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POLITICAL PARTIES: DEVELOPMENT AND CHANGE IN MALAWI



Nandini Patel

EISA RESEARCH REPORT No 21

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BY
NANDINI PATEL



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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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EISA Research Report, No. 21

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PREFACE

Multiparty democracy is becoming increasingly entrenched in the Southern African Development Community (SADC) region. A few SADC member states, including Botswana and Mauritius, boast long-enduring multiparty political systems implemented since their independence. Others have experienced a variety of mono-party systems (Angola, the Democratic Republic of Congo [DRC], Lesotho, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe), military dictatorship (Lesotho), apartheid rule (Namibia and South Africa) or no-party dynastic regimes (Swaziland).

Since the 1990s, most SADC countries (bar Angola, the DRC and Swaziland) have undergone a phenomenal transition towards multiparty politics. Crucial as this political transition is, its exact impact on democracy remains a moot point. In both the academic and policy discourses today, a number of questions still require answers. For example:

- Has the current political transition enhanced democratic governance?
- Has the transition deepened democratic culture and practice?
- Has the transition improved the effectiveness of democratic institutions such as political parties?

EISA (formerly the Electoral Institute of Southern Africa) – under theme ‘Consolidating democratic governance in the SADC region’ – is therefore undertaking a broad programme that attempts to answer these questions.

The first stage of the programme focused on political parties and attempted to answer whether the transition improved the effectiveness of democratic institutions, such as political parties. This component of the programme was undertaken jointly by EISA and the International Institute for Democracy and Electoral Assistance (IDEA) between 2003 and 2004. It investigated the state of political parties in the democratisation process in the SADC region over the past decade. The main goal of the programme was to assess the role and effectiveness of political parties in the process of institutionalisation of democratic governance in each of the SADC countries. The specific objectives of the project were to:

- assess the general political and socio-economic context of each country and its possible impact on political parties;
- investigate the external regulatory and legislative environment in each country and its impact on the role and functions of political parties; and
- examine the internal functioning and structure of political parties and the impact of this on their institutional effectiveness.

There is no gainsaying that political parties play a critical role in the democratisation process. It is also incontrovertible that political parties are key to the institutionalisation and consolidation of democracy. Thus, sustainable democracy is dependent upon well-functioning and effective political parties. Each *country context* suggests that vibrant and robust political parties are crucial actors in articulating and aggregating diverse interests, providing visionary political leadership, recruiting and presenting candidates, and developing competing political and policy programmes upon which the electorate base their choices during elections.

Democracy is unthinkable without political parties and, conversely, political parties cannot add value to a political system under conditions of authoritarianism. Parties everywhere have the potential to be effective and accountable, but they face enormous challenges. The political context and the legal environment in which they function, as well as their systems of internal organisation, management and operation, require attention and are often in need of reform.

Although little comparative research has been conducted, it is clear that the *external environment* – the regulatory, financial, political and electoral spheres in which political parties grow and function – influences parties' strategies and organisation. The external environment also has a fundamental impact on the capacity of parties to become more effective agents of democratisation.

The *internal functioning* of political parties determines how the social demands of different groups in society are represented in parliament. Candidates nominated for election are selected, supported and trained by their parties. In addition, parties put candidates in touch with voters and hold them accountable. In many instances, the electoral and political culture and

associated structures have allowed traditionally excluded groups – such as women, ethnic and religious minorities, indigenous peoples and youth – to have only limited access to the political realm.

To address these issues, EISA and IDEA developed three questionnaires on: the country context; the external regulations and environment; and the internal functioning and structure of political parties. Country studies were undertaken by experts commissioned by EISA and IDEA. One of the main outputs of this project is a series of research reports, and this report forms an integral part of the series.

We extend our profound gratitude to the Swedish International Development Agency in Harare, Zimbabwe, the Royal Danish Embassy in Pretoria, South Africa and the Embassy of Finland in Pretoria, South Africa for their generous financial support, without which this programme would not have been possible.

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Khabele Matlosa
Project coordinator and series editor
EISA

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LIST OF ACRONYMS

Admarc	Agricultural Marketing and Development Cooperative
Aford	Alliance for Democracy
CCAP	Church of Central Africa, Presbyterian
Congoma	Council of Non-Governmental Organisations of Malawi
Conu	Congress for National Unity
CSO	Civil society organisation
CSR	Congress for Second Republic of Malawi
DPP	Democratic Progressive Party
FPTP	First-past-the-post
Gaford	Genuine Alliance for Democracy
GDP	Gross domestic product
IMD	Institute for Multiparty Democracy
IMF	International Monetary Fund
KAF	Konrad Adenauer Foundation
Mafunde	Malawi Forum for Unity and Development
MCP	Malawi Congress Party
MDP	Malawi Democratic Party
MDU	Malawi Democratic Union
Mgode	Movement for Genuine Democracy
MMY	Mass Movement for Young Democrats
MNDP	Malawi National Democratic Party
MP	Member of parliament
MPC	Malawi Privatisation Commission
MSLP	Malawi Socialist and Labour Party
MYP	Malawi Young Pioneers
NCC	National Consultative Council
NDA	National Democratic Alliance
NDC	New Congress for Democracy
NEC	National Executive Council
NGO	Non-governmental organisation
NSM	National Solidarity Movement
Petra	People's Transformation Party
PPE	Parliamentary and Presidential Elections Act
PPM	People's Progressive Movement
PRGF	Poverty Reduction and Growth Facility
RP	Republican Party
SADC	Southern African Development Community
SDP	Social Democratic Party
UDF	United Democratic Front
UFMD	United Front for Multiparty Democracy
UP	United Party

EXECUTIVE SUMMARY

This study summarises the ideological and organisational functioning of political parties generally, and in the context of Malawi it describes the challenges confronting the parties in that country given the socio-economic realities and the level of political development and democratisation.

A structured and exhaustive questionnaire with about 90 questions covering party issues (see appendices) was presented to senior officials of five political parties – the United Democratic Front (UDF), the Malawi Congress Party (MCP), the Alliance for Democracy (Aford), the People's Progressive Movement (PPM) and the Malawi Democratic Party (MDP).

According to a national statistical survey conducted in 2000, Malawi has a population of 12 million with an average per capita income of US\$160 a year, making it one of the poorest countries in the world. The country held its first post-independence election in 1961. For the next 33 years, until 1994, it was under the one-party rule of the MCP. After a national referendum in 1993, the country legalised other parties. The first multiparty election was held in 1994 and a new constitution was adopted in 1995. The constitution established a presidential form of government with an independent legislature and judiciary. Although the presidential term of office was five years, with the possibility of re-election for a second term, there was a failed attempt in 2003 to amend the constitution to extend President Muluzi's tenure to a third term.

Malawi's location and geography pose daunting challenges to growth and development. It is a relatively small country, landlocked, lacking in mineral resources and is among the most densely populated in sub-Saharan Africa. The country is also highly vulnerable to periodic drought. This grim scenario is further aggravated by a very high incidence of HIV/Aids. It is perceived that politics is pursued not as a vocation but as an occupation to raise oneself and one's family from poverty. Records show that the government loses more than MK22 million a year in corruption.

The referendum of June 1993 gave an overwhelming verdict in favour of a multiparty system, with two-thirds of the voters voting in favour of this

proposal. Although the 1995 constitution clearly established a separation of powers between the executive (the presidency), the legislature and the judiciary, the absence of a separation of personnel has in practice led to a concentration of power, with the president wielding enormous powers. However, the defeat of bills seeking a third term for the president was certainly a victory for parliament. Constitutionalism triumphed over venality and opened a new chapter in the democratisation process of Malawi.

The first step towards the establishment of a multiparty system in 1993 was the repeal of the specific provision of the 1966 constitution that made Malawi a one-party state. As well as the MCP, which was already a registered party, seven other political parties registered and contested the 177 seats in the National Assembly at the country's 1994 multiparty elections. Four candidates stood for the presidency, with Bakili Muluzi winning against the incumbent, Kamuzu Banda, and others.

Political parties are not defined in any existing legislation. However, it is not difficult to discern the basic features of a party from the requirements of a 1993 act. Parties' own constitutions set out rules for the selection of candidates for various levels. For the presidency, candidates are required to be nominated and elected by secret ballot at a party convention; while for parliament, candidates should be nominated and chosen at party primary elections. Most conventions and primary elections have in practice, however, proved to be chaotic, undemocratic and mismanaged.

Numerous challenges face political parties. These include, *inter alia*, ideology and identity; leadership and succession; membership and recruitment; a hierarchical structure; finance and resources; accountability and responsibility; coalition and alliance formation; education and training; conflict management mechanisms within and between parties; and interaction with the public.

Some important conclusions drawn from this study include the following:

- The democratisation process has seen a quantitative rather than a qualitative growth in political parties. High expectations have not been fulfilled and, for various reasons, including a con-

centration on personalities rather than on ideologies, the parties have lost credibility with the public.

- The problems with the parties are mirrored in the governing institutions. Fragmented parties lead to a weak parliament. However, the legislative body has begun to realise that it is being bulldozed by the executive and the judiciary. This may be a wake-up call for the parties.
- As no party is soon likely to win an overall majority of parliamentary seats, the reality of coalition politics has to be accepted. But while parties have shown their willingness to form coalitions and alliances, they have yet to understand the dynamics of coalitions and to pursue them in a workable way.
- While the present external support in areas such as funding and training has been invaluable, today's real imperative is for an outside body to undertake a thorough needs assessment of Malawi's parties. Left to themselves in the present scenario, parties see very little beyond campaigning. In particular, their scope for any sort of long-term planning is severely limited by the circumstances in which they are operating.

INTRODUCTION

This study on political parties in Malawi has been undertaken as part of a regional programme on political parties and democracy being carried out by EISA, in collaboration with the International Institute for Democratic and Electoral Assistance (IDEA), encompassing 13 countries in the Southern African Development Community (SADC) region.

This exercise is not merely academic but strives to help parties to assess themselves critically so that regional and international institutions can come forward with ways and means of assisting the party development process and paving the way for parties to play a full role in the democratic society.

In emerging democracies the expectations of political parties as a fundamental democratic institution are high; but due to a range of reasons their capacity to perform these challenges is low.

