the Bingu administration has re-introduced was first introduced by the first post-independence president of Malawi, Hastings Banda. In 1993, after Malawi had attained multi-party democracy, some students took the University of Malawi council to court over the quota system and won, with the court ruling that the system was discriminatory.

With similarities being drawn between Banda's MCP and Dr Bingu wa Mutharika's DPP, one wonders whether or not Malawi is indeed headed for a one party dictatorship. Some of the striking similarities between the two include the assumption of titles like Ngwazi⁴⁹ and Mose (Biblical Moses)⁵⁰, as well as arrests of opposition leaders. Since the arrest of the former Vice President on treason charges (still inconclusive) in 2006 (BBC report May 2006) several similar arrests have been made.

⁴⁹ Ngwazi (meaning Conqueror) a title that was first give to Dr. Kamuzu Banda and now to Dr. Bingu wa Mutharika the Ngoni chives of the Northern Region

⁵⁰ Mose or Moses denotes 'deliverer' this title of praise was first given to Dr. Banda by his followers now it is with Dr. WA Mutharika.

Banda M., (14 May 2008) lists opposition leaders arrested under Dr. Bingu wa Mutharika's regime as follows: United Democratic Front (UDF) Secretary General Kennedy Makwangwala and senior UDF executive member John Chikakwiya, as well as former army commander Joseph Chimbayo and ex-Inspector General of Police Joseph Aironi, Brigadier General Cosgrave Mituka, and Major General Mathews Chirwa all arrested on treason charges. Hopmally Makande and Kamulepo Kalua of UDF and UDP president respectively are serving prison sentences on political Charges. (Africa News, November 2009)

4.14 Conclusions

Empirical data in this chapter suggest that the political promises made by the three regimes viz; the Malawi Congress Party, the United Democratic Front and the Democratic Progressive Party during their campaign period and at the beginning of their first terms in office have all failed to live up to people's expectations as well as make positive progress in political, social and economic development.

The literature and the data given so far seem to crystallise into one common factor: that the divergence is almost, always ever wider between campaign promises and the lack or slow delivery on such promises. Therefore, this forms one of the main causes for descent among the general public towards the political leadership. One however may wish to ask if there was anything different that could be done to improve the democratisation process in Malawi to meet the constituents' demands and expectations.

CHAPTER 5: DRAWING CONCLUSIONS

5.0 Introduction

In wrapping up my research, I will present a synopsis of findings; make recommendations on what can be done differently to meet people's political, democratic and governance expectations in Malawi; state the limitations of the research project; and make suggestions for further research.

5.1 Summary of findings

In re-examining the research questions in the light of the foregoing presentation, analysis and discussion, the research findings seem to suggest that good governance cannot be achieved through authoritarian rule. A focus on three decades of MCP-led Government under Dr. Hastings Kamuzu Banda has revealed that a systematic abuse of people's rights, a lack of transparency, accountability, freedom of expression and assembly, and inconsistencies in the application and interpretation of the rule of law were some of the dominant characteristics of the MCP regime.

Furthermore, the research has proven that multi-party politics did create some form of 'democracy' because citizens aspired for any political position and actively participated in the electoral process in choosing their representatives such as the state president, members of parliament and local government councillors. However, it was also discovered that people's democratic rights ended at the 'ballot box'. Beyond that, citizens had little or no input in the affairs of Government and governance.

It is important to acknowledge that the research has discovered a number of opportunities as well as challenges that have either hindered or supported the development of democracy, politics in general and good governance in particular. For instance, between 1994 and 2009 the opposition parties were leading in parliament by simple majority, an opportunity the opposition did not fully utilise to hold government accountable and provide oversight. Instead, the ruling party took advantage of the divisions within the opposition to its own advantage.

One major challenge the project has revealed is that since the fall of the MCP dictatorship in 1994, democracy in Malawi seems to be advancing one step forward and several steps backwards. For instance, on December 11th 2010, according to media reports by Steve, (2010)⁵¹, President wa Mutharika chaired a party meeting at which the Vice President, Joyce Banda, was removed from her position as Vice President of the party, and expelled from the party's National Governing Council. In quoting Knox (2010)⁵² Steve, refers to the dismissal of the Vice President from the ruling party as a '*political earthquake*'. One would suppose that this was said in light of Mrs Banda's political influence within the Party as well as her national popularity. The reality of it is exemplified in the media reports of members leaving the DPP in large numbers in support of Mrs. Banda country wide such as one example on Zodiak Media of 14th December 2010 quoted below.

⁵¹ Steve Shara (21 Dec. 2010), Malawi: citizens' take on vice-President's dismissal, Global Voices on line: <http://globalvoicesonline.org/2010/12/21/malawi-citizens-take-on-vice-presidents-dismissal/>

⁵² John Knox (2010), Rumbles of a political earthquake in Malawi, [on line] from <http://caledonianmercury.com/2010/12/14/rumbles-of-a-political-earthquake-in-malawi/0012637>, (retrieved on 15th January 2011)

*A mass exodus of Democratic Progressive Party-DPP-fanatics was made public in Zomba just days after it was announced that Vice President Joyce Banda was shown the exit door from the party. Over five hundred DPP fans gathered at Malosa in Zomba, the home town of the Veep, to express their continued allegiance to the Veep and protest against her removal from the ruling party on Saturday. The development comes at a time when political commentators say all is not well in the ruling party.*⁵³ (Zodiak on line)

Another equally important factor that this research has revealed is DPP's two-thirds majority in parliament against a divided and weak opposition is a clear cause for concern for many Malawians and the international community. For instance, the Catholic Bishops who have now established themselves as the '*Voice of Reason*' since their first Pastoral letter of 1992, 'Living our Faith' that Paved way for multiparty politics and democracy in Malawi by condemning the dictatorial tendencies of Dr. Banda's regime released another Pastoral letter entitled, "*Reading the Signs of the Times*"⁵⁴ to highlight the concerns of many citizens that have arisen during the Mutharika administration that are not consistent with the democratic values.

