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Country Brief | Malawi

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Previously named Nyasaland, Malawi gained independence in 1964. Until 1994 it was a single party state ruled by president Hastings Banda of the Malawi Congress Party (MCP). Contrary to Banda's expectations, a referendum that he himself called for, led to the country's first multi-party elections in 1993. These elections resulted in a change of government.

Since the introduction of a multiparty system Malawi's political history has been marred by autocratic leaders seeking unconstitutional presidential privileges and political party infighting leading to unconsolidated and loose political alliances.

In 2011 a severe socio-economic crisis hit the country, sparked by incessant fuel shortages and aggravated by an increasingly autocratic leadership. This led to a year of civil unrest. A broad opposition to then President Wa Mutharika grew in strength, yet he refused to relinquish power. At the height of the stand-off the president passed away, averting a deepening of the crisis. Vice president Joyce Banda, who had been expelled from the ruling party in 2011 because she didn't support the president's approach to the crisis, was inaugurated in April 2012 as the founding member of the new Peoples Party (PP). New elections are not expected to be held until 2014.

Malawi's population is 80% rural and largely dependent on subsistence farming. The public sector is by far the country's largest formal employer. According to the Human Development Index in 2005 Malawi ranked 164th out of 177 countries, dropping 7 places in the 10 years since 1994. Even though the country shows improvement in literacy, healthcare and mortality rates its socio-economic situation in comparison to other countries is worsening.

Political Environment

The current multi-party system is fragmented and unstable. It has shallow roots in civil society. The main cause of this fragmentation is the strong personalisation of party politics. Many politicians switch allegiance between parties, often in favour of the ruling party. This undermines trust in party politics and the importance of opposition. There was a clear negative trend in election legitimacy until 2009. This included intimidation of the opposition, weak monitoring of results, inadequate capacity in key institutions and of legal frameworks. Even though there was some violence and harassment during the 2009 elections, it was much less than previous years and evidently insignificant enough for International election observers to consider the 2009 landslide victory for president Wa Mutharika a reflection of the will of the people. Local council elections have still not been occurred despite the present terms having expired in 2005. This delay has led to a re-centralization of politics even though traditional chiefs have

since been given higher status in the political system, with increases in salaries and elevations in rank.

Despite some religious tensions between Christian and Muslim groups. Ethnic identity in general trumps regional politics. The state is largely defined as secular, although religious institutions, particularly Christian churches, remain influential as interest groups.

Major Political Parties

Until 2012 there were four main political parties: The United Democratic Front (UDF), the party of former president Muluzi (1993-2003), which has a southern regional stronghold. The Malawi Congress Party (MCP), the party of former president Banda (1964-1993), which has a central regional stronghold. The Democratic People's Party (DPP), former president Mutharika's party (2003-2012) and the Alliance For Democracy (AFORD), an alliance of smaller opposition parties that have a northern regional stronghold. This year President Banda (2012-present) left the DPP before becoming president to start her own party, the People's Party (PP). Other smaller parties exist but they are not generally geographically orientated and are also not well known in rural areas.

During the past year each major party has faced internal dissent around succession and challenges to leadership. Conflicting opinions on how to deal with the crisis caused a significant number of MP's to switch allegiance, become independents or in President Banda's case start her own party. Even so, the abrupt change from the DPP to the PP as ruling party was unexpected. The PP does not by any means have a majority in parliament, which could incapacitate the government when trying to deal with controversial or contested issues in parliament.

Other Key Political Stakeholders

Until recently international donors contributed to approximately 40% of Malawi's budget. This led to various demands and criteria attached to those funds, mainly aimed at poverty reduction and democratisation. Because of recent developments Western donors were withdrawing their aid and increasing support for NGO's as they take over governmental responsibilities related to healthcare and social support that have been neglected since the crisis began in 2011. However President Banda moved swiftly to reinstate this development aid and donors are slowly returning.

Chinese mining is a major new activity in Malawi. Chinese contractors also play a major role in building state infrastructure. Bilateral trade agreements have been signed between the two governments that could have political repercussions as they are considered to benefit state owned Chinese companies over Malawian state interests.

Democracy

Rule of Law

Improvements in state democratisation after the first multi-party elections have regressed in recent years. The rule of law and social political integration are weak. Malawi has a constitution that provides equally for all citizens however in the new millennium the country experienced many challenges to constitutional governance. The government initiated various controversial amendments to the constitution which included repealing sections governing the senate. The previous leadership and administration tended to exhibit deliberate disregard for the Constitution and the rule of law. In response to widespread criticism the former president condoned acts of violence and intimidation towards his critics. The government and especially the former president worked to position family members and loyalists in important political positions while removing critics undemocratically from their elected posts. Under the former president the mobilization of ethnicity was evident in the redistribution of jobs in the public sector to favour people from the president's ethnic group.

Even though anti-corruption efforts were a major part of the former president's rise to popularity corruption seems to still be rife, by the time the 2001 crisis was sparked the government was no longer taking steps towards addressing it.

Separation of Powers

National government is divided into executive, legislature and judiciary organs as provided for in the constitution. The relationship between the executive branch and the legislature has deteriorated in recent years due to the minority political framework within which the government was operating and the extent of presidential powers. The judiciary functions relatively independently, but is put under pressure from legislators and the executive. A lack of respect for the judiciary by the ruling elite is visible as a number of high court justices who have made rulings against the government in recent years have thereafter had their integrity called into question by the political elite, furthermore government has failed to enforce rulings made against it.

