

**Country Report Malawi**

**Developmental dividends of  
democratisation in Malawi:  
A country report**

By Augustine Magolowondo

**Research Report 117**

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**Developmental dividends of democratisation**

**In Malawi:**

**A country report**

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## 1. INTRODUCTION

Malawi is a country in the southern part of Africa, bordered by Tanzania to the north, Mozambique to the east, south and part of the west, and Zambia to the west. It has a total area of 118 480 sq km, of which 94 080 sq km is land, and the rest, 24 400 sq km, is taken up by water. It has an estimated population of 13.5 million, with a life expectancy of 42.9 and a total fertility rate of 5.74. According to the 1998 population census, 79.9 per cent of Malawians were Christian, 12.8 per cent Muslim, 3 per cent belonged to 'other' religions, while 4.3 per cent did not claim any religious orientation. Malawi is also a multi-ethnic society. This country is often referred to as landlocked, although this is disputable considering that the first missionaries to arrive in Malawi in the early 1860s did arrive on small boats and ships as they pushed themselves up the Zambezi into the Shire River and found themselves in the southern part of Malawi. As is discussed later in this report, the economy is predominantly agricultural, which accounts for one third of Gross Domestic Product (GDP) and 80 per cent of export earnings. About 85 per cent of the population live in rural areas. Administratively, the country is divided into three regions: North, South and Centre. The lowest official administrative unit is a district. In total, Malawi has 28 districts.

On 14 June 1993, Malawians voted for the re-introduction of multiparty democracy in a historic referendum that marked the end of more than 30 years of one-party dictatorship under Dr. Hastings Kamuzu Banda's Malawi Congress Party (MCP). Both domestic and international factors contributed to this political watershed. The popular slogan in those days was *Zisinthu* literally meaning 'let things change'. This quest for change had both political and socio-economic dimensions. From a political point of view, there was a public outcry, and condemnation of the repressive MCP regime. The climax was in 1992 when the Catholic Bishops openly criticised the deteriorating human rights conditions and called for necessary reforms to be undertaken (Episcopal Conference of Malawi 1992). At the same time, the international community had increasingly become very critical of Banda's dictatorial rule, which resulted in the freezing of all non-humanitarian aid in the same year (1992) on the same grounds of deplorable human rights conditions.

But Malawians expected more than political change. With a per capita Gross National Income (GNI) ranging between US\$190 and US\$240 in the years preceding this transition, Malawi belonged to one of the poorest countries in the world. Urbanisation was one of the lowest in sub-Saharan Africa, as more than 80 per cent of the population lived in rural areas, where they depended on rain-fed smallholder subsistence farming. The unfavourable socio-economic outlook was exacerbated by high levels of illiteracy, which stood at 46.6 per cent in 1992 (Development Bank Statistics 2003). Furthermore, income inequalities were quite

high, with the Gini Coefficient<sup>2</sup> ranging between 0.341 in 1980 and 0.362 in 1990 (UNDP 2002). Against this background, Malawians expected that the political transition to democracy would make a difference to their socio-economic living conditions.

To be sure, those who were championing the move towards political change played an instrumental role in creating these high hopes, as the democratic agenda was presented not only as a political solution to governance, but also as an answer to the much needed socio-economic transformation (Nthara 2003; Ngalande et al 1998). The question that is at the core of this report is: where is Malawi, more than 10 years after that decisive referendum? In trying to address this question, we look at three key issues: household socio-economic changes, social development (including service delivery), and political changes. Before we do so, we need to appreciate some of the key policy shifts that have been taking place since the re-introduction of democracy, for it is in this way that we can better appreciate or assess the changes that may have been brought about thereafter.

## **2. SOCIO-ECONOMIC CHANGES**

### **2.1 Relevant changes in the policy framework**

Probably the most fundamental policy shift that took place in the wake of democratisation was government's public recognition that poverty was rampant, deep and severe in Malawi. Hitherto, it was almost taboo to talk about poverty, as the one-party regime associated that with the colonial era (Nthara 2000; Chinsinga 2007). The MCP administration under the leadership of Kamuzu Banda adopted a minimalist, basic-needs approach to defining poverty. Thus, as long as Malawians had food, clothing and houses which did not leak when it rained, they were considered to be above any definition of being poor (Chinsinga 2007). It was not until 1993, following the first-ever attempt to profile the poverty situation in Malawi, that poverty was defined in such broad terms to mean: "the lack of productive means to fulfil basic needs such as food, water, shelter, education, and health and a serious lack of means and opportunities to fulfil these basic needs" (Government of Malawi/United Nations 1993: ix, as quoted in Chinsinga 2007:63).