In their submissions they argued on six cardinal points that were a direct threat to social, political and economic development in Malawi as follows:

- Lack of Proper consultations by government on issues of National importance
- Lack of Intra-Party democracy across all political parties
- Lack of freedom of media and expression
- That the anti corruption derive was more of a rhetoric than reality
- Lack of government enthusiasm in holding local government election
- Lack of Government support to the office of the Vice President

⁵³ Zodiak Online (2010), Over 500 Veep-JB-Fans Quit DPP, [on line] from http://www.zodiakmalawi.com/index.php?option=com_content&view=article&id=1700:over-500-veep-jb-fans-quit-dpp- (retrieved 15th January 2011)

⁵⁴ Reading the Signs of the Times, Episcopal Conference of Malawi on line, http://episcopalconferencemalawi.files.wordpress.com/2010/11/pastoral_letter.pdf

The letter opens as follows. (see full copy appendix 5)

“When we emerged from the 2009 elections, our hopes were high for peace, stability and development for all. Somewhat more than a year later our hopes are slowly fading away.”

The letter concludes with a soul searching prayer,

“May Mary, the Mother of Our Lord Jesus Christ and the model of discipleship, intercede for us so that our country may enjoy good governance and development.”

This letter was not a lone voice in the political wilderness. It was fully supported by all faith groups such as the Malawi Council of Churches and the Muslim Association of Malawi. (see Lungu, M,⁵⁵ Muslim Association of Malawi⁵⁶)

In an increasingly weak political opposition parties both inside and outside parliament, faith groups, Christians 80 percent and Muslims 12 percent of the national population (2005, est.),⁵⁷ strengthened by their large ‘constituencies;’ have become increasingly relevant in providing government oversights in the post MCP era.

⁵⁵ Lungu, M, [on line] from <http://www.tiunikekwathu.com/index.php/lifestyle/26-local-news/707-malawi-churches-add-weight-to-pastoral-letter.html> (retrieved on 16th February 2010)

⁵⁶ Muslim Association of Malawi, [on line] from http://www.nationmw.net/index.php?option=com_content&view=article&id=14519:press-release-from-the-muslim-association-of-malawi&catid=1:national-news&Itemid=3, (retrieved on 16th February 2010)

⁵⁷ Malawi: People Profile, [on line] from <http://strategyleader.org/profiles/maravi.html>, (retrieved on 17th February 2011)

5.2 Recommendations

In making my recommendations I will be answering the question, what can be done differently in order to enhance the democratic process, good governance and development in Malawi? In my submission, I make three main recommendations.

5.2.1 Devolution

I recommend that in order to empower local communities on self-determination in political issues, enhancing the democratic processes, management of local resources and improving their own livelihoods, the establishment of '*Regional Assemblies*' would be the best way forward for the future of the country.

5.2.2 Intra-party democracy

I recommend to political players, especially those in leadership, to promote intra-party democracy. Democracy is about giving people a 'real choice' of their representatives and leadership. A typical example is the ruling DPP whose entire National Executive Council (NEC) is appointed, in the old Banda fashion. The same can be said for many other political parties in the country.

5.2.3 International Community

I call upon the international community, especially those that advocate the values of democracy, to support the opposition concretely, that is technically, financially and materially and not merely rhetorically. The

propensity of ruling parties in Malawi is to silence the opposition, creating a strong possibility of return to authoritarian rule.

5.3 Limitation of research

In this project, I identify two areas of limitations. The first one was in the methodological framework by scaling down the scope of study from field-based research to library and online sources. There were challenges in the 'verification' of some sources of data. Secondly, it was a challenge to get some data from Malawi online due to the 'digital gap' between Malawi and the United Kingdom. In such cases, I was compelled to use alternative data that was not always current.

5.4 Suggestion for further Research

I am glad to mention that as a result of this research, I have been given an opportunity to do a PhD. Research project, a case study of the Malawi Parliament as an epicentre of democracy in the country. However, a systematic research and study in how '*Regional Assemblies*' can best fit in the Malawian scenario is another area worth of exploration.

5.5 Conclusion

This research project has endeavoured to expose the extent to which the political, economic and social promises of the political class have deviated from the reality on the ground. More than half a century after independence, Malawi is still trailing at number 153 on Human Development Index (UNDP, 2010 report)⁵⁸. In the same report life expectancy at birth is at 54.6 years and more than half of the population is said to be living on less than a dollar a day.

The research outcomes tend to suggest that the main cause for this state of affairs has been a lack of good governance in general and a neglect of the details of political, economic and social management in particular by those entrusted with the responsibility. By the same token, unless there is a major shift in the governance paradigm, the status quo remains. It is against that background that through this research I propose that legislative powers be devolved to enable a wider participation and increase a sense of ownership of the political, social and economic agenda at grass-root levels in Malawi.