Five parties in Malawi have been examined, namely the United Democratic Front (UDF), the Malawi Congress Party (MCP), the Alliance for Democracy (Aford), the People's Progressive Movement (PPM) and the Malawi Democratic Party (MDP). The findings are based on data obtained from senior party officials in response to a questionnaire which covers a wide range of issues in depth (see appendices).

A substantial section of this report is devoted to the socio-economic context of the country in order to assess parties in this wider context. The report further attempts to present the challenges confronting political parties and ways of dealing with these.

RESEARCH METHODOLOGY

The research method used is qualitative. The tools included a structured questionnaire, which was presented to senior party officials. About 10 party officials from five parties were interviewed. The questionnaire required some 90 replies on all aspects of the parties. Senior officials from the Malawi Electoral Commission and the Registrar of Political Parties were also interviewed.

LITERATURE REVIEW

This work has drawn valuable information from three major works: *African Political Parties: Evolution, Institutionalisation and Governance* edited by MA Mohamed Salih, Pluto Press, 2003; *The Politics of Opposition in Contemporary Africa* edited by Adebayo O Olukoshi, Nordiska Afrikainstitutet, Uppsala, 1998; and *When Political Parties Clash* by TL Maliyamkono and FE Kanyongolo, Tema Publishers, Dar es Salaam, 2003.

Salih's book captures the dynamics and complexities of party formation and functioning in Africa. The relationship between the political parties and the state is so intimate that what is at stake is the viability of the political parties themselves as governance institutions. The book also challenges the sustainability and even the existence of political parties should a rupture – peaceful or revolutionary – between party and government occur. The book raises a pertinent issue around the role of parties in the governance process: Given the fragility of parties as political institutions, are they able to play any tangible role in the governance process, that of overseeing the government and holding it accountable to the people and their representatives?

Salih holds that factors that influenced the emergence of African and Western political parties vary immensely because of the differences in the socio-economic circumstances that shaped the histories of each. In the case of Africa, the pervasive impact of colonialism, abject poverty and political and cultural expediency has informed political dynamics quite differently from those in the West.

The book assesses political party dynamics from the standpoint of their sustainability and role or lack of it in the governance process in more than 10 countries from the Southern and Eastern African region. The author aptly brings out four key factors that render parties unsustainable:

- A political culture that is devoid of democratic credence.
- The authoritarian organisational culture and non-democratic structures which create a leadership cult that cannot be questioned by senior party officials, let alone party 'followers'.
- The lack of adequate funding and poor financial management.

- The authoritarian traits and personality cults of the party leaderships and an unwillingness to accept and adopt democratic values and attitudes.

As will become clear in the research findings section of this study, Salih's factors are entirely applicable to the impediments to the emergence of a genuine multiparty system in Malawi.

Olukoshi's book succinctly describes the weaknesses of Africa's opposition parties. He makes the following general observation about opposition parties in most African countries:

'Promises which the opposition once represented as the bearer of the hopes and aspirations of the generality of the people have substantially faded away. Indeed, in a number of cases, the opposition parties are severely discredited before the populace and do not present a viable alternative to the electorate.'¹

A number of factors that weaken and in some cases discredit the opposition have been identified in much of Africa's ongoing experience with multiparty politics. Some of these factors are as follows:

- In many countries, incumbents who reluctantly conceded a multiparty framework have stopped at nothing to weaken, obstruct, harass and divide the opposition.
- Withdrawing public sector patronage from private sector business organisations sympathetic to or identified with the opposition has been another way of weakening the opposition.
- Oppositions do not enjoy a level playing field. Publicly funded media organisations and various arms or apparatuses of the state, including the security services, have been deployed against opposition parties and their activists. Rigging of elections both structurally (lack of a level playing field) and physically (altering actual vote counts or stuffing ballot boxes) has also been common in most parts of the region.
- Parties rely on a handful of patrons, who are usually also their leaders or founders, for the finances parties need to maintain

their activities. They therefore become susceptible to attempts at building cults of personality and internal structures of patronage. Many opposition parties were launched as vehicles for key individuals to achieve power.

- In most African countries the first-past-the-post (FPTP) electoral system has been adopted without much debate. This has usually meant that the opposition has won fewer seats than would have been proportionate to its share of the vote. It therefore became easy for the winning party to rule without direct reference to the opposition and to seek either to isolate and intimidate opposition members of parliament (MPs) or to attempt to lure them with the carrot of state patronage.
- Many opposition elements allowed themselves to be hurried into elections without first insisting on the implementation of far-reaching constitutional changes. The opposition seemed to be content that a multiparty system had been introduced. The lack of laws providing the right of political association – in order to convene rallies or organise protests – was virtually ignored.
- Opposition activities were focused primarily in the urban areas and made few inroads in rural areas. By contrast, most of the ruling parties had solid organisational structures in the rural areas and enjoyed huge support there.

The third of these books – Maliyamkono & Kanyongolo's *When Political Parties Clash* – focuses on the vital elements of a political party as an institution in a democratic society. It places particular emphasis on conflict – both within and between parties – as an integral element of party politics. Endorsing the inherent nature of competition and the struggle for power among parties in an African context as they all strive for political power, ruling parties see 'competition' as a way of weakening the opposition by all possible means. This book takes Tanzania and Malawi as two case studies for inter-party and intra-party conflict, and explores the causes, nature and consequences of these conflicts. These authors agree with the two other works cited about the institutional weaknesses of the political parties and about party leaders' lack of democratic culture. They also agree that these factors render political parties ineffective to address the challenges of democratic governance.

SOCIO-ECONOMIC CONTEXT ANALYSIS

COUNTRY CONTEXT

Malawi held its first free parliamentary elections in 1961. Between then and 1994 it was under the one-party rule of the MCP. The country changed to a multiparty regime after a national referendum in 1993. The first multiparty democratic elections were held in 1994 and a new republican constitution was adopted by the National Assembly in 1995. The constitution established a presidential form of government based on the principle of separation of powers. The term of office of the president was five years and a president could seek re-election for another term. The constitution limited the tenure of office for the president to two terms only. There was a failed attempt to amend the constitution to extend the term of office of the president.

The 1995 constitution provided for a bicameral legislature. However, the provision for an upper house (or senate) was repealed by a constitutional amendment. The National Assembly consists of 193 members, all of whom are elected on the principle of universal adult suffrage. The executive (i.e. the president) has generally tended to dominate the legislature. The judiciary has by and large been independent and impartial.

Malawi's people generally enjoy civil and political rights with the exception of the right to assembly and demonstration. On the Freedom House index, the country was previously ranked in the partly free category with a rating between 3 and 4. Following the third-term presidential bid in 2003, however, the Freedom House rating fell to 4 for both political rights and civil liberties.

Freedom of association is guaranteed in the constitution. In order to become a political party, an organisation needs to be registered under the Political Parties Registration and Regulations Act of 1993. The procedure for registration as a political party is simple and straightforward. There are 31 registered parties.

Parties have complete freedom to present their candidates in national elections. The nomination process is clearly spelled out in the Parliamentary and Presidential Elections Act. The opportunity for opposition parties to

compete is, however, limited as the ruling party controls the state media and uses state resources for its own party campaigns. Elections are thus largely free but far from fair. Both the 1999 and the 2004 elections have been contested in court. The management of elections is poor.

Parties are also constrained by internal problems from carrying out their activities. These problems include a lack of proper organisation, recycling of leaders, and party presidents seen as the breadwinners of the party. In other words, the trait of patrimonialism in the conduct of the parties is quite strong. The role of political ideology in the formation of parties is negligible. Political parties frequently join hands and form alliances or coalitions.

Civil society institutions, especially the non-governmental organisation (NGO) sector, are still fragile and fragmented and the church continues to play a key role in political developments. In the 2004 election the church facilitated the formation of the opposition coalition and was seen to be playing a direct political role.

All in all, the process of democratisation is uneven. There are indications that democracy is here to stay but a sudden reversal cannot be discounted. There is a need for the citizenry to be vigilant.

Economic setting

Continuing economic decline and worsening living standards for a majority of the populace is leading to political apathy from the political process in countries which only a few years ago witnessed popular campaigns for reforms. Participation levels in some of the recently held elections indicate withdrawal of people from the electoral process on a massive scale. There is a realisation that although democracy may involve political competition and participatory governance, its capacity to survive and flourish depends on the extent to which it embodies social and economic characteristics that are relevant to the aspirations of the people.²

Many forceful and passionate arguments have been advanced suggesting that in some cases economic stagnation or even degradation derive to a large extent from the conditions set by multilateral and bilateral donor and grant-giving agencies. According to Olukoshi:

'[T]he failures of the governments elected as part of the current quest for democratisation in Africa to effectively address the socio-economic concerns of the populace largely on account of their donor-induced commitment to structural adjustment has, not unexpectedly, translated into a growing disillusionment with politics generally and "democratic" politics in particular.'³

Salih echoes similar sentiments when he says:

'Authoritarian development (top-down, centralised, disempowering, and impoverishing) is not an aid to democracy... It reinforces ethnicity, breeds insurgency and contributes to rebellion since this is the only institutional mechanism for collective action vis-à-vis the state. Democratising development is a neglected aspect in the externally driven democratisation project. Democrats and dictators alike have used development to justify their ascendance to power. In the circumstances, democracy has been used as an instrument of domination, for example through the exclusion of minorities.'⁴

GRIM SCENARIO

Malawi's location and geography pose daunting challenges to its growth and development. It is a relatively small country (118,000 km², including Lake Malawi), landlocked (with the attendant implication of high transport costs), lacking mineral resources, and is among the most densely populated in sub-Saharan Africa, with an average population density of 106 persons per km². The pressure of people on the land has resulted in serious environmental degradation, which is threatening livelihoods, water supply and hydro-electricity generation. Malawi is highly vulnerable to periodic drought, and has recently suffered three droughts in four years. The economy is mainly agrarian, with 40% of gross domestic product (GDP) produced by, and 85% of the labour force employed within, an agriculture sector focused on maize and tobacco.

This grim scenario is further aggravated by a very high incidence of HIV / Aids. In urban areas, the prevalence of HIV / Aids among women visiting prenatal clinics is estimated at more than 30%.

A 2000 national statistical survey gave Malawi's population as 12 million. This population lives in one of the poorest countries in the world. With a nominal annual per capita income of US\$160 and with dire poverty that is pervasive and deeply rooted, the income of 30% of the population is inadequate for their basic caloric needs. Average life expectancy is 39 years. Some 90% of the population is rural and dependent on agriculture. Of the total arable land, 40% is in the 'estate' sector, which mostly produces for export – mainly tobacco, sugar, tea and coffee. The remaining land is shared by 1.8 million smallholding households. More than 40% of these each cultivates less than half a hectare.