Based on this definition and using a GoM/UN computed poverty line of US\$40, it was established that in 1993, the incidence of rural and urban poverty was estimated to be 60 per cent and 65 per cent respectively (Chinsinga 2007). In other words, about two thirds of the population lived in poverty.

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<sup>2</sup> The Gini coefficient provides an indication of how equitable the distribution is across the population. A Gini coefficient of zero implies that all households have the same levels of consumption and population have no consumption and expenditure.

After its electoral victory in the 1994 general elections, the United Democratic Front (UDF) administration made poverty alleviation the focal point of its development policy. Subsequently, a poverty alleviation programme (PAP) was launched in August of the same year with the primary objective of addressing the core of poverty in Malawi - including household food insecurity and low productivity among smallholder farmers, limited access to essential social services, and weak institutional enterprise sector, among others (Chinsinga 2007). The introduction of free primary education in the 1994/1995 fiscal year and the establishment in 1995 of the World Bank-funded Malawi Social Action Fund (MASAF) that was designed to address community social needs were two of the key policy implementation strategies of PAP.

The PAP was followed by the promulgation in 1998 of Malawi Vision 2020 that was spearheaded by the United Nations Development Programme (UNDP). Although it was not a policy document that primarily focused on addressing poverty in Malawi, Vision 2020 provided a holistic and long-term policy framework, anchoring such anti-poverty policy initiatives. Unlike PAP, however, Vision 2020 did not have any clearly defined implementation strategies.

Three other noteworthy policy initiatives undertaken by the Government of Malawi in the post-transition era include the Malawi Poverty Reduction Strategy Paper (MPRSP), the Malawi Economic Growth Strategy (MEGS) and the Malawi Growth and Development Strategy (MGDS). The MPRSP, which was adopted in 2002, was an initiative masterminded by the World Bank and designed to assist poverty-stricken countries like Malawi and their development partners to strengthen their common efforts to reduce poverty (Chinsinga 2007). This paper was also a precondition for Malawi to qualify for the Highly Indebted Poor Countries (HIPC) initiative that saw Malawi's debt with many of its multilateral and bilateral creditors cancelled in 2005. The idea of this programme is that resources saved should be channelled mainly to the social sectors to benefit the poorest in the country concerned.

After a comprehensive review of the MPRSP, the Malawi government adopted yet another policy in July 2004: MEGS, which was meant to accelerate economic growth by promoting investments that would directly impact on economic growth (Government of Malawi (GoM) 2004). In 2006 GoM launched a five-year (2006-2011) MGDS that effectively replaced MEGS. Unlike its predecessor, which focused largely on economic growth, the MGDS focuses on reducing poverty through sustained economic growth and infrastructure development (GoM 2006). The MGDS is said to not only have been built on the MEGS, but it also incorporates lessons learnt from the implementation of the MPRSP, with the focus on reducing poverty through empowerment of the poor. More importantly, this most recent policy identifies six key priority areas that are meant to accelerate the attainment of Millennium Development Goals (MGDs) hence underscoring the importance of social sectors like health, education and gender, which have seen their budgetary allocation increase over

the years. In a nutshell, from a policy perspective, the GoM has adopted a number of policies that aim to improve the welfare and socio-economic conditions of its people. How then have these policy reforms affected the actual socio-economic conditions of the poor in particular, and social development in general?

## 2.2 Household socio-economic changes

While there have been remarkable economic (and political) reforms, the net effect in terms of improving the socio-economic conditions of the people appears to be dismal. As noted at the outset, Malawi embarked upon the democratisation process as one of the poorest countries in the world. To date, its status has not changed in any significant way. The per capita GNI, for instance, has not exceeded the US\$240 mark reached in 1993. It went down to US\$170 in 1994 and 1995, picked up slightly to US\$190 in 1996, and then to US\$220 in 1997 and 1998, only to fall again to US\$190 in 1998, dropping even further to US\$170 in 2000 and 2001, and has remained at US\$160 since then (African Development Bank 2007).

That Malawi's poverty situation in the democratic era has not improved is further attested by the fact that the quality of life as measured by the Human Development Index (HDI) has not improved in any way. The 2001 UN Common Assessment of Malawi observed that Malawi's HDI in 1994 was 0.320 (Nthara 2003) putting Malawi at number 157 out of the 177 countries on the HDI ranking. By 2005, Malawi had slid further to number 164 on the HDI ranking, making it the 13th poorest country (from position 20 in 1994) in the world. Interestingly, Malawi's HDI had at the same time (2005) slightly improved to 0.330 (Human Development Report 2007) implying that in effect, during 1994, other equally poor countries had outpaced Malawi in improving their human development situation.