⁵⁸ Malawi, (2010) Country profile of human development indicators, [on line] from <http://hdrstats.undp.org/en/countries/profiles/MWI.html> (retrieved on 19th January, 2011)

APPENDIX 1

The New York Times

Tuesday, August 10, 2010

[TIMES TOPICS](#) > [ORGANIZATIONS](#) > [B](#) > [BRITISH PARLIAMENT](#) > [EXPENSE ABUSES](#)

[RECOMMEND](#)

[E-MAIL](#)

British Parliament Expense Abuses

Updated: Feb. 5, 2010

Many members of the British Parliament were battered and left in grave political peril in the spring of 2009 after claims of widespread fraud on their expense accounts. More than 200 of the 646 members of the Parliament were named in three weeks of day-by-day disclosures in *The Daily Telegraph*, which obtained computer disks containing details of five years' expense filings by all M.P.'s.

On Feb. 5, 2010, the country's chief prosecutor said that criminal charges, including false accounting, would be brought against four legislators. The legislators to be charged are three members of the House of Commons from the ruling Labour Party - Elliott Morley, David Chaytor and Jim Devine -- and a peer from the opposition Conservatives in the House of Lords, Lord Hanningfield.

The announcement came after 392 current and former legislators were ordered to repay the equivalent of \$1.7 million, adding to a scandal that has left Parliament's reputation in tatters.

The scandal is centered on the so-called second-home allowance, which lets lawmakers spend as much as \$38,000 a year to defray the costs of working in London but living elsewhere. The parliamentary office charged with approving claims has been willfully lax.

Appendix 2

Liberia: scandal in parliament; George Dweh, speaker of Liberia's National Legislative Assembly and three others have been caught in a US\$92,000 scandal and suspended indefinitely by the House.

Alphonso Toweh reports from Monrovia.

Publication: New African

Publication Date: 01-APR-2005

Full Article Title: Liberia: scandal in parliament; George Dweh, speaker of Liberia's National Legislative Assembly and three others have been caught in a US\$92,000 scandal and suspended indefinitely by the House. Alphonso Toweh reports from Monrovia.(Around Africa)

Article Excerpt

One of Liberia's most powerful personalities, George Dweh is a staunch member of the former LURD rebel group which launched a guerilla war against the government of former President Charles Taylor. As speaker of parliament, he wielded a lot of power. But all that counted for nothing on 14 March when his colleagues in the 45-member Plenary suspended him indefinitely for his alleged involvement in a US\$92,000 scandal.

Three other members, Deputy Speaker Eddington Varmah (from Taylor's former government), Tarplah Doe (from the MODEL rebel group) and Edward Kpulun (from the LURD rebel group), were also suspended for allegedly "misapplying" the \$92,000 which was the accumulated allowances of members of the National Legislative Assembly (NTLA), a hybrid group made up of representatives from Taylor's former government, the two main rebel groups (LURD and MODEL), and civil society organisations

The scandal came to light following a complaint filed in the House by 30 members of the NTLA. A five-member committee was established to probe the allegation, and all the four suspended members were questioned.

But the scandal took on a new life when the committee attempted to submit its report on 8 March. The speaker (who happened to be the same man under investigation) and other members resisted on the grounds that the committee did not follow parliamentary procedure and as such, there was no need to submit a report, which should have been read by all members of the House before submission. A number of Dweh's bodyguards and other ex-fighters then stormed the House while members were still in session. The House regarded this as a total affront to its dignity.

Finally, on 14 March, the Plenary decided to suspend Dweh and the three others. In a statement, the House said the four had been suspended...

Source: COPYRIGHT 2005 IC Publications Ltd.

<http://www.thefreelibrary.com/Liberia%3A+scandal+in+parliament%3B+George+Dweh,+speaker+of+Liberia's...-a0131682040>
(retrieved on 13th December 2010)

Appendix 3

HUMAN RIGHTS ABUSE IN MALAWI: DETENTION OF YOUTH ACTIVISTS

We; Edward Chileka- Banda, Haward Jimu and Aonenji Chimera of Eye for Development (EFD) were arrested on 24th February 2010 soon after holding a press conference where we asked the Head of State, Dr Bingu wa Mutharika who is also the current African Union Chairperson, to reverse his directive to prioritize his ruling party youths in disbursement of the government instituted Youth Enterprise Development Fund (YEDF). EFD is a development movement working with the youth in promoting the right to development for all people in Malawi. In our statement, we indicated that giving the Democratic Progressive Party (DPP) youths a priority and unfair advantage is tantamount to abuse of public resources for political maneuvering and a form of discrimination marginalization of people who do not subscribe to the ruling party ideologies. We had been part of the campaign for government to establish the youth fund as a way of accelerating poverty eradication and addressing youth related issues such as high levels of unemployment and criminal behavior that impact negatively on development. We were officially charged with a case on proposing violence against DPP youths, a charge that we all denied as false. We were detained for 16 days in Lilongwe Police and Maula Prison Cells until 12th March when we were released on bail with conditions of bail bond, sureties and that we report to police every Wednesday pending trial. Meanwhile, government prosecution team says it is not yet ready to proceed with the case as they are not through with investigations. Here we wonder why they were quick to arrest us and detain us further for investigations to go undisturbed but slow to try. We feel we are not yet free and that this government action has the potential of muting and suppressing other voices of human rights activists. This is indeed a form of intimidation and suppression.

It is our strong belief and observation that our prolonged detention was a strategy to silence voices for human rights and punish us before we get any fair trial. We strongly condemn this kind of abuse of human rights...

