

MALAWI GENERAL ELECTION 2004:

Democracy in the firing line

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Introduction

On 20 May 2004, Malawi held its third multi-party elections, marking a decade of democracy in this impoverished southern African country. However, rather than being an example of a free and fair electoral process, these elections were, at the very least, considered “controversial” by the majority of observers present in the country. Even though the opposition claimed that the vote had been rigged, citing “massive irregularities”, Bingu wa Mutharika,¹ the hand-picked successor of the outgoing president, Bakili Muluzi, was declared winner of the presidential elections. The main opposition parties have challenged the outcome of the poll in the High Court—so far to no avail. The announcement of the results was followed by violent protest and rioting, in which at least four people died, in the cities of Blantyre and Mzuzu.

Background

When Malawi gained its independence from Britain on 6 July 1964, Dr Hastings Kamuzu Banda of the Malawi Congress Party (MCP) became the country’s first president. His regime became progressively more dictatorial, and in 1970 Banda declared himself President for Life. As Phiri observes, from that point on, politics in Malawi under Banda’s reign were “similar to those in the court of an absolute

monarch with no heirs”.²

The start of the 1990s was accompanied by a feeling of growing discontentment among the general population at the economic inequalities and political repression they were subjected to under the Banda regime. In 1992 Malawi was rocked by an unprecedented eruption of strikes, student demonstrations and riots. Donors suspended non-humanitarian aid in May of that year—a measure which effectively supported the pro-democracy movement because of Malawi’s dependence on overseas development assistance. Banda responded to these disturbances by cracking down on opposition elements,³ but his grip on power gradually started to slacken, and he eventually agreed to a referendum on a single versus a multiparty political system.

The referendum that was eventually held on 14 June 1993 saw 63% of the voting population opting for a multiparty democracy. Two weeks later, opposition parties were legalised and an amnesty was extended to all political exiles and prisoners. The new political dispensation led to the formation of an all-party interim administration. Representatives from all the parties were charged with steering the transition to political pluralism. This process culminated in the drafting of a new interim constitution, which was rushed through parliament on 16 March 1994, mere weeks before the presidential and parliamentary elections

were held.⁴ These elections saw Bakili Muluzi of the United Democratic Front (UDF) oust Dr Banda, thereby ending 33 years of autocratic rule in Malawi.⁵

Since the transition to democracy in 1994, political opposition in Malawi has been centred around the Malawi Congress Party (MCP) and the Alliance for Democracy (Aford). The MCP and Aford formed an alliance prior to the June 1999 elections, but did not succeed in gaining a parliamentary majority. These elections were once again won by President Muluzi's UDF.

The National Democratic Alliance (NDA), which officially began as a pressure group consisting mainly of disaffected members of the UDF, was launched as a political party early in 2003 by the former UDF Minister of Transport, Brown Mpinganjira. The new party was expected to make some inroads in the 2004 elections.⁶

The May 2004 elections

The elections which were eventually held on 20 May 2004, were plagued by irregularities and controversy even before the voting started. Prior to their commencement, the Mgwirizano (Unity) grouping, a coalition of seven opposition parties led by the veteran politician Gwanda Chakuamba, took the Malawi Electoral Commission (MEC) to court, demanding a postponement of the original (18 May) election date, to allow for proper scrutiny of the voters' roll. In support of his case, Mgwirizano contrasted the number of registered voters (agreed by all parties to be 5.7 million) with the number of ballot papers printed by the MEC (over 7 million). Justifiably, the opposition parties saw this discrepancy as providing an ideal opportunity for electoral fraud,⁷ expressing a concern that was positively viewed by the High Court. An extension of two extra days was granted, and the new election date set for 20 May 2004. The High Court later granted custody of the more than one million excess papers to the courts rather than the MEC. The Supreme Court of Appeal subsequently overturned this decision, leading to even more confusion.

However, the controversy surrounding the elections and Muluzi's succession plan was not limited to the few weeks before the election. Malawi's constitution allows for only two consecutive presidential terms, an arrangement that precluded President Muluzi from standing for a third term in 2004. However, reports in 2003 indicated the beginning of an active campaign, emanating from influential quarters within the UDF, to seek approval from parliament to amend Section 83 (3) of Malawi's constitution to allow an open-term presidency.⁸ This campaign was preceded by the ruling party's efforts to reduce the majority required to amend the constitution from two-thirds to a simple majority, so as to ensure that the UDF would have sufficient representation in parliament to approve constitutional changes. This was done in anticipation of the all-important debate in parliament concerning a third presidential term. The alteration in voting requirements that would permit this constitutional amendment was approved in November 2001.⁹

The UDF's attempts to manipulate the constitution did not go unchallenged, and church groups and civil society organisations openly declared their opposition to a third term for President Muluzi. Parliament eventually met on 4 July 2002 to debate the proposed amendment to the constitution. While 128 votes were needed for the constitutional amendment (and paradoxically 29 opposition MPs and one independent voted for the amendment), the 59 opposition votes cast against it were enough to block the move. The defeat of the amendment was a positive sign of a strengthening of democracy in Malawi. Muluzi commented, somewhat disingenuously, that democracy called for "tolerance of different views".¹⁰

It is widely believed that after failing to secure a third term for himself, Muluzi chose the 70-year-old wa Mutharika as his successor, reasoning that, as a relatively unknown political lightweight, wa Mutharika would be vulnerable to the influence of a more powerful political force. This would enable Muluzi to continue to run the country from behind the

scenes. This analysis is supported by the fact that Muluzi retained his position as national chairperson of the UDF, effectively ensuring that he would be the “power behind the throne”.¹¹ This would also allow him to protect himself against any charges of corruption in the future. An unintended consequence of this power play was the partial fragmentation of the UDF, with several defections and resignations from the party.

