

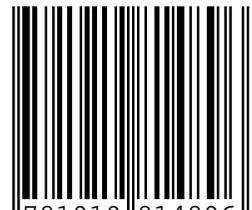


ELECTIONS AND DEMOCRATISATION IN MALAWI: AN UNCERTAIN PROCESS



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EISA is a non-partisan organisation which seeks to promote democratic principles, free and fair elections, a strong civil society and good governance at all levels of Southern African society.



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LIST OF ACRONYMS

ACB	Anti-Corruption Bureau
AFORD	Alliance for Democracy
CCJP	Catholic Commission for Peace and Justice
CHRR	Centre for Human Rights and Rehabilitation
CILIC	Civil Liberties Committee
CONU	Congress for National Unity
CSO	Civil society organisation
CSR	Christian Socialist Republic
CRS	Congress for the Second Republic
DPP	Director of Public Prosecutions
EISA	Electoral Institute of Southern Africa
EU	European Union
FDC	Forum for the Defence of the Constitution
GDP	Gross domestic product
GTZ	German Agency for Technical Cooperation
IMF	International Monetary Fund
KAF	Konrad Adenauer Foundation
MACRA	Malawi Communications Regulatory Authority
MAFUNDE	Malawi Forum for Unity and Development
MBC	Malawi Broadcasting Corporation
MCP	Malawi Congress Party
MDP	Malawi Democratic Party
MDU	Malawi Democratic Union
MEC	Malawi Electoral Commission
MESN	Malawi Electoral Support Network
MGOODE	Movement for Genuine Democracy
MHRC	Malawi Human Rights Commission
MMU	Media Monitoring Unit
MMYD	Mass Movement for Young Democrats
MNDP	Malawi National Democratic Party
MP	Member of parliament
NDA	National Democratic Alliance
NDC	New Congress for Democracy
NDF	National Democratic Front
NECOF	National Elections Consultative Forum

NEX	National execution
NGO	Non-governmental organisation
NICE	National Initiative for Civic Education
NSM	National Solidarity Movement
NUP	National Unity Party
PAC	Public Affairs Committee
PACENET	Pan African Civic Educators' Network
PETRA	People's Transformation Party
PPEA	Parliamentary and Presidential Elections Act
PPM	People's Progressive Movement
RP	Republican Party
SADC	Southern African Development Community
SDP	Social Democratic Party
SNDP	Sapitwa National Democratic Party
TVM	Television Malawi
UDF	United Democratic Front
UFMD	United Front for Multiparty Democracy
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UP	United Party
US	United States

PREFACE

EISA has undertaken various initiatives, which have been aimed at facilitating the nurturing and consolidation of democratic governance in the Southern African Development Community (SADC) region. One such initiative is the first phase of the democratic consolidation research programme. Covering almost all the SADC countries, this research programme focused on the following key issues:

- Elections;
- Gender and democracy;
- Electoral systems;
- Electoral administration;
- Political parties;
- Conflict and elections; and
- Democratic assistance.

This first phase of the project has generated an enormous stock of knowledge on the dynamics of democratic governance in the region over and above the intricacies of elections *per se*. It has demonstrated beyond any shadow of a doubt that indeed there is more to democratic governance than just elections and electioneering. In a word, with hindsight, it is abundantly clear to us today that an election, in and of itself, does not necessarily amount to democratic culture and practice. Put somewhat differently, an election is not tantamount to a democracy, in the strictest sense of the term. Various other determinants are critical too including, *inter alia*, multipartyism, constitutional engineering and the rule of law, gender inclusivity in the governance process, electoral system designs and reforms, transparent and accountable management of national affairs including elections themselves, responsive and responsible conduct by political parties, constructive management of various types of conflict and the form and content of external assistance for democracy.

All these issues are explored in a fairly rigorous and refreshing fashion in the monographs to come out of this programme, although a deliberate focus is given to electoral engineering in the form of reviews and reforms required in the SADC region in order for the selected countries to achieve the difficult goal of democratic consolidation. This monograph will be followed in due

course by various others that are country-specific, exploring a broad array of challenges for democratic consolidation in the SADC region.

I would like, on behalf of EISA, to acknowledge with gratitude the invaluable financial support that EISA received from the Norwegian Embassy through NORAD and the Open Society Initiative for Southern Africa (OSISA) for this first phase of the programme and without which this monograph and subsequent others would not have been possible. I would also like to thank the authors for their enormous contributions to this project. All said and done, the views and opinions expressed in this and subsequent monographs do not necessarily represent an official position of EISA. Any possible factual, methodological or analytic errors in this and subsequent monographs therefore rest squarely on the shoulders of the authors in their own capacities as responsible academics and researchers.

Denis Kadima
Executive Director, EISA
Johannesburg

EXECUTIVE SUMMARY

Malawi went to the polls on 20 May 2004 – only the third democratic election to be held in the country since the collapse of the one-party state in 1993. After independence, Malawi was ruled by an authoritarian one-party state under Dr Hastings Kamuzu Banda and the Malawi Congress Party regime, which was notorious for its bad governance, human rights violations and poor economic management; it was this that gave momentum for a return to multipartyism.

The introduction of multiparty politics through a national referendum in 1993 has, however, brought its own challenges. These include the need to strengthen institutional changes brought about by several legal and policy reforms to consolidate democracy, among which are the Constitution (1995), the Parliamentary and Presidential Elections Act (1993), the Communications Act (1998), the Local Government Act (1998), the National Decentralisation Policy (1998), the Poverty Alleviation Policy (1994) and the Land Policy (2003).

Some teething problems for democratic consolidation include:

- technical weaknesses in the management and administration of electoral processes, which has seen the quality of elections declining since 1994;
- weak electoral institutions prone to manipulation;
- political violence;
- abuse of the youth and marginalisation of women for political gain;
- weak political institutions that cater to undemocratic attitudes;
- a fragmented party system;
- lack of funding and consequent donor dependency;
- a partisan state media;
- abuse of public resources by the ruling parties; and
- lack of political will to implement electoral reforms and to follow electoral rules in the political process.

Unless these challenges are addressed adequately, elections and democratic consolidation in Malawi will remain an uncertain process.

INTRODUCTION

Nixon Khembo

Malawi became independent from British colonial rule in 1964. It is a republic governed by a president who is head of government and state. Malawi is a unitary state with a unicameral National Assembly, local assemblies and three administrative regions. The country was a multiparty state before independence and soon after the collapse of colonial rule; however, most of the political parties that had contested the country's first multiparty elections in 1961 disintegrated when it became clear that the Malawi Congress Party (MCP) would win most of the parliamentary seats, except those reserved for the white minority population. This left the MCP as the sole party in Malawi. Thereafter the MCP, under Dr Hastings Kamuzu Banda, sought to consolidate its grip on power and in 1966 declared the country a one-party state. In 1971 the MCP instituted life presidency for Dr Banda, which became a feature of the one-party state and MCP regime for 30 years.

After three decades of one-party rule Malawi returned to multipartyism in 1993 after a national referendum in which Malawians voted overwhelmingly for a return to a multiparty system of government. After the referendum, the process of democratisation gained greater momentum.

Parliamentary and presidential elections were held in 1994: the parliamentary elections were won by the United Democratic Front (UDF) while Bakili Muluzi of the UDF, a former businessman and politician, led a coalition of several parties and was elected president of Malawi. The MCP became the main opposition in parliament.

Broadly, multipartyism means a state in which opposition parties are legally sanctioned to exist and operate, mobilise resources and voters, seek public office and power and participate in electoral contestation fairly, freely and peacefully.

Malawi is an interesting case study for the consolidation of multiparty democracy in Southern Africa due to its recurring political intrigues. The country has conducted three presidential and parliamentary elections in 1994, 1999 and 2004, while local government elections were held in November 2000. The process of transition and democratic consolidation, however,

remains full of twists and turns. A rigorous analysis of the 1994, 1999 and 2004 elections reveals interesting parallels and surprises. For example, while the 1994 electoral process was largely lauded as 'free and fair', the 1999 and 2004 electoral processes were marred by electoral irregularities and the election results were the subject of legal contestations launched by dissatisfied parties. Indeed, local and international observers described the 20 May 2004 elections as 'free, but not fair'. Most importantly, the 1999 and 2004 elections exposed institutional weaknesses and tendencies that undermine democratic consolidation. This report therefore seeks to analyse some broad questions, namely:

- Is multiparty democracy working in Malawi?
- Are the rules governing the democratisation process in Malawi effective?
- Does Malawi have stable and effective institutions for electoral administration?
- What threats, if any, are there for the process of democratisation in Malawi?
- What can be done to consolidate multiparty democracy in Malawi?

OVERVIEW OF MULTIPARTYISM IN MALAWI

Malawi was a multiparty state during the 1950s and 1960s. The country was at that time under British colonial rule, gaining independence in 1964. Some of the early parties that existed and operated in the country included the United Federal Party, the Christian Democratic Party and the Congress Liberation Party. By 1966, however, “all of these parties, except the MCP, had ceased to exist, as Malawi had become a one party state and remained so until 1993”.¹

A major characteristic of the one-party state and of the MCP authoritarian regime since 1971 was Dr Banda’s life presidency.² The one-party state remained in place from 1964 to 1993, and during this period all opposition parties were outlawed and political opponents to Dr Banda and the MCP regime were arrested, detained without trial, unfairly imprisoned, exiled or died mysteriously.

RETURN TO MULTIPARTYISM

The period before the return to multipartyism was marked by dissenting voices both inside and outside the country. Critics and observers of the MCP regime pointed out weaknesses of governance perpetrated by those in power, such as human rights violations, bad governance, centralisation of power, lack of democracy, social and economic mismanagement and poverty. As a result, the majority of Malawians effectively ejected the one-party state, with 67% of the votes cast in a national referendum in June 1993 favouring a return to multipartyism.

Parliamentary and presidential elections were held within a year after the referendum. The UDF led by Bakili Muluzi won the May 1994 elections and formed government, effectively putting the MCP in opposition. The most important consequence of this electoral process, however, was that both local and international observers praised the 1994 elections as being ‘free and fair.’ The Malawi Electoral Commission (MEC) – appointed by Dr Banda in December 1993 and chaired by Justice Anastanzia Msosa – had successfully managed the electoral process through its administrative efficiency and

effectiveness, and the MCP peacefully accepted defeat. However, this MEC did not last: the new Head of State and Government, Bakili Muluzi, disbanded it in December 1997. (The disbanded MEC contested its dissolution in the High Court but lost the case.) Muluzi appointed a new MEC in July 1998 led by Justice William Hanjahanja, but this MEC did not last either, with Justice Hanjahanja leaving office shortly before the 1999 elections. Hanjahanja failed to run the elections effectively and:

“His biased and partisan conduct became so obvious that his resignation, in the face of pressures exerted by civil society, became imminent.”³

The MEC once again underwent reform, notably change of its top leadership, when President Muluzi appointed Justice James Kalaile as the commission’s chairman. Kalaile led the MEC through the 1999 and 2004 elections, both of which were notably contested in the courts – and with observers characterising the 2004 electoral process as ‘free, but not fair’. Justice Kalaile has, however, recently been replaced by Justice Anastanzia Msosa, who takes up the position of MEC chairperson for a second time.⁴

The passing of the Registration of Political Parties (Registration and Regulation) Bill in 1993 into an act of parliament meant that political parties were free to form and to register. Thus by 1994 numerous new parties were operational in the country. These included the Alliance for Democracy (AFORD), the UDF, the Congress for the Second Republic (CSR), the Malawi Democratic Party (MDP), the Malawi National Democratic Party (MNDP) and the United Front for Multiparty Democracy (UFMD).⁵ By 1999, more political parties had emerged, namely, the Congress for National Unity (CONU), the Mass Movement for Young Democrats (MMYD), the National Democratic Front (NDF), the United Party (UP) and the Sapatwa National Democratic Party (SNDP). In addition, other new parties came on to the scene just before the 2004 elections, including the National Democratic Alliance (NDA), the People’s Transformation Party (PETRA), the Malawi Forum for Unity and Development (MAFUNDE), the People’s Progressive Movement (PPM), the Movement for Genuine Democracy (MGODE), the National Solidarity Movement (NSM), the National Unity Party (NUP), the New Congress for Democracy (NCD), New Dawn for Africa (NDA) and the

Republican Party (RP). As at May 2004 there were a total of 28 registered parties, shifting the party system from a state of relative stability in 1994 to one of fragmentation by 2004.

THE 2004 ELECTIONS ENVIRONMENT AND ELECTION MANAGEMENT

Nixon Khembo

THE PARTY POLITICAL ENVIRONMENT

The contest by political parties in 2004 was governed by the Parliamentary and Presidential Elections Act (PPEA) No. 31 of 1993. Under section 56(2) of the act, “campaigning by or in the name of any political party shall not be conducted in any public place unless the political party has notified the District Commissioner in writing, with a copy of such notification to the officer-in-charge of Police”. Furthermore, section 58 states that “every public officer and public entity or authority shall give and be seen to give equal treatment to all political parties to enable each political party to conduct its campaign freely”. This act, *inter alia*, sets out the legal framework for the regulation of political campaigning – and, therefore, the political environment – in the run-up to Malawi’s elections.

The multiplicity of parties and shifts among these parties in the political system make it difficult to analyse political developments in Malawi. For example, just before the 2004 elections the political scene was proliferated with new and breakaway political parties, mentioned earlier. However, the main focus in the electoral contest remained on the UDF (and its allies), the MCP, NDA and Mgwirizano Coalition: these three political parties and a coalition of seven smaller parties turned out to be the frontrunners after the elections.

The political environment in which the 2004 elections were held was marked by attempts to amend section 83(3) of the Constitution of Malawi to enable the incumbent president to remain in office for a third term, beyond the current constitutional limitation of two consecutive five-year terms of office. The ruling UDF and its allies masterminded the attempted constitutional amendment. The UDF argued that it could not survive without President Muluzi because the party was poor and relied heavily on Muluzi’s financial backing.⁶ Furthermore, they claimed, the country could not at that

point in time do without Muluzi as president as it lacked sound alternative national leaders.⁷ This argument had two implications: first, it meant that Muluzi had centralised power and resources in the ruling UDF; and second, that top echelons in the UDF party had taken on the concept of the life presidency, popular among ruling MCP top brass in 1971. In essence, these political manoeuvres were reminiscent of the Banda era in which political and economic power was highly centralised.

The ruling UDF first tried to amend the constitution in July 2002 to allow President Muluzi and his successors open terms of office. The 'open term bill' was, however, narrowly rejected by parliament when 125 members of parliament (MPs) voted in favour of the amendment and 59 against; thus the bill was three votes short of the two-thirds majority required to pass such a constitutional amendment. The UDF later resuscitated the debate to extend the presidential terms of office by introducing a 'third term' bill in parliament. This bill was deferred to the Legal Affairs Committee of parliament when it became clear that the bill would not receive the required two-thirds majority vote in parliament to have it passed. It was, finally, withdrawn in March 2003.

These attempts to amend the constitution were marked by intense political violence, intimidation and bribery.⁸ Failure to amend the national constitution, however, forced the UDF to change its own party constitution. This was done in August 2003 at a party annual convention and allowed President Muluzi to become national chairman of the UDF; a position which did not originally exist in the party but now combines the powers of the party president and those of the party chairman.⁹ The amendment to the party constitution also removed a requirement which stipulated a 10-year prior party membership for one to contest for the presidency on the party's ticket. This was important since the UDF's 'handpicked' presidential candidate, Dr Bingu wa Mutharika, was a relatively new party member at that time.