The various studies undertaken in Malawi in an attempt to assess the levels of poverty since the 1993 UN/GoM study also indicate that in general, the poverty situation has not improved. In 1995, for instance, the World Bank concluded that about 60 per cent of the population in Malawi lived below the poverty line of US\$40 per capita per annum, of which 52 per cent were in extreme poverty (Chinsinga 2007). The 1997/1998 Integrated Household Survey (IHS) later established that in 1997/1998, the richest 20 per cent of the Malawian population consumed 46.3 per cent of the total reported consumption of goods and services (GoM 1998). On the other hand, the poorest 20 per cent consumed barely 6.3 per cent (GoM 1998). Furthermore 65.3 per cent of the population at that time (1997/98) were living below the poverty line, 28.7 per cent of them living in absolute poverty (GoM 1998).

In a follow-up IHS conducted in 2004/2005, the poverty rate was estimated to be 52.4 per cent. Although this shows a significant downward trend when compared to the 1997/1998 figure of a 65.3 per cent poverty rate, the two surveys are not directly comparable, as the survey instruments and methods of calculating poverty rates have been revised and improved to meet local and international standards (National Statistical Office



2005). However, when the 1998 estimates are recalculated using the 2005 methods, poverty rates in 1998 are put at 54 per cent, showing a meagre 2 percentage point of downward trends in terms of incidences of poverty.

Changes in socio-economic conditions can also be assessed by looking at trends in the prevalence of underweight children below the age of five, and the proportion of the population below the level of dietary energy consumption that is a proxy for the proportion of the population that is ultra poor. On both counts, indications are that since the advent of democratisation, positive improvements, where they have occurred, have been modest. For instance, in 1992, 28 per cent of the under-five children were reported to be undernourished. This figure decreased to 25 per cent in 2000, dropping further to 19 per cent in 2006 (GoM 2007) showing some positive trends. On the other hand, the proportion of the ultra poor has been almost constant, with only a 2 percentage drop from 24 per cent in 1998 to 22 per cent in 2003. By 2006, this rate had dropped to 17 per cent.

In assessing the socio-economic conditions in democratic Malawi, one has, however, to factor in the impact of the HIV/AIDS pandemic, which has hit Malawi the hardest. Although the current statistics show that the prevalence rate among adults aged 15-49 years has stabilised around 14.4 per cent in recent years, the impact of this epidemic has been disastrous in all sectors (UNDP Malawi 2005), but particularly so in the social sector. In this poverty-stricken country, 267 people are infected with the HI virus and 139 die due to AIDS-related illnesses every day. The majority of these deaths occur in the reproductive age group of between 15 and 49 years (GoM 2005). It is therefore not surprising that in 2004, HIV/AIDS accounted for 48 per cent (GoM 2005) of the total number of the 1 008 000 orphans (that is, 14 per cent of the total number of children at that time). Furthermore, largely also owing to the devastating effects of the HIV/AIDS pandemic, life expectancy in Malawi went down to 38.2 in 2001 from 44 in 1994. By 2006, this had slightly improved to 41.

### **2.3 Social development changes**

However, the overall picture that obtains when reviewing some of the social development indicators in Malawi is - in relative terms - not as depressing as that which has been presented here regarding socio-economic conditions at household level.

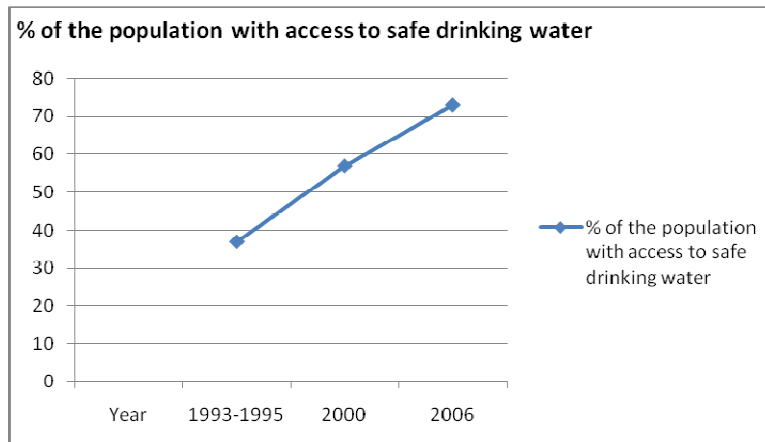
As a result of the various 'pro-poor' policy reforms that have been initiated, budgetary allocation to social sectors have generally increased during the years under review. Chinsinga (2007) for instance observes that the allocation to the education sector has largely been within the range of 15 per cent and 26 per cent. Similarly, the health sector has continuously enjoyed a significant share of the annual budget, moving from 10 per cent in the 1990/91 fiscal year to 23.2 percent in 1997/98, and 16 per cent in 2002/2003 (Chinsinga 2007). Furthermore, within a space of 10 years, the illiteracy rate in Malawi had gone down to 35

