

Chapter 1

The Political Background

Malawi achieved independence in 1964, its national movement spearheaded by the Malawi Congress Party (MCP), originally known as the Nyasaland African Congress, under the leadership of Dr Hastings Banda. On 6 July 1966, it became a republic, with the MCP as the sole party and Dr Banda as President. In 1971 Dr Banda was voted 'Life President' of the country.* Malawi retained the institution of Parliament during this period, although from independence up to 1979 no parliamentary elections were held and the single party nominated Members of Parliament. In the 1979, 1983, 1987 and 1992 elections a number of individuals (all members of the MCP) were allowed to stand for each constituency, though candidates were not allowed to campaign.

Until the 1990s, open criticism of the Government came from exiled opposition groups, such as the Malawi Freedom Movement, the Socialist League of Malawi and the Malawi Democratic Union. By 1991 however, there was a small but growing opposition within the country. Organisations such as Amnesty International and Africa Watch expressed concern about human rights violations and, with the Cold War over, so did international donors.

The exiled opposition formed new groupings in the early 1990s, such as the Interim Committee for a Democratic Alliance which was formed in March 1992 in Lusaka and led by a prominent trade unionist, Chakufwa Chihana. In mid-1991, the Malawi Freedom Movement, Socialist League of Malawi and Malawi Democratic Union merged to form the Lusaka-based United Front for Multi-Party Democracy (UFMD).

The 1992 Pastoral Letter

An important catalyst of change was the reading, on Sunday 8 March 1992, of a pastoral letter by the Roman Catholic Bishops in which they said that Malawians lived in "a climate of mistrust and fear. This fear of harassment and mutual suspicion generates a society in which the talents of many lie unused and in which there is little room for initiative". The letter listed a number of concerns: "Academic freedom is seriously restricted; exposing injustices can be considered a betrayal; revealing some evils of our society is seen as slandering the country; monopoly of mass media and censorship prevent the expression of dissenting views; some people have paid dearly for their political opinions". The pastoral letter called for accountable government, an end to political detentions and equal opportunities for all Malawians.

The statement was declared seditious, making its possession a criminal offence. The Bishops were summoned by the police and an Irish Bishop, Monsignor Roche, was expelled from the country. Demonstrations in support of the Bishops took place at Chancellor College in Zomba and at Blantyre Polytechnic. Both were closed after clashes between the police and student protesters.

The Government arrested Mr Chihana when he returned to Malawi on 6 April 1992, following his call for a multi-party system in Malawi at a public meeting in Lusaka. His case attracted international media attention. Mr Chihana was eventually tried and convicted on charges of sedition in November 1992 and, following an appeal, served a six-month prison sentence.

Industrial and civil unrest broke out in Blantyre for several days in May 1992 and resulted in the deaths of several people. Shortly afterwards, bilateral aid donors at the World Bank Consultative Group Meeting in May 1992 decided to withhold any new pledges of programme aid until there were clear signs of a fundamental change of approach by the Malawian Government on issues of human rights and political freedoms.

On 25–26 June 1992, the Government conducted single-party elections for Parliament, but both registration and voter turnout were low.

The first responses to donor and church pressure for change came in June and July 1992, when a number of political prisoners were released. Among them were Matchipisa Munthali, jailed for 26 years, and Aleke Banda, detained for 11 years. The Government also agreed to allow representatives of the International Committee for the Red Cross to visit prisons.

* Parliament enacted legislation in December 1993 to withdraw the designation 'Life President'.

In August and September 1992, many people detained earlier in the year were also released.

In August 1992, the Public Affairs Committee (PAC) was formed as an umbrella organisation to press the Government on human rights and social issues. The PAC represented a wide range of Church groups, the Muslim community, lawyers and business associations. In response, the Government established the President's Committee on Dialogue (PCD) to interact with all interest groups.

Two other pressure groups were formed in September 1992: the Alliance for Democracy (AFORD), chaired by Mr Chihana, and the United Democratic Front (UDF), chaired by Bakili Muluzi. Both groups became members of PAC.

June 1993 Referendum

In response to growing opposition and criticism, it was announced in October 1992 that the President had decided to hold a national referendum on whether to retain the one-party system of government or to adopt a multi-party system. UDF and AFORD, both supporters of a multi-party system, negotiated the conduct of the referendum with the PCD under the umbrella of the PAC. The United Nations played an important role in securing agreement on the terms of the referendum.

The referendum was held on 14 June 1993. It was observed by 210 international observers who gathered under the umbrella of the JIOG. Over 3.1 million Malawians voted, representing 78 per cent of the adult population. The multi-party option won convincingly with some 63 per cent of the vote. The JIOG concluded that the vote was "an accurate expression of the wishes of the Malawi people", although concern was expressed that conditions in the pre-referendum period were not always conducive to fair and open debate.