The practice of handpicking and imposing UDF candidates affected not only the presidency but also the regional, district and local area structures of the party. For example, UDF MP Austin Mtukula of the Ntheu Bwanje constituency noted that if the party is to be institutionalised and strengthened,

it must stop “imposing leaders in the party’s national executive committee”. The MP added: “If the UDF is in problems [sic], it is all because most positions, especially in the highest levels, are by appointment. If we do not allow people to choose their own leadership, the party will die”. Indeed, Mtukula went on to say that “the leadership in the UDF national executive committee does not command any respect because the people who are there were ‘chosen by a few big fish’ and not the masses”.¹⁰

In fact, the UDF avoided holding an annual convention for 10 years and has not held area, district and regional elections since 1997. This led to the widespread imposition of leaders in the party that later threatened its survival as the UDF faced possible “fall-outs and instability”, which in turn caused restlessness propelled by “the cajoling for power in a transitional change where there is also shifting of paradigms”.¹¹

These developments were important for the May 2004 elections for at least two reasons: first, efforts to amend the national and party constitutions were characterised by inter- and intra-party violence; and second, the after-effects of these efforts – which included the manipulation of the party primary elections – led to party splits and the emergence of a ‘protest movement’ of independent parliamentary candidates. What became clear was that those who supported the constitutional amendment bills were rewarded by being nominated as party candidates in the UDF and AFORD parties, in particular, while those who opposed the bills were sidelined. These two developments created mistrust and loss of confidence between political parties and the electorate.

Political intrigues of this nature, however, did not elude the opposition. The Mgwirizano Coalition,¹² for example, also suffered political tension relating to leadership elections. Eventually, efforts to bring about a ‘grand’ coalition collapsed as two major parties (the NDA and MCP) protested and pulled out of the proposed coalition.

Regionalism and power struggles almost wrecked the MCP when its vice president, Gwanda Chakuamba, left the party to form his Republican Party and former MCP publicity secretary, Hetherwick Ntaba, also left to form the NCD. AFORD too staggered when the MCODE emerged from its rank-and-

file; as did the UDF, when numerous independent parliamentary candidates emerged due to the centralisation of party primaries. Previously, UDF splinter party, the NDA, had weakened the ruling party when the NDA was formed in 2000.

THE MALAWI ELECTORAL COMMISSION

The MEC, for its part, had institutional and legal reforms to sort out before the 2004 elections. These included the need to mobilise funds, procure election material, mobilise and register voters and reform the electoral law to enable the commission to hold local, parliamentary and presidential elections concurrently. Thus, by December 2003 the MEC had started preparing in earnest for holding 'tripartite' elections at local, parliamentary and presidential levels in 2004. Proponents for tripartite elections hoped to overcome the massive voter apathy and cost that had characterised the 2000 local government elections.

However, a major setback came when parliament shot down the tripartite bill, citing lack of time and capacity to prepare for such elections: the MEC was apparently blamed for delaying the legal instrument required for tripartite elections. The commission therefore had to regroup, adjust its budgetary, logistical and administrative arrangements and plan for parliamentary and presidential elections only, although work (including civic education) had already begun that portrayed the 2004 elections as tripartite.

Meanwhile, the MEC clearly had not levelled the playing field with regard to the use of state media and public resources by the ruling UDF, and had also not yet procured donor and government funding for the electoral process.

THE LEGAL FRAMEWORK

It is necessary to look at the legal framework under which the 2004 parliamentary and presidential elections were held. The PPEA (1993), the Political Parties (Registration and Regulation) Act (1993) and the Constitution of Malawi (1995) provide the legal framework for elections. The constitution, under sections 75 and 76, establishes the MEC, constitutes its structure and powers (a four-year term of office subject to reappointment), and prescribes its duties and functions. The PPEA is an enabling act of parliament that

mandates the MEC to manage the electoral process fairly, equitably and in a transparent and accountable manner. This legal framework opens up the political space for all eligible political parties and Malawians to run for public office and to participate in the electoral process through campaigning and voting. The legal framework, to a great extent, also determines the nature of the party system in the country.

ELECTORAL ADMINISTRATION AND MANAGEMENT

The Constitution of Malawi (1994) section 75(i) establishes the MEC with all its powers, mandate and functional scope. Specifically, the enabling PPEA (1993) in section 113 gives the MEC the following powers:

“Save as otherwise provided in this Act, any complaint submitted in writing alleging any irregularity at any stage, if not satisfactorily resolved at a lower level of authority, shall be examined and decided on by the commission and where the irregularity is *confirmed* the commission shall take necessary action to correct the irregularity and the effects thereof.”¹³

The PPEA gives the MEC a clear mandate and formal powers to deal with electoral irregularities and challenges. Certainly, there were several teething irregularities in Malawi’s 1999 and 2004 elections. Institutional and administrative problems that emerged precipitated calls for reconstituting the MEC. Irregularities that affected the electoral process included inadequate voter and civic education, poor voter registration and poor verification of the voters’ roll, which resulted in the number of registered voters increasing from 5.7 million to 6.7 million, including 313,331 voters ‘created’ through a faulty transferring system.

The MEC failed to rectify the biased political coverage by the state-run Malawi Broadcasting Corporation (MBC) and Television Malawi (TVM), both of which favoured the ruling party. Enforcement of electoral laws was not equitable. For example, the MEC was quick to discipline the Public Affairs Committee (PAC)¹⁴ when the ruling UDF complained to the commission that the PAC was biased towards the opposition. Yet, the commission failed to act on the complaints launched by civil society and the opposition regarding bias towards the ruling party by the state media, violence

perpetrated by the ruling party, abuse of public resources by the ruling party and the snatching of voter registration certificates by UDF party agents. The MEC did not put clear measures in place to stop political violence and the snatching of voter certificates or to restrain the ruling UDF from abusing chiefs and state resources, such as the police, for political campaigns.¹⁵ Furthermore, the MEC suffered from poor communication, inadequate human resource management, weak fiscal management capacity, and waning public confidence¹⁶ and trust.

Consequently, the MEC has often failed to exercise its full mandate and powers to level the playing field, as stipulated under the PPEA, 1993, even after it received formal complaints from electoral contenders. Internally, communication structures between clerks, district education officers, district commissioners and the MEC secretariat were bizarre and largely top-down. The transportation of registration materials was a major hiccup despite the fact that government, parastatal and Malawi Army vehicles were deployed for electoral duties in 2004. For example, the MEC failed to collect registration materials from a centre in Nsanje (a district located at the southern tip of Malawi) due to lack of transport. The coordinator of the Catholic Commission for Peace and Justice (CCJP),¹⁷ Chikwawa Diocese, observed that it was unfortunate that the commission showed no interest in collecting material. People were therefore concerned that those who registered might not be able to vote because the material was supposed to be sent to the MEC secretariat for input into the computer system. Moreover, contractual and staff motivation issues also remained unresolved for long periods. For example, after much speculation and bickering, the MEC only increased allowances for registration clerks by 100% after they repeatedly complained that the initial rates were insufficient. Some disgruntled registration clerks almost abandoned their work after the electoral body announced what it would not negotiate their pay, causing anxiety and uncertainty among staff.

There was also no equity in the manner in which the MEC treated its staff. For example, in some centres visited in the Mulanje and Blantyre districts, allowances were often given to security officers, leaving other staff waiting long periods to be paid. Demotivated staff would not work efficiently and this caused problems, such as shortages of electoral material due to lack of delivery.

The technical capacity of the MEC also raised concern in the 2004 elections. Civil society, led by Malawian human rights advocacy non-governmental organisation (NGO) the Pan African Civic Educators' Network (PACENET), for example, indicated that it was not satisfied with the way the country was preparing for the elections. At the preparatory stage, the MEC (as mentioned) delayed the introduction in parliament of the relevant legal framework for tripartite elections and, as a result, the enabling bill failed to pass, which meant that the electoral calendar and budgets had to change. The effects of these setbacks are clear. The MEC expressed regret to the National Elections Consultative Forum (NECOF) for the delay it incurred in bringing up amendments to parliament. MEC Chair, Justice James Kalaile, belatedly told NECOF members to support the commission's initiated amendments and to lobby MPs to pass the bill.¹⁸ In spite of all the problems, however, the MEC received the credentials for presidential candidates on 25 February 2004, followed by those for parliamentary candidates a day later.

Polling was generally peaceful; however, the pre-polling and post-polling phases were chaotic and haphazard. There was questionable transparency and accountability in the tabulation, display and announcement of election results at the MECs tally centre in Comesa Hall, Blantyre City. The announcement of results was unduly delayed and the schedule shifted several times. Oddly, the MEC announced the election results only verbally but could not produce a systematic formal report of the results on time.

Voter registration

As stated, the voter registration process for the 2004 elections was marred by irregularities. There were incidents of under-age people and 'intruders' registering for the elections, double registration, lack of registration materials, confiscation of voter certificates by party agents, poor monitoring of the registration process, procedural confusion on whether the electorate was supposed to register or verify their names, the use of multiple voters' rolls, weak administrative capacity on the part of the MEC, delays in funding and uncertainty created by postponements of the registration process that affected civic and voter education.

Double registration

Double registration, which could lead to vote rigging, was reported as a

problem in the 2004 electoral process. For example, 16 people were arrested for allegedly registering twice in Dedza district and the police confirmed the incident.¹⁹ Similarly, the High Court in Mzuzu district convicted and fined two men for registering twice to vote. Double registration was a common malpractice in the elections due to the confusion and irregularities that characterised the process.

Postponement of registration

The MEC postponed voter registration from 17 November 2003 to 5 January 2004, creating uncertainty among voters. This postponement was ostensibly to allow for voter and civic education exercises that had started late due to delays in donor funding to accredited education organisations.

Twenty-one organisations were accredited to carry out voter and civic education exercises. However, by November 2003 only 11 had been funded. Some of the donors included the German Agency for Technical Cooperation (GTZ), NORAD, the European Union (EU) (1.9 million euros), the United States (US) (US\$500,000), the United Kingdom (UK) (US\$786,164) and Norway/Sweden (US\$1.5 million) which funded the process through a basket fund managed by the United Nations Development Programme (UNDP). By 22 January 2004, the UNDP had received US\$1,927,994 from donors out of the total of US\$4,986,164 pledged for electoral support through the Trust Fund Project.²⁰

Another reason for the postponement of voter registration was insufficient cameras. The MEC had only 2,600 cameras and was waiting for a further 1,600 cameras to come from Lesotho. It was further reported that registration would be done within 14 days at 4,000 centres scattered across the country. However, this did not happen and the opposition observed that the postponement of the voter registration exercise indicated lack of organisation on the part of the MEC.²¹ Extensions of the registration process that followed created budget deficits, forcing the MEC to go back to government and donors to ask for more funding. Although the registration period was extended to allow for more people to register, it was not successful because people still failed to turn up and because of shortages of registration material and lack of civic and voter education on the importance of registering and voting during elections.

Voter apathy

Civil society raised the issue of voter apathy during the registration process, which the MEC denied. MEC Chair Justice James Kalaile dismissed claims by the CCJP Blantyre Archdiocese, one of the organisations accredited to carry out voter and civic education, that there was voter apathy during the voter registration exercise. The CCJP, in its summary of the exercise dated 10 February 2004 and addressed to the MEC, observed that most people were not willing to register and vote because of frustration with the poor performance of some incumbent parliamentarians and political leaders. At least eight of the 20 people (40%) of voting age interviewed at random in Blantyre Rural East constituency indicated they had no interest in voting. The potential voters cited several reasons for not wanting to vote, but a major reason was disillusionment with their MPs, political parties and the electoral process. By contrast, statistics of the elections in 1994 showed that out of 3,775,256 registered voters, 3,040,665 (or 81%) turned up for the poll.²²

Registration materials

Lack of voter registration materials constrained the smooth running of the registration exercise. The CCJP, for example, requested the MEC to consider re-opening the voter registration centres and to provide adequate material to all the centres to enable those voters who were denied the right to register to do so. The CCJP further pointed out in its letter that problems observed during the registration exercise included, among others, political interference, insufficient orientation for electoral staff, the buying of voter registration certificates by some aspiring MPs and politicians, acute shortages of registration material and the registration of under-aged voters.²³ In some places in Blantyre people were even sent away due to lack of registration material. Most centres ran out of registers, duplicates, film, batteries, registration forms and polythene envelopes while registration was in the process. A supervisor at Kapeni Demonstration School, for example, pointed out that she had sent away some 200 people, while elsewhere it was reported that at least 300 people had been prevented from registering due to lack of material.²⁴ Even the PAC interim observation of the registration period indicated that there had been an erratic supply of material such as cameras and film in certain areas, which would negatively impact on the elections. It was reported that in some cases the commission supplied obsolete film and at a number of centres people were registering without photographs, while

others simply registered on plain paper since the centre had run out of official forms. The decision by the MEC to allow people to register without having first been photographed angered NGOs. On 18 January 2004, the MEC urged registration staff at centres which had no film to continue with the exercise, promising that pictures would be taken later.²⁵

In some places there was no equity in the way resources were distributed. The Northern region, for example, was the worst hit by the unequal distribution of voter registration material. It was discovered that some centres received two rolls of film as opposed to the required supply of 77 per centre. In some districts in the north visited by the Centre for Human Rights and Rehabilitation (CHRR) – one of the human rights NGOs in Malawi accredited to carry out voter civic education – it was claimed that voter apathy had been caused by the ill preparedness of the MEC and the failure of donors to release funding on time.

The SADC Parliamentary Forum international observer group recommended that the registration process be extended beyond 25 January 2004 to allow the many eligible voters to register. A statement by the forum proposed that an extended registration period be accompanied by effective civic and voter education. The group observed that the registration process had been fraught with a low turnout of new registrants, due to inadequate civic and voter education, and that the timing of the exercise had not been well formulated, occurring as it did during the farming season.

Ballot papers

In total, the MEC printed 7.3 million ballot papers against its original estimate of 6.7 million registered voters. When the computerised voters' roll was released, it was found that there were 5.7 million registered voters, effectively creating a surplus of one million extra ballots. This raised questions about the custody, security and subsequent use of the extra ballot papers.

When the Mgwirizano Coalition sought court intervention on the matter, the High Court ruled that the extra ballot papers be deposited at a warehouse, locked up and that the keys be kept by the registrar of the High Court. A couple of hours later, however, the MEC appealed against the verdict and the Supreme Court of Appeal reversed the High Court order, allowing the

MEC to take custody of the extra ballot papers. The Supreme Court of Appeal argued that under the laws of Malawi the High Court had no legal mandate and jurisdiction to keep ballot papers.

Registration of 'intruders'

The alleged registration of 'intruders' (foreign nationals) in parts of the Northern region was a serious matter, and was even raised in parliament. Speaker of parliament Davis Katsonga asked Nkhatabay East MP to substantiate claims before parliament's Legal Affairs Committee that Tanzanians were registering to vote in the 2004 elections.²⁶ The alleged registration of foreign nationals was also a problem in other parts of the country, such as in the Mulanje and Nsanje districts, where alleged 'foreigners' came into the country from nearby Mozambique. The PAC appealed to monitors from the CCJP Livingstonia and Blantyre synods to be strict in observing the electoral process. It was reported that there were 'strangers' in the country and that fake ballot papers had been distributed at a number of polling centres. The PAC warned that some transfers of registrants might not be genuine, urging its monitors to be vigilant.

Registration of under-aged voters

The constitutional age for voting in Malawi is 18 years and over. However, MEC Chair Justice James Kalaile noted that some centres in 2004 were deliberately registering under-aged voters and even had multiple registrants. Kalaile received reports that a number of districts, such as Mangochi, Mzimba and Nkhota-kota, had not received enough registration materials and yet people were abusing the limited resources available at some centres to register under-aged voters.

Voters' rolls

The multiplicity of voters' rolls used in 2004 perhaps created the most problems. Since the MEC had failed to come up with one clean and verifiable voters' roll in good time, three voters' rolls were used: the *manual roll*, with the disputed 6.6 million registered voters; the *computerised roll*, which had 5.7 million registered voters; and the *basic registration records*, which had no specific figures for the number of registered voters. The MEC explained that all three voters' rolls would be used to identify eligible voters at the polling centres.