per cent in 2006 from 44 per cent in 1995 (GoM 2007). This downward trend may be attributed to the introduction of free primary education, which saw the primary school enrolment rate soar to 73 per cent in 2006 from 58 per cent in 1992 (GoM 2007). At the same time, however, it must be pointed out that the actual quality of education in public schools has significantly decreased (MEJN 2003, 2007). The teacher-pupil ratio, for instance, increased from 61 in 1994 to 71 in 1998 (Nthara 2003). The recent (2007) Service Delivery Satisfaction Survey (SDSS) of the Malawi Economic Justice Network also noted that because of the deteriorating quality of public education, about 7 per cent and 17 per cent of parents in rural and urban areas respectively indicated their willingness to withdraw their children from these public schools and put them in paying private schools. In the same survey, 33 per cent of the respondents also observed that they were not satisfied with the provision of teaching and learning materials in public schools.

There have also been some positive developments in the provision of health services in Malawi. As there are no mandatory public medical insurance schemes, the State provides free or highly subsidised medical and health services, although its total expenditure on an 'essential health package' of an equivalent of US\$20 per capita is still below the US\$34 recommended by the World Health Organisation (WHO) (GoM 2007). The positive trends in the delivery of health services can be observed, for instance, in the significant reduction of the mortality rate from 134 per 1000 live births in 1994 to 79 per 1000 live births in 2006 (GoM 2007). Similarly, the proportion of births attended by health personnel has increased from 55 per cent in 1992 to 62 per cent in 2006, although this has not in any way reduced the maternal mortality rate, which has increased from 620 deaths per 100 000 live births in 1992 to 984 per 100 000 live births in 2004 (GoM 2007).

The accessibility of medical facilities has also improved over the years. The average distance to the nearest health facility has gone down to 5.7 km in 2008 from 10km in 2003 (MEJN 2003; MHEN 2008). Compared to service delivery in the education sector, it would appear that people are generally satisfied with the health delivery system, with the rate of satisfaction as high as 95.4 per cent for the pre-natal health delivery service (MHEN 2008).

Another tremendous improvement in the area of social development is noticeable in the provision of access to safe drinking water . See Figure 1 below.



**Figure 1.** Increase in the population with access to safe drinking water

**Source:** Compiled by author based on African Development Bank Statistics (*Malawi at a glance*) 2008 and GoM 2007.

Thus, from 1993-1995 to 2006 there was a sharp increase in the population with access to safe drinking water: from 37 per cent to 73 per cent respectively.

An assessment of social development cannot be complete without looking at the question of gender. In this regard, it is important to note that Malawi is a signatory to the Southern Africa Development Community (SADC) *Gender and Development Declaration* which coincidentally was signed in Blantyre (Malawi) in 1997, committing all members states to, among other things, achieving equal gender representation in all key organs of the State, with a target of at least 30 per cent women in key political and decision-making structures by 2005.

Malawi's performance in this area has, however, been dismal in the period under review. For instance, the share of women in wage employment has only increased from 15 per cent in 1998 to 31.1 per cent in 2005 (GoM 2007). Similarly, the participation of women in politics, as measured by the number of elected women parliamentarians, has also seen a very gradual positive change. In 1994, only 5.6 per cent of parliamentarians were women. The rate increased to 9.3 per cent in the 1999 general elections, and it now stands at 14 per cent following the 2004 elections (Malawi Electoral Commission 1994, 1999 and 2004 elections results).

### 3 GOVERNANCE-RELATED CHANGES

#### 3.1 Relevant changes in the legal/policy framework

That Malawi aspires to have a democratic political order is manifested in various ways. The 1995 adopted Constitution provides the fundamental basis of this democratisation, for it is said to be founded on democratic principles, including the following (Sec 12(i-vi):

- a) That legal and political authority is derived from the people of Malawi and such authority shall be exercised to serve and protect their (people's) interests
- b) That powers of the state shall be exercised on trust, which has to be maintained through open, accountable and transparent government and informed democratic choice
- c) That all human beings have an inherent dignity and worth which entails that the state and all persons recognise and protect fundamental human rights<sup>3</sup>
- d) That there should be legal equality
- e) That all institutions and persons shall observe and uphold the Constitution and the rule of law.