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Appendix 4

Living Our Faith

Pastoral Letter of the Catholic Bishops of Malawi

Lent 1992

Dear Brothers and Sisters in Christ,

As we commence this time of the Lord's favour, we, your bishops, greet you in the name of Our Lord and Saviour Jesus Christ.

Introduction

As a community journeying in faith and hope we recognize and accept the Lord's invitation proclaimed again in this time of Lent. On Ash Wednesday we receive ashes with the prayer: Repent and believe the Good News. This prayer introduces the period of Lent when we shall enter once more into the saving mysteries of the Lord's death and resurrection.

Christ began his public ministry by proclaiming: Repent and believe the Gospel? (Mk 1: 15). In this proclamation he states the programme of his ministry: to call all humankind in and through His life, death and resurrection to conversion and witness. People in every age and culture are called to this conversion and to respond in commitment and faith.

In this conviction we, your leaders in the faith, come to share with you what this faith invites us to as a church in the Malawi of today. We place this exhortation under the guidance of the Holy Spirit and the patronage of Mary, Queen of Malawi and of Africa.

The Dignity and Unity of Humankind

Man and woman, created in the image and likeness of God (Gen 1:26), carry in themselves the breath of divine life. Each created person is in communion with God. He or she is *sacredâ*TM, enjoying the personal protection of God. Human life is inviolable since it is from God and all human beings are one, springing as they do from a single father, Adam, and a single mother, Eve, *the mother of all those who live?* (Gen 3:20).

The unity and dignity of the human race have been definitively sealed in Christ the Son of God who died for all, to unite everyone in one Body. Rejoicing in this truth we proclaim the dignity of every person, the right of each one to freedom and respect. This oneness of the human race also implies equality and the same basic rights for all. These must be solemnly respected and inculcated in every culture, every constitution and every social system.

The Church and Society

Because the Church exists in this world it must communicate its understanding of the meaning of human life and of society. As Pope Paul VI says: the Church is certainly not willing to restrict her action only to the religious field and disassociate herself from man's temporal problems? (The Evangelization of Peoples, no. 34).

In this context we joyfully acclaim the progress which has taken place in our country, thanks in great part to the climate of peace and stability which we enjoy. We would, however, fail in our role as religious leaders if we kept silent on areas of concern.

The Aspiration to Greater Equality and Unity

In our society we are aware of a growing gap between the rich and the poor with regard to expectations, living standards and development. Many people still live in circumstances which are hardly compatible with their dignity as sons and daughters of God. Their life is a struggle for survival. At the same time a minority enjoys the fruits of development and can afford to live in luxury and wealth. We appeal for a more just and equal distribution of the nation's wealth.

Though many basic goods and materials are available, they are beyond the means of many of our people. One of the reasons for this is the deplorable wage structure which exists. For many, the wages they receive are grossly inadequate, e.g. employees in some estates, some domestic workers, brick-makers, etc., and this leads to anger, frustration and hopelessness. Another example of glaring injustice is the price paid to producers, especially subsistence farmers, for some of their crops. We wish to state that every person has a right to a just reward for work done, a wage which will ensure a dignified living for his or her family.

Not only has the worker a right to be paid justly by his employer, but he also has a duty honestly and responsibly to do the work for which he is employed. We would like to remind all Christian workers that their first duty on receiving their earnings is to look to the adequate support of their family. All too often workers spend their salaries for selfish purposes.

Bribery and nepotism are growing in political, economic, and social life. This causes violence and harm to the spirit of our people. Honesty, righteousness, respect, equal opportunity for all: these must be the qualities which guide our nation as it grows and develops into the future.

One of the cornerstones of the nation is unity?. This reflects the will of our Creator that we live in mutual respect and oneness. Tribalism, apartheid (whether economic or social), regionalism and divisions are contrary to the call and truth of humankind. We call all the faithful to celebrate our common birth and destiny in mutual respect, acceptance, justice and love.

The Right to an Adequate Education

A society which values its future affords the highest priority to providing education for all its young people. As it is commonly put: "Young people are the future of the nation". A sound education will aim at the following:

- i. creating an environment favourable to the physical, emotional, intellectual, relational and spiritual development of pupils.
- ii. developing in each student a respect for others and a recognition of civic responsibilities.
- iii. promoting the creative potential of students. The unique and diverse talents of every individual are recognized and encouraged.
- iv. instilling an appreciation of the students' cultural heritage, i.e. the linguistic, musical and artistic legacy inherited from the past.
- v. providing the students with appropriate training and skills which will equip them to make a living in the actual circumstances of our country.
- vi. seeking excellence, while aiming to provide education for everyone.

Problems of Our Educational System

At the outset, we wish to record how greatly we esteem and applaud the efforts which have been made by the government to provide education at all levels. The work of the Churches in this field has also contributed greatly to the advancement of our people.