The opposition, however, described the arrangement as chaotic and a reflection of the MEC's incompetence. The Mgwirizano Coalition also argued that the MEC had deliberately failed to clean the voters' roll as a scheme to rig the general elections in favour of the ruling UDF, since it had been warned of the problem two months before polling.

The use of multiple rolls had serious consequences for voter registration and for the voting process. *Daily Times*, for example, visited a number of polling centres in Blantyre district where it was revealed that thousand of voters who had applied for transfers were being turned away without being given satisfactory answers by the presiding officers. The computerised voters' roll in Karonga district had major discrepancies, sparking fears among parliamentary aspirants, civil society organisations (CSOs) and NGOs that many people would not vote. A visit by a *Daily Times* journalist to a number of polling centres revealed that in some areas the figures were either drastically reduced or abnormally inflated. For instance, a clerk at Karonga Community Day Secondary School (a registration centre) was at pains to explain how the figure of 5,263 registered voters was reduced to 2,097. At another centre the figure rose from 2,864 to 6,630. A returning officer in Karonga confirmed the discrepancies but argued that the problem was national. According to the MEC the problem affected the Mulanje, Mangochi, Blantyre and Lilongwe districts and had arisen because registration clerks were using incorrect codes during the registration exercise.

Although there were problems with the voters' roll, the MEC did not have adequate time to clean and verify it. The Malawi Human Rights Commission (MHRC) warned that it was improper to complete a verification of the voters' rolls on the eve of polling day. The MEC, however, argued that it would not have time to rectify any mistakes uncovered in the voters' roll on polling day itself. The MEC further stated that people had lost trust in the electoral process due to other reasons and not because of the voters' roll issue. People were confused because the voting date had been changed and the MEC feared that further date changes would dissuade people from voting.²⁷

The use of three voters' rolls was not only confusing but also made it cumbersome for polling staff to identify voters. This undoubtedly contributed to inefficiency and voter apathy in the electoral process. At the Catholic

Institute in Blantyre City, for example, some voters simply turned away after having waited in long queues for hours on end.

Voter and civic education

Contrary to previous elections, voter and civic education was apparently not a priority of either donors or government in 2004, with the result that the electorate was not encouraged to participate in the electoral process meaningfully. Donors, through the UNDP, disbursed an insufficient US\$1.05 million to some 15 accredited NGOs and CSOs. Delayed voter and civic education meant that people did not know how to differentiate between the registration and verification processes, leading to confusion and double registration, especially among illiterate voters.

Procedural voter education (which is important for informing voters on how to vote) and substantive civic education (which plays a significant role in the electoral process because it informs the voters of the importance of participating in the electoral process) were both carried out poorly for the 2004 elections. Traditional chiefs in Blantyre district, for example, complained that accredited civic educators were ignoring rural areas when carrying out their duties. The T/A Chigaru and T/A Somba constituencies complained that as late as mid-February no accredited NGOs or service providers had undertaken civic and voter education in these rural areas.²⁸

POLITICAL PARTIES, REGIONALISM AND CONFLICT

Nixon Khembo and Eric Mcheka

THE PARTY SYSTEM

The change from a one-party to a multiparty system in Malawi has seen tremendous reforms in the basic institutions of governance. The party system is fragmented and plural, with the number of registered political parties growing progressively from less than 10 in 1994, to 18 in 1999 and to 28 in 2004. It is easy for parties in Malawi to emerge, merge, disintegrate or form alliances and coalitions. The cost of party formation and access to electoral contest is low, and the legal threshold for political parties is liberal. For example, sections 5 to 7 of the Political Parties (Registration and Regulation) Act (1993) provide that for a political party to be registered, it:

- Must provide a list of names and addresses of not less than 100 registered members that:
 - are citizens of Malawi;
 - have attained voting age of voters in parliamentary elections;
- May apply in writing to the Register for registration;
- The application for registration shall be signed by office bearers and be accompanied by;
 - two copies of the party constitution, rules and manifesto;
 - a list of names and addresses of office bearers of the party; ...
- The Registrar may reject an application of a political party if:
 - the application is not in conformity with this Act;
 - the name of the party is (i) identical to the name of another registered party, (ii) nearly resembles the name of a registered party, (iii) is provocative or offends public decency; and
 - the purpose of the party is unlawful.

However, most political parties exist and operate in their regional strongholds as opposed to being national, with AFORD dominating the north, MCP the centre and UDF the south of the country. Although new parties have emerged and infiltrated this regional divide, the regionalisation of politics (as we shall see later) still remains as it was in 1994.

CAMPAIGN STRATEGIES

Political campaign strategies during the 2004 elections included handing out money, maize, clothing, bicycles, sugar and salt to the electorate. Candidates also provided transport for their supporters to and from public rallies. For the ruling party, this included the use of public resources to finance UDF party campaigns, even at presidential level:

“Just take the presidential behaviour of dishing out money to people at rallies and allowing MPs to beg at such rallies. Who checks on such behaviour and who audits such money? What is the use of the Budget Session of our Parliamentarians? If Bakili Muluzi cannot go to an area, does it mean the people in that area have no needs demanding money in this country? Where does Bakili get such money to dish out at will like this?”²⁹

The use of money for campaigning during the 2004 elections became an issue at parliamentary level as well. Moreover, political violence played long into the pre-polling and post-polling phases of elections, sometimes over issues regarding electoral money. On 18 May 2004, only two days prior to the elections, President Muluzi in a national address monitored on radio MBC cautioned that political violence was a threat to democratic values and warned perpetrators that they would face the full wrath of the law. The Catholic clergy led by Archbishop Tarcisius Ziyaye of Blantyre Archdioceses also noted this trend and criticised the buying of voter certificates by alleged ruling UDF party politicians.³⁰

CAMPAIGN MANIFESTOS: A SUMMARY

Political parties both inside and outside government face relative constraints when it comes to developing party ideologies: that is, there are no specific incentives derived from the advantages of incumbency for the development of ideology. Thus, in the prevailing context, the liberal democratic state:

“does not become a vehicle for ideological conversion. Even in practice, liberal democracies have rarely advantaged ruling parties at the ideological level except by providing them with resources to help them build up their organisations. By contrast, outside the liberal democratic world we find a number of regimes where control of the state has been used directly to advance party ideology.”³¹

It is in this context that we analyse the manifestos of the NDA, UDF, MCP and Mgwirizano Coalition.

NDA: 'Towards a prosperous Malawi – Unity, peace, justice and prosperity'

The NDA's 2004 election manifesto focused on gender – a “greater role for women in decision making and development”. According to the NDA, Malawi's population comprises 51% women, who play a significant role in all spheres of economic and social life apart from the vital contribution they make to their households. The NDA sought to address the current situation whereby women's voices have not been sufficiently recognised in government and legislation. It argued that during the former administration, women constituted only 12.1% of cabinet ministers, 8.3% of MPs and 8.8% of councillors. Women are not supposed to lack access to productive assets and essential services. The NDA's commitment was to: ensure that all gender perspectives are mainstreamed in all development policies and programmes; promote gender equality; increase the representation of women in government decision-making structures; strengthen the participation of women in social and economic activities; work to promote the well-being of women both in rural and urban areas; include women in key positions of the public and private sectors; provide loans to women's income-generating activities without discrimination; expand girls' access to education and security institutions; and ensure that the special needs of women are adequately catered for across all sectors.

The NDA pledged to eradicate corruption by ensuring that the Anti-Corruption Bureau (ACB) operates impartially and free of political interference. The NDA promised to nurture and promote the independence and professionalism of the ACB and to ensure that it is answerable to parliament and prosecutes cases without first seeking consent or approval

from the Director of Public Prosecutions (DPP). The NDA would encourage and support the ACB to educate and train the citizens of Malawi about the evils of fraud, bribery and corruption.

The NDA would reintroduce a senate in order to promote good governance, since a senate would provide checks and balances *vis-à-vis* the legislative arm of government. The responsibility of the senate would be to scrutinise all bills passed by the National Assembly and, when necessary, act as a check on government activities. Similarly, the NDA declared its commitment to the rule of law and human rights once in power. The NDA is eager to review and repeal all the constitutional amendments affected under the UDF leadership that aim to benefit those in power. The party sought to establish a truth and reconciliation commission to expose abuse of office and the perpetrators of atrocities in order to heal past wounds and establish genuine reconciliation.

To improve economic performance, the NDA would ensure that public borrowing is done not to finance recurrent spending, devaluation or unbudgeted expenditures but to enhance productivity and create wealth. The NDA is of the view that it should be incumbent upon everyone to help crack down on dishonesty in the declaration of taxable income earned and in the revenue collection system. To expedite economic growth and development, the NDA would implement a policy that would initiate negotiations to reschedule external debt, seek debt forgiveness and swap domestic debt for external debt, in order to give the economy more breathing space and to release resources tied into debt servicing for development. All debts owed by politicians to businesses supporting relevant institutions would be expeditiously settled. Furthermore, the NDA would formulate and implement policy instruments aimed at nurturing the effective involvement of the private sector in a development effort to promote an export culture, discourage all non-essential imports, intensify the 'Buy Malawi' campaign, stabilise the local currency and restore confidence in the money markets.

The NDA would ensure that a just and democratic society is entrenched in Malawi – a society that is predicated on the fundamental spiritual and ethical values nurtured and sustained by the teachings of God. The welfare of families and the future of children is a major concern for the NDA. Moreover,

the NDA aimed at rekindling in individual Malawians a culture of hard work and a self-reliant spirit. The NDA further pledged that it would campaign against fraud and corruption, poverty, food insecurity, low standards of education and health services, the debt burden and low productivity in the public sector. Other sectors of focus included labour, public/civil service, trade unions, commerce and industry, science and technology, infrastructure, security, defence, international relations, democracy and governance, the environment, housing and tourism.

UDF: 'Forging ahead with social and economic transformation – Unity, democracy and development'

The UDF also placed greater emphasis on gender. According to the party, rural women spend their day fetching water and firewood, cooking and washing, tending gardens and nursing children and the sick. The UDF stated that due to gender socialisation and discrimination, many women are left out of the development process and end up illiterate, under-employed and exploited. The party argued that it would put extra resources aside for the empowerment of women. Furthermore, the UDF would ensure that every underprivileged woman is able to support herself and her family. The UDF would protect women from gender-based violence and discrimination by enforcing and refining the existing legal frameworks. The party would ensure that women participate fully in gainful employment, politics and decision making. Among its achievements, the UDF-led government in the past 10 years developed a National Gender Policy, which is guiding the inclusion of women in all aspects of social, economic and political development. Women have been accepted in the military service and are pursuing careers in non-traditional fields including the police, civil aviation, fire fighting, quantity surveying and the clergy.

The status of women in decision making has also improved. Compared to 10 years ago when women did not perform leadership roles, the nation has elevated women to the positions of chief executives, high court judges, ambassadors, principal secretaries, cabinet ministers, deputy ministers and deputy mayors. However, despite the fact that women account for 51% of Malawi's population, female access to educational opportunities are still limited. There is a high drop-out rate among girls at the lower primary level. As a result, few girls enter secondary school. Those who access secondary

education often do not perform well enough in national examinations and are not selected to enter colleges and universities; women account for only 25% of enrolment at higher education institutions. This situation impacts on women's participation in mainstream development, with 91.5% of management and decision-making positions still being occupied by men. For example, in the recently ended Muluzi administration (second term) there were only 17 female MPs (183 were male) and four female cabinet ministers (42 were male). In addition, gender-based violence persists, leading to physical and sexual abuse, unwanted pregnancies and high HIV infection rates: in 1999 there were 8,000 cases of violence against women. The UDF promised to introduce an affirmative policy which would guarantee that women are represented in all sectors of the economy.

The UDF prides itself for introducing the multiparty system of government following the collapse of the one-party regime. It argued that under the one-party system of government, people lived under a reign of terror, oppression and subjugation. Citizens had no guarantees of human rights and fundamental freedoms, and as a result people lived under constant fear of arrest, torture and harassment. The institutions for economic change and transformation had been personalised and the private sector had become so monopolised that it could not effectively contribute to the economic development of the country. Freedom of worship was so controlled that Christians and Muslims alike had no rights to worship freely, as guaranteed under the United Nations (UN) Charter.

Some of the UDF's achievements cited in its manifesto include the establishment of the Human Rights Commission, the ACB and the Office of the Ombudsman. According to the UDF these institutions have helped to guarantee the freedoms and rights of ordinary citizens and have improved governance. The UDF pledged to strengthen the arrangements and powers of, among others, the Human Rights Commission, the Inter-Ministerial Committee on the Human Rights and Democracy, the ACB and the Office of the Ombudsman.

The UDF is determined to assist individuals, particularly young people, to make a meaningful transition from school to work. The UDF would therefore continue to offer opportunities for skills training and entrepreneurship

through the Technical, Entrepreneurial and Vocational Education Authority programme as well as through expansion of the primary and secondary school system to include technical subjects. The UDF believes that Malawi has the potential to curb unemployment and to create a vibrant economy through investment in human resources development. It wished to create an environment for the growth of the private sector that would create more middle-income job opportunities for the many school leavers who are currently unemployed.

To maintain pro-poor policies for poverty alleviation, the UDF promised to promote housing development and jumpstart the construction sector; the UDF would strive to achieve a gross domestic product (GDP) growth rate of at least six per cent a year; foster the growth of small- and large-scale businesses and encourage cross-border trade and investment. Sound economic management aimed at achieving low and stable inflation rates, low interest rates, stable economic exchange rates and a production-oriented tax policy would be put in place. The UDF would capitalise on the pivotal role of domestic and international trade as well as domestic and foreign direct investment as the key mechanisms for achieving growth. Agricultural and social sector improvement – that is, technological reforms and investments – would be the central pins for growth and development. The party's focus included empowering local communities, guaranteeing food security, delivering universal health care, advancing quality education, creating opportunities for employment, focusing on economic prosperity, investing in infrastructure, protecting the environment, advancing youth development, consolidating freedom and democracy, and establishing a secure Malawi.

MCP: 'Reconciliation, reconstruction and development'

The MCP manifesto emphasised gender as an aspect of 'reconciliation, reconstruction and development'. The party recognises that 51% of Malawi's population are women, but that are under-represented in positions of power and influence. To reverse this trend the party pledged to implement the Blantyre SADC Declaration on Gender and Development with immediate effect. Thus, an MCP administration promised to ensure that women occupy 30% or more of all the decision, policy and managerial positions in government as well as to encourage the private sector to play a key role in

development. The MCP would legislate against domestic violence to protect women's rights. Furthermore, the party is ready to encourage women to participate in presidential, parliamentary and local government elections in order for them to participate fully in the governance process. The party also promised to amend the Wills and Inheritance Act in order to protect widows, widowers and orphans from having their property snatched away from them by greedy relatives. The MCP is ready to actively support those NGOs promoting women's rights in order to expand coverage of their services to rural areas.

The MCP pointed out that Malawians are eager to have a government that would guarantee them food security, internal security and proper fiscal and monetary management. The MCP promised to reverse the declining trend in socio-economic development by developing a sustainable economy and state infrastructure, providing jobs and making life better for all Malawians. This would be achieved by, among others, reducing government over-expenditure and economic mismanagement, initiating projects and programmes aimed at economic growth and development, correcting imbalances in resource distribution, eliminating inequalities prevalent in society, reducing corruption at all levels, supporting and subsidising production instead of consumption, empowering all Malawians to take part in the development process, creating a feeling and spirit of loyalty, as well as patriotism and pride in being Malawian. The MCP realises that private sector investment is the key to fuelling economic growth and development. It therefore pledged to give the Malawi investment promotion agency the necessary support to fully discharge its mandate of attracting, promoting and facilitating direct investment.