The Constitution also provides for other key democratic institutions and principles. They include the following:

- a) Separation of powers among the three arms of government: the judiciary, legislature and executive, as a way to ensure further checks and balances<sup>4</sup>.
- b) Establishment of a number of other institutions that aim at furthering the democratic process in various ways. They include the following:
  - The now-defunct National Compensation Tribunal (NCT) which aimed at addressing past human rights abuses by providing possibilities for the victims of the Banda regime to seek redress in the form of a largely symbolic financial compensation.
  - The Law Commission, which reviews all previous and current legislations to ensure their consistency with the current Constitution.
  - The Office of the Ombudsman and the Human Rights Commission (HRC), both primarily responsible for investigating, promoting and safeguarding human rights
  - The Electoral Commission, whose mandate is to manage elections
  - The local government system which, among other things, aims at “the consolidation and promotion of local democratic institutions and democratic participation (Malawi Constitution, Sec 146(2)(c))”.

To this list should be added the Anti Corruption Bureau (ACB), which, although not constitutionally provided for, is an essential public institution established by an Act of

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<sup>3</sup> It is particularly worth noting that, probably because of Malawi's political history, the framers of the Constitution considered it necessary to enshrine with the Constitution a detailed bill of rights (Chapter IV Sections 15-46).

<sup>4</sup> See Section 6-8.

Parliament that aims to realise fundamental constitutional principles, especially those related to transparency and accountability.

Apart from these public institutions, the advent of democracy has also seen an unprecedented emergence of other democratic institutions that are critical to the democratisation processes. One such institution is a civil society that is particularly concerned with questions of governance. This is evident particularly in the evolution of the so-called human rights and/or governance NGOs, which were non-existent (with the exception of the churches) before 1993. By February 2003, there were 27 non-governmental organisations (NGOs) in this sector registered with the Council for Non Governmental Organisations - CONGOMA (CONGOMA 2004). They view themselves as ‘watchdog’ organisations that have to address questions of ensuring accountability, transparency, the responsiveness of government, and the rule of law. In this regard, quite a number of activities are undertaken with an aim of entrenching a democratic culture in the country, by way of civic education or advocacy, among others.

Political pluralism has also been characteristic of Malawi’s democracy. This is reflected in the numerous political parties that continue to be formed. Only five political parties existed just before the 1994 presidential and parliamentary elections (PPE)<sup>5</sup>. In 1999, 11 political parties contested these elections. In the third PPEs that took place on 20 May 2004, 15 parties took part out of the 31 officially registered political parties<sup>6</sup>.

While there has been an increase in political parties since 1994, there has not been any significant change of power (government). The 1994 elections were won by the opposition United Democratic Front (UDF) marking the end of the 30 years of the Malawi Congress Party government. The same UDF also won the subsequent presidential elections of 1999 and 2004. There have been, however, some unique (or rather interesting) developments since the 2004 elections. In 2005, the winning UDF presidential candidate, Dr. Bingu wa Mutharika, left the party that sponsored him (UDF) and formed his own party, the Democratic Progressive Party (DPP) amid internal party conflicts within the UDF. Subsequently, a number of MPs from UDF and later also from the other parties joined the ‘president’s’ party, resulting in a situation where the UDF became an opposition party without losing an election, while the DPP assumed the role of a governing party without winning any election. This development has

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<sup>5</sup> These were the Malawi Congress Party (MCP), Congress for Second Republic (CSR), Malawi Democratic Union (MDU), Alliance for Democracy (AFORD), Malawi Democratic Party (MDP) and United Democratic Front (UDF).

<sup>6</sup> Malawi Update, Issue No. 47, January, 2004 as cited on [http://www.malawi-update.org/index.php?issue\\_number=47](http://www.malawi-update.org/index.php?issue_number=47), on 13 May 2004. In Malawi unless a political party is officially de-registered, it is still recorded as an existing party. However, this does not give a true representation of the actual parties that one can reckon with. For instance, the list of these 31 political parties includes the de facto defunct parties such as the United Party (UP), whose founder was a presidential candidate of the UDF in 2004, the Mass Movement for Young Generation, which nobody knows anymore, the Congress for Second Republic (CSR) of the late Kanyama Chiume. It may be ideal, in this case, to assess political pluralism against the number of parties actually contesting, other than those registered.

been a bone of constitutional contention since then, and signs are that only the next election may normalise this.