Nevertheless we feel it necessary to draw attention to some of the problems which beset our educational institutions at present:

a. Illiteracy

Illiteracy is one of the principal causes of poverty and lack of development. It cannot be said that we have succeeded in promoting the creative potential of our citizens while there remains a large scale problem of illiteracy in our society. It must be recognized that this is a problem which cannot be solved by state initiatives alone. Since a great responsibility lies with parents, we urge them to recognize their duty by sending their children to school.

b. Falling Standards, Overcrowding and Shortage of Teachers and Materials

It is more and more widely recognized that standards of education are not only not rising, but are actually falling. Clearly there can be little hope of creating an environment favourable to the emotional, intellectual and spiritual development of pupils when schools are grossly overcrowded and suffer from a serious lack of teachers. While the present acute shortage has been made much worse by the policy of requiring all teachers to remain in their own regions, final solutions to these problems will also demand generous increases in the resources made available to education. This will have very practical implications for the way in which our national priorities are established and the budget distributed.

c. Unequal Access to Education

The criteria used in selection of pupils for secondary schools and third-level institutions should be known to all and be seen to operate fairly. Nor should they work to the disadvantage of particular individuals or groups. Access to education should not depend on whom the candidate knows nor on how much money he possesses.

d. Discipline

We believe that indiscipline is a major problem in secondary schools. It will not be solved by threats of punishments. There is a need to examine the underlying reasons for this state of affairs. Among them are:

- i. failure of parents to exercise their responsibility towards their children as they grow older.
- ii. lack of co-operation between parents and school authorities.
- iii. frustration due to poor or uncertain job opportunities.
- iv. manipulation of the selection process to include undeserving students.
- v. lack of support from higher authorities when action has been taken, or needs to be taken, by the school.

Church-State Partnership in Education

Improvements will come about in the educational system only if there is mutual trust and genuine partnership between the different interested groups in society, i.e. parents, teachers, the Church and the State. In particular, we recognize the importance of Church-State participation in this area. On the one hand, the Church has a responsibility to support in every way possible the educational goals of the government. On the other, the government has a duty to respect the rights and legitimate aspirations of the Churches. Only through such a mutual recognition of rights and responsibilities will a fruitful partnership between Church and State be realized in practice.

Adequate health services for all

Equality among citizens and the demands of justice call for policies which aim to provide adequate health care for all without distinction. The following principles have always guided us in this vital area of concern:

- i. Life is sacred. It is a gift from God to be valued from the moment of conception until death.
- ii. Human beings can never be reduced to the status of objects. We recognize that our bodies are temples of the Holy Spirit.
- iii. Every person is of equal dignity. The value of life is not to be measured by one's age, possessions or position in society.

Difficulties Experienced in Our Health Services

We wish to pay tribute to the achievements of the government of Malawi in extending health services with the aim of providing the best possible care for all. Particularly worthy of mention has been the establishment of an excellent system of primary health care. The notable contribution of the churches through their extensive network of hospitals and health centres is deserving of special praise.

At the same time we are aware of the severe difficulties which the health services are experiencing at present:

a. Overcrowding and Lack of Personnel

Without doubt the most serious problem is the acute shortage of health centers to cater for the population. One cannot claim to uphold the principle of the sanctity of life if provision has not been made for even minimal health care for every person. This is a priority which a society cannot ignore if it wishes to be a caring and compassionate community. It must be recognized that if this problem is to be tackled, it will demand the allocation of more resources from the State.

b. The Vocation of Caring for the Sick

Caring for the sick is a calling from God of a special dignity and importance. It can never be seen as just another job or another way of earning one's living. While we greatly value the generous dedication to service of many of those who work in the medical field, we cannot ignore that the quality of medical care is often seriously inadequate, e.g. patients being unattended to for long periods of time; the lack of commitment on the part of some personnel; the failure to recognize each patient as one's brother or sister in need, etc. We therefore invite all health workers to serve every patient without exception with responsibility and true dedication.

c. Inequality in Medical Treatment

Absolute equality of access to health care for all citizens is difficult to achieve. However, this is an ideal which must always be striven for. The guiding principle determining whether a patient will receive priority treatment ought not to be his apparent usefulness or his position in society. Rather, every person, whether rich or poor, educated or not, blood relative or not, has equal right to receive health care. The practice of stealing and re-selling medicines seriously threatens this right.

The Tragedy of AIDS

It is heartening to note the extensive health education programmes currently in operation in the state. One cannot fail to stress the importance of preventive measures particularly in respect of contagious diseases. The current epidemic of AIDS is a case in point. All recognize that in the present circumstances where no cure for AIDS is available, prevention in that form of health education is the only way of combating this problem.

We want to encourage the efforts undertaken in that direction and hope they can still be intensified: true facts about the disease should be made public more readily; information made available to all; personnel and resources freed for the treatment and counseling of the victims and their families.

However, preventive methods must respect God's law and enhance the dignity of the human person. It is most regrettable that little attention is paid to the fact that faithfulness to the Gospel teaching on conjugal fidelity is the single most effective method of preventing the spread of this tragic illness. We strongly object to the dissemination of the view that the use of condoms is the remedy against this epidemic.

Besides the immorality involved in the indiscriminate distribution and use of condoms, we must be aware how much they contribute to spreading a false sense of security and encouraging a promiscuity which can only aggravate the existing problem. We appeal to Christian parents to protect and counsel their children against such practices and to guide them to a true Christian understanding of sexuality.

Participation of All in Public Life

In their writings to the Christians, both the apostles Peter and Paul note how the Holy Spirit grants the members of the Christian community gifts of all sorts for the benefit of the community. On each one of us God's favour has been bestowed in whatever way Christ has allotted it! To some his gift was that they should be apostles; to some prophets; to some evangelists; to some pastors and teachers...â€? Whatever the gift, the purpose is one: to knit God's holy people together for the work of service to build up the Body of Christ? (Eph 4:7-16; cf I Pet 4:10-11).