The MCP would be committed to the propagation of a vibrant democratic Malawi by nurturing the development of a robust democratic culture and fostering the enjoyment of human rights and democratic freedoms through the full participation and institutionalisation of democratic traditions, thereby providing a catalyst for peace, stability, unity and progress. The MCP promised a state guided by the principles of true democracy, equal rights, self-esteem, self-respect and respect for others, non-regionalism and non-sexism. The MCP pointed out that the president should not remain in office beyond two consecutive five-year terms, and under no circumstances would

the MCP succumb to pressure for amendments to the relevant section in the constitution. The president and cabinet would duly be accountable to the people through the National Assembly. The party promised a system of justice that is not only fair but is seen to be fair for the consolidation of democracy and economic prosperity. The MCP would ensure that the judiciary is truly independent of the executive, receiving direct funding from the Reserve Bank of Malawi. It would separate the offices of attorney general and minister of justice so as to ensure non-partisan, free, fair and professional advice on legal issues. The MCP believes that while MPs' decisions to run as independents are often presented as a manifestation of democratic freedom – namely, freedom of association and choice – in truth, such decisions are disguised self-interest that frustrate the electorate. The MCP stated that this freedom would no longer be abused as the party would institute legal reforms to curtail this development. To ensure popular legitimacy of government the MCP would promote the virtues of good governance, accountability and transparency. For the MCP, a tightly secure human and civil rights environment, both domestically and internationally, is propitious to rapid social, economic, political and, not least, spiritual development.

The MCP promised to fight corruption by empowering the ACB accordingly. The MCP would ensure that the requirement for the ACB to obtain consent from the DPP in order to prosecute is removed. The Declaration of Assets Act would be implemented under an MCP regime. Furthermore, the party, in close collaboration with partners in development, would implement economic reforms in a way that does not jeopardise the welfare of the people of Malawi. The MCP's fiscal policy would be based on the realisation that the revenue base is very small and has shrunk drastically over the past 10 years. The MCP would put in place a growth-oriented policy focusing on providing an enabling environment for economic growth, trade and investment. Fiscal discipline would be ensured through the following policy measures: reducing the number of cabinet positions by merging some related ministries and departments; priority in capital and recurrent expenditure would be given to social sectors such as health and education; reviewing fiscal policies that unnecessarily constrain entrepreneurship; the budget would be formulated in consultation with wider sections of civil society in order to streamline the budget session in parliament; encouraging private sector involvement in spheres such as health, education and transport, which

are traditionally considered as the government's domain, so as to ease pressure on the increasingly limited budget; and retiring public sector debt. Regarding monetary policy, the MCP pledged to safeguard the independence of the central bank. The MCP would revitalise the Loans Board, which is responsible for ensuring that government sticks to a statutory limit on public borrowing.

The MCP is ready to use the new Public Financial Management Act (2003) to ensure fiscal discipline, transparency and prudent management of public resources. In matters of fiscal management, the MCP promised to foster cooperation with all development partners involved. Furthermore, it promised to make use of World Bank, International Monetary Fund (IMF) and UN advice. Bilateral donors would receive cooperation from the MCP because the party believes in 'contact and dialogue'. The MCP pledged to improve the social sectors, reform the agricultural sector and manage the economy prudently.

Mgwirizano Coalition: 'Governance for sustainable development'

The Mgwirizano Coalition also noted that gender imbalance between men and women in both economic and social life is still a problem in Malawi. The Coalition believes in gender equality and that women should have equal access to education and employment, among others. The Coalition promised to do the following if elected into government: prohibit any form of discrimination and violence against women; facilitate women's access to productive resources and opportunities; strive to achieve 30% women's participation in politics and decision making; and promote the education of girls. The Mgwirizano Coalition would fight corruption in all public and private places. The Coalition pledged to: strengthen institutions that enhance transparency and accountability; amend the current legislation to increase the power and independence of the ACB; enforce transparency in the public procurement of goods and services – that is, the director of public procurement would be accountable to or operate under the supervision of the president; and devise new and innovative strategies to reduce opportunities for corruption, such as reducing the discretionary powers of public officials.

The Mgwilizano Coalition embraces multiparty politics. This includes accountability, rule of law and the promotion of human rights. However, in order to enhance good governance the Coalition would do the following:

reform the law regarding the electoral commission to make it independent and not based on party representation; appointment commissioners through public advertisements for application to a panel of high-profile individuals; strengthen and expand the requirement of declaration of assets beyond the current provision to include senior public officials – officials who failed to declare and/or disclose their assets would be disqualified from holding public office; introduce legislation that calls for disclosure of political party financing above a certain threshold; and enhance the separation of powers between the executive, legislature and judiciary in a system of checks and balances.

The Mgwirizano Coalition promised to promote the private sector and revive the economy by bringing it back on track. A state–private sector partnership would encourage investment while government would provide an environment conducive to investment through developing infrastructure and formulating predictable political and economic policies that would attract foreign investors and improve productivity. The Mgwirizano Coalition aimed to stabilise the macro economy by ensuring low debt (especially domestic debt), low interest and inflation rates and stable exchange rates; reducing the budget deficit through expenditure control measures and avoiding printing money; limiting the size of cabinet ministries, including the presidency; lobbying the international community to cancel external debt and help Malawi to retire domestic debt; attaining economic growth rates of above six per cent a year in order to reduce poverty in the country; enforcing a system of performance budgeting in which measurable targets are set and disbursements are made on the basis of quarterly achievements; publishing budgetary reports and service delivery survey reports; and ensuring that pro-poor allocations in the budget are protected.

The Mgwirizano Coalition pointed out that it is a coalition made up of seven political parties in an alliance of both young and experienced politicians who are dedicated to uplifting the welfare of all Malawians regardless of gender, race, creed, religion or country of origin.

CAMPAIGN MANIFESTOS: IDEOLOGICAL DEFICITS

We understand ideology “as a ‘worldview,’ the overall perception one has of what the world, especially the social world, consists of and how it works”.

It is a “complete and self-consistent set of attitudes, moral views, empirical beliefs and even rules of logical discourse and scientific testing”.³² An ideology can at once be “highly relative” and “even purely subjective” and “might not ever be capable of reconciliation” as it offers “different and incompatible explanations”. Thus, a social ideology might be based on the worldview of different social classes with a particular set of beliefs and values: “Often an ideology means nothing more than a particular set of beliefs and values, with no specific view about which set is correct, nor any special theory on how they come about it”.³³ That is why liberalists, communists, socialists and other variants view the world in different ways.

Malawi has been categorised as a liberal democracy.³⁴ In a liberal democracy, it is argued, “parties must compete against each other regularly for the vote of a mass electorate. This competition affects how ideologies develop and are modified, the incentives facing a party to acquire supporters and members, and how its organisation develops and is modified”.³⁵ Furthermore, “what characterises a liberal democracy is not just the presence of competitive elections, but also the existence of a whole series of intermediate institutions in society and of particular political values”.³⁶ Specifically, “it is the high level of economic development in liberal democracies that forges a link between liberal democracy and the growth of ideological parties. It is not party competition *per se*, it could be contended, that brings this about”.³⁷

By being liberal, however, Malawi is associated with an open society in which people and civil society are free to develop and propagate different ideologies. As in many liberal societies, this ideological promiscuity retards the growth of ‘ideological intensity’. On the one hand, for example, AFORD’s 1994 ideologically mixed campaign manifesto, “clearly reflected a tension between the liberal and socialist propensities” summed up as “ideological ambiguity”.³⁸ The UDF manifesto, on the other hand, has been generally liberal, appearing at times as a wholesale carbon copy of Western political ideologies, or a misfit that does not take due account of the existing cultural, social and political resources in Malawi and Africa. The MCP simply found it difficult to build its new ideological outlook after 1993. The MCP’s 1999 manifesto was therefore “squarely conservative in its provenance and appeal” – a mere nostalgic vision of national welfare and a hankering for a possible

return to the management system of the Banda era.³⁹ In this sense, “given the loose and largely not ideological structure of the parties, it is not surprising that charismatic individuals should build personal followings which can bestow favours or create problems for parties in equal measure”.⁴⁰ Indeed, ideological deficiencies of political party institutionalisation in Malawi have provided incentives for “power mongering” generally and “personality clashes” in particular between party leaders, thereby causing and fuelling intra- and inter-party conflicts and political violence that cannot be easily resolved.⁴¹ In this institutional state, political parties have not effectively tackled problems of national unity, cultural identity, land reform, the peasantry and civil society.⁴² As a leading historian has put it:

“It is a sad, open fact that the political parties we have in Malawi are weakly grounded ideologically and preoccupied with a narrow range of national issues. For example, a study of the profiles and views of 12 of these parties carried out at the end of 1998 by the Department of Political and Administrative Studies at Chancellor College, University of Malawi, revealed that most of them were incapable of justifying their existence ideologically.”⁴³

Indeed, as can be deduced from the 2004 party manifestos, no single party or group of parties stresses ideology as the basis for developing and articulating its beliefs and values. Rather than promoting beliefs and values, parties in Malawi are structural ‘issue pushers’ that appear less coherent and systematic and are not committed to values and beliefs. In other words, despite the availability of ideological resources in the country – such as the existence of more than 80% of the peasantry in the countryside, about 15% of the population involved in the workforce and the emerging political elite – parties still fail to articulate the particular interests of these social strata. All parties prefer gender: meaning the role and opportunities of urban women, working women, business women, housewives, rural women, schooling women and loitering women. They articulate quite amorphously the interests of both small and large business, estate and smallholder farmers, the private sector, spiritual values and the idea of God and human rights as opposed to property rights, capital and labour rights. Indeed, Western donor

influence injects an overdose of neo-liberalism into the political thinking of parties in Malawi; but then liberalism itself has various strands that do not exist in Malawian parties. Instead of curving class interests, values and beliefs these parties merely go home and cultivate fields, fallows and dig holes for ethnic and regional agglutinations.

CAMPAIGN AND PARTY FUNDING

There are no clear intra-party regulations and rules governing the accountability of party funding in Malawi, which means that parties do not account for their funding to the public and lose credibility with potential donors. This, of course, weakens parties' fundraising capacity, which in turn limits their administrative and logistical capacity to monitor elections.

Parties do not have a clear source of funding and are not obliged to disclose their sources by law, except in the case of parliamentary funding. As a result, parties have been known to collapse due to lack of sustainable funding and lasting infrastructure. Party monitors work without contracts during elections and their conditions of services vary from party to party. Parties have been known to default on payments to monitors once the elections are over. Some of the funds meant for party monitors end up being abused by party officials because there are no strict and enforceable rules and regulations for fiscal accountability.

Lack of funding hampers party institutionalisation and development as most political parties do not have constituency secretariats: that is, they lack equipment, personnel and some have been known to operate from the backyard of their leader's house. This state of affairs encourages incumbent parties to resort to centralisation of power and the abuse of public resources. The result is that intra-party democracy in Malawi is malnourished.

POLITICS OF REGIONALISM AND INEQUALITY

For the 2004 elections 1,268 parliamentary candidates vied for 193 parliamentary seats and five presidential candidates competed for the presidency.

The size of parliament in Malawi expanded from 177 parliamentary seats in 1994 to 193 seats in 1999 and 2004. Nevertheless, inequalities in representation

remain as some constituencies are larger and less accessible than others. There is therefore need for the MEC to review constituency boundaries, as provided for by the constitution.

As noted above, the distribution of parliamentary seats largely reflects regionalism. In 1994, for example, AFORD won 36 seats: 33 in the Northern region and three in the Central region, but none in the South. The MCP won 61 seats: 56 in the Central region and five in the South, but none in the North. The UDF won 85 seats: 73 in the Southern region and 12 in the Central region, but none in the North. The trend towards regionalism was also reflected in the 1999 elections. AFORD secured 30 seats: 29 in the North and one in the Central region, but still none in the South. The MCP secured 62 seats: 54 in the Central region, eight in the Southern region, but still none in the North. The UDF secured 93 seats: 76 in the South, 16 in the Central region and 1 in the North.

The 2004 parliamentary election results demonstrate that while regionalism remains a political factor in that AFORD, the MCP and UDF still won most seats in the Northern, Central and Southern regions respectively, the regional power bases of the main political parties have been weakened (see Table 1). Thus, AFORD's Northern region stronghold has been infiltrated by MGOODE, PPM, NDA, PETRA, RP, UDF and independents. The Central region, an MCP stronghold, is divided among the PPM, UDF and independents. Likewise, the UDF stronghold in the South has been shared by the NDA, RP, PPM and independents. This suggests that the electorate may no longer be viewing regionalism and the origins of their party leaders as decisive factors for political choice, but rather the quality and competitiveness of individual candidates and parties (see Table 1).

CONFLICT AND INTRA-PARTY DEMOCRACY

Primary elections for candidate nominations were mostly disputed by party members and aspirants in 2004. The main concern raised was that the process of candidate nomination was undemocratic and allowed party leaders and incumbents to impose candidates on party members. Indeed, court cases started emerging even before the parliamentary and presidential elections took off. Some members took their parties to court alleging primary election irregularities. The UDF, for example, was taken to court for unfair primary

elections by, among others, Symon Bwanali (Balaka North constituency), David Banda (Blantyre Malabada), Clement Khembo (Chikwawa East) and Rosemary Lapukeni (Mchinji South West). The MCP was taken to court by Jodder Kanjere (Ntcheu North East constituency) and Jossy Nthani (Mchinji West), while the NDA was challenged for similar reasons by Steve Tchauya (Lilongwe North West constituency). This was the first time that parties were challenged at this stage of the electoral process; however, it raised the legitimate role of the courts in the electoral process.

This lack of intra-party democracy and weak party institutionalisation led to the formation of breakaway parties from the UDF, AFORD and MCP. In addition, growing numbers of party members stood as independent candidates in protest against the imposition of candidates by party leaders. Furthermore, the candidate nomination process was problematic because of the structural shortfalls in administrative channels of communication and poor organisational lines of authority and command, unverified party

Table 1: Parliamentary results by party and region, 2004

Party	North	Central	South	Totals
AFORD	6	0	0	6
CONU	0	0	1	1
MCP	0	57	0	59
MGOE	3	0	0	3
NDA	1	0	7	7
PETRA	1	0	0	1
PPM	6	1	1	8
RP	6	0	9	15
UDF	2	8	39	49
Independents	6	5	28	39
<i>Subtotals</i>	<i>31</i>	<i>71</i>	<i>85</i>	<i>187</i>
<i>By-elections</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>6</i>
Totals	33	73	87	193

Source: Compiled by authors based on MEC 2004 parliamentary results.

membership, lack of resources and infrastructure, and a culture of centralised rule mostly carried forward by political leaders who have been in politics since the one-party state and who occupied prominent positions in the former MCP regime.

For example, the ruling UDF after scrutinising parliamentary candidates in Blantyre resolved to drop 15 candidates who had already won the party's primary elections. The UDF was eager to remove those with questionable allegiances to the party leadership. Furthermore, some UDF parliamentary aspirants accused party officials of deliberately dissolving the existing party structures such as constituency committees, in order to impose or advantage their favourite candidates during the primaries. One aspirant, Ken Ng'oma, complained that the serving MP for Lilongwe City West had put in place new and parallel structures to by-pass party protocol in order to ensure a win during the primary elections. A similar case occurred in Blantyre Rural West where Nicholas Kachingwe was accused of manipulating the constituency structures against rival Richard Mwaile, who eventually left the UDF and stood as a CONU candidate; Mwaile subsequently won the election. In Nkhatabay South constituency, disgruntled UDF officials described the tendency to impose candidates by party leaders as "corrupt", and threatened to leave the party.