Apart from the manifestation of democracy through political pluralism, democracy has also been 'mainstreamed' in some of the key policies. For instance, for the first time, Malawi's foreign policy is said to be founded on democratic principles (GoM 2000). These principles include:

- a re-affirmation of Malawi's commitment to the protection and promotion of human rights and fundamental freedoms
- adherence to commonly avowed fundamental political values, guided by principles of good governance, transparency and accountability. Similarly, in the process of conceptualising Vision 2020, Malawians further re-affirmed their desire for a democratic system of government<sup>7</sup>. The Vision statement among other things states that by the year 2020, Malawi should be "democratically mature (GoM 2000:27)". Thus, the people of Malawi aspire to a government that "...should operate transparently and with accountability and the rule of law in place and its three branches - the executive, the legislature and the judiciary - clearly separated". Also, "Every citizen should participate in governing through the ballot box." (ibid:33).

It is probably in the development of the Malawi's Poverty Reduction Strategy Paper (MPRSP) that the case for democracy as a policy issue was made more forceful (GoM 2002). Here, democracy was considered as both a necessary condition for development and also an issue that needs to be tackled in the same way as other developmental issues. Thus, the question of democracy, which was addressed under the broad umbrella of good governance, constituted one of the four pillars upon which Malawi's poverty reduction strategy was based. The other three pillars were addressing "sustainable pro-poor growth", "human capital" and "improving the quality of life of the most vulnerable" (GoM 2002). To this effect, a formal commitment was made to allocate public resources in the area of good governance, strengthening of human rights, and democratisation in general.

Good governance, of which democracy is a fundamental dimension, has also been recognised and taken into account in the just-adopted MGDS. The GoM went even further in the MGDS by asserting that the very success of the MGDS "depends much on the prevalence of good governance" of which the main tenets, according to the GoM, are good public sector management, absence of corruption and fraud, decentralisation, rule of law, security, good corporate governance, and respect for human rights (GoM 2006).

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<sup>7</sup> This is a study of the aspirations of Malawians and of development prospects for Malawi in a twenty year period up to the year 2020. See Government of Malawi, *Vision 2020. The National Long-Term Development Perspective for Malawi* (Lilongwe: National Economic Council) 2000.

The changes in the policy/legal framework are further supported by a clear demand for democracy that appears to prevail in Malawi, as manifested in the 2003 study of the Afro Barometer (Khaila and Chibwana 2003). In this study, it was established that 78 per cent of Malawians prefer regular, open and honest elections. A good 63 per cent are said to prefer many political parties, so that they have a choice in who governs them. More importantly, Malawians in the same study demonstrated that they tend to reject non-democratic alternatives of government. Sixty-six per cent reject one-party rule, 84 per cent reject military rule, and 78 per cent disapprove of a situation where elections and the National Assembly are abolished to allow the president to decide everything.

### **3.2 Changes in the structure of government: from national to local**

As may be expected, the political changes that resulted in the adoption of multiparty democracy had a profound impact on the structure of government, as the set-up had to conform with the new political dispensation. Most of these changes were reflected in the Constitution that was provisionally adopted in 1994 and formally came into force in 1995. Some of these changes have already been alluded to as we reviewed governance-related policies and/or legal reforms.

The constitution created a de facto presidential system of government, with the president as head of both government and the state. As already observed, the three branches of government (executive, judiciary and legislature) are not only constitutionally founded, they are also supposed to perform their constitutional mandates independently of each other, while at the same time ensuring that there are - among the three branches - adequate checks and balances, as is normally the case in any established democracy.

The president and his/her deputy are directly and jointly elected by a simple majority. As head of government, the president is assisted by a team of cabinet ministers who are appointed and/or fired at his/her own prerogative. As is the case in many democracies, the Constitution of the Republic of Malawi provides for limits to presidential terms; the president can only serve for a maximum of two consecutive five-year terms. The word 'consecutive' has, however, been a subject of controversy lately, following the expression of interest by the former president Bakili Muluzi, who intends to again contest the forthcoming 2009 elections; he served two consecutive terms and then retired for five years.

The judiciary, which is headed by a chief justice, comprises the Supreme Court of Appeal, the High Court, the Magistrates' Court, the Industrial Relations Court, and other lower courts as may be established by an Act of Parliament. While the chief justice is appointed by the president, his/her appointment - as is the case with other senior public appointments - is subject to the scrutiny of and confirmation by Parliament as one way of ensuring the aforementioned checks and balances.