The election results

Unmoved by the storm surrounding his electoral victory, wa Mutharika was sworn in as Malawi’s president on 24 May. The official results for the presidential race gave wa Mutharika 1.1 million votes; 846,457 to John Tembo of the MCP and 802,386 to Gwanda Chakuamba of the Mgwirizano coalition (see Table 1 below).¹²

Reacting to the official announcement of these results, the seven-member Mgwirizano coalition protested, maintaining that its leader was the rightful winner of the election, and vowed to use all available means to contest the result.

Parliamentary voting was postponed in six districts because of errors on the ballot papers. However, in the parliamentary voting that did take place, the turnout was merely 52%. The distribution of parliamentary seats has in the past followed clear-cut regional voting patterns. Traditionally, the UDF has been considered the party of the populous southern region, while the MCP has been regarded the party of the central region. However, contrary to all expectations, the UDF lost its parliamentary majority, winning just 49 of the National Assembly’s 193 seats. The MCP won 59 seats, Chakuamba’s coalition gained 27 and several independent can-

didates managed to secure a further 38. A number of smaller parties accounted for the remaining seats (see Table 2 below).

Table 2: Malawi parliamentary election 2004: official results

<i>POLITICAL PARTY</i>	<i>NUMBER OF SEATS</i>
MCP	59
UDF	49
Mgwirizano	27
Independents	38
Others	14

International responses to the poll

At an international level, strong criticism of the outcome of both the presidential and parliamentary elections was voiced. Yet, the disputes described above notwithstanding, the majority of observer missions endorsed the election as generally peaceful and fair, while at the same time recording reservations with regard to the conduct of the MEC.¹³ Observer missions from the African Union (AU), the Commonwealth and the European Union (EU), together with the Electoral Institute of Southern Africa (EISA), have all expressed concern over the election. Their reasons include poor preparation by election officials, a heavy state media bias in favour of the ruling UDF and, in particular, the ruling party’s abuse of state resources to support its campaign.¹⁴ The Chief Electoral Officer, Roosevelt Gondwe, has denied any wrongdoing, saying that the MEC had taken sufficient care to verify the counting of the ballot papers.

Table 1: Malawi presidential election 2004: official results

<i>POLITICAL PARTY</i>	<i>CANDIDATES</i>	<i>TOTAL NUMBER OF VOTES</i>	<i>PERCENTAGE OF VOTES</i>
UDF	Bingu Wa Mutharika	1 119 738	35%
MCP	John Tembo	846 457	27%
Mgwirizano	Gwanda Chakuamba	802 386	26%

The politics of personality and convenience

Politics in Malawi are disproportionately based on the personality of leaders, focusing on these rather than on policy or ideology. It is for this reason that each of the main parties has experienced leadership challenges and severe internal divisions in recent years. This characteristic of politics in Malawi was evident both before and after the elections, raising serious questions about the actual commitment of political leaders to their professed values and principles.

The MCP has suffered from internal divisions caused by infighting between the party's vice-president, John Tembo (a former "strong-man" of Banda), who came second in this year's presidential poll, and its former president, Gwanda Chakuamba, who came third. Chakuamba emerged as the president of the MCP in a surprise victory over Tembo in 1997. In 2000 the Chakuamba and Tembo factions held parallel leadership elections, which were followed by a lengthy High Court battle over who should lead the party. This split in the MCP subsequently resulted in Chakuamba's leaving the party altogether to form another, the Republican Party (RP).

Chakuamba later revived his political career by emerging as the leader of the seven-party coalition, Mgwirizano, which aimed to act as a counter-balance to the growing tendency to autocracy in the ruling party. However, in an unexpected volte-face after the election, Chakuamba's RP broke faith with its fellow coalition partners by signing a memorandum of understanding with the newly-elected president. This deal paves the way for the president to gain a majority in parliament, effectively consigning the coalition (although not Chakuamba) to the trash heap of Malawi's already bankrupt multi-party democracy.¹⁵

Perils and prospects: yet another trip back to the future?