A total of 327 independent candidates contested the 2004 elections. Many of these candidates had left their political parties due to lack of intra-party democracy and centralisation of power. The ultimate effect was that political parties failed to perform better in elections and to win the electoral mandate to form government. Instead of structuring and mobilising votes, intra-party conflicts eventually split the vote and weakened the chances of some parties to win the election. In turn, electoral losses provided incentives for parties to form a government through coalitions and alliances, if not to disband altogether after elections.

CONFLICT AND THE ROLE OF THE YOUTH

Inter-party relations during the 2004 elections were also a mixed bag. Political conflict between parties was widespread during the run-up to the elections. These conflicts were perpetrated mainly by the youth wings of the various political parties, such as the UDF's Young Democrats, instigated by senior

politicians as a way of intimidating political opponents. Opposition parties too engaged in political violence and conflict. For example, the Soche Magistrate's Court granted bail to three people alleged to be members of MAFUNDE for assaulting NDA members. Three youths disrupted an NDA rally held at Chikuli Primary School in Chileka and assaulted four people in the process. The Mgwirizano Coalition planned to sue police officers who allegedly shot two people at Njamba Park in Blantyre on the eve of the elections. About 30 armed police officers stormed Njamba Freedom Park to stop the first Mgwirizano Coalition rally after the Blantyre City Assembly had issued an eleventh hour ban on the rally because President Muluzi was holding another rally in Bangwe Township, about eight kilometres away. In all these there were confrontations between the various youth party militias.

It is difficult to conclude that the youth in Malawi are typically prone to violence. What is clear though is that they are used for political gain by party leaders. Even after training such as that run by the Centre for Social Research, University of Malawi and funded by the Konrad Adenauer Foundation (KAF) to coach 'young politicians', the youth are rarely encouraged to take civil roles in party politics, thereby creating frustration and vulnerability that is exploited by senior politicians.

Senior party politicians often collude with the police to shield perpetrators of political violence, mostly the youth. It is therefore not surprising that, generally, where the ruling party has been involved in acts of electoral and political violence, the police have failed to act. Under such circumstances, 'police investigations' on the matter go on endlessly; however, when the opposition and CSOs are involved, the police have acted swiftly.

CONFLICT RESOLUTION

The 1999 and 2004 election results were characterised by violent protests, loss of life and a host of litigation. The main causes of intra-party conflict are the centralisation of power and the undemocratic candidate nomination procedures discussed above. The 2004 elections were, however, unique in that even the party primaries were challenged in court, with the courts providing safety nets and arbitrating these conflicts. But this does not resolve the persistent cause of intra-party conflict *vis-à-vis* weak intra-party democracy in Malawi.

Inter-party conflicts and violence were also common. For example, NDA leader Brown Mpinganjira and members of his entourage, including members of the clergy, escaped unhurt when about 20 Young Democrats armed with stones and machetes allegedly deployed by deputy UDF Director of Youth pelted stones at their vehicles while a service was in progress. Increasing incidents of violence during political rallies pose a threat to democratic principles, human rights as well as to the safety of the country and political sectors. The PAC noted that even religious leaders were being beaten, and chiefs were being forced to set up branches of specific political parties or were being intimidated when they allowed parties other than the ruling party to hold meetings in their areas.⁴⁴ Suspected UDF Young Democrats also beat up an NDA supporter at Kachere Market in Blantyre after he refused to remove his flying NDA flags from the market. Political violence was widespread in the Mulanje, Phalombe, Kasungu, Nkhata-Bay, Ntchisi, Blantyre, Ntcheu and Mwanza districts where the ruling party faced stiff competition in its Southern region stronghold. In a related development, MAFUNDE claimed that some men wearing UDF T-shirts and driving a car stopped at Kameza, a shopping centre on the outskirts of Blantyre City, tore down MAFUNDE party flags and harassed its supporters.

The challenge for conflict resolution between political parties in Malawi is one of funding;⁴⁵ this also affects the capacity of parties to mobilise voters, monitor elections, run secretariats and develop organisational structures. State funding is only given to those parties that secure at least 10% parliamentary representation. This means that many political parties who fail to make it to parliament are excluded from state funding: and yet many smaller and newer parties fail to secure parliamentary representation precisely due to lack of funding in the first place. Additionally, more parties are pushed into opportunistic relationships, such as cohabiting with donors for funding. This situation promotes donor dependency because parties do not seem keen to develop their own autonomy and fundraising capacity. Lack of funding affects the ability of parties to resolve intra-party and inter-party conflicts. In many parties, the aggrieved who seek legal redress do so mostly as individuals because their political parties cannot afford to pay for legal services. This effectively commercialises politics, marginalising those who cannot afford to pay for legal services – and this at a time when political litigation is on the rise in Malawi.

THE 2004 ELECTION RESULTS

Nixon Khembo and Eric Mcheka

Five candidates contested the 2004 presidential election, namely: Dr Bingu Wa Mutharika for the UDF/AFORD/NCD alliance; Gwanda Chakuamba for the Mgwirizano Coalition; Brown Mpinganjira for the NDA; John Tembo for the MCP; and Justin Malewezi ran as an independent (see Table 2).

Although incumbents abused state resources for campaigning and the MEC largely failed to level the playing field, the 2004 presidential election was competitive. For example, there is a difference of only 8.7% between the winner and the first runner-up. Similarly, there is a narrow difference of only 1.4% between the first and second runners-up.

Table 2: Presidential election results, 2004

Candidate	Party	Votes	%
Bingu wa Mutharika	UDF	1,119,738	35.89
John Tembo	MCP	846,457	27.13
Gwanda Chakuamba	Mgwirizano	802,386	25.72
Brown Mpinganjira	NDA	272,172	8.72
Justin Malewezi	Independent	78,892	2.53
Total		3,119,645	

Source: Compiled by the authors based on MEC 2004 presidential results.

Competition was also strong in the 2004 parliamentary elections (see Table 3). The election results show that AFORD support dropped from winning 30 seats in 1999 to winning only six seats in 2004. However, the party still remained predominantly based in the Northern region. AFORD's breakaway party, MGOODE, won three seats in the North. The MCP won 59 seats in the Central region (in 1999 MCP won 62 seats), while its breakaway RP won 16 seats, mostly in the South. The UDF, which had 93 seats in 1999, won only

49 seats in 2004, mostly in the South where it suffered a backlash from about 28 independent MPs and candidates representing newer parties who won seats in that region. The NDA won eight seats and the PPM seven, leading among the newer parties. The other minor parties were CONU and PETRA with one seat each.

Competition is the hallmark of democracy. However, competition *per se* does not constitute democracy. What is required, for that matter, is *free* and *fair* competition, which was lacking in the 2004 elections in Malawi.

Table 3: Parliamentary results by party 2004

Party	MPs
AFORD	6
CONU	1
MGOE	3
MCP	59
NDA	8
PETRA	1
PPM	7
RP	16
UDF	49
Independent	38
Subtotal	188
By-elections	5
Totals	193

Source: Malawi Electoral Commission 2004.

GENDER AND PARTY POLITICS IN MALAWI

Nixon Khembo

Most political parties in Malawi do not have gender quotas and affirmative policies, nor do they have egalitarian ideologies of the 'left' that promote equality. As a result, gender is largely treated rhetorically as an electoral campaign issue but is never seriously integrated into party structures.

Gender was an issue in the nomination of parliamentary candidates to stand on party tickets in the 2004 elections. It was common to find parties discouraging women from standing for parliament in the run-up to the elections. For example, former Deputy Health Minister, Elizabeth Lamba, accused the UDF of frustrating her efforts to represent the party in Lilongwe City South constituency. She pointed out that her chances of standing for the party were being diminished by men who were frustrating her campaign. Similarly, in the Phalombe North constituency, the UDF's Anna Kachikho eventually stood for (and won) a parliamentary seat as an independent candidate after having been undermined by the UDF when she sought nomination to run on the party's electoral ticket.

Political parties are the 'gatekeepers' for political office and parliamentary representation. It is doubtful, therefore, whether Malawi can achieve the SADC threshold of 30% women's representation in decision making by 2005 if political parties are not at the forefront of promoting gender.

Women's participation in the 2004 elections

According to KAF, a total of 1,098 candidates competed in the 2004 parliamentary race, but only 154 were women (see Table 4).

All political parties included gender in their campaign manifestos; however, no political party had a well articulated and comprehensive gender policy within its structures to encourage women to take part in party politics, and in politics in general. Parties overly used the gender slogan in their manifestos merely for voter mobilisation and to impress donors. This is

Table 4: Distribution of parliamentary candidates by gender and party, 2004

Party	Male candidates	Women candidates	Total
AFORD	34	5	39
CONU	2	0	2
MCP	164	11	175
MDP	9	1	10
MAFUNDE	19	2	21
PPM	104	6	110
MGOE	20	2	22
NDA	162	23	185
NSM	1	0	1
NUP	6	3	9
NCD	19	2	21
PPF	2	0	2
PETRA	13	5	18
RP	94	16	110
UDF	132	32	164
Independent	317	46	363
Total	1,098	154	1,252

Source: Malawi Electoral Commission: Parliamentary nominations desegregated data national, 2004.

reflected in the number of female candidates fielded by major parties in 2004. For example, the ruling UDF had 32 women candidates against its total number of 164 candidates; the MCP had 11 out of 175; AFORD had five out of 39; the PPM had six out of 110; and the RP had 16 women out of 110 candidates.

On average, women were sidelined even within bigger political parties, consequently affecting women's parliamentary representation. It cannot be argued that women have no inherent incentive to run for public office; if that were the case, there would not have been higher numbers of independent women candidates (46 out of 363 candidates) in 2004 – representing a larger

percentage than in any single political party.

Another interesting finding is that newer parties seem to encourage women's participation more than older parties. For example, the NDA had 23 women candidates and the RP 16, compared to the MCP with only 11.

Three gender and rights NGOs – namely, the Civil Liberties Committee (CILIC), Women's Voice and the Association for the Empowerment of Women – formed a network with support from NORAD to address gender inequality and to ensure that more women took part in party politics and the electoral process and were voted into parliament. This was after it was noted that women's representation is low in Malawi, standing at only eight per cent in the 1999-2004 parliament. After the 2004 elections, however, this figure increased to 14.5%, but with women comprising 52% of the Malawian population this level of parliamentary representation is still inadequate.⁴⁶

Some of the major challenges faced by women candidates in the 2004 elections were lack of support by political parties, inadequate resources, male chauvinism, violence against women, lack of support by other women and family or household constraints. According to Reen Kachere, executive director of Women's Voice, factors preventing women's participation in politics include cultural, economic and political barriers. Results of the 2004 parliamentary elections presented in Table 5 confirm the marginalisation of women.

As can be seen from Table 5, the Northern region produced three women MPs, the Central region seven and the South 17. AFORD and the UDF are relatively newer parties compared to the MCP, confirming the hypothesis that newer parties encourage women's participation more than older ones.

Table 5: Women MPs, 2004

Name	Constituency	Party
1. Papano Patricia Mwafulirwa	Karonga South	MGODE
2. Loveness Gondwe	Mzimba West	AFORD
3. Gertrude Mkandawire	Mzimba Solora	PETRA
4. Martha Lunji	Nkhotakota NE	UDF
5. Alice Ntodwa Mwale	Dowa NE	MCP
6. Jean Sendeza	Lilongwe SW	MCP
7. Nancy Tembo	Lilongwe City SW	MCP
8. Kate Kainja	Dedza SW	MCP
9. Marjorie Ngaunje	Ntcheu Bwanje South	Independent
10. Joyce Ngóma	Ntcheu West	UDF
11. Lilian Patel	Mangochi South	UDF
12. Elizabeth Aipira	Mangochi West	Independent
13. Joyce Banda	Zomba Malosa	UDF
14. Calista Chapola Chimombo	Zomba Likangala	UDF
15. Ettinor Pamela Koloviko	Blantyre North	Independent
16. Angela Zachepa	Blantyre NE	UDF
17. Bertha Masiku	Blantyre City West	UDF
18. Juliana Josephine Guga	Thyolo North	Independent
19. Trifonia Dafter	Thyolo Thava	UDF
20. Anna Kachikho	Phalombe North	Independent
21. Ina Mezalumo	Mulanje South	NDA
22. Olive Masanza	Mulanje Limbula	NDA
23. Elvy Kalonga Mtafu	Mulanje Bale	UDF
24. Ebbie Mathanda	Mulanje Pasani	UDF
25. Patricia Kaliati	Mulanje West	UDF
26. Gertrude Kamange Phiri	Chikwawa West	RP
27. Esther Chilenje	Nsanje North	RP

Source: Compiled by the authors based on MEC 2004 parliamentary results.

THE ROLE OF THE MEDIA AND CIVIL SOCIETY IN MALAWI'S ELECTIONS

Nixon Khembo and Eric Mcheka

THE MEDIA

The state media in Malawi is governed by the Communications Act (1998). Both the Communications Act and the PPEA (1993) provide a framework for political equality in the electoral process. Political equality, under section 58 of the PPEA (1993), requires that all political parties and electoral candidates be treated equally regardless of their social, economic, cultural and political status.⁴⁷ With respect to the rule of law and use of public resources, all political actors are equal before the law and enjoy equitable access to public resources. The Constitution of Malawi (1994) section 12(vi), in this regard, states that: "All institutions and persons shall observe and uphold the Constitution and the rule of law and no institution or person shall stand above the law."

Since the 2004 elections were governed by the PPEA (1993) and the media by the Communications Act (1998),⁴⁸ the electoral process was designed to promote the rule of law and constitutionalism in the country. However, the Malawi Communications Regulatory Authority (MACRA) and the MEC did not coordinate their work and allowed the MBC to contravene the law by, among others:

- operating without a license while other media institutions were threatened with suspension and closure;
- discriminating against opposition parties while the ruling UDF enjoyed wide state media coverage;
- failing to support the democratic process by enabling the electorate to have equal access to information and to make informed choices; both MBC radios 1 and 2 covered the ruling party rallies, including campaign jingles and interviews; and violating the rights of the electorate to balanced information.

It was clear, therefore, that political equality and the rule of law were compromised in the 2004 electoral process. Access to the public electronic media was the most controversial issue as far as the 2004 elections were concerned. The MHRC, for example, observed that inequitable access to TVM and MBC radio were still impediments to free and fair elections in Malawi. The Media Monitoring Unit (MMU) observed in its first release for the three weeks ending 20 March 2004 that the MBC gave 98% positive coverage to the UDF/AFORD alliance, one per cent to the NDA and 0.8% to the MCP. The state-controlled radio gave no positive image to the Mgwirizano Coalition, the NCD or to independent presidential candidate, Justin Malawezi. In reaction to the indictment, the MBC promised that it would be accountable during the campaign period only.⁴⁹ According to Commonwealth Media Advisor to the MEC, Tim Neale, coverage by private radio stations – such as Capital Radio and FM101 Power – and the Malawi Institute of Journalism were, however, more progressive than the state media.

Coverage in the print media, especially in the leading daily newspapers (*Daily Times* and *The Nation*), was more positive than negative regarding the policies of all the main opposition contenders, except the ruling alliance's Bingu wa Mutharika. Furthermore, both the *Weekend Nation* and *Malawi News* (weekend papers) favoured the Mgwirizano Coalition and concentrated on news stories that discouraged voters from supporting the ruling UDF/AFORD/NCD alliance. Once the campaign period began in March the *Daily Times* introduced 'Poll Alerts' as a medium for disseminating news on the elections while *The Nation* also introduced a '2004 Polls' section.

As at 10 February 2004, with only 13 weeks to go before the general elections, voters were demanding a presidential political debate for all the aspiring candidates. Random interviews in Lilongwe showed that most voters agreed with the idea to provide a platform where the aspirants could articulate their manifestos and answer questions. It was argued that it would be important for the electoral process if the media, candidates and parties were issue focused. However, only a few of these debates went ahead.