The results were sharply differentiated by region. All districts in the Northern and Southern Regions registered large majorities in favour of multi-party politics. The Central Region, a traditional stronghold of the ruling party, voted to retain the one-party system.

Steps Towards a Multi-Party System

The referendum result gave dramatic impetus to the pace of political change in Malawi. At an extraordinary meeting on 19 June 1993, Parliament amended Section 4 of the Constitution so as to legalise the formation of political parties other than the MCP. Other pieces of legislation passed during the session included the Political Parties (Registration and Regulations) Act 1993 and the General Amnesty Act 1993. The former specified a regulatory framework for the operation of political parties and created the office of Registrar of Political Parties. The General Amnesty Act 1993 ratified the amnesty announced by the President on 23 June 1993 for all Malawians imprisoned or exiled for political activities.

Following consultations between the opposition and the Government, it was agreed to set up a parallel administration for the transition to a multi-party system in the form of a National Consultative Council (NCC), with a National Executive Committee (NEC) as a subsidiary body with control over the Ministries and a monitoring role in the implementation of policies governing the transition. During the transition period, the NCC finalised legislative measures deemed necessary for the transition, including amendments to the Constitution, a new electoral law designed for a multi-party system, and a draft Bill of Rights and draft Constitution for consideration by Parliament (see Chapter 2).

Years of tension between the army and the Malawi Young Pioneers (MYP), a paramilitary youth wing of the MCP, culminated in fighting in the main urban centres following an incident in Mzuzu on 2 December 1993 which left two soldiers dead. The army reacted and attacked MYP bases in Lilongwe, Blantyre and other towns under Operation Bwezani. A number of people were killed and approximately 2,000 Young Pioneers reportedly fled the country and took refuge in Mozambique.

Following strong and repeated demands by the opposition, Parliament repealed the legislation which had established the MYP. In his address to Parliament, President Banda promised pensions for those retiring and that those remaining would be absorbed into the police force.

An independent Electoral Commission, presided over by Mrs Justice Anastasia Msosa, a High Court Judge, was established on 15 December 1993. Each party was allowed to nominate a Commissioner. The Commission was charged with the task of exercising general direction of and supervision over the conduct of the elections (see Chapter 2). In order to perform its functions effectively the Commission appointed subcommittees to oversee civic education, the media, election administration, and control of violence and intimidation.

Over 200 Malawians participated in a debate on a new Constitution at a symposium held in Blantyre from 3–5 February 1994 and sponsored by Vera Chirwa's Legal Resources Centre. Soon thereafter, the NCC convened a constitutional conference from 21–25 February 1994, chaired by Judge Michael Kirby of Australia, and continued its deliberations on a draft Constitution through a subcommittee between February and April. Parliament was dissolved on 5 April 1994 and considerable wrangling continued within the NCC on the new Constitution until the eve of the elections. Parliament specially reconvened on 16 May 1994, the day before the elections, to adopt the new Constitution, which came into effect immediately after the elections, on 18 May 1994.

Political Parties

Under the Political Parties (Registration and Regulations) Act 1993, the following eight political parties were registered:

Name of Political Party	Leader
Malawi Congress Party (MCP)	Dr Hastings Kamuzu Banda
United Democratic Front (UDF)	Bakili Muluzi
Alliance for Democracy (AFORD)	Chakufwa Chihana
Malawi National Democratic Party (MNDP)	Tim Mangwazu
Malawi Democratic Union (MDU)	James Mkumba
Malawi Democratic Party (MDP)	Kamlepo Kalua
United Front for Multi-Party Democracy (UFMD)	Edmond Jika
Congress for the Second Republic (CSR)	Kanyama Chiume

Presidential Candidates

On 26 March 1994, before Mrs Justice Msosa, the following five presidential candidates were officially registered for the 17 May elections:

Name of Political Party	Leader
MCP	Dr Hastings Kamuzu Banda
UDF	Bakili Muluzi
AFORD	Chakufwa Chihana
MDP	Kamlepo Kalua
MNDP	Tim Mangwazu

A total of 613 candidates were nominated for the 177 parliamentary seats. The MCP and UDF each fielded 177 candidates; AFORD contested 162 constituencies, UFMD 35, MDP 30, MNDP 11, CSR 6 and MDU 2. There were 13 Independent candidates.

Common Electoral Group

On the eve of nomination of presidential candidates, the UDF, UFMD, MDU and CSR had resolved to work together in a strategic electoral alliance, which came to be known as the Common Electoral Group (CEG). On 5 May 1994, the MNDP joined the CEG and its leader, Tim Mangwazu, withdrew from the presidential race.

This, then, was the political background against which Malawians went to the polls on 17 May 1994.