The 1994 provisional constitution provided for a bicameral legislature comprising the National Assembly and the Senate. The latter was abolished even before it could be constituted, on the grounds that Malawi was too poor to afford two chambers. Thus today, Malawi has a unicameral Parliament, which constitutionally comprises the National Assembly and the president in his capacity as head of state. The Malawi parliament consists of 193 members. Which are all directly elected following a constituency based first-past-the post (FPTP) electoral system. The speaker, who is head of the legislature, and his/her two deputies are elected from among the members of Parliament. These MPs serve for a five-year legislative period and they can be re-elected without any term limits.

The Constitution also provides for setting up a local government system, whose mandate is to facilitate development at local level and further strengthen the process of democratic consolidation by acting as an avenue for popular participation (Chapter XIV of the Constitution of the Republic of Malawi). Thus, in effect, there are two tiers of government in Malawi: central and local. The latter exists in the form of District or City Assemblies which comprise both elected (councillors) and non-elected representatives such as traditional leaders who wield non-voting rights.

### **3.3 The question of accountability**

As part of the democratic establishment, a number of mechanisms have been put in place to facilitate the political accountability of those elected to their electorates. The Constitution itself, as already noted, makes it clear that those who wield state power and authority do so only on trust, which is subject to review every five years during the general elections. Furthermore, the president and his deputy may be removed from office by the National Assembly through impeachment. Similarly, any serving judge may also be removed from office on grounds of incompetence by the president acting on the motion passed by Parliament. Processes involving the impeachment of the president or his vice, or the removal of a judge, are, however, rigorous, complicated, and need to fulfil a number of requirements which in the process safeguard these processes from abuse.

Furthermore, the constitution also provides for the establishment of some key public institutions which are instrumental in further strengthening political accountability. They include offices of the Auditor General, the Human Rights Commission, and the Ombudsman. Besides these constitutional bodies, there are also other legally founded institutions, like the Anti-Corruption Bureau, that are proving to be key in this regard. In addition, the presence of civil society organisations and an increasingly independent media appear to be instrumental in further strengthening political accountability.

While there have been all these efforts at a formal level, the reality on the ground suggests that there is still room for improvement as far as political accountability is



concerned. In their study on responsiveness and accountability in Malawi, the Afro Barometer (2006) found out that Malawians are, in particular, not satisfied with the way their Members of Parliament (MPs) have been performing since the re-introduction of democracy. In the said study, 56 per cent of the citizens noted that their MPs hardly ever visit them, while 55 per cent said that they feel that their own representatives do not listen to them.

Interestingly, while there are mechanisms for removing the president and/or his vice from office during his term, and, while it is possible to remove a judge from office - albeit through a complicated and near-impossible process - there is no mechanism for removing an MP within the five-year term of office. The constitutional provision (Section 64) that allowed the electorate to recall their MP if he/she fails to perform to the satisfaction of his/her constituents was repealed in 1995. To date, there have been calls, particularly from civil society, to reinstate this provision.

### **3.4 Governance and popular participation**

As a people-centred system of government, democracy entails the participation of the public in the affairs that affect them. As the preceding discussion may illustrate, since the advent of democracy, there have been a number of policy reforms that have in various ways aimed to facilitate the realisation of this basic democratic tenet, either directly or indirectly. The most obvious is the constitutionally entrenched local government system, and the adoption in 1998 of a decentralisation policy that paved the way for the enactment in the same year of a Local Government Act. Both of these consider facilitating the grassroots in decision making as one of their core objectives (Chinsinga 2007). The legally constituted District Assemblies (as local governments are called in Malawi) consist of elected councillors (with voting powers) and local MPs, traditional leaders, and representatives of special interest groups as non-voting members. The Assemblies are responsible for planning and implementing local development initiatives in their respective districts. Below the District Assemblies, other mechanisms with the same aim have also been set up. They include the Area Development Committees (ADC) which bring together a number of villages under the jurisdiction of a senior chief called Traditional Authority and Village Development Committees (VDCs) that is headed by a junior chief referred to as a Village Headman.

Although these formal mechanisms have been established, there are still a number of factors that constrain Malawians from effectively taking part in public decision making. To begin with, while the 1995 Constitution provides for an elected local government system, the first local government elections only took place in the year 2000, raising doubts about the central government's commitment to ensure the local participation legally provided for. Furthermore, when the term of office of the elected Councillors expired four years later, no elections were held to fill the gap and, until now, there is no sign of holding local government elections, thus effectively denying people at grassroots level the right to take part in the formal decision-making processes as foreseen in the Constitution.