Sanitation and rural infrastructure are severely inadequate: over two-thirds of households use pit latrines, and potable water is available to only half the population. Prospects for any material improvement to the depth and breadth of poverty will remain limited as long as population growth remains at the present high rate of 2.7% a year, while economic growth declines year on year.

Economic policies in the three decades following independence fostered a dualistic economy with a vertically integrated and interlocking pattern of ownership by an elite stratum – at the expense of the masses. A handful of public and private corporations and banks dominated the economy. Similarly, the agricultural sector comprised a few thousand commercially oriented estates, which paid only nominal rent for their land-holdings, and a smallholder sector with nearly two million household farmers based mainly on subsistence maize production.

Nevertheless, Malawi enjoyed successful management during the decade following independence. This was largely as a result of investments in estate agriculture and infrastructure, conservative macro-economic policies, and a disciplined parastatal sector. The economy experienced healthy growth in the first years of independence, with per capita income increasing between 1966 and 1980 at an average annual rate of some 3%. But in the late 1970s the confluence of favourable factors that had supported the growth of the economy ended. Over the following 15 years, Malawi suffered from economic shocks in the form of periodic droughts, increases in oil prices, the cost of international borrowing, decreases in tobacco prices and civil war in a

neighbouring country, Mozambique, which disrupted its main transport route.

To cope with the resulting imbalances, the government embarked on a series of adjustment programmes that have continued to the present. These were implemented with the support of the International Monetary Fund (IMF) and the World Bank. Success in stabilising the economy led to two periods of recovery, in 1982-85 and 1987-91, interspersed by periods of instability and fiscal crisis. The second period of growth (1987-91) ended when huge shocks confronted the economy between 1992 and 1994. Major droughts in 1992 and 1994 plus falling tobacco prices led to losses of more than a quarter of GDP. These shocks were compounded by a disruption of external assistance for 18 months over the 1992-94 period, as donors expressed displeasure over poor governance. Finally, in 1994, a full-blown macro-economic crisis developed in the face of drought, runaway government expenditure in the months preceding the election, steep depreciation in the exchange rate and a deterioration in public revenue and the management of expenditure.

In 1995, Malawi recovered from the large shocks caused by the price movements and droughts of the previous few years. There were important successes in stabilising the economy from the large fiscal deficit, expenditure and monetary expansion of previous years. GDP recovered by some 10%, led by the reinstatement of smallholder production and good growth in the transport and distribution sectors. Investment savings also recovered considerably, mainly stimulated by major cuts in government expenditure. The government's cash-budgeting system proved more effective in controlling expenditure. Revenue collection met budget targets. Consequently, the deficit (after grants) for the fiscal year 1996 was about 5% of GDP, compared to 15% in the previous year.

However, this improvement proved to be short-lived, with the economy having declined steeply since then. Malawi suffered an extreme drought in 2002 and had to import more than 200,000 tons of maize to avoid mass starvation. Even this issue proved controversial, however. The government of Malawi subsidised prices of maize to private traders by over MK1 billion, but failed to protect poor Malawians from the thieving prices of private

traders. The National Food Reserve Agency had bought maize at MK7.80/kg in 1999 but sold the same to private traders and the state-owned Agricultural Development and Marketing Cooperative (Admarc) at prices ranging from MK3/kg to MK6/kg. The private traders, exercising their free marketing right, sold the maize to starving Malawians at prices ranging from MK17/kg to MK42/kg. The government and most international financing institutions refused to subsidise prices to Malawians, because 'it is simply a question of supply and demand' and 'Malawi is a free trade area'. In 2002, according to the Malawi Economic Justice Network, the government ordered that only Admarc could sell maize – at a price ceiling of MK17/kg.

Numerous IMF delegations have highlighted serious non-compliance with conditions and have thus far declined to enter into any new agreements until the anomalies have been corrected. This has resulted in little or no donor budgetary support for some time, thereby forcing the government to borrow heavily from the domestic financial market (MK40 billion as at January 2003), which in turn has raised interest rates to a level (44%) at which local businesses can no longer survive. Government expenditure shows no sign of being reduced and the budget deficit continues to increase.

The experience of fiscal year 2001/2002 makes the probability of this year's budget delivery smaller. In 2003, the IMF withheld more than MK3.5 billion (US\$47 million) of its Poverty Reduction and Growth Facility (PRGF) funds after Malawi could not comply with its economic management commitments. In the same year, the UK's Department for International Development, a bilateral donor, withheld more than MK900 million (US\$12.5 million).

The situation did not change much in 2004. Information from the Ministry of Finance and the Ministry of Economic Planning shows that, at the moment, government is relying solely on domestic collections because the donor community has not yet come to support the 2003/2004 budget. Unfortunately, most bilateral donors to Malawi will resume their support only when the IMF recommends the resumption of the PRGF. Domestic revenue in Malawi amounts to only about half the total budget and the country is heavily dependent on donor funding, with 39% of the national budget being funded by donors.

PRIVATISATION

The current privatisation programme has also generated much controversy and debate, due to public perceptions of opacity and ‘insider trading’. It is commonly believed that ‘national assets’ are being disposed off at giveaway prices to profit-driven private entrepreneurs – usually foreign firms because there are few local investors with the required funds. Owing to this, little or no benefit accrues to the people of Malawi, who are, in theory, the ultimate owners of these assets. Indeed, in some cases, these parastatals (such as Admarc) performed a social safety net function – in the absence of a government structure – for the poorest sections of Malawian society. It is feared, therefore, that privatisation of these enterprises will mean an end to vital support systems for the people who live in dire poverty.

Concerns often raised are the loss of jobs and poor welfare for those who remain employed. Most civil society organisations (CSOs) see privatisation as a process whereby the government evades its responsibility for providing for the basic needs of the people – and instead puts the community at the mercy of profit-oriented private traders. Some critics also see privatisation as a deliberate loss of public assets by the government as companies are often sold at a loss. This has generated considerable animosity and rancour among the people, who feel cheated by the process.

Although the government has so far raised some MK1.67 billion (about US\$20 million) from the sale of 42 companies, the proceeds of these privatisations are not used for viable investments. Instead, the money is being used:

- to run the Malawi Privatisation Commission (MPC);
- to restructure other parastatals or to make them ‘viable for privatisation’;
- for payments to retrenched or redundant workers;
- to fund ‘any project within the government’s development plans’.

Since the establishment of the MPC, 42 parastatal companies have been privatised, while the government plans to privatise 28 more companies.

Civil society has been voicing serious concerns about the privatisation process. The latest case is that of Admarc. According to figures from the

parliamentary committee on agriculture that was conducting hearings on the views of Malawians on whether or not to privatise Admarc, all of the 36 respondents were against the Admarc privatisation. The arguments were that such a move would threaten an already shaky food security situation in the country, and might endanger the availability of maize to those in dire need. It is hoped that the findings of the parliamentary committee will complement the cries of the poor and pressurise the government not to privatise Admarc, but instead to put proper management in place to ensure its financial viability. It is also hoped that the donor community, through the auspices of the IMF/World Bank, will heed these earnest pleas and desist from applying pressure on the government.

All the above factors point to a pressing need for urgent positive remedial measures to curb Malawi's seemingly inexorable economic decline. This can be accomplished only with a level of public cooperation and support that could be engendered by greater transparency. Unless the imbalances are rapidly corrected, the continued economic decline will inflict ever-increasing hardship upon the already suffering masses, and this in turn will impact negatively upon the acceptance, consolidation and evolution of democracy in Malawi.

CORRUPTION

Public officials, especially MPs, are required by law to declare their assets soon after their swearing in. This requirement has not been pursued and a mechanism for carrying out this task has not been effectively put in place. It has been commonly noticed that politics is pursued not as a vocation but as an occupation to redeem oneself and one's family of poverty. Records show that the government loses more than MK22 million a year in corruption. There have been cases of the government paying MK2.6 million to 'ghost teachers' and more than MK1 million to owners of 'ghost houses'. Prominent politicians have a virtual monopoly of some key businesses, with 70% of the sugar industry, for example, being controlled by politicians.

An Assets Bill has been waiting to be tabled in parliament since the end of 2002. It proposes impeachment of the president if he does not declare his assets. It further proposes that MPs shall lose their seats and that civil servants and chairpersons and chief executives of parastatal organisations shall be

dismissed if they fail after two reminders to declare their assets. The bill was drafted by the Public Assets Declaration unit, with inputs from the general public and the director of public prosecutions and the Anti-Corruption Bureau.

POLITICAL DEVELOPMENT AND DEMOCRATISATION

HISTORICAL BACKGROUND

There were no democratic elections in Malawi between 1964 and 1994. After the landslide victory of the MCP in the 1961 election, the opportunity for the general population to participate in politics was severely reduced. With the introduction of a republican constitution in 1966, the lifespan of parliament was extended for another five years. The same parliament then unanimously elected Kamuzu Banda as state president. Before the presidential and parliamentary elections of 1971, Dr Banda accepted a resolution, initiated and planned by himself and passed by an MCP convention in late-1970, to become president for life.

The elections then due in 1971 and 1976 did not take place. One candidate from each constituency was nominated by the president and 'elected' unopposed. This practice was slightly changed in the 1978, 1983, 1987 and 1992 elections, when usually between two and five candidates competed for each parliamentary seat. All candidates, however, had to be members of the MCP and needed the president's personal approval to stand. In constituencies where unpopular but powerful ministers stood (such as John Tembo in Dedza South in 1992), nobody else dared to stand and the ministers were returned unopposed. Electoral participation of the population was possible only under the tight control of the regime.

There were no political parties other than the MCP and it was unthinkable to form such parties. Even NGOs were seen as a threat to the authoritarian regime.

In 1985 there were only 25 indigenous NGOs in the country. Only in the late 1980s did external pressure force the government to open up the NGO sector, but the government still did not remove its tight control over NGOs. This was maintained through the Council of Non-Governmental Organisations of Malawi (Congoma). All indigenous and international NGOs working in Malawi had to be members of Congoma. Trade unions existed on paper but were defunct. Strikes, demonstrations and all kinds of open protest were banned.