State Institutional Capacity

There is a lack of public trust in political and governmental institutions, caused by a lack of institutional capacity. Effective local government structures are absent, even though the state's basic infrastructure extends across the country inefficiency is primarily caused by a lack of adequately qualified personnel and extensive bureaucracy. The Malawi Electoral Commission's (MEC) legitimacy has been contested and the body's current composition was challenged in court. This has incapacitated the MEC.

Not only does the judiciary lack the respect of the political elite as mentioned above, it has too few resources to enforce rulings when government is unwilling to comply. Political disputes are often played out in court adding to the workload.

Malawi has a weak institutional framework to regulate economic markets. The Fair Trading Act (CFTA) came into force in 1998 with the aim toward lowering barriers to business entry, reducing restrictive business practices and protecting the consumer. The Malawi Competition and Fair Trade Commission, responsible for its implementation has however only been operational since 2005 and even then the agency struggled to establish itself and its administration remains weak.

When former president Wa Mutharika worked on fighting corruption, several prominent members of the government were facing criminal charges but as his interest waned so has the state interest in prosecution. The Office of the Director of Public Procurement (ODPP) was established to improve public procurement processes. The Anti-Corruption Bureau (ACB) has been expanded. However in both cases questions of efficiency and legitimacy have been raised. Transparency International's Corruption Perception Index (CPI) shows that corruption in Malawi is still rampant.

Rights and Freedoms

Basic civil rights have in the past generally been protected in Malawi and people can in principle get redress from the courts when their rights are violated, but the judiciary is limited in its awareness of civil rights and lacking capacity so possibilities are often limited.

Unfortunately during the course of 2011 president Wa Mutharika and his government worked to limit the rights and freedoms of the Malawian people, signing laws against civil liberties; including repressive legislation against homosexual behaviour, and restrictive legislation preventing citizens from obtaining court injunctions against the government. The government also clamped down on journalists, academics, activists and media outlets who voiced any anti-government sentiment, severely tarnishing Malawi's civil rights track record.

Civic Participation

There is a high interest in public affairs in Malawi and a reasonably high rate of participation concerning community development. However the Banda regime was repressive and left a legacy of weak political opposition and civil society. The numbers are small. Organisations are concentrated in urban areas. Their activities depend largely on foreign aid. The most influential tend to be Christian churches; however some CSO's* have emerged during the crisis as leaders of the opposition movement and they are becoming increasingly influential.

Social capital and civic engagement have never really been promoted by political leaders, the government often ignores civil society actors. Due to this lack of engagement a majority of the population is left feeling disenfranchised and excluded.

Economic Situation

Malawi belongs to the group of Least-Developed Countries (LDCs). The level of development is very low, markets and competition are restricted. The government was able to improve the country's economic stability and management of public funds in recent years but these developments have regressed since 2008 and especially over the last 12 months.

The global economic crisis has led to a drastic decline in international tobacco sales which was the major export product for Malawi. To counteract this loss cotton production is being stimulated by new government subsidies in 2012. Already mining has taken over as the main source of income. There is a state campaign to attract mining investors. Chinese, Australian, Canadian and Brazilian mining companies have started explorations.

When major Western donors recently suspended or ended general budget support sighting human rights abuses and financial mismanagement by the Malawian government. The government then implemented a zero-deficit budget. Taxes were raised exponentially causing a fall in production and a rise in unemployment.

The authorities are committed to a market-based economic model, which is enshrined in the Malawi constitution. Government has until recently taken a dismissive approach to the country's economic crisis, blaming foreign entities such as the IMF. Even though policies imposed by the IMF in the past have not assisted in economic development in Malawi, current issues are primarily caused by a lack of government reserves, which has led to continuing fuel shortages, power and water outages and scarcity of basic commodities. Meanwhile the black market for fuel and forex is booming and the country has been badly hit by fake currency circulation.

Civil Unrest

In July 2011 demonstrations were organized to express alarm regarding the current economic and democratic crises facing Malawi. The government's reaction to the protests was repressive and clouded in political rhetoric. It showed no sign of willingness to engage and stalled on addressing any of the 20 point petition presented to it by civil society.

Government reacted to the original protests with brute force. Even though new protests were postponed on various occasions for fear of more loss of life clashes with police became a common occurrence in Malawi. Specific persons and organisations were also targeted by state security forces. Meanwhile the past president's leadership became increasingly autocratic and paranoid.

By March 2012, the opposition to the president and his government was widespread, a collective of civil society organisations, churches, businesses and political parties came together to issue the president with an ultimatum. They gave him 60 days to step down, and if he didn't want to step down he should hold a referendum within the same period to ask the public if he should step down. Within a few weeks of the ultimatum being issued the president passed

away. Since President Banda, who enjoys broad public support, took office, violence and unrest have diminished significantly.

Opportunities and Threats

Until very recently Malawi was in the midst of a severe socio-economic crisis. A stand-off between the president and civil society threatened to bring the country to a complete standstill. In a country where civil society was considered weak and unable to hold government adequately accountable a network of opponents were slowly forcing the President's hand. Yet there was still a long road ahead until the president unexpectedly passed away and vice-president Joyce Banda was inaugurated as president, a fervent supporter of the widespread opposition to the Wa Mutharika presidency. Her party does not hold a majority in parliament and she therefore already faces major challenges to her leadership. The coming months will reveal much about the future of Malawi, depending greatly on the extent to which President Banda is able to restore economic and social stability in her country.

* Malawi Economic Justice Network (MEJN) and the Human Rights Consultative Committee (HRCC), Public Affairs Committee (PAC), The centre for human rights and rehabilitation (CHRR), The centre for development of the people (CEDEP), Malawi Human Rights Commission (MHRC), Council for non-governmental organisations in Malawi (CONGOMA), Malawi law society (MLS), National elections systems trust (NEST), Civil society education coalition (CSEC).

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