African society has traditionally recognized that what is true of the Church is also true of any society: its strength

resides in recognizing the gifts of all and in allowing these gifts to flourish and be used for the building up of the community. Mutu umodzi susenza denga?. No one person can claim to have a monopoly of truth and wisdom. No individual - or group of individuals - can pretend to have all the resources needed to guarantee the progress of a nation. Mtsinje wopanda miyala susunga madzi.? The contribution of the most humble members is often necessary for the good running of a group. Wopusa anaomba ng'oma wochenjera navina.?

Freedom of Expression and Association

Moreover human persons are honoured - and this honour is due to them - whenever they are allowed to search freely for the truth, to voice their opinions and be heard, to engage in creative service of the community in all liberty within the associations of their own choice. Nobody should ever have to suffer reprisals for honestly expressing and living up to their convictions: intellectual, religious or political.

We can only regret that this is not always the case in our country. We can be grateful that freedom of worship is respected; the same freedom does not exist when it comes to translating faith into daily life. Academic freedom is seriously restricted; exposing injustices can be considered a betrayal; revealing some evils of our society is seen as slandering the country; monopoly of mass media and censorship prevent the expression of dissenting views; some people have paid dearly for their political opinions; access to public places like markets, hospitals, bus depots, etc., is frequently denied to those who cannot produce a party card; forced donations have become a way of life.

This is most regrettable. It creates an atmosphere of resentment among the citizens. It breeds a climate of mistrust and fear. This fear of harassment and mutual suspicion generates a society in which the talents of many lie unused and in which there is little room for initiative.

Fostering participation

We urgently call each one of you to respond to this state of affairs and work towards a change of climate. Participation in the life of the country is not only a right; it is also a duty that each Christian should be proud to assume and exercise responsibly. People, in positions of authority, in government and administration, have a particular duty to work for the restoration of a climate of trust and openness. However participation will remain a fiction without the existence of adequate channels of expression and action: an independent press, open forums of discussion, free association of citizens for social and political purposes, and the like...

The Truth will Set You Free?

A first step in the restoration of the climate of confidence may be taken by recognizing the true state of the nation.

“The truth will set you free” (Jn 8:32). These words of Christ do not have an exclusively religious meaning. They also express a deep human reality.

For too long we have refused to see that, besides the praiseworthy achievements of the last decades, our country still suffers from many evils: economic and social progress does not trickle down to the mass of the people; much still remains to be achieved to make adequate education and health services available to all; the AIDS problem presents an incredible challenge; recurrent unfavourable climatic conditions often account for poor crops and subsequent misery for the people....

People will not be scandalized to hear these things; they know them. They will only be grateful that their true needs are recognized and that efforts are made to answer them. Feeding them with slogans and half-truths - or untruths! - only increases their cynicism and their mistrust of government representatives. It gives rise to a culture of rumour mongering. Real progress can only be attained when the true problems and the real needs are identified and all resources are channelled towards solving them.

Let us add here that people in positions of responsibility have an obligation to know the actual conditions in which their people live and to work tirelessly for their betterment. They should be willing to allow their performance to be judged by the people they serve. Accountability is a quality of any good government. People are entitled to know how their representatives fulfil their duties. No disrespect is shown when citizens ask questions in matters which concern them.

A System of Justice which Works Fairly

We would like to draw your attention to another area of life in our society. We cannot ignore or turn a blind eye to our people's experience of unfairness and injustice, for example those who, losing their land without fair compensation, are deprived of their livelihood, or those of our brothers and sisters who are imprisoned without knowing when their cases will be heard.

In a just society, a citizen must have easy access to an independent and impartial court of justice whenever his rights are threatened or violated. In particular, before a penalty is imposed, it is in the interest of justice and human dignity that the accused be informed in good time of the charge against him and be granted opportunity for a fair trial, and where necessary, the possibility of legal counsel. We call upon all and particularly those responsible for the administration of justice to ensure not only that procedures are respected but also that impartial judgment is rendered to the accused person. This will only be possible if the administration of justice is independent of external influence, political or other. Our bond of brotherhood and sisterhood in the one body of Christ and our solidarity as a people should, in love, compel us to hunger for the justice and righteousness of the

Lord in our society.

In this context, we recall the words of Jesus at the beginning of his ministry:

The Spirit of the Lord is on me, for he has anointed me to bring the good news to the afflicted. He has sent me to proclaim liberty to captives, sight to the blind, to let the oppressed go free, and to proclaim a year of favour from the Lord? (Luke 4:18-19).

This appeal for fair treatment should also be heard within the Church. We want to recall the importance of adhering to procedures which have been instituted to promote justice and protect the rights of the faithful. Our Church communities do need well established and competent forums for hearing various cases, complaints and grievances of their members. Those of us who have to pronounce judgment on persons and situations are to view the exercise of their authority as a service of the truth for the common good as well as for the well-being of the individual. In particular, we exhort the people of God to respect the right of defence of those accused of having committed offences.

Conclusion

Love tenderly, act justly, walk humbly with your God? (Micah 6:8)

The issues raised in this letter will obviously require an ongoing and more in depth reflection. It is the Church's mission to preach the Gospel which effects the redemption of the human race and its liberation from every oppressive situation, be it hunger, ignorance, blindness, despair, paralyzing fear, etc. Like Jesus, the advocate of the poor and the oppressed, the believing community is invited, at times obliged in justice, to show in action a preferential love for the economically disadvantaged, the voiceless who live in situations of hopelessness.