In summary, there was no meaningful participation in the political process, not even within the MCP, as the party was used by Dr Banda and his inner circle as an instrument to control and repress its active members.

DISINTEGRATION OF AUTHORITARIAN REGIME

It is remarkable that one of the two underground opposition groups formed in late-1991 was initiated with the assistance of some expatriates working in the country. Through diplomatic channels, these expatriates had access to information about developments inside and outside Malawi not available through the strictly censored media. These expatriates were not suspected of working against the regime. The group concerned, later known as the United Democratic Front (UDF), grew slowly, with membership being by personal invitation only.

UDF members were mostly former MCP politicians who had fallen from presidential favour. Many came from the South and earned their living as businessmen or entrepreneurs. At the time, there were fewer than 20 UDF members, and they were led by Bakili Muluzi. Aware of their vulnerability – if discovered, they could be imprisoned or killed by the regime – the members sought a wider platform to make it more difficult for the regime to suppress the movement. Since all media and most of the NGOs were tightly controlled by the government and had weak structures, it was difficult to find an adequate platform.

Only the two biggest churches, the Church of Central Africa, Presbyterian (CCAP) and the Roman Catholics, had an effective nationwide organisational structure but neither were known for being critical of the Banda regime. Through personal contacts between some opposition activists and the Catholic bishops, the Catholic clergy were approached and encouraged to read a pastoral letter in which the regime was criticised for its poor human rights record, lack of democratic rights, and corruption and inefficiency in the education and health sectors. Known as the Lenten letter, this pastoral letter was read on 8 March 1992 in all Catholic churches in the country. The international support for the bishops saved their lives after the MCP national executive committee, in an emergency meeting after the letter had been made public, had resolved to kill them. Dr Banda was under enormous external pressure not to persecute the bishops and risk suspension of Western aid.

At about the same time as the UDF movement was founded in late-1991, another underground opposition group – later known as the Alliance for Democracy (Aford) – was formed. This group was dominated by professionals and intellectuals – mostly from the North. The movement was founded by Chakufwa Chihana, then secretary-general of the Southern Africa Trade Union Coordination Council, based in Lilongwe. He was almost unknown in Malawi at that time.

The pressure on President Banda was increased in July 1992 when the CCAP publicly called for dialogue with the regime in order to liberalise the political system. Surprisingly, the president accepted the demand and, in October 1992, formed a forum for discussing the churches' grievances. The president had two objectives. The first was to demonstrate to donors that he was willing to introduce serious democratic reforms. By this, he hoped that the suspension of development aid – partly introduced in May 1992 – would be lifted. The second was to include the opposition in formal negotiations. In this way, he hoped to maintain control over the reform process. While the regime wanted to restrict participation in the discussions to the churches, it finally had to accept the inclusion of other groups, such as the Chamber of Commerce and the Law Society. The underground movements, Aford and the UDF, came into the open – in September and October 1992 respectively – and joined the discussion forum as pressure groups.

President Banda then decided to call a referendum on the question of whether or not a multiparty system of government should be introduced. He thought that he could easily win the support of the rural population, which made up about 85% of the total population, while the pressure groups were predominantly urban movements. Unlike the pressure groups, the MCP had a well-organised party structure at grassroots level. Contrary to the situation in some other African countries, the MCP did not just exist on paper, but was an effective arm of the regime, facilitating its main tasks, which were to control the people and enforce the four cornerstones of Banda's rule, which were 'Unity, Loyalty, Obedience, Discipline'.

TRANSITION TO MULTIPARTY DEMOCRACY

To the surprise of Dr Banda, the June 1993 referendum did not support the president's view. This turned out to be the starting point of the

democratisation phase, as, after some pressure from the military, Dr Banda reluctantly accepted the results of the referendum and, two weeks after the vote, formally introduced the multiparty system of government.

The president then promised free general elections within a year. There were probably two reasons. The first was that the only way to have ignored the outcome of the referendum was by repression, which, given the military stance, would have been difficult to achieve, and which would have seriously affected the flow of Western aid. The second was that the defeat of the MCP in the referendum was bitter but not crushing, and the president could reasonably hope to win the election against a fragmented and under-funded opposition.

The regime created a National Consultative Council (NCC), which comprised all the seven registered political parties (an amnesty had allowed exiled movements to return to Malawi) with proportional representation for each party. The NCC, however, had neither executive nor legislative powers and was there to oversee the transition process. A smooth transition was threatened in October 1993 when President Banda fell seriously ill and was temporarily incapacitated. According to the constitution, a presidential council, led by the newly appointed MCP secretary-general, Gwanda Chakuamba, was empowered to run the country.

In December 1993, junior and middle-ranking officers of the Malawi army in a surprise attack, code-named Operation Bwezani, disarmed the paramilitary Malawi Young Pioneers (MYP) movement after two unarmed soldiers had been shot dead by MYP members in the northern city of Mzuzu. The MYP fled the country to Mozambique or returned to their villages. Only 22 lives were lost, which came as a surprise as the MYP was believed to be a force of about 8,000. This action destroyed Dr Banda's last meaningful influence on the security machinery and made it impossible for the regime to disrupt the democratisation process by force.

As a result, and with considerable input from foreign experts, a democratic constitution was drafted within a few months. The new constitution was passed by the one-party parliament just a day before the first multiparty presidential and parliamentary elections took place on 17 May 1994.

Malawi's first democratic elections since independence were quite orderly and peaceful. Dr Banda and the MCP, which won about a third of the votes cast, conceded defeat even before the casting of votes was complete, and congratulated Bakili Muluzi and the UDF, which gained victory, winning about 47% of the votes cast. The third candidate, Chakufa Chihana of Aford, won most of the remaining 19% of the vote. While the UDF won most of the votes in the South, the MCP mobilised major support in the Centre while almost the entire vote of the sparsely populated North went to Aford. The voter turnout of 80% was even higher than in the referendum (67%) and showed that the political parties were able to mobilise large numbers of their supporters even in the rural and other remote areas.

Four seats short of a majority in the National Assembly, the UDF felt it prudent to form a coalition government with either Aford or the MCP. The latter option was ruled out by Muluzi in accordance with the wishes of Western donors, who wanted to see a new political beginning. The process of coalition building then proved difficult as Aford's Chihana demanded a large share of government posts. In order to strengthen his bargaining power, he even formed a coalition with the MCP in order to frustrate the government in parliament (the UDF). This period, however, was also a period of strong opposition.

In September 1994, Chihana and five other Aford MPs joined the cabinet, but formal coalition with the UDF was established only in July 1995. The position of second vice-president was created for Chihana. This set the stage for a constitutional crisis. The UDF-Aford coalition used its two-thirds majority in parliament to review the constitution without any real outside input. A constitutional conference held in February 1995 with broad participation from civil society did not have much influence on the decision-making process. Although the UDF-Aford coalition broke apart in May 1996 with the resignation and withdrawal of Chihana from the government, the UDF stayed in power because five Aford ministers refused to resign and remained as independent MPs. In the 1999 general election, the UDF won a small majority in parliament.

With the introduction of a multiparty constitution, democratic elections and change of government in May 1994, the formal process of democratisation was completed. This meant that democratic institutions were put in place.

DEMOCRATIC CONSTITUTION AT WORK: PRINCIPLE OF SEPARATION OF POWERS

The 1995 constitution of Malawi clearly established a presidential form of government. The sections of the constitution on the composition and powers of the three branches of government were clear-cut and well-defined. In practice, however, the separation of powers was not accompanied by a separation of personnel. The result was a concentration of power.

The state president wields a great deal of power. Article 78 of the constitution makes him the head of state, head of government and commander-in-chief of the armed forces. He may appoint and dismiss ministers, senior civil servants and ambassadors. These responsibilities are provided for under the constitution (articles 89 and 83) and in various other laws.

The commonly observed trend in the democratisation process in Africa in which the executive tends to wield too much power and to dominate the legislature – almost turning it into a rubber stamp – is certainly true in Malawi's case. The following are some test cases of the application of the principle of separation of powers:

Ministers doubling as MPs

Malawi adopted the British system whereby most cabinet ministers are chosen from the ranks of MPs, although some non-elected technocrats can also serve as ministers. In this regard, during the first post-1994 session of parliament the issue of adherence to the principle of separation of powers arose when Aford and the MCP objected to the full-time participation in the assembly debates of cabinet ministers who had not been elected members of the assembly. A motion, introduced by an MP, referred to ministers without constituencies as 'strangers in the House'.⁵ The matter was referred to the High Court, which ruled that ministers who were not elected MPs – and for that reason were 'strangers' – should not be allowed to enter and remain in parliament unless their attendance was specifically requested.

This judgment was, however, overturned by the appeal court, which ruled that the courts had no jurisdiction to intervene when 'the National Assembly, as a collective body, has decided in its wisdom, as manifested in the standing orders, that persons who are not MPs but are ministers are not strangers'.⁶

Repeal of the provision on the Senate

In January 2001 the National Assembly passed some important bills, among them the Abolition of the Senate bill. This bill was tabled for the second time after it had been defeated during the previous sitting in 2000. It sought to repeal sections 68–72 of the constitution, which provided for the creation of a second chamber, the Senate. The move was strongly condemned by civil society and opposition parties as unconstitutional on the grounds that the Senate was protected under section 45(8) of the constitution, which states that: ‘Under no circumstance shall it be possible to suspend this constitution or any part thereof or dissolve any of its organs, save as is consistent with the provisions of this constitution.’ Attention was drawn to the fact that the abolition of the Senate affected the substance of the constitution and that section 196(3) stipulated that any amendment which affected the substance or effect of the constitution required a national referendum. Hence, civil society took the view that the abolition of the Senate would require a national referendum. The Malawi Human Rights Commission and the Malawi Human Rights Resource Centre then sought an injunction from the High Court to prevent the bill from being tabled.

However, while the High Court in Lilongwe was deliberating the matter, the government moved swiftly, tabling, debating and passing the bill. After the abolition of the Senate (which never had the opportunity to sit), the National Assembly of Malawi became unicameral, which most observers consider to have strengthened the executive at the expense of the legislature.

Section 65 – Crossing the floor

Party defections have been contentious and their justification has often been debated and criticised. In such cases the speaker of parliament has invoked the controversial section 65 of the constitution to penalise the defectors and call for by-elections. The original section 65 authorised the speaker to declare a seat vacant if a sitting MP crossed the floor or voluntarily left his or her original party. The amendment of this section (Amendment No. 2, Act 2001) and its subsequent application generated heated debate, and although the debate appears to have subsided it has not been put entirely to rest.