Popular participation is further hampered by high levels of illiteracy. In Malawi, the official medium of communication is English. This means that all policy and/or legal documents, including local development proposals, are supposed to be formulated and debated upon in this foreign language which is, unfortunately, well understood by less than 50 per cent of the population. The language barrier is quite visible in parliamentary debates, during which it can clearly be seen how some MPs find it extremely difficult to express themselves, even if they have passed the English proficiency test, which is a basic requirement for all aspiring MPs who do not possess a Malawi School Certificate of Education (MSCE), an O-Level equivalent.

In his recent study, Blessings Chnisinga (2007) established five additional factors affecting participation at grassroots level. They are:

- excessive delays in project implementation, which result in the community being frustrated
- the culture of 'handouts' promoted by some politicians, which creates a dependency syndrome as people start looking up to such leaders as providers of everything
- frequent food shortages at household level that lead to family members being more concerned with their own survival than anything else
- corruption in project management committees
- the misinterpretation of the new (democratic) political dispensation, whereby some people have (mis-)understood it to mean doing as one pleases, including not taking part in development initiatives.

In political terms, popular participation can also be measured by taking recourse to voter turnout. Since 1993, Malawi has held three multiparty elections, with high voter turnouts in 1993 (69 per cent) and 1999 (94 per cent), but a drastic drop in 2004 (63 per cent). The local government elections held in 2000 were even worse, registering a meagre 14.2 per cent. A study of voter apathy in Malawi commissioned by the National Initiative of Civic Education and the Malawi Election Commission (2008), shows that of the sample of 2 897 respondents that did not vote in 2004, 33 per cent did not bother to vote at all, while the large majority (67 per cent) wanted to vote but failed to do so for one reason or another - underscoring the fact that Malawians are not indifferent to voting. Most important, however, is the observation by the same study that a large majority (79 per cent) of those who did not bother to vote did so because they were dissatisfied, either with the failure by politicians to deliver on their campaign promises or the lack of intra-party democracy which saw the party leadership imposing candidates on their membership, pushing aside the popular preferred candidates.

#### 4. CONCLUSION

The foregoing discussion has demonstrated that since the adoption of democracy, tremendous efforts have been made to consolidate democratic gains. However, Malawi is still endowed with onerous socio-economic conditions. As discussed, poverty indicators show that Malawi has not witnessed any remarkable improvement in the socio-economic conditions of her people. Apparently, this challenge presents a threat to the future of democracy, particularly because democracy in Malawi was 'oversold', presented not only as a political solution to the dictatorship, but also as a precondition for the successful addressing of the socio-economic malaise. As such, the worsening socio-economic conditions may (mistakenly) be blamed on the political system as the one that has failed to address the socio-economic challenges facing Malawi, and yet the factors that have contributed to the worsening socio-economic conditions are more complex than politics alone may explain. It must be appreciated, for instance, that Malawi, being a land-locked country whose economic lifeline is largely dependent on rain-fed smallholder agriculture, is also vulnerable to factors that go beyond only getting politics right. Key among such non-political factors are climatic changes, which may result either in prolonged dry spells (drought) or floods. The occurrence of either of these, or indeed both, does have devastating consequences. Similarly, the removal of subsidies on agricultural inputs in the early 1990s as part of the International Monetary Fund (IMF)/ World Bank-supported structural adjustment programmes, has had a negative impact, on smallholder farmers in particular.

Thus, while it is true that historically, some democratic regimes have survived economic crises, this does not exclude the fact that "...a continuous failure of performance, particularly after a change of the ruling parties, might lead to the blame being placed on the system and serve as a basis for an anti-democratic, disloyal opposition, the temptation for military intervention, or some continuous unrest and disillusionment" (Linz 1990: 161). From a pessimistic viewpoint, it may be just a question of time before such a situation prevails in Malawi, as some political indicators seem to suggest. Thus, while the 2002 Afro Barometer survey found that 66 per cent of Malawians were supportive of democracy as the system of government preferred to any other kind, a good 94 per cent associated that democracy with a universal availability of basic necessities like shelter, food and water (Tsoka 2002). Unsurprisingly, it is the basic necessities that top the list of priorities that the majority of Malawians wish their government would address (Tsoka 2002). It is, therefore, apparent that failure to perform on these issues might lead to disenchantment among the people.

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