The tight grip of the state-controlled media by the ruling party eventually compelled donors to act. When the registration period ended, donors –

including the EU, France, Germany, Norway, the UK, UN and US – appealed to the Ministry of Information and the boards of MACRA, MBC and TVM to ensure that there was equal coverage of political news. It was observed that both the MBC and TVM were dominated by reports that favoured parties in government while opposition parties were getting little, if any, coverage of their activities. The information minister, however, downplayed these concerns.

Former Vice President Justin Malewezi, who contested as an independent presidential candidate, experienced the brunt of biased media coverage when he was physically thrown out of a live programme at MBC's Radio 2 after the presenter was ordered 'from above' to immediately halt the programme. Similarly, MACRA at one point also confiscated tapes at the Catholic radio station, Radio Maria, in Mangochi district suspected of carrying political messages deemed to be contrary to its broadcasting licence. The MACRA director general noted that the radio station was airing a political sermon by Fr. Andrew Kaufa, which allegedly criticised government. MACRA went on to threaten the radio station that it would lose its licence if it did not cease such broadcasting. In reaction, the station's General Manager, Father Kimu, pointed out that MACRA was practising double standards, as it did not take action against other radio stations, namely, the MBC, that were breaching licencing conditions. Furthermore, the management of Radio Maria lodged a complaint with MACRA against Radio Islam, which was deemed to be castigating the leadership of the Catholic Church and the opposition while enjoying the support of the ruling elite, including President Muluzi, and yet no action was taken by either the MEC or MACRA.

Following a flurry of media accusations and counter-accusations, and only a few weeks to go before the elections, the MEC and the Commonwealth established the MMU to assess media coverage of the elections. However, this did not compel the state media houses to cover the elections more equitably. As a result, the PAC sued MBC and TVM for failing to give equal access to all parties competing in the elections. MEC Chair Justice James Kalaile, however, appealed to the media houses to desist from sensational and partisan reporting that promoted hatred and intolerance, noting that such coverage was a deterrent to democratic consolidation and fair elections. In the case, the PAC asked the court to determine whether the MEC had a legal

duty to ensure that the electoral process was free and fair with regard to state media coverage, and that the court should direct the MEC to take concrete steps to ensure that all competitors in the elections have equal access to state-controlled television (TVM) and radio (MBC).

Concern regarding the abuse of state resources for campaigning was widespread. It did not end with the ruling party's monopoly over state electronic media but included the use of government vehicles, including those of the MEC, for party activities, the use of parastatal funds for campaigning, the deployment of government personnel and the abuse of the police. However, the SADC observer team congratulated Malawians for upholding peace and stability ahead of the elections. The regional bloc nonetheless noted some shortfalls, such as bias by the state media when covering the ruling UDF party and its alliance partners. According to the observers the print media gave "relatively balanced coverage".⁵⁰

CIVIL SOCIETY

CSOs and NGOs in Malawi are mainly governed by the NGO Act (2001). The act gives the Congress for Non-Governmental Organisations in Malawi (CONGOMA) powers to deregister, ban or bar any CSO or NGO found practising 'partisan politics'. However, the act does not define what 'partisan politics' is. Thus, in the 2004 elections partisan politics were perceived to be the political activities that were 'anti-government' or, indeed, against the ruling party and its allies.

In an open protest against the act, however, the MESN argued in a press release that the act was oppressive because NGOs and CSOs played a direct role in politics, democracy and the 2004 elections. The Catholic Church, in particular, had played a historic role in terms of democratic transition and consolidation in Malawi since 1992.⁵¹ The political role of civil society, particularly the churches, in the run-up to the 2004 elections strained relations between the Church and state. As the electoral process unfolded, relations between the state and the Church even turned violent. Anglican Bishop James Tengtenga's sermon in Mzuzu, for example, led to violence against the clergy by overzealous party fans. Tension and mistrust between church and state were exacerbated by a clash between Christians and Muslims in the Mangochi and Mzuzu districts, the reading of several pastoral letters critical of the

government by Catholics and the Church of Central African Presbyterian, while protestant churches supported anti-third term sentiments.⁵²

The situation deteriorated further when the Catholic Church attempted to unite the opposition parties in a grand coalition against the ruling UDF/AFORD/NCD alliance,⁵³ the outcome of which was the Mgwirizano Coalition.

In an attempt to bring equity into the electoral process, accredited service providers, guided by PACENET and in collaboration with the MEC, banged heads together and came up with their own election monitors' guide to be used as a field manual for local monitors and international observers in the 2004 general elections. The monitors' guide stipulated that monitors and observers should be 'impartial' and 'non-partisan' in their conduct.

However, the role of CSOs was hampered by lack of resources, the politicisation of such organisations, institutional and technical weaknesses and a violent political environment. To cater for the financial needs of civil society, the UNDP in a press statement reported that in January 2004 it had disbursed MWK107.7 million (US\$1.05 million) to 15 NGOs and organisations, all of them accredited and dealing with general civic education. The UNDP was administering donor basket funds from five donors including Britain, Norway and the US, part of which, it said, would be given to NGOs for conducting civic education only on 25 February 2004. The MESN noted with concern that the UNDP had "betrayed" civil society when it pledged to fund voter education activities, but failed to honour its promise.

On a general note, the MEC and UDF accused civil society of playing partisan roles in favour of the opposition parties in the electoral process. Examples here include the involvement of church leaders in coalition talks and producing campaign materials (print outs) for the opposition. The MEC was concerned that some members of the clergy, who were also in the PAC – one of the organisations entrusted with carrying our civic and voter education – were siding with the opposition parties.⁵⁴

The ruling alliance also encountered what they perceived as church propaganda in favour of the opposition. The alliance newspaper, *Dziko ndi*

Anthu, reported that there were pro-opposition campaign messages in church publications with a slant in favour of their candidate. With only a day to go before Malawians went to the polls, Head of the Catholic Church in Malawi, Archbishop Tarcisio Ziyaye, refuted a malicious report published in *Dziko Ndi Anthu*, which alleged that all Catholic bishops had resolved to endorse Dr Bingu wa Mutharika, a fellow Catholic, as the presidential candidate of choice in the 2004 elections.⁵⁵

THE CONTRIBUTION OF DONORS TO THE CONSOLIDATION OF DEMOCRACY IN MALAWI

Claude Kabemba

Malawi is one of the poorest countries in the world,⁵⁶ making it heavily reliant on foreign aid from Western governments, the IMF and the World Bank. According to UNDP figures from 2001, Malawi has the fourth lowest GDP per capita in the world. Of its total budget of about US\$600 million, 25% is for debt service. About two-thirds of the population subsists on less than US\$0.40 a day. Donors have played, and continue to play, an important role in both the developmental and democratisation processes in Malawi. Donors supply a large part of the government's total budget, and government is totally dependant on development aid:⁵⁷ the development budget is 90% financed externally and more than 35% of the budget is recurrent.

In SADC terms, there are very few donors present in Malawi; however, the level of dependence on donor funding is the highest. This has exposed Malawi to donor interference in its governance programme and in government's decisions and policies.

While one appreciates the genuine case of outside solidarity shown towards Malawi, the country should not rely so heavily on donors to finance future elections. Most donor commitment is contingent upon other national interests. It is important for the government of Malawi to show political will and independence in fully supporting institutions such the electoral commission. Continued reliance on foreign aid to underwrite the country's democratic challenges may not be sustainable in the long term, given the apparent donor fatigue.

This section concentrates on donor assistance to the MEC and civil society, focusing mostly on the May 2004 elections. It also refers to the overall impact that donor assistance is having on the democratisation process in Malawi, and how this support has contributed or hindered the consolidation of democracy in that country.

DONOR ASSISTANCE FOR THE 2004 ELECTIONS

In Malawi, donors not only fund government they also give financial support to structures and institutions that organise or contribute to the organisation of elections. Donor support for democracy assistance is not accidental: there is a strong belief within the international community and within Malawi that successful elections are a prerequisite for good governance.

Since 1994 donor funding has been the backbone of the electoral process in Malawi. The successive governments have never conceived a budget that would cover the entire electoral process. It might therefore be correct to say that donor democracy support has contributed to the consolidation of electoral democracy in Malawi. As one commentator has put it, without donor assistance one can forget about democracy in Malawi.

DONOR SUPPORT TO THE MEC

Malawi law allows the MEC to source external funding for the purpose of financing elections. Although the law states that funding for the MEC is the responsibility of the government of Malawi, it also stipulates that beyond government funding the MEC is allowed to receive money from other sources.⁵⁸ The Electoral Act states the following:

“Funding of the MEC consists of sums appropriated by parliament for purposes of the commission; sums or assets as may accrue to or vest in the Commission, whether in the course of the performance by the Commission of its functions or the exercise of its power or otherwise; sums or assets as may accrue to or vest in the Commission by way of grants, subsidies, bequests, donations, gifts and subscriptions, from government or any other person; sums as are derived from the sale of any property, real or personal, by or on behalf of the Commission; sums as are received by the Commission by way of voluntary contributions; and sums or assets as may be donated to the Commission by any foreign government, international agency or other external body of persons, corporate or unincorporated.”⁵⁹

Donors responded with enthusiasm to the Malawi government’s call to help finance some aspects of the 2004 elections. The MEC put together a budget

that it submitted to both the government and donors, but they rejected the first budget of US\$21 million on the basis that it was greatly inflated. The MEC was asked to review its budget and came to a new sum of US\$14 million. After serious scrutiny donors agreed to contribute US\$5.5 million and government was left to take care of the rest, US\$9 million.⁶⁰

In supporting the MEC, donors had one key objective: “To strengthen the capacity of the MEC in planning and conducting free, fair and accessible 2004 elections.”

Seeking coordination and efficiency, donors decided to put their contributions into a basket fund which was coordinated by the UNDP. Table 6 shows the amounts and activities that were donor- and government-funded.

Table 6: Government and donor financial support for the 2004 elections

Programmes	Approved budget	Government	Donors	Total
Management of electoral process	992,698	1,198,822	–	1,198,822
Demarcation	–			
Voter register and cleanup of the voters’ roll	4,709,652	3,829,047	1,507,985	5,337,032
Nomination costs	43,001	66,931	–	66,931
Polling	7,705,154	116,134	–	116,134
Political environment	516,271	43,725	48,659	92,384
Voter education	357,797	307,436	87,837	395,273
Media and public relations	314,263	108,169	65,924	174,093
Grant total	14,638,836	5,070,264	1,710,405	7,380,669

Source: Malawi Electoral Commission

The areas covered by donors included:⁶¹ payment for materials and equipment for electoral processes; training and voter education undertaken by civil society (NGOs); payment for operation and maintenance of equipment; and payment for technical assistance and election monitoring and observation. These are critical areas of any elections and donors took it upon themselves to ensure that preparations in these areas were efficient.

There is no doubt that this assistance helped the electoral process; without donor funding it would have been difficult for the government of Malawi to finance the entire process. Donors used two procedures to fund the MEC in 2004: a trust fund and direct disbursements to the commission.

THE TRUST FUND

Following a request from the government and MEC for donor support for the 2004 elections, a trust fund project was developed and approved. The overall objective of the project was to contribute to the development of a free, open and accountable political system of governance and consolidation of democracy through the organisation and conduct of regular free, fair and accessible elections. Donor support under the fund was managed by the UNDP and several donors channelled their donations through the fund. The EU, for example, contributed US\$2.3 million (MWK2.6 billion) to the donor trust fund for the procurement of ballot papers. This constituted 40% of total donor support for the electoral process, but was only released around 26 February 2004.

To ensure better management and utilisation of the fund, the UNDP employed an election project coordinator who was based at the UNDP office in Malawi and a financial/procurement specialist based at the MEC. In essence, the MEC was not in control of the money. Donors verified, approved and paid out any expenses, making them implementers and putting them at the same level as the MEC.

There are two criticisms to this way of doing things. First, the dependence on donor funding has to some extent undermined the ownership of the electoral process by the Malawian government. There is enough evidence that donors simply controlled the whole administration of the elections through funding. Since donors chose to fund the most important components

of the elections, they controlled the whole process in terms of planning and timing. Government was left with only transportation and subsistence of those involved in election monitoring.⁶² Second, the disbursement of donor funds accentuated their dominant decision-making position. The disbursements were made in three ways: through advances to the MEC; through advances or direct payments to accredited institutions which had signed an implementing agreement with the UNDP for identified electoral activities; and through direct payments by the UNDP to suppliers of materials and services. (This is why ballot papers had to be printed in the UK, although the MEC would have preferred the process to take place elsewhere.)

EVALUATION OF DONOR ASSISTANCE

While donor commitment cannot be disputed, we should also evaluate the impact of their support not only on the success in transferring funds but equally, and even more so, on the appropriateness of the assistance design and its likely impact on democracy promotion itself. Although donors and the government pressured the MEC to trim down its first budget, the two institutions still released funding to MEC too late. The Malawi Electoral Support Network (MESN) – a grouping of NGOs and service providers accredited to carry out voter education – blamed the MEC and donors for the voter apathy that marred the registration process due to poor civic and voter education resulting from inadequate and late funding. The MEC, for its part, argued that it was constrained by matters of budget limitations beyond its control. Judging from observer reports, the quality of elections was not up to standard and had in fact dropped from the previous 1994 and 1999 elections.

Many difficulties experienced during the 2004 elections were in areas controlled by donors. Election preparations were generally chaotic from the start, with serious gaps in the registration process and in the printing of ballot papers. The voters' roll was also inadequate. Any informed observer could have concluded that the election would not be fair judging on the quality of the voters' roll (as noted earlier, Malawi used three registration systems). This was a recipe for disaster and donors should have known this. In fact, they should have intervened earlier with resource to consolidate the registration systems. Most of the interventions, such as the cleaning of the voters' roll were too late.

Donors' financial lens had limitations. This may relate to Forman and Patrick's observation that: "Within aid agencies and international financial institutions, performance is often evaluated according to success in transferring funds, rather than the appropriateness of the design of aid – and its likely impact ...".⁶³ In fact, things went wrong precisely in those areas that donors chose to support. For example, the MEC printed more ballot papers than required (which donors had to pay for) and the 'cleaning' of the voters' roll was not successful, creating problems on election day.

The UNDP trust was set up to facilitate the MEC's capacity to manage and account for the budget. While this arrangement contributed to and assisted the MEC, it also suggests that donors lacked confidence in the MEC and did not believe in its ability to manage the money efficiently. Although the government of Malawi was the executing agent of the project, it used the UNDP's national execution (NEX) rules and guidelines. The UNDP's responsibilities were: to report on all disbursement and expenditures under the project, and the activities and output; to facilitate direct payments; and to backstop the project on behalf of the MEC. The UNDP became the centre of decision making and the MEC was relegated to being an implementing agency. This suggests clearly that the MEC's working rules had to be altered to suit the UNDP. The UNDP provided support to the executing agency and made available its implementing agents to facilitate the work.

*"The experience, impartiality and neutrality of the United Nations in general and [the] UNDP [e]specially is an important reason for its involvement and will contribute to the success of the electoral process and provide a transparent, strict, timely and appropriate accountability mechanism for resources received and utilised."*⁶⁴

Beneath this statement is a total lack of confidence in the MEC. Donors repeatedly raised concerns over the audit and accountability of the MEC. This is not to say that donors were wrong. The MEC's lack of integrity, accountability and transparency were questioned not only by donors but by Malawian citizens themselves. Furthermore, according to public perception, corruption is endemic in Malawi. Donors seem to have concluded that all institutions, including the MEC, are corrupt; and thus their efforts to put in place control mechanisms.