Ostensibly, the purpose of the amendment was to clarify in what precise circumstances a seat could be declared vacant in accordance with that section.

The amendment was based on the recommendations of the report of the Law Commission on the technical review of the constitution, published in November 1998. The commission noted that the issue of vacancy of seats whose elected members from one party had voluntarily joined another party had been a matter of concern and debate. It further noted that section 65(1) was the purported constitutional justification for the spate of ‘independent’ members of parliament, that is, those members who had voluntarily left one party but not joined another party. As a consequence, the speaker had not been able to declare their seats vacant. The commission also noted that if a member was elected under a particular party banner and subsequently resigned from that party, it was only appropriate that the said member should return to his or her constituency and seek a fresh mandate from the electorate. The commission recommended, therefore, that the section should be amended to make it clear that there would be sufficient grounds for the speaker to declare the seat vacant under section 65(1) if: (a) a member voluntarily left the party on whose platform he or she had been elected, or (b) a member joined another party represented in the National Assembly without formally resigning from the party under whose banner he or she had been elected originally.

Much as this clarification was necessary, the amendment bill went way beyond the commission’s recommendation. The amended version of the section reads as follows:

‘The Speaker shall declare vacant the seat of any member of the National Assembly who was, at the time of his or her election, a member of one political party represented in the National Assembly, but who has voluntarily ceased to be a member of that party or has joined another political party represented in the National Assembly, or has joined another political party, or association whose objectives or activities are political in nature.’

This was seen as a deliberate move to target and penalise UDF and Aford MPs who had fallen out with the party leadership on the presidential third term and other constitutional issues and who were actively involved in the formation and activities of newly formed pressure groups on these issues – the National Democratic Alliance (NDA) and the Genuine Alliance for

Democracy (Gaford). The bill drew strong disapproval and condemnation by opposition parties and CSOs. In spite of these reactions, the bill was passed by the National Assembly with the required two-thirds majority. Section 65 as amended was not only criticised on principle but also by its selective application aiming to weaken the opposition in parliament. This made the political scene tense and acrimonious.

After a court challenge, however, the amendment was cancelled and the section was restored to its original wording.

Open or third terms for the president

The Open and Third Term bills were attempts to amend the constitutional tenure of the president. The constitution of Malawi clearly stipulates in section 83(3) that the president and the vice-president shall serve a maximum of two consecutive terms. The 1999–2004 term was former President Muluzi's second consecutive term. Some of his close cabinet colleagues and party supporters started campaigning for another term for Muluzi. President Muluzi himself kept silent on the issue but his silence was seen as an indication that he did not oppose the proposal. There were closed-door discussions on whether a national referendum would be required or whether a constitutional amendment requiring a two-thirds majority would be sufficient. Finally, on 4 July 2002 a bill to amend the constitution was moved before the National Assembly by an opposition (Aford) MP, Khwauli Msiska, as a private member's bill. The voting was done through a roll call where 125 members voted for the amendment, 59 against and three abstained. The yes votes were four fewer than the required two-thirds majority of parliament's 193 seats. In accepting the result, President Muluzi called on politicians to bury the differences the bill had caused between its proponents and opponents. The venality of Malawian politics was at its height at this time. When factions of both the major opposition parties supported the open-term bill, there were clear indications of money changing hands, with the shifting of allegiances leading to conflict within parties.

Civil society, including the religious communities, went on the warpath over the issue and public outrage against this move spread like wildfire. The failure of the government and the ruling party to read and understand the country's mood on this critical issue surprised outside observers.

The initial defeat, however, did not put the matter to rest. In the ensuing public debate the possibility that the bill might come back haunted the nation for months. These fears materialised when the bill reappeared in January 2003, when parliament was summoned for an extraordinary two-day sitting with no pre-announced agenda. This time, the bill was introduced on behalf of the government by the attorney-general and minister of justice, Henry Phoya. It was this time renamed the Third Term Bill instead of the Open Term Bill, because this bill proposed that the presidency should be limited to three consecutive terms.

Compared with the previous bill, the Third Term Bill had two substantial amendments. The first was that any president of Malawi might serve a maximum of three consecutive terms. The second was that any future amendment (of section 83 of the constitution) would be possible only after a proposal to amend it had been approved by a majority vote in a national referendum. Tension ran high and public condemnation of the repeated attempt to extend the presidential term of office was loud and clear. The bill was debated at length and eventually referred back to the legal affairs committee, which effectively meant that it was rejected. The defeat of the Open and Third Term bills was certainly a victory for parliament. Constitutionalism triumphed over venality. And a new chapter in the democratisation process of Malawi was opened.

CONTEMPORARY HISTORY OF POLITICAL PARTIES AND SYSTEMS

EMERGENCE OF POLITICAL PARTIES

As in the case of most former colonies, the birth of the party system in Malawi coincided with the emergence of the nationalist movement. In what is today Malawi, the Nyasaland African Congress, which was established in 1944, later became the MCP. In the 1950s and 1960s, more parties were established, including the United Federal Party, the Christian Democratic Party, and the Congress Liberation Party. After the first democratic elections in 1961 all the parties that had failed to gain any seats in parliament gradually disappeared, leaving the MCP as the only party represented in parliament. By 1966 all of these parties except the MCP had ceased to exist and Malawi had become a one-party state.

Two commentators wrote as follows on this period:

‘A new wave of opposition groupings emerged in the exile community, encouraged by signs of the imminent demise of the one-party system due to pressure for reform which was being exerted by the country’s foreign aid donors and internal democratic struggles involving the religious establishment, workers, professional groups and intelligentsia in the country and the diaspora. The period between 1990 and 1992 saw the emergence in exile of such political parties as the Malawi Socialist and Labour Party (MSLP), the Christian–Islamic Alliance for Democracy (CIDA), the Malawi Democratic Party (MDP) and the Malawi Democratic Union (MDU).’⁷

The first step towards establishing a multiparty system was the repeal of the specific provision of the 1966 constitution that made Malawi a one-party state. The multiparty constitution was initially agreed by the Public Affairs Committee – an unelected body comprising representatives of some civil society groups – and the Presidential Committee on Dialogue – which was made up of a number of cabinet members of the one-party government. This forum was later transformed into the National Constitutional

Conference. The draft constitution was adopted by the one-party parliament and came into force on 18 May 1994, simultaneously with the election of a multiparty parliament and fixed-term presidency.

The 1994 constitution and the Political Parties Registration and Regulation Act of 1993 were the two significant instruments facilitating the dawn of multiparty politics. The underground pressure groups came out in the open, registered as political parties and contested the 1994 elections.

As well as the MCP, which was already a registered party, seven other political parties registered and contested the 177 National Assembly seats for the 1994 elections. The eight parties were the:

- Malawi Congress Party (MCP);
- United Democratic Front (UDF);
- Alliance for Democracy (Aford);
- Malawi National Democratic Party (MNDP);
- United Front for Multiparty Democracy (UFMD);
- Malawi Democratic Party (MDP);
- Malawi Democratic Union (MDU); and
- Congress for the Second Republic of Malawi (CSR).

The four candidates for president in 1994, and the parties they represented, were:

- Chakufa Chihana – Aford;
- Kamuzu Banda – MCP;
- Bakili Muluzi – UDF, supported by MDU, CSR, UFMD and MNDP;
- and
- Kamlepu Kalua – MDP.

The tables (over page) summarise the results of the 1994, 1999 and 2004 parliamentary elections.

The 1999 results indicated almost the same scenario with some interesting differences. The number of seats in the National Assembly was increased

Table 1a: Number of seats contested by the parties in the 1994 election and their representation in parliament

Party	UDF	MCP	Aford	UFMD	MDP	MNDP	CSR	MDP
Seats contested	177	177	162	35	30	11	6	2
Seats won	85	56	36	0	0	0	0	0

Table 1b: Distribution of seats following the 1994 election

Region	UDF	MCP	Aford	Totals
North	0	0	33	33
Centre	14	51	3	68
South	71	5	0	76
Totals	85	56	36	177

The strong representation of the UDF in the South, the MCP in the Centre and Aford in the North continued in subsequent elections.

Table 2a: Number of seats contested by the parties in the 1999 election and their representation in parliament

Party	UDF	MCP	Aford	UP	MDP	SDP	MDU	Conu	NPF	MMY	SNDP	Inde
Seats contested	189	186	75	42	24	12	8	5	4	1	1	
Seats won	94	66	29	0	0	0	0	0	0	0	0	4*

* The successful independent candidates later joined the ruling party.

Table 2b: Distribution of seats following the 1999 election

Region	UDF	MCP	Aford	Independents	Totals
North	1	4	28	0	33
Centre	16	54	1	1	72
South	77	8	0	3	88
Totals	94	66	29	4	193

from 177 to 193 after a new demarcation in 1998. Two additional districts were created in the southern region – possibly an attempt by the ruling party to strengthen its position in its stronghold.

Parties made some inroads in regions where they had no presence earlier: the MCP, for example, won four seats in the North where it had previously been unrepresented; this was mainly because of the electoral alliance between the MCP and Aford. The inter-election period also witnessed the formation of a coalition between the UDF and Aford.

Although regionalism is a strong factor for party alliances and although coalitions are possible, parties try to have individuals in key positions in the party hierarchy across regional lines in order to present themselves as national parties.

Table 3a: Number of seats contested by the parties in the 2004 election and their representation in parliament

Party*	MCP	UDF	RP	NDA	PPM	Aford	Mgode	Conu	Petra	Inde
Seats contested	174	164	112	187	110	40	22	1	15	371
Seats won	57	50	15	8	6	6	3	1	1	40

* Out of 193 seats, six were up for by-election. In addition to the parties in the table, five other parties contested one or more seats but won none. The NCD contested 26 seats, Mafunde 22, the MDP 10, the NUP nine and the NSM one seat.

Source: *Malawi Government Gazette* No. 2758 XLI(34), Zomba, 16 July 2004

Table 3b: Distribution of seats following the 2004 election

Region	MCP	UDF	RP	NDA	Aford	PPM	Mgode	Conu	Petra	Inde	Totals
North	0	3	6	1	6	5	3	0	1	6	31
Centre	57	7	0	0	0	0	0	0	0	6	70
South	0	40	9	7	0	1	0	1	0	28	86
Totals	57	50	15	8	6	6	3	1	1	40	187

The political setting of the 2004 election was one of parties fragmenting, uniting and forming new alliances and coalitions across regional lines. However, the results of the elections continued to indicate a similar regional voting pattern.