The human rights and duties identified in this pastoral letter for our reflection are only some of the issues that God invites us to consider seriously. In our response to God, we humbly recognize that though a gifted and blessed people, we are not a perfect community. If some of our personal weaknesses, biases and ambitions are not purified by the word of God and just laws, they can very easily destroy peace and harmony in our societies and communities. We hope that our message will deepen in all of us the experience of conversion and the desire for truth and the light of Christ. This will prepare us for the worthy celebration of Easter, the feast of the risen Lord in whom we see ourselves as a risen people with dignity restored.

The Catholic Bishops of Malawi

Archbishop J. Chiona

Bishop F. Mkhori

Bishop M.A. Chimole

Bishop A. Assolari

Bishop A. Chamgwera

Bishop G. M Chisendera

Monsignor J. Roche

Appendix 5

The Pastoral Letter

READING THE SIGNS OF THE TIMES

Current Socio-Political and Economic Issues in Malawi

Preamble

We, Catholic Bishops of the Episcopal Conference of Malawi, after a week of prayerful reflection and interaction among ourselves and with our various Commissions, present this special message to the nation.

We do so because we believe that now is the opportune time to directly engage Malawians into an honest discussion about the future of our beloved country. Like the prophet Ezekiel of old, ever conscious of our prophetic role, we are touched by the Word of God: “Son of man, I have appointed you as watchman to the House of Israel. When you hear a word from my mouth, warn them in my name.” (Ezekiel 33:7). The Church has a longstanding tradition starting from our Lord Jesus Christ of reading and interpreting the signs of the times. In this line, Jesus said: “When you see a cloud rising in the west you say immediately that it is going to rain – and so it does; and when you notice that the wind is blowing from the south you say that it is going to be hot – and so it is. You hypocrites! You know how to interpret the appearance of the earth and the sky; why do you not know to interpret the present times?” (Lk. 12:54-56).

It is this reading and interpreting of the signs of the times that has led us to produce this statement convinced, in the spirit of the Second Vatican Council, that “the joys and hopes, the grief and anguish of the people of our time, ... are the joys and hopes, the grief and anguish of the followers of Christ as well” (Gaudium et Spes, paragraph 1).

In this Pastoral Statement, Reading the Signs of the Times, we want to appreciate what God is doing in our midst and then also challenge the nation, ourselves inclusive, to greater heights by focussing on the grief and anguish of people today. We do so with the hope that all Catholics and indeed all people of good will may, in humility, sincerity and in the light of faith, reflect on the challenges that our country is facing. In this work we invite the faithful and the various groups of our Church to take a leading role in a realistic and effective course of action.

1. The joys and hopes

We have every reason to rejoice for the strides that have been made in the development of this country in recent years. We congratulate the Government for prioritizing issues of Food Security. The current efforts to move Malawi from a rain-dependent agricultural country to one that relies also on irrigation are commendable. The current initiative of the Greenbelt to be implemented along the many plains and drainage patterns of our lakes and rivers shall in the long run, help to enhance food security as well as the socio-economic development of most rural Malawians.

We applaud the Government for such important and strategic initiatives to uplift poor Malawians from poverty. These programmes coupled with favourable rains and the spirit of hard work instilled by the Government have generally had a positive effect on food availability at national level.

We note with satisfaction the infrastructure development that has taken place in the country especially in the improvement of the road network. We follow with keen interest the possible opening of a water route to the sea through the Nsanje inland port and applaud the Government for plans to rehabilitate the rail network.

The promised five new universities and the current increase in the university intake are developments in the right direction with regard to giving opportunities for tertiary education to all qualifying students.

We are particularly glad that the Government has been able to fund some of these development projects using money generated within this country rather than relying on donor funds always.

2. The grief and anguish

In order to sustain the above positive developments, we need to pay attention to areas that in our day are slowly but firmly becoming ‘the grief and anguish’ of the people of Malawi.

When we emerged from the 2009 elections, our hopes were high for peace, stability and development for all.

Somewhat more than a year later our hopes are slowly fading away. The majority the ruling party enjoys in Parliament was meant to facilitate Government business and progress but unfortunately it has bred a spirit of overconfidence on the part of the Government.

While Malawians recall with bad memories the era when the opposition was in majority, they are slowly waking up to the downside of a government that has majority power as well. Both sides have used their numerical strength to inflict pain and vengeance on the other instead of pursuing the common good through the professed development and reconciliation agenda.

We are often surprised that in official political speeches the ideal democracy is put before us while the actual practice of politics on the ground does not always reflect what is preached on podiums. It is in this context, that we, your pastors, in sincerity, humbly express the following concerns:

2.1 Lack of Proper Consultations on National Issues

We note with concern the manner in which consultations on issues of national interest are being carried out. Much as the Government has a right to propose changes on areas of national importance, proper consultations are imperative if the resulting decision is to be upheld as representing the will of the majority and the common good. The consultations that we have recently seen, on such important issues as Bill No. 13 of 2009: Constitution Amendment (Marriage age); Bill No. 14 of 2009: Police; Bill No. 2 of 2010: Local Government Elections (Amendment); Bill No. 10 of 2010: Protected flags, emblems and names (Amendment); Bill 14 of 2010: Pension, leave a lot to be desired.

Consultations must give room to contrary opinions and allow for debate and dialogue. If this is not done, it leads to discontent and can also lead to conflict. If contrary opinions lead to intimidation of individuals or institutions, the dialogue that is required between all stakeholders in a democracy fails.

Changes that are introduced without listening to the legitimate wishes of the people, have the potential of delinking and alienating an otherwise good Government from the very people it serves.