In fact, it might be logical to link the inefficiency that occurred in the administration of the 2004 elections to challenges facing governance in Malawi. Indeed, the government of Malawi, despite its dependence on donor funding, is facing “rampant corruption, lack of financial discipline as well as significant budget over-runs in low priority activities with no pro-poor emphasis”.⁶⁵

The relationship between donors and the MEC reveals a critical characteristic of new democracies on the African continent: that is, the weakness of democracy-support institutions. The MEC’s handling of the election budget raised doubt as to its capacity and ability to administer the elections correctly. How can one explain why the MEC, which had been planning the elections for five years, got the budget wrong – and so wrong?

The attitude of the MEC might suggest two things: one is the possibility that the commission deliberately inflated election expenses for reasons we are unable to fathom. Second, it highlights the MEC’s inefficiency and lack of financial human capacity. Our own position is closer to the second option. If we accept this option, then the desire of donors to supervise and monitor, even to control their own money – which under normal circumstances should have been in the hands of the MEC for the purpose of the elections – can be justified and understood. In a situation where one has an efficient and accountable electoral commission, it is inadmissible for donors to intervene in the election process simply because they have contributed to the election budget.

When one looks closely at what donors decided to fund – voter registration, cleaning of the voters’ roll, equipping polling stations and making arrangement for election observers – there is nothing to suggest that this support was aimed at strengthening the capacity of the MEC to organise and manage elections. It seems donors were controlling the elections in Malawi, and the MEC was left only to manage its normal operations.

This defeated donors’ earlier mentioned objective of contributing to the consolidation of democracy in Malawi. How does one assist in the management of elections when in essence one does not allow the entity responsible for organising elections to take charge of the process?

In this context, the MEC's argument that the biggest threat to the organisation of the 2004 elections was funding, is understandable. Here, the MEC does not refer to the availability of funds but to the disbursement thereof, blaming election preparation delays on donor delays in distributing funds and arguing that donors kept them guessing as to whether they were going to fund the elections or not.⁶⁶

Clearly, the threat to the organisation of the 2004 elections could be found in the relationship between donors and the MEC. In fact, taking control of finances allocated for the election out of the hands of MEC goes against the spirit of section 15 of the Malawi Electoral Act, which stipulates in point 3 that: "the funds of the Commission shall exclusively be under the control of the Commission"

Despite the fact that the trust fund symbolised international support for the democratic process, the strict control of the budget at the same time undermined the sovereignty of Malawi. Donors thought that the MEC was weak and unable to exercise power. Furthermore, the shifting of electoral budget estimates, delays and cuts undermined public confidence in the fiscal management capacity of MEC. Logistically, these changes also created a hustle.

DONORS' RESPONSIBILITY

The critical question is whether donors could share responsibility for the overall performance of the MEC in organising the 2004 elections? The UNDP and government arrangement clearly states that the trust fund project for donor contributions and assistance to the electoral process would be an important factor in the efficient performance of the technical and financial assistance being provided to the MEC. The insistence on efficiency shows the degree to which donors lacked confidence in the MEC. Further, despite the fact that donors controlled their money, this did not help in improving the quality of election administration. In fact, a closer look reveals that donor participation had a negative impact on the entire process: late disbursements impacted negatively on the planning and execution of different projects. And since the working conditions of the MEC had to be altered to fit into those of the UNDP's NEX rules and guidelines, this strategy hardly worked to correct the commission's inefficient management. Instead, it further undermined

the MEC's capacities, and hence the legitimacy of the Malawi state, without drying out the neo-patrimonial system.

PARALLEL FINANCING

Besides the trust fund, donors also contributed money directly to the electoral commission, civil society and the media, which were involved in training and voter education. For example, Britain, in addition to contributing to the trust fund also pledged £150,000 directly to the MEC. The UNDP itself contributed directly to electoral administration, funding three projects to the tune of US\$125,000. The money went to the development of a web site, the creation of a digitised constituency map and staff training. The Germans through the GTZ gave the MEC US\$600,000 to support the media. Other contributions were made to the MEC for its internal technical support, especially in the information technology area.

If we follow the flow of the money – that is, to assess actual donor performance in mobilising, designing, conditioning, delivering and coordinating committed resources – we can quickly identify the concerns and priorities of individual donors and obstacles to collective action among them. In fact, the parallel funding of the MEC in addition to the basket fund shows how individual donor commitment is contingent upon other national interests. This demonstrates the inadequacies of donor policies towards democracy assistance on the African continent. The lack of overriding common interests enables donors to develop their own conceptions of interventions, which in many instances lack coordination and often overlap.

FUNDING OF CIVIL SOCIETY

Donors also funded CSOs that were involved in a variety of election-related activities such as voter education, advocacy and training. The objectives this donor funding for 2004 elections were to:

- enhance the capacity of the accredited NGOs and the media in planning and conducting voter education; and
- provide adequate support for national, regional and international observers.

However, these groups had difficulties operating because of confusion in the funding system. According to the MESN, civil society groups were unable

to deliver any substantial voter education programmes with respect to the 2004 elections because donor governments and agencies did not, in spite of promises, provide them with funding for this purpose.⁶⁷

As argued in the case of the MEC, civil society must also devise ways of reducing dependence on donors. Donors stated they channelled money for voter education through the MEC, which was problematic since the MEC had to handpick NGOs without clear criteria. It was also expected that civil society would benefit from the basket fund,⁶⁸ but CSOs complained that this was not the case. Those CSOs that could access the fund argued that the support was minimal, considering the work that needed to be done, and was usually provided too late to be used to any effect.

In general, some donors are committed to funding civil society in Malawi in terms of ongoing civic education. For example, the EU introduced a pilot project in 1999 through the PAC to the tune of one million euros, while the PAC received 200,000 euros towards the 2004 elections.

It is also not clear if any political parties benefited from donor funding since, as stated earlier, there is no legislation in Malawi that prohibits or limits sources of funding for political parties and disclosure in this regard is not mandatory. More importantly, it is still not clear whether donor policy on political party funding will change from institutional building to functional capacity beyond elections, as a way of consolidating democracy.

DONOR ASSISTANCE: BEYOND ELECTORAL PROCESSES

It would be incorrect not to mention the extent of donor contributions to other activities between elections that assist the country in coping with its myriad social and economic hardships. Despite the positive steps achieved in establishing instruments and institutions to sustain the democratic process – such as the constitution, the judiciary and a vibrant civil society – Malawi remains economically vulnerable and survives on donor funding. For a country in this situation, the conduct and views of those who contribute to the government budget command much weight *vis-à-vis* government policy decision-making and implementation. There is no doubt that in Malawi, “the instructions, directions or intentions of donors orient the government’s policies and actions.”⁶⁹ But this funding is also linked to conditionalities.

For example, in May 2002, the IMF allegedly refused to release US\$47 million of the US\$55 million (the second instalment of a three-year poverty reduction and growth facility), due to concerns over transparency and good governance.⁷⁰

The EU together with the government of Malawi and the German GTZ founded the National Initiative for Civic Education (NICE) in 1999. NICE's objective is to contribute to the strengthening of the democratic process and concomitant social and economic progress in Malawi.⁷¹ However, in recent time donors have been withholding budget support to government because of mismanagement and bad policies.

The UNDP funds some projects in partnership with other donors. For example, the UNDP together with the Swiss and NORAD fund a democratic consolidation project with a total budget of US\$11 million. To date, however, only US\$5 million has been disbursed. This project focuses particularly on civic education and governance, access to justice and legal reforms, and strengthening of the legal and parliamentary systems. The UNDP also funds the Public Sector Management Programme to the tune of US\$4 million, which programme trains public servants to be more responsible. Other programmes are being finalised to strengthen the Malawi human rights culture, focusing on information, reporting and monitoring in this regard, with US\$3 million already set aside for this purpose. The EU is supporting an initiative to promote the rule of law. This project, with a total budget of 9.700 million euro, started in 1998 and is expected to end in 2005. The beneficiaries are the Ministry of Justice, the Law Commission and the ACB.⁷²

USAID is also active in Malawi and supported the transition to democracy from 1992 to 1994. From 1994 its focus shifted to the judiciary (technical assistance and the provision of equipment), civil society (CARE is the major beneficiary) and parliament (institutional capacity building).⁷³

Despite this assistance, donors acknowledge that they have not been fair in their civil society support and that the money they give to CSOs is not adequate for these groups to do their work efficiently. Greater appreciation should be shown towards civil society groups, which have worked in difficult conditions to support the nurturing and consolidation of democracy in

Malawi. One of the most outstanding interventions of civil society in this country was its success in obstructing the president's third term bid; and this without donor funding.

Faith groups are the most successful in terms of outreach. These groups are attempting to undo the legacies of both colonialism and the Banda era, whereby people are afraid to speak up. The fear of being brutalised is still real, and in a society where the ruling party seems to set the rules of the game for the public and private sectors, citizens are in no position to be seen to be betraying the government since this might result in one losing one's job. There can be no consolidation of democracy in a society where citizens do not talk freely to each other or to their government.

SUMMARY, CONCLUSION AND RECOMMENDATIONS

Nixon Khembo

GENERAL FINDINGS

Constitutional and legal framework

Malawi has a reasonable legal framework for electoral administration. Elections are important because they test the political institutions necessary for democratic consolidation; however, the legislative framework could be improved in a number of key areas. These include the rules governing the composition of the MEC; that is, the recruitment of MEC secretariat staff and commissioners; clarification of roles between the MEC and MACRA; the introduction of provisions that would ensure transparency in the declaration of campaign funds from private sources; and competencies relating to regulations of media coverage during the campaign period.

Since commissioners are nominated by political parties, they are prone to being tempted either to be loyal to their parties or to the MEC: the Hanjahanja-led MEC, for example, suffered public perceptions of being biased precisely because of this weakness. Hanjahanja himself had to resign as MEC chair when negative public perceptions intensified. Furthermore, conflict of interest between the MEC and political parties undermines the commission's autonomy.

The law does not emphasise that all electoral disputes ought to be settled before a new government is sworn in. This creates doubt regarding the legitimacy of a government that assumes office while electoral disputes are not cleared. On a general note, however, the performance of both the High Court and Supreme Court of Appeal regarding electoral complaints was done in a judicious and independent manner.

Electoral administration

The MEC did not adequately exercise its full mandate and responsibilities during the 2004 general elections. This is exemplified by the failure of the MEC to address formal complaints filed by political contestants relating to

problems with the voters' roll, abuse of state resources by ruling party agents and the biased media coverage by state-controlled media houses. This situation led to the creation of mistrust and loss of public confidence by stakeholders in the MEC's ability to act independently.

The voter registration process was widely regarded as unsatisfactory by many election stakeholders. Following problems during the registration period, which begun on 5 January 2004, the MEC was unable to process all the registration data in time for the voter verification exercise slated for April, and subsequently missed a number of its own deadlines for the publication of the voters' roll. When the final version was finally published on 9 May 2004 it contained nearly a million fewer voters than the figure previously reported by the MEC (from 6.7 million to 5.7 million). This resulted in widespread concern and suspicion among election stakeholders and a complaint was lodged with the High Court by the Mgwirizano Coalition, which eroded people's trust in the election governing body.

Following Mgwirizano's case the High Court ruled that the voters' roll be displayed for verification purposes from 14 to 19 May 2004. This compelled the MEC to shift voting day from 18 to 20 May 2004. However, this verification period was not widely publicised and copies of the voters' roll were not consistently available and easily accessible to all eligible voters throughout the country due to administrative problems at the MEC. In trying to cope with the shortcomings, the MEC decided to allow registered voters whose names did not appear in the last version of the voters' roll to vote as long as they could be identified using the 1999 voters' roll or voter registration cards. This led to the use of multiple voters' rolls in the 2004 general elections.

Pre-election environment

Candidates representing almost all contesting parties and those running as independents were generally active in the constituencies where they were standing, but many of their campaign rallies were hindered due to shortages of financial resources and sometimes political violence. In general, campaign messages seemed to dwell more on personalities than on party manifestos.

The entire pre-election period atmosphere remained calm with only sporadic and isolated violent incidents reported. There was tension, on the one hand,

between the ruling UDF party and its former MPs who were running as independent candidates, and between the ruling UDF/AFORD/NCD alliance, the CSOs and the opposition, on the other. Although parties lacked internal conflict resolution mechanisms, the newly introduced multi-party liaison committees proved to be a useful forum for settling election-related disputes at local level in some areas, despite the fact that independent candidates were not always invited to attend these meetings.

Financial handouts at public rallies, especially those of the ruling UDF party, were prevalent. Obviously, such practice is unacceptable in a democratic election because it distorts the playing field and corrupts the electorate.

The role of the media

The electronic and print media covered the 2004 electoral campaign period extensively. Notwithstanding legal provisions in the PPEA (1993), the Malawi Constitution (1995) and the Communications Act (1998) for political neutrality, balance and equitable coverage of election-related political events, including campaigns by the media, the only state-controlled electronic house, MBC and TVM, showed substantial bias in favour of the ruling UDF/AFORD/NCD alliance. They failed to operate in a manner that was beyond reproach and could not uphold their highest professional and ethical standards.

Given that responsibilities between the MEC and MACRA were not clearly clarified before the start of the campaign period, both bodies shifted the onus of media regulation to the other. The end result was that neither body took any steps in addressing the biased coverage of the electoral process by the state-controlled media houses. Most of the private radio stations, however, provided a relatively balanced coverage of all contestants with an equitable amount of airtime devoted to all the parties and candidates. However, the two leading daily newspapers in Malawi, *Daily Times* and *The Nation*, carried articles tinged with a negative tone and questionable neutrality when referring to the ruling alliance, and especially its presidential candidate, Dr Bingu wa Mutharika.

Women's participation

Many more women stood as candidates for the 2004 elections compared to the previous 1994 and 1999 general elections. Furthermore, women were well

represented in the election administration and civil society groups involved in the 2004 elections.

This time around, both CSOs and the media gave women relatively greater attention. It was anticipated that many more women would be elected to parliament; however, this did not happen. The current 14.4% women's representation in parliament is far below the SADC target of 30% by 2005.

The main constraint to women's representation in Malawi is the lack of intra-party gender structures such as egalitarian ideologies, gender quotas and affirmative policy within political parties. Women are not well represented even in local party structures, and national executive committees rarely allow women activists to occupy influential positions. Women in Malawi generally face economic, cultural and social constraints that usually discourage them from taking part in politics in the first place.

The role of civil society and faith or church organisations

Church organisations and civil society played a significant role in the delivery of voter and civic education, primarily through NICE, the PAC and its affiliate, the CCJP. While much civic and voter education provided by these organisations was of good quality, there was insufficient focus on women, the illiterate and vulnerable groups and they failed to reach eligible voters in some isolated rural areas due to lack of resources.

Altogether, 21 CSOs were accredited by the MEC to conduct civic and voter education and to monitor the 2004 presidential and parliamentary elections, but few managed to get funding for their operations. On polling day, however, civil society monitors, candidate representatives as well as domestic observers were present at most voting centres. But it must be remembered that the electoral cycle is much broader than polling day itself: pre-polling and post-polling phases also need attention.

Election day

Polling took place on 20 May 2004 and was generally calm and peaceful. Although many polling stations did not open on time due to administrative and logistical bottlenecks, the casting of votes was impressive and polling station officials mostly executed their duties in a professional and inde-

pendent manner. Polling materials were supplied and the secrecy of the ballot was well maintained at most polling stations; however, problems concerning the voters' roll and inadequate polling materials were apparent. In numerous cases, for instance, it took a long time for voters to cast their ballots and this exercise was sometimes undertaken in rooms barely light by candle light, which caused unacceptable hardships and counting difficulties for those concerned. Party, civil society and candidate representatives were generally provided with a copy of the results, collectively signed by representatives and polling staff, but some results slips were sent unsigned to the MEC Tally Centre at Chichiri in Blantyre due to monitor fatigue.