Important developments included the reduced strength of the UDF in the National Assembly. This followed the weakening of its support in the South, which had been its stronghold in the previous elections. The MCP retained its grip over the Central region, but Aford lost its control of the North – arguably because its alliance with the UDF was not welcomed by the people of the North.

The 2004 election was also interesting in terms of the number of successful independent candidates and the new parties that have obtained a few seats, breaking the three-party domination of the previous decade.

FRAGMENTATION OR CONSOLIDATION?

In the run-up to the 2004 election, factions within parties emerged and eventually broke away and formed new parties. For example, the NDA was a breakaway group from the UDF, the Movement for Genuine Democracy (Mgode) emerged from Aford, and the Republican Party (RP) broke away from the MCP. In addition, new parties, such as Mafunde, the PPM and the People's Transformation Party (Petra), emerged as a result of the former president's bid for a third term and generally as a reaction to what they saw as declining constitutional and democratic standards. Some senior members of the UDF who were disgruntled with the party leadership left the party and joined these parties.

This scenario can be looked at in two ways – either as the fragmentation and disintegration of the party system in Malawi or as the natural process of evolution of the party system. Whatever the case, it is essential that parties should develop strong structures, should adhere to their own constitutions and should create mechanisms for conflict resolution within their own parties and between themselves and other parties. These issues are discussed further in the following section.

EXTERNAL REGULATIONS AND ENVIRONMENT

LEGISLATION GOVERNING POLITICAL PARTIES

The law does not define political parties as such, although references are made to them in many sections of the constitution. Going by the standard definition of a political party – that is, a group of people agreeing on certain basic principles and aspiring for political power – it can be said that the act dealing with the formation of political parties is based on this widely accepted definition. The 1993 Political Parties (Registration and Regulation) Act stipulates that a party may consist of not fewer than 100 members. The application for registration of a party should be accompanied by the party's constitution and manifesto.

Political parties are regulated by the:

- 1995 Constitution of Malawi;
- 1993 Political Parties (Registration and Regulation) Act;
- electoral law as set out in the 1998 Parliamentary and Presidential Elections Act (PPE); and
- legislation dealing with access to the media as set out in the PPE and the 1998 Communications Act.

While the legal framework is well laid out, the practice of adherence to the laws is not strictly followed. For instance, equitable access to public media continues to be a contentious issue. Also, while it is easy to form political parties, they are not deregistered or penalised if they violate their constitutions and indulge in undemocratic and unconstitutional behaviour.

REGULATORY FRAMEWORK FOR INTERNAL PARTY FUNCTIONS

The way parties are structured and function is largely governed by their constitutions. These generally describe their hierarchical and administrative structure, as in the following example:

Hierarchical structure: National executive committee/council; regional committees; district committees; constituency committees; area committees; branch committees.

Administrative structure: President; deputy-president or vice-presidents; secretary-general; treasurer; legal adviser; publicity secretary; directors for specific areas, such as youth, women, elections.

Party constitutions also stipulate periodic conventions or general assemblies, procedures for the appointment of office bearers and issues relating to financial management.

NOMINATION OF CANDIDATES FOR ELECTION

Nominations are carried out in terms of the national constitution, the PPE and parties' own constitutions. Any registered political party can contest national elections. Qualifications for candidates for the presidency and for parliamentary seats are stipulated respectively in sections 80(7) and 51 of the national constitution.. Selection of candidates is done by the parties in terms of their own constitutions or other laid-down procedures, provided that these do not conflict with the national constitution.

MCP guidelines for the selection of its candidates are, for example, not part of its constitution. These guidelines are based on constitutional requirements governing citizenship, English language proficiency, and so on.⁸ In the case of the UDF and Aford, the procedures are laid down by their constitutions – articles 39 and 40 in the first case, and section 7 in the second.

The parties' election committees are responsible for party primary elections for candidate selection. Despite, however, each the party's guidelines or constitutional provisions, the party primaries are usually violent, chaotic and mismanaged.

REQUIREMENTS FOR CANDIDATES

The PPE requires candidates to submit to the returning officer evidence or a statutory declaration that they are:

- citizens of Malawi and have attained the required age as stipulated in the national constitution;
- able to speak and read English well enough to take an active part in the proceedings of the National Assembly; and
- registered voters in a constituency.

Other requirements are that:

- with parliamentary candidates' nomination papers, such sum as shall be fixed by the Electoral Commission shall be deposited with the returning officers;
- candidates for the presidency shall be nominated by at least 10 registered voters in each district;
- with their nomination papers, candidates for the presidency shall lodge with the Electoral Commission such sum as shall be fixed by the Electoral Commission;
- candidates for the presidency representing or sponsored by political parties shall provide the names of these parties and the parties' distinctive symbols and such other particulars as are required by the Electoral Commission; and
- independent candidates for the presidency shall provide their own distinctive symbols and such other particulars as are required by the Electoral Commission.

ELECTORAL SYSTEMS AND PARTY POLITICAL CONTEST

Malawi, being a former British colony, has inherited a number of British practices and conventions, including the electoral system. The first general election was held in Nyasaland (Malawi) on 15 August 1961. The MCP, the United Federal Party and the Christian Liberation Party contested this election, which was based on the FPTP system.

The 1994 and 1999 multiparty elections were also held on the basis of single-member constituency elections. The decision to continue with the FPTP system was taken after a process of deliberation between the NCC – which was formed in 1993 by an act of parliament – and the National Executive Council (NEC) – which was a reflection of the cabinet. Both bodies were made up of an equal number of representatives of the seven political parties which were registered as of 1 November 1993.

As the FPTP system is based on single-member constituencies, MPs are tied to their constituencies. Since they see themselves mainly as the representatives of their constituencies, their focus gets restricted to local needs, such as bridges and boreholes. The nomination by constituencies of

candidates for MPs is by party primary elections. These elections are generally violent and marred by gross irregularities. In the case of the 2004 election, major shifting of party loyalties by senior members of the party just before the primaries left the grassroots party activists confused and frustrated. Some prominent and senior members of the MCP and the UDF who had been in parliament for two consecutive terms lost this time. A number of reported casualties and a number of arrests followed the primaries. Of the total of 1,267 aspirant candidates who were listed in the primaries, no fewer than 371 contested the election as independent candidates. Many primary election disputes were referred to the courts, which until then had only adjudicated disputes arising from national elections.

ELECTION CAMPAIGN AND OBSERVATION

PPE requirements include section 56, which provides that all registered political parties have the right to campaign. Parties exercise this right to the full, with party meetings, rallies and gatherings being the main points of interaction. Parties identify their supporters and choose their members from these public platforms. Section 56 also requires parties to notify district commissioners in writing, with a copy to the police, if a campaign event is to be held in a public place. Commissioners must stamp every notification.

Section 57 stipulates that political parties may hold public campaigns for a two-month period, closing 48 hours before the opening of the poll on the first day of polling. Section 59 guarantees that every political party and every representative, member or supporter of a political party shall enjoy complete and unhindered freedom of expression and information in exercising their right to campaign. This right is further secured by the inclusion of the provision that no person, during or after the campaign period, shall be subjected to any criminal prosecution for any statement made, any opinion held or any campaign material produced, published or possessed while campaigning in an election.

In spite of all these guarantees, however, electoral competition in Malawi is not fair. The playing field is not level as the ruling party openly uses state resources for its own campaigning. Similarly, the monopoly of the public broadcaster by the ruling party during the campaign period was an issue that came to a head towards the end of the campaign period. Although the

opposition parties succeeded in their application to the courts, the court rulings had little effect on the state-owned media.

There were, nevertheless, fewer incidents of campaign violence in the 2004 election. Party campaigns have been substantially personality focused, so much so that although party leaders referred to their party manifestos, it was difficult to gain access to these. In some cases, parties did not have their manifestos ready at the start of the official campaign period. These manifestos were then given to a chosen few within the parties concerned.

INTERNAL PARTY FUNCTIONING AND STRUCTURE

The existing political parties in Malawi can be grouped into four categories:

- Pre-independence party – the MCP.
- Democratic transition parties.
- Parties formed to challenge threats to democracy posed mainly by the third-term bid for the presidency – the PPM, Petra, Mafunde.
- Break-away groups or factions from the three traditional parties – the NDA out of the UDF, the RP out of the MCP and Mgone out of Aford.

Of these, the following five parties have been chosen for this study for the following reasons:

- The UDF, MCP and Aford – these can be called the major parties as they have been in parliament from 1994 to the present.
- The PPM – this is a new party that in the most recent election won some seats in parliament, and which seems to have potential staying power.
- The MDP – this party was formed at about the same time as the first three parties, but has so far not won a seat in parliament. However, the party is still alive and has not slipped into oblivion.

UNITED DEMOCRATIC FRONT (UDF)

Founding

The UDF was formed as an underground pressure group determined to end Malawi's one-party rule. It was registered in August 1993 after the legislation for political parties to function legally was enacted. The party is deeply rooted in the South of the country and the city of Blantyre was its main base. From 1993 until now the party has retained its United Democratic Front name and its prime objective of securing a multiparty democracy in Malawi. The party was formed by a number of senior members of the MCP, including Dr Kahume, Bakili Muluzi, Harry Thomson, Dumbo Lemani and Wenham Nakanya. A large number of professionals, businessmen

and democracy activists joined the party. The party identifies itself with liberal democracy.

The UDF became the ruling party in the 1994 election and was returned to power in 1999 and, in coalition, in 2004. However, the party has been affected by internal faction-fighting and losing members to other parties. A major shake-up came in the wake of the 2004 election. The party today has lost much of the goodwill and confidence it enjoyed from the people. The reasons have included corruption, non-adherence to its constitution and the lack of proper leadership succession.

Internal structure and leadership

The UDF is expected to be governed, and all decisions made, in terms of its constitution, which is detailed and well-written. The highest decision-making body is the National Executive Committee (NEC), whose members are required to be elected at the party's national conferences. According to a senior party official, members should be nominated by bona fide delegates to a party conference and elected by secret ballot. Although the party's constitution was drawn up in 1993, no subsequent national conference was held to ratify it. This is despite section 19(1) which stipulates that the party shall hold at least one national conference in every calendar year; section 19(6) stipulates that the party shall hold an extraordinary national conference whenever in the opinion of the NEC it is in the party's interest to do so; and section 1(7) stipulates that on the written request of at least 100 members entitled to attend a national conference, the party shall hold an extraordinary national conference.