Even though wa Mutharika has been elected, he has assumed office under a cloud of litiga-

tion and political tension. Neither he nor the governing party can escape Malawi's mounting economic, social and political challenges. In all these spheres, reforms must be undertaken as a matter of urgency if Malawi is to avoid social upheaval, political unrest and further economic decline in the future. However, if the president's speech at his inauguration is anything to go by, there may yet be a glimmer of hope that serious measures will be taken to confront the country's acute economic and political malaise.¹⁶

It is hoped that wa Mutharika's technical expertise in economics and policymaking will eventually translate into the kind of leadership that will transform Malawi's currently un-transparent and disorganised economic and political system. The government's focus in recent years has been almost entirely on getting the UDF re-elected, to the detriment of matters of serious importance to the majority of Malawians. This myopic approach has brought Malawi's economy to the brink of collapse. Recognising the risk, the International Monetary Fund (IMF) has resumed lending to Malawi, even though the performance targets it set previously (particularly with regard to fiscal management) are not being met.¹⁷

In the economic sphere, excessive government spending together with a lack of donor support has caused an explosion of domestic debt, the servicing of which has become a severe burden.¹⁸ The resumption of donor support should allow some of the debt to be retired. If this does not happen, given the adverse reports by the electoral observer missions and a continued lack of control over government expenditure, there is a real risk of a debt default. This would cause a crisis in the banking sector, with serious knock-on effects for the rest of the economy.¹⁹

Officially, economic policy is being driven by the poverty reduction strategy paper (PRSP) published in April 2002. Its primary objective is to empower the poor and diversify the economy away from agriculture, while acknowledging that during the next few years the agricultural sector will be the focus of its efforts. However, Malawi's new government

inherits a legacy marked by poor performance and lack of commitment to the strategy outlined in the PRSP.

In order to face the challenges described above, the new president will have to step out of Muluzi's long, dark shadow. The structural weaknesses inherent in the institutions and political parties entrusted with safeguarding the effective functioning of a multi-party democratic system have unquestionably helped to create an environment in which rampant corruption and the cult of personalities have flourished largely unchallenged. It would be in the interest of Malawians to address these underlying structural problems. This would ensure that future elections represent the will of the majority of the voters rather than the result of manoeuvring by political elites.

Public condemnation of the recently concluded elections in Malawi by leaders in the Southern African region and Africa at large has not been forthcoming. This establishes a precedent (additional to those already set by Zimbabwe and Zambia) of tolerance of the subversion of democracy in the interest of ruling elites who are prepared to cling to power by any means. African leaders need to make it clear that such unconstitutional practices find no support within the AU and the New Partnership for Africa's Development (Nepad), whose founding charters espouse the principles of good governance and democracy. Wa Mutharika's inauguration was attended by Mozambique's President and current Chair of the AU, Joaquim Chissano; South Africa's President, Thabo Mbeki (himself former Chair of the AU and a driving force behind Africa's move towards renaissance); and Zimbabwe's dictator, President Robert Mugabe. Their show of support to the new president puts these leaders' own commitment to democratic values in serious doubt.

Should African leaders, the AU and the international community fail to condemn the glaring injustices that occurred in Malawi's 2004 election, and not take strong measures to redress them, that country is in danger. Malawi may become yet another victim of the culture of impunity, corruption and bad gov-

ernance, a country sacrificed on the altar of political expediency.

Notes

1. Bingu wa Mutharika is a former World Bank economist and former Secretary-General of the Common Market for Eastern and Southern Africa (COMESA).
2. A T Phiri, The authoritarian state in Malawi: The crisis in the path to democratization. *Contemporary African Affairs* 86(63) March, 1999, pp 2-3.
3. C Maroleng, Malawi: The slippery slide towards autocracy. *Situation Report*, Institute for Security Studies, 2003.
4. Ibid.
5. Muluzi had, in the early 1980s, been a cabinet member, but had fallen out of favour with Banda and been sacked.
6. C Maroleng, op cit.
7. IRIN, Malawi: Special report on general elections, 19 May 2004, <<http://www.irinnews.org>> (7 June 2004).
8. Kanyongolo, Besieging the constitution: Third term, second time around. Paper presented at Public Affairs Committee National Stakeholders Meeting, Lilongwe, 10-12 September, 2002.
9. Kanyongolo, op.cit.
10. Maroleng, op cit.
11. Opposition unites against new government, *SouthScan* 19(11) 2004. p 1-2.
12. F Phiri, Mutharika's daunting task, Inter Press Service, Johannesburg, 28 May 28, 2004. Malawi open source society <http://www.poly.ac.mw/polls_images/EU_statement.jpg> (7 June 2004).
13. Phiri, op cit. See IRIN. Malawi: Opposition leaders join ruling party, 4 June 2004, <<http://www.irinnews.org>> (7 June 2004). Later, in an attempt to save face, the remnants of the Mgwirizano, now led by Aleke Banda (head of the People's Progressive Movement) have announced that they will continue with their election challenge in court. John Tembo's MCP have also declared that they will join Mgwirizano in this court case.
14. Opposition unites against new government, op cit.
15. This represents a reversal by the IMF of its policy towards Malawi, bearing in mind that it had not disbursed any funds under the three-year poverty reduction and growth facility (PRGF, 2000 to 2003) since December 2000.
16. Economist Intelligence Unit, Country Report, October, 2003
17. G Munthali. Government expenditure bungle IMF aid, Nation Online, 7 June, 2004, <<http://www.nationmalawi.com>> (7 June 2004).