GENERAL CONCLUSIONS

The 2004 presidential and parliamentary elections in Malawi were conducted in a generally calm and peaceful environment and the electorate was provided with a wide choice of political contestants. The electorate demonstrated reasonable awareness about, and interest in, the electoral and democratic processes. The elections were open and the secrecy of the vote was properly maintained. The inking of voters was undertaken at virtually all polling stations.

Election officials, civil society observers, monitors and representatives demonstrated dedication and eagerness to contribute to a peaceful and transparent election. These people were patient, vigilant and orderly throughout polling day, although problems with voter materials and the voters' roll were apparent at about one-third of all polling stations.

The High Court and Supreme Court of Appeal dealt with electoral complaints in a timely and independent manner. In some areas multi-party liaison committees provided a useful forum for addressing disputes in the campaign period and civil society played a greater, albeit still inadequate, role both in civic/voter education and election monitoring.

During the pre-election period the MEC did not provide a level playing field for all political contestants. Throughout the campaign period the state-controlled electronic media, radio MBC and TVM, showed substantial bias in favour of the ruling alliance in its news coverage, almost to the exclusion of opposition parties and independent candidates. There was widespread

and overt distribution of money to voters and the abuse of state resources by the ruling party, including the use of government vehicles and human resources. Yet, the MEC did not seem committed to resolving these irregularities. The MEC itself lacked administrative and institutional capacity to manage the elections effectively.

More women stood as candidates than in past elections, but much more needs to be done in terms of empowerment and civic education to involve women in the electoral process in order for them to acquire equal representation in public offices.

Civil society played a significant role in the elections. This included electoral observation and monitoring and the delivery of voter / civic education. While much of the voter education material was of a good quality, its dissemination remained limited. Donor funding was delayed and government played no significant role in mobilising resources for voter and civic education. With strained resources, civil society focused on a broader scope attempting to cover all eligible voters. However, it would have been better if priority was given to women, the illiterate and vulnerable groups.

Tabulation of election results was not done in an efficient, accountable and transparent manner. Up until the time the MEC announced results, some of the results were not pasted on the walls at the Tally Centre in Blantyre for all stakeholders to monitor, observe and verify. The timing for announcing the results kept changing and the sharing of results with other stakeholders as they trickled in from across the country was questionably slow. Furthermore, the MEC failed to provide a full account of the results after releasing them. This created uncertainty and doubt *vis-à-vis* the authenticity of the results.

What appears to be the main problem is the failure to run elections and manage the democratic process according to 'the rules of the game.' Although the country has reasonable institutional and legal frameworks for electoral processes, the central challenge seems to be informal forces and powers that compromise formal institutions and rules for private gain. It is precisely because informal powers and interests succeed in overwhelming formal structures and rules that institutions such as the MEC and state media fail to level the playing field. This is the source of electoral unfairness in Malawi.

GENERAL RECOMMENDATIONS

Multiparty democracy is taking root in Malawi, but rules and institutions governing democratisation are not yet effective and appear prone to manipulation by informal forces. These forces are a threat to democracy in Malawi.

For the purpose of future presidential and parliamentary elections it is therefore recommended that the following steps be considered:

- The MEC should begin election preparations well in advance, preferably commencing soon after the preceding elections.
- Funding to the MEC for the electoral process by both the government of Malawi and donors should be released well in advance.
- The political independence and technical capacity of the MEC needs to be reviewed and improved in the areas of recruitment, professional capacity, finance, administration and legal authority.
- A legal and institutional review is needed to clarify and guarantee the mandate of the MEC and MACRA on media management during elections.
- Political will is needed to support the MEC and media institutions; this should include de-politicisation of ownership and management of media houses.
- A legal framework needs to be developed which, among others, stipulates that the MEC will only announce election results after all relevant electoral disputes have been satisfactorily resolved.
- A legal framework needs to be developed for party funding to improve party fiscal management and accountability capacity. A donor policy on party funding, in turn, should support political parties within that legal framework as institutions that consolidate democratic governance rather than as 'sovereign' internal entities that should be shunned by external actors.
- Parties need to develop internal conflict resolution mechanisms to reduce the political workload of the courts.
- Parties need to strengthen their fundraising and accountability capacity.
- Parties need to strengthen intra-party democracy and insti-

tutionalisation within their structures, including gender mainstreaming.

- Parties need training on electoral matters, governance and democracy to keep them in tune with the global trends of democratisation.
- There is need to separate state functions from ruling party functions to avoid the abuse of public resources by the ruling party, especially the abuse of the public electronic media.
- The police and state-controlled media need reform and training in conflict resolution, electoral matters, human rights, governance and democracy.
- CSOs and NGOs need training on electoral matters, governance and democracy for effective advocacy, negotiation and monitoring of the electoral process.
- Electoral observation, monitoring and certification, especially by local observers, should span the entire electoral process, not just polling day.
- The youth need training and institutional empowerment through affirmative action to help change their attitudes on matters of politics, democracy and the electoral process.

NOTES

- 1 T L Maliyamkono & F E Kanyongolo (eds.), *When political parties clash*, TEMA Publisher Company Limited, Dar es Salaam, 2003 p 232
- 2 As Chazan et al (in H Englund, *A democracy of chameleons: Politics and culture in the New Malawi*, CLAIM/MABUKU, 2002, pp 157-160) have argued, personality cult politics “assumed grossly autocratic proportions in Malawi. Promoted as ‘father and founder’ of the nation, Kamuzu Banda embarked on an extreme centralisation of political and economic power even before the country was declared independent in 1964. All ‘development’ came to be identified with his personal efforts and wisdom, and all politicians and the populace at large were expected to display wholehearted loyalty”. The state that emerged in Malawi “percolated through virtually every sphere of Malawian society, sometimes bringing extensive patronage, at other times coercion and violence ... popular participation consisted in expressions of support and obedience for the Head of State known as the *Life President* since 1971”.
- 3 N Patel, in M Ott & N Patel, *Malawi’s second democratic elections. Process, problems, and prospects*, Blantyre, 2000, p 28.
- 4 P Semu-Banda, Msosa appointment thrills stakeholders, *The Nation*, 27 October 2004.
- 5 Dzimbiri, in K Phiri & K Ross (eds.), *Democratisation in Malawi. A stocktaking*, Blantyre, 1998, p 91.
- 6 UDF Secretary General Paul Maulidi disclosed that “President Bakili Muluzi is the sole financier of the ruling party and that UDF would ‘struggle badly’ if he were to leave” adding “the UDF is a very poor party. It has no money. Without President Muluzi’s financial help, we would only be relying on the funds that parties get from parliament”, P Semu-Banda, Why UDF wants Muluzi as chair, *Weekend Nation*, 26-27 April 2003, p 1.
- 7 Indeed, this was the concern and fear of President Muluzi himself who told the author of this report at his house in Blantyre on 27 December 2002 that he was not happy leaving office without a unifying leader. His fears were that Malawi would degenerate into ethnic chaos, as happened in Rwanda or Burundi.
- 8 For detailed discussions see N S Khembo, The multiparty promise

betrayed: The failure of neo-liberalism in Malawi, *Africa Development*, XXXIX(2), 2004.

- ⁹ G Munthali, UDF to have no party president, *The Nation*, 18 June 2003, p 1.
- ¹⁰ P Semu-Banda, UDF admits change problems, *The Nation*, 7 October 2004.
- ¹¹ Ibid.
- ¹² A coalition led by Republican Gwanda Chakuamba and made up of seven political parties, namely the MCP's splinter group RP, MAFUNDE, the PPM, MDP, MGOODE, PETRA and NUP.
- ¹³ Emphasis added.
- ¹⁴ A Malawian religious-based, inter-faith organisation working in the filed of democracy and governance, made up of the Episcopal Conference of Malawi (Catholic Church), Muslim Association of Malawi and the main Protestant denominations through the Malawi Council of Churches.
- ¹⁵ M Banda, Opposition gives Kalaile one week, *The Nation*, 4 May 2004, pp 1-2.
- ¹⁶ See, for example, the argument by the main opposition MCP that the party has "no confidence in the commission since they marred the last elections with irregularities and numerical bribery and manipulation" – cited by S Sonani, Bingu blamed for electoral commission mess, *The Nation*, 7 October 2004.
- ¹⁷ A Catholic institution established by the Catholic Bishops in 1992 to contribute to the creation of a just, peaceful and democratic Malawian society.
- ¹⁸ A Kasunda, EC apologizes for amendments' delay, *Daily Times*, 28 November 2003, p 4.
- ¹⁹ C Mtika, UDF reacts to Dedza voter arrests, *Daily Times*, 20 January 2004, p 1.
- ²⁰ UNDP press release, Donors support to the 2004 presidential and parliamentary elections, *The Nation*, p 15.
- ²¹ *Daily Times* / Mana, EC postpones voter registration, *Daily Times*, 4 November 2003, pp 1-2.
- ²² A Kaingana, Your vote counts, *Daily Times*, 4 November 2003, p 9.
- ²³ D Nyirenda, MEC dismisses voter apathy, *Daily Times*, 12 January 2004, p 1.

- 24 A Chikungwa, More shortages hits registration centres, *Daily Times*, 28 January 2004, p 1.
- 25 C Mtika, MEC decision annoys NGOs, *Daily Times*, 20 January 2004, p 3.
- 26 H Musukwa, Speaker demands evidence for Tanzanian voters claim, *Daily Times*, 26 November 2004, p 3.
- 27 H Musukwa, PAC rights body forecasts unfair election tomorrow, *Daily Times*, 19 May 2004, p 4.
- 28 T Malizani, Chiefs demand civic education, *Daily Times*, 12 February 2004.
- 29 ADCOM, Social, economic and political concerns, in K R Ross, Worrisome trends: The voice of the churches in Malawi's third term debate, *African Affairs*, 103, 2004.
- 30 F Machado, Church wary of voter confusion, *Daily Times*, 25 March 2004, pp 1, 3.
- 31 A Ware, *Political parties and party systems*, Oxford University Press, Oxford, New York, 1996, p 131.
- 32 D Robertson, *The Routledge dictionary of politics*, Routledge, 2004, pp 232-3.
- 33 Ibid.
- 34 van Crackenburg, in M A Mohammed-Salih, *African political parties: Evolution, institutionalisation and governance*, Pluto Press, OSSREA, 2003.
- 35 Ware, op cit, pp 125, 129.
- 36 Ibid.
- 37 Ibid.
- 38 Thus, argues Phiri, AFORD was caught up at one level calling for adherence to free market principles centered on viewing government and the private sector as partners in development; a commitment to economic liberalisation; and to liberal licensing of new enterprises. However, at another level the emphasis was on securing the rights of workers and employees, putting in place a housing policy for low income groups, and furthering the rights of women and other marginalised groups (in Ott & Patel, op cit, p 77).
- 39 Phiri, ibid.
- 40 Maliyamkono & Kanyongolo, op cit, p 298.
- 41 Ibid, p 299.
- 42 Phiri, op cit, p 79.

- 43 Phiri et al, 1998 cited by Maliyamkono & Kanyongolo, op cit, p 234.
- 44 A Kasunda, Political violence escalation threatens democracy-PAC, *Daily Times*, 12 November 2003, p 5.
- 45 The lack of political party funding in Malawi is so severe that many parties fail to pay their staff, run their secretariats, pay electoral monitors, procure electoral materials and pay for litigation and conflict resolution. For example, MGOODE argues that the party was unable to hire lawyers for legal services against the MEC; B Sonani, Bingu blamed for electoral commission mess, *The Nation*, 7 October 2004.
- 46 F Namangale , 3 Gender NGOs form more women MPs, *Daily Times*, 3 November 2003, p 4.
- 47 The Parliamentary and Presidential Elections Act (1993) section 58 promotes political equality when it states that “every public office and public entity or authority shall give and be seen to give equal treatment to all political parties to enable each political party to conduct its campaign freely”.
- 48 The Communications Act (1998) section 87(1)[b] states that the “MBC shall provide public broadcasting services in accordance with the following principles – the encouragement of free and informed opinion on all matters of public interest; [d] respect for human rights, the rule of law and the Constitution of Malawi; (2)[a] function without any political bias and independently of any person or body of persons; [b] support the democratic process; [d] provide balanced coverage of any elections”. To buttress this provision institutionally, section 45[1] of the act states that “the [Malawi Communications Regulatory] Authority shall regulate the provision of broadcasting in Malawi in the manner which it considers is best suited [f] to ensure equitable treatment of political parties and election candidates by all broadcasting licenses during any election period”.
- 49 D Nyirenda, Report exposes TVM, MBC media bias, *Daily Times*, 24 March 2004, p 3.
- 50 F Phiri, SADC Observer Mission hail Malawi for peace, *Daily Times*, 19 May 2004, p 2.
- 51 For example, it was the pastoral letter by the Catholic Bishops in 1992 that was highly critical of the former MCP regime which led to the introduction of multiparty politics in Malawi. The letter prompted University of Malawi students to demonstrate in support of the bishops

- and many other opposition underground movements started forming to challenge the regime. See for example, Catholic Institute for International Relations, *Malawi: A moment of truth*, London, 1993; M S Nzunda & K R Ross (eds.), *Church, law and political transition in Malawi 1992-94*, Matembo Press, Gweru, 1995; K R Ross (ed.), *God, people and power in Malawi: Democratization in theological perspective*, CLAIM, Blantyre, 1996.
- 52 K R Ross, Worrisome trends, op cit, pp 91-107.
- 53 Note that Bishop James Tengatenga, among others, led the talks that created the Mgwirizano Coalition of Gwanda Chakuamba and others in readiness for the 2004 polls.
- 54 A Kasunda, EC summons PAC, *Daily Times*, 12 November 2003, p 13.
- 55 F Machado, We did not say vote for Bingu-Bishops, *Daily Times*, 19 May 2004, p 1.
- 56 T Mkandawire, Freedom and empowerment: Challenges to democracy in Africa and I Immink & S Lembani, in M Ott & C Peters-Barriers, *From freedom to empowerment: Ten years of democratization in Malawi*, proceedings of the conference held from 4-6 June 2003, Capital Hotel, Lilongwe, 2003, p 13.
- 57 UNDP, *Malawi 2003: State of governance report*, September 2003, p 50.
- 58 See Section 15 of the Electoral Act.
- 59 See J Kalaile, *The management of elections in Malawi*, paper presented at conference, Electoral and Democratic Perspectives in the DRC, Kinshasa, 21-24 October 2001.
- 60 Donors scrutinised the MEC budget and brought out experts specifically for that purpose. One expert concluded that there was just too much money in the budget: one could fly nine times non-stop around the world for the equivalent.
- 61 MOU between the Government of the Republic of Malawi and the United Nations Development Programme on the Assistance to the 2004 Presidential and Parliamentary Elections in Malawi, Trust Fund Project MLW/03/001, 2004, p 11.
- 62 Interview with the MEC, Lilongwe, 2004.
- 63 S Forman & S Patrick, *Good intentions: Pledges for aid for postconflict recovery*, Lynne Rienner Publisher, Britain, 2000, p 30.
- 64 MOU between the Government of the Republic of Malawi and the UNDP, op cit, p 3.

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- 65 UNDP, Public sector management reform, Lilongwe, September 2002, p 34.
- 66 Interview with MEC representative, Lilongwe, 2004.
- 67 E Kanyongolo, Civil society and the electoral process in Malawi, *Election Talk*, 13, EISA, Johannesburg, 2004.
- 68 Interview with the MESN, Lilongwe, May 2004.
- 69 UNDP, *Malawi 2003 state of governance report*, op cit, p 51.
- 70 Malawi: IMF threatened by government overspending, <www.irinnews.org>, 15 May 2002.
- 71 C K Undulu, European Union: Funded Project in Malawi, p 13.
- 72 Interview with EU representative, Lilongwe, May 2004.
- 73 Interview with USAID representative, Lilongwe, May 2004.

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