Despite being the ruling party since 1994, the party did not hold a national conference until July 2003, when one was called to adopt a new constitution. Most of the party's internal squabbles and tensions were at least partly the result of a failure over a decade to hold national conferences. As a result, one could even say that the party was operating illegally.

The events preceding the national conference of 2003 – such as the open/third term bid for the president, the split in the UDF leading to the formation of the NDA and the frustration and desperation of many senior UDF officials – were not conducive to a good climate for the conference. A number of

senior members who were aspirants to the party's presidency were not present at the conference as they knew that the competition for the presidency would not be fair. The new president was imposed by the outgoing president, who assumed the office of the chairmanship of the party. A number of questions relating to party leadership and the mechanism for sharing responsibilities and power were therefore almost irrelevant in practice.

The new constitution creates an office of the national party chairman with no term limits. Article 10(h) requires the party to hold at least one national conference every six years for party senior officials to present reports. Article 10(i) recommends that a national conference shall be held every four years to elect the presidential candidate and his/her running mate.

There is no quota prescribed for women and youth in the decision-making body of the party or at any other level. However, there is a national director of women's affairs and a national director for youth affairs. There is also a general consensus to have at least a 25% representation of women at all levels.

Article 11 requires the NEC to:

- administer and manage the affairs of the party;
- propose to the national conference the party's candidates for presidential elections;
- approve the party's candidates for parliamentary and local government elections;
- appoint the various technical committees, including Agriculture, Irrigation and Food Security, Economic and Business Development, and Health and Population Affairs, and such additional committees as the NEC deems necessary; and
- prepare and present the party's budgets, balance sheets and income and expenditure statements.

The constitution defines the powers of the office-bearers. As well as the NEC there are regional committees and district, constituency, area and branch committees. Elections for all these committees are held every six years. The party constitution specifies the electoral process, mandate and functions of each of these levels.

Much as the hierarchy and administration of the party are well defined in the constitution, the scene is quite different in practice. The hierarchy does not function and the party is virtually controlled by the chairman. One senior member of the party told the researcher that some of the questions pertaining to financial matters should be addressed to the 'owner' of the party, meaning the party chairman.

Policy development

The party does not have a policy programme document as such. The party does have a director for research and technical committees to review various sectors of the economy and governance, and these are expected to give periodic reports or reviews to the NEC. The party claims to have access to surveys and opinion polls conducted by the director of research. However, the party does not publish these widely and public knowledge of them is therefore restricted. The party leadership is generally not held accountable for policy decisions.

Membership

There is no membership register at either national or regional level but there is some sort of recording of members at branch and constituency levels. The party does not charge membership fees. The UDF has no clear estimate of its membership and as no reliable figures are available it is difficult to say whether membership has increased or declined.

Article 7(1) of the constitution stipulates that any person, irrespective of age, race, ethnic group, colour and creed shall be eligible for membership of the party if s/he is willing to abide by the party constitution and rules.

Article 8(1) gives members the right to:

- participate fully and actively in the discussion, formulation and implementation of the policies of the party;
- receive and impart information on all aspects of the party's policies and activities;
and
- take part in elections, and to be elected or appointed to any committee, structure, commission or delegation of the party.

Article 8(2) requires members to:

- belong to and take an active part in the activities of branch, area, constituency, district or regional committees;
- explain the aims, objectives, policies and programmes of the party to the people; and
- be loyal to the party and to be disciplined.

There is a party disciplinary committee to discipline members who breach party rules.

Candidates

As well as the eligibility requirements for presidential candidates stipulated in the Malawi constitution – that such a candidate must be a citizen of Malawi by birth or descent and must have attained the age of 35 years – the party constitution requires the presidential candidate to be a member of the party. The NEC shall propose to the national conference persons it recommends as candidates, while persons outside the NEC may also propose candidates, whose candidature will be scrutinised by the NEC. The election of the party's presidential candidate is conducted by its electoral commission, which is made up of not more than five members appointed by the NEC.

The constitution also establishes procedures for the selection of party candidates for parliamentary and local government elections. Article 40 states that the NEC shall appoint committees of not more than five members each, known as the parliamentary elections committee or the local government elections committee, which shall be responsible for identifying the party's candidates for such elections. Party primary elections shall be held, the delegates to which shall be all district committee members in a constituency, all members of the constituency committee and nine members from each area committee including the women's and youth wings. The successful candidates at the party primaries shall be regarded as the party's candidates for the constituencies or wards. In practice, primary elections have been marred by intimidation, harassment and violence – some by senior party members – and set a negative tone for the 2004 election. Favouritism by the party high command was also noticed. In some constituencies, some parties held no elections and candidates were handpicked by the high command.

More so than in other parties, there were also numerous instances of popular candidates being forced or induced to give way to candidates imposed by the party. This happened in the most populated and controversial constituency in Blantyre, where the party forced the candidate who won in the primaries to make way for another candidate that the high command wished to impose. The conduct of primary elections indicates that the UDF, and other parties, lack discipline, democracy and fair play in varying degrees. The party has encouraged women to contest elections. In the 2004 election the party fielded 32 female candidates (compared with 132 males), of which 11 were elected as MPs. There are, however, no quotas or reserved seats in the party nominations for youth, women, disabled or any other minority group or section of the population.

Campaigning

The UDF issues a party manifesto for election campaigns. Officials claim that the document is produced after wide consultation and contributions from the party. However, many party members say that it is not easy to obtain a copy. In practice, the manifesto is no more than a symbolic tool, as actual campaigning is marked by personal attacks and character assassinations. The party campaigns intensely throughout the country and its use of state resources arouses the anger and frustration of opposition parties and civil society. Although the Electoral Commission stipulates a specific campaign period, the UDF, as the ruling party, begins its campaign long before the start of this period. Government events and functions assume the nature of party functions. The party does not set any limit on its campaign expenditure.

External relations

The UDF has links with Liberal International. In the early days of multiparty rule, UDF members received some training from this body. However, this link does not appear to be consistent and strong. The UDF has friendly relations with mostly the ruling parties in the neighbouring countries. Regional forums, such as SADC, provide an opportunity for building contacts and relations. As well as achieving public relations goals, some training has taken place. Policy support is almost non-existent.

The Institute for Multiparty Democracy (IMD), based in the Netherlands, has established some links with political parties in Malawi and has extended

financial support to parties before elections. This funding was used by some parties to hold their conventions while others used it for training and so on. The Konrad Adenauer Foundation (KAF) has conducted training for youth members of political parties for some years. The UDF has regularly sent a good number of its youth members for this training.

National contacts

The UDF as the ruling party for a decade has shown its willingness and ability to work with other parties by forming coalitions and electoral alliances. The party's presence is very prominent on the Malawi Electoral Commission. It also interacts with civil society, especially the church, although its cordial relations with the church were marred by the attempt to extend the tenure of the presidency. The UDF often avoids attendance and participation in civil society initiatives, including seminars and workshops, probably fearing criticism of some of its practices and policies.

Funding

The UDF receives funds from parliament, and also conducts fundraising activities such as dinner dances. The party receives donations and other support from the business community. Its assets include a few motor vehicles, office equipment and furniture. Financial matters are tightly controlled by the party president and chairman, and there is very little accountability and communication.

While audited accounts should be made available to all members at the national conferences, such conferences are not held regularly. The party head is seen as the sole provider of the party. There have been many stories about external support coming to the party through the head but there is no clear idea about the extent and nature of this support. The party chairman uses his claim to be the sole provider for the party as a weapon to control the members.

Concluding observations

The post-2004 election scenario does not paint a very positive image of the UDF. The party has expelled its president, who has registered a new party with some of his senior fellow UDF members. The party presents its differences in parliament and other public forums in a way that negatively affects its credibility and image.

Senior party members today feel that the party has lost much of its popularity and support due to the open/third-term campaign for the presidency and because it did not handle its leadership succession democratically. The party has learned several lessons in the past years. If it does not start putting corrective measures in place and reviving its structures with commitment, it could break into more factions and destroy itself.

MALAWI CONGRESS PARTY (MCP)

Founding

The MCP was registered on 30 September 1959, replacing the National African Congress, which was formed to end colonial rule and lead Malawi to independence. The MCP was the only official party and ruled the country uninterrupted for three decades until 1994. The party was founded by such freedom fighters as John Chilembwe, Henry Chipembere, Kamuzu Banda and others. After Banda's death in 1998 there was a struggle for the leadership in the party. Differences were growing between Chakwamba and Tembo and in the run-up to the 1999 elections these differences came into the open. These were superficially resolved in 2003, but in the run-up to the 2004 election the Chakwamba faction finally broke away from the MCP and formed the Republican Party.

In traditional ideological terms the MCP can be called a conservative party. However, political parties in Malawi admittedly have not been exposed to ideological discussions and are not very conscious of their ideological identities. According to the secretary-general of the party, the liberal democratic label has been adopted without question.

Being the former nationalist party, the MCP had the advantage of having a support base across the board. Today the party has its support base in the Centre, from where former head of state Kamuzu Banda came.

Internal structure and leadership

The party is guided by its constitution, which has been revised, with a new constitution adopted on 1 May 2003 after the major split in the party. While incorporating the newly won democratic freedoms and rights, the party also upholds the four cornerstones of its three decades of rule, namely: unity, loyalty, obedience and discipline.

The highest organ of the party is the NEC, and article 35 of the party constitution states that the members of the NEC shall be elected by party conventions and shall hold office for five years. Article 32 requires the party to meet quarterly. In practice the party holds a convention at least once a year.

Delegates to the convention elect the NEC members, who include all ministers and deputy ministers who are members of the MCP, all members of regional committees, chairmen, secretaries and treasurers of district committees, members of the League of Malawi Women and League of Malawi Youth, constituency chairmen, party MPs and MCP mayors of city councils and municipalities.

Elections are conducted at all levels of the party by election committees. Although the constitution does not stipulate formal internal quotas for women, article 16 guarantees that each local branch shall have 10 women and 10 youth members. Senior party officials confirm that this has been strictly followed. Article 31 stipulates the powers and tasks within the party leadership. The next highest permanent body is the management committee, which is elected by the party leadership. None of these positions are paid.