2.2 Intra-Party Democracy

As we said in our previous letter ‘Taking Responsibility for Our Future’ (2008, par. 2.1.1.), within political parties, the party constitution and the leaders must provide ways and means to make it possible for all members to participate fully and give aspirants the opportunity to freely contest for key positions.

Some of the consequences of not paying attention to these elements are: dictatorial tendencies in party leaders and those who surround them, disgruntled party members, factionalism in parties, and break up of parties.

Our conviction is that it is within the political party that democracy starts; it is also here that it starts to fail! The symptoms of this failure are seen when parties give in to the big-man syndrome; when young new blood is not allowed to enter into political leadership. We call upon all political parties to uphold principles of constitutionalism and tolerance within the parties.

2.3 The Media and Freedom of Expression

Informed decisions are made by an informed public. The public media, paid with taxpayers money, have to ensure that the general public remains informed. However, we note with dismay the continuous unbalanced reporting and news coverage.

The public media are used to castigate faith-based and non-governmental organizations that offer alternative contributions to various policies. Besides that the private media have been threatened with closure if they are perceived to be ‘unpatriotic’.

Both private and public media should play a crucial role in promoting a vibrant, well-informed and critical society. This of course also asks from the same media, faith-based organisations and non-governmental organisations that their motivation should always be to contribute to the good of the nation. Their interest should always be the promotion of the common good including safeguarding the rule of law, good governance, reconciliation, justice and peace.

2.4 Politicising Food Security Issues

While the Government has constantly assured the nation that there is enough maize for the country and this year there are indications that we have yet another food surplus, this assurance and the national projected figures have to be translated into food security at household level throughout the country. Though there is enough food in the country, we do not understand why people in areas where harvest failed due to poor rains were not immediately assisted by the Government.

We urge the Government to intensify its assistance in these areas. Furthermore, the national food surplus we have enjoyed over the last five years will be meaningful to the extent that issues of household food security, and the distribution of food to the most vulnerable are addressed adequately.

2.5 Anti-Corruption Drive

We see corruption as an evil which must be eradicated from our society. It is usually the poor who suffer most its consequences. So we do need an anti-corruption drive that tackles corruption at all levels.

Currently the anti-corruption drive is interpreted by the public as driven by the state’s desire to silence and push into submission people who seem to be politically ambitious or critical of some Government decisions.

We call upon the Government to ensure that the Anti-Corruption Bureau acts independently and is given enough resources to start and conclude cases speedily. We urge all stakeholders and citizens to resist corruption and to contribute to its eradication.

2.6 Land Issues

Land is an important asset in Malawi as it is the source of livelihood and the socio-economic development of people. While we acknowledge with happiness the growing infrastructure development in our country and the greenbelt initiative, we note that in some cases, such developments can have the downside of displacing people unduly and thereby creating misery to the very people they are supposed to serve.

We implore authorities to make sure that development projects should be carefully weighed against the livelihoods of both the immediate community and the community at large after a proper dialogue with the affected people.

Displacement of people due to intended infrastructural development, if not handled properly, will create misery and entrench poverty of already poor people. Furthermore, we recommend that in cases where people are relocated, the Government should ensure that people are properly assisted to settle down. Above all, we urge the government to ensure that the nation has full information on the nature and the purpose of Greenbelt Initiative.

We call for a dialogue between all relevant stakeholders to review criteria and processes currently used in the acquisition of land.

2.7 Local Government Elections

In order to ‘take democracy home’ there is need for functional and effective local governance structures and systems. While the local elections have finally been set for April 2011, we sadly note that there is lack of clear information about resources, equipment and personnel to effect various electoral processes.

Subsequently major stakeholders in the electoral processes like political parties, civil society and faith-based organizations are affected negatively. This situation has further been complicated by the recent amendment of the Local Government Act effectively giving powers to the President and the Electoral Commission to decide on the Local Government elections date, rather than making it a constitutional obligation.

2.8 The Office of the Vice President

The Constitution of Malawi recognizes and places value in the Office of the Vice President as the second highest office in the land (Chapter 8, Sections 78-82).

We are concerned with the lack of respect to the Office and the person of the Vice President. We ask the Government to see to it that the Office of the Vice President be given all respect and necessary support.

Conclusion

This is our honest sharing of the joys and hopes, the grief and anguish facing Malawi today. As a nation we have much to be grateful for, but in the process of charting the way forward, we realize that we need to work together. The principles of the common good, love in truth (caritas in veritate) and genuine concern for the poor must continue to guide us. We invite all citizens to take up their responsibility in this honest assessment of ourselves. In so doing, we hope to usher in a new era that is characterised by honest and respectful dialogue and an ardent common search for solutions towards the integral development of Malawi. Wakutsina khutu ndi mnansi!

May Mary, the Mother of Our Lord Jesus Christ and the model of discipleship, intercede for us so that our country may enjoy good governance and development.

Most Reverend Tarcisius G. Ziyaye	Chairman and Archbishop of Blantyre
Right Reverend Joseph M. Zuza	Vice-Chairman and Bishop of Mzuzu
Right Reverend Remi Ste-Marie	Bishop of Lilongwe
Right Reverend Peter Musikuwa	Bishop of Chikhwawa
Right Reverend Thomas Msusa	Bishop of Zomba
Right Reverend Emmanuel Kanyama	Bishop of Dedza

Right Reverend Alessandro Pagani Bishop of Mangochi
Right Reverend Montfort Stima Auxiliary Bishop of Blantyre
Very Reverend Martin Mtumbuka Bishop-elect of Karonga

Dated: Sunday, 31st October, 2010

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