The hierarchy of the party is organised as follows, with all the committees and branches below the regional committees being elected every three years: NEC; regional committees; district committees; constituency committees; ward committees; area committees; and local branches (each of which covers no more than three villages). Part 2 of the constitution deals with the organisation and structure of the party and discusses the roles and functions of each of these levels in detail. Articles 62 and 63 deal with matters of party discipline.

The MCP has been holding conventions fairly regularly. However, it has not been able to solve its leadership succession, with the issue being aired in parliament and also going to court. The leadership crisis is an example of the absence of a conflict management mechanism, which is the case in the MCP and all other parties. In the case of the MCP, two aspirant leaders called for and held two parallel conventions until the courts intervened and nullified one of the conventions. In the most recent convention the party finally split into two.

Policy development

Article 31 charges the NEC with responsibility for:

- the party's development plans for the national economy and measures for implementing these;
- policies for the maintenance of public order, the protection of the interests of the state and the safeguarding of the rights of citizens;
- domestic and external policies of the state; and
- alternative policies for government ministries and other administrative organs whose current policies do not agree with those of the party.

The party's director and deputy director of research are required to work on plans and strategies for the party in various areas and on various issues. According to party officials, the party conducts surveys and opinion polls and also collects data from surveys conducted by other organisations. However, there is no policy document as such. The leadership cannot be held accountable for not pursuing or adhering to the party's policy decisions.

Membership

Local branch registers are sent to the next highest level and these separate records are kept at the party's national headquarters. However, as there is no consolidated national register, the party does not have reliable membership figures. The party does not charge membership fees and there is no card or any such evidence of party membership. This is because of the bad memories associated with the one-party regime when people were forced to buy party cards. While the party cannot say with certainty that its membership has increased, it can say that in 2004 it retained a firm hold of the South in spite of the party's split and its internal problems.

Articles 5-15 of the party's constitution deal with eligibility for membership, which is open to any citizen or resident of Malawi 'who shares the vision of the party'. There are three types of memberships – individual, corporate and honorary. Members of the party have the right to participate in party meetings and have voting rights on party matters and elections. Members are required to work towards the party's aims and objectives and to perform

the tasks prescribed by the constitution for each level of the party. Although the constitution mentions party discipline the articles concerned do not lay down procedures for disciplinary action.

The party communicates with its members through various channels. Formal channels include meetings and correspondence, while informal channels, which are more common, include visits to a party MP in his house.

The MCP provides training for party officials and candidates for parliamentary elections and for party election monitors. It also produces guidelines for electoral conduct. Recruitment for the party at the local levels goes on regularly, but there is no fixed method of recruitment. Meetings are also held, although no formal party activities are required between elections.

An observation is that personality clashes and leadership issues take up so much of the party's time, energy and resources that little time is left for building up the party.

Candidates

The eligibility requirements for the party's presidential candidate are the same as those stipulated in the Malawi constitution. Although the MCP constitution does not refer to the election of a presidential candidate, the practice is that at the national convention preceding the election the presidential candidate is elected by all delegates present and voting is done through secret ballot.

Primary elections are held to select the party's parliamentary candidates. The guidelines for the 2004 election state that teams from the party secretariat shall conduct primaries for parliamentary and local government candidates. The party ensures that candidates meet the requirements of the law and screens all candidates at the local level before an election. At the primaries the majority system of election is followed.

While there is no quota for women candidates for parliamentary seats, the party fielded 11 women in its total of 172 candidates (or 6.4%) for the 2004 election, and four of these were elected as MPs. The party also has no quota for the youth or for any other section of the population.

Campaigning

The MCP publishes an attractive manifesto. The process of developing the manifesto is not explained anywhere. The manifesto is distributed to only some party members. As the largest opposition party, the MCP campaigns vigorously. The major issue has been the domination of the ruling party over the state media, which does not give the opposition a fair chance to campaign.

External relations

The MCP has links with the Christian Democratic Union, Liberal International and the International Democratic Union. It also interacts with some parties in the region. The relations are mainly in the fields of public relations and election observation and training. The MCP has also benefited from IMD support and it has also been a beneficiary of the training programme sponsored by KAF.

National contacts

In 1999 the party formed an electoral alliance with the opposition but otherwise has generally been out of coalitions and alliances. The MCP did not join the opposition coalition in the 2004 election. The party is represented on the Malawi Electoral Commission. The MCP is also active on a number of parliamentary committees. The party interacts with civil society in all possible forums. During the one-party regime, the MCP owned the *Daily Times* and the *Malawi News* published by the Blantyre Press, which was owned by former president Banda. Now the party does not own any media.

Funding

Party candidates contesting presidential and parliamentary elections spend what they want to or are able to on their campaigns. The party lays down no limits on campaign spending and candidates are not required to bring any funding to the party to secure their candidacy. They only have to pay what is required by the Electoral Commission.

The party constitution deals exhaustively with issues of financial management. Article 47 lists the party's possible sources of revenue. It states that the general funds of the party shall be derived from subventions, proceeds of fundraising functions, voluntary subscriptions, donations, sales of literature, sales of party insignia and subscription fees. The NEC may

also from time to time determine or approve any other sources of funding. The party is also funded by parliament.

The constitution requires the treasurer-general to have up-to-date accounts and balance sheets prepared, audited and circulated to the members of the NEC and to be presented to party conventions. During the one-party era, when the line between the government, the party and the dictator was non-existent, the party had a vast income from a company called Press Trust, whose turnover was 40% of the country's annual gross national product. After this era the Press properties were nationalised and the party's income declined substantially. However, the party still has assets in the form of buildings in major cities and in most districts as well as office and other equipment. The party's main expenses are salaries, publicity, transport, meetings and training programmes.

Concluding observations

The post-2004 election scenario is such that some senior members of the party, including the secretary-general, are leaving the party. Party officials are frustrated with the party's regimental style and see the MCP's president as deeply rooted in the past and without a grasp of the basic tenets of democracy. If the party does not take drastic measures to rebuild itself, it may well lose the position it gained in the 2004 election, when it was the second-strongest party.

ALLIANCE FOR DEMOCRACY (AFORD)

Founding

The party was formed initially as a pressure group at the beginning of the transitional process in 1992. The leadership comprised Malawians from within the country and from exile in neighbouring countries. For instance, party president Chakufa Chihana returned to Malawi after years of exile in Zambia. Aford was registered as a political party on 24 September 1993. The party was founded to put to an end one-party rule and to usher in democracy. Chihana, Chipeta, Ngwazi and others were the early founders of the party.

As its president had a trade union background, the party was expected to have socialist leanings. Indeed, Aford announced a goal of increased economic productivity with fair distribution. Soon, however, the party lost

its ideological identity and joined the country's liberal democratic bandwagon. The party draws support from all sections of society and in particular the North, which is the base of the party president.

Aford was one of the promising parties with strong roots in the North and was the third largest party in parliament in 1994 and 1999. By the 2004 election, however, the party was considerably weakened, partly by a break-away group which formed a new party, and partly by problems of party democracy and leadership succession.

Internal structure and leadership

Aford is guided by its constitution. There is also a party rulebook for party and national elections. The highest executive body in the party is the NEC. The structure of Aford differs from those of the MCP and UDF by having party trustees who are elected by the NEC for a five-year period. Members of the NEC itself are elected for a three-year period but can be re-elected. Under the NEC, the party is structured into elected regional, district, constituency, area and branch committees, with one village to a branch and two or more branches to an area. Except for the NEC, all these committees have 14 members – chairperson and vice-chairperson, secretary and treasurer and their deputies, publicity and organising secretaries and their deputies and two representatives each for women's and youth affairs.

The NEC has 42 members, of whom 10 are nominated and the rest are elected by secret ballot at national conferences. The head of the NEC is the party president, followed by the vice-president and other office-bearers, including the secretary-general, the treasurer-general and the publicity secretary. Aford has a national chairman, who, unlike the chairman of the UDF, is not above the president but ranks after the vice-president. Although there is no quota in the NEC for women, the secretary for women's affairs is a member. The constitution provides for a women's desk and a women's affairs conference organised by the women's desk before the party's annual national conference. All the positions in the party are unpaid. The duties and responsibilities of the NEC are spelled out in the constitution.

The annual national conferences are attended by the party leaders, party MPs, regional and local party delegates and all or some party members. The

decisions made at the national conference are supposed to be binding on the executive body. An appendix to Aford's constitution is a code of conduct for all leaders of the party to follow. The constitution also empowers the NEC to make rules and regulations regarding discipline in the party.

Policy development

The constitution provides for several specialised committees, such as research and development, legal and constitutional affairs and international affairs. The working of these committees is not known and the party has, in the past years, made no substantial contribution to policy debates in Malawi.

Membership

There are membership records at local committee level, but there is no national membership register. Thus there is no reliable estimate of membership figures. There are at present no membership fees, but the constitution empowers the NEC to levy membership fees at its own discretion. There are no formal requirements for membership and individuals are chosen on the basis of their proven interest in the party by attending their public meetings. Members enjoy the right to attend party meetings and to vote or stand for positions in the party. Their duties are to share the tasks listed in the constitution and to adhere to the code of conduct of the party. Senior party officials are confident that the party's membership has increased over the years. However, there is no evidence to back this belief. Communications between the party and its members are regular, although mainly of an informal nature.

Candidates

Section 7.3 of the party's constitution states that the selection of candidates for national political office shall be organised by the campaign and election committee, which shall organise primary elections for party members to decide by secret ballot on the party's parliamentary candidates. Eligibility criteria are the same as prescribed in the Malawi constitution. The constitution is silent on the party's presidential candidate. It is probably assumed that the party president shall be the party candidate for the state presidency. There is no quota for women candidates. In the 2004 election the party fielded five female and 34 male candidates, or a 12.8% share for women.

Campaigning

The party issued a manifesto in 1994 and 1999, but in 2004, when it was in electoral alliance with the UDF, it did not produce its own manifesto. In 1999 and 2004, when it was in electoral alliances with larger parties, Aford's individual campaigning activity was minimal.

External relations

Aford has ties with Socialist International and the Labour Party in the United Kingdom. The interactions are in the form of public relations and technical support for training. Aford also benefited from the IMD and KAF training programmes.

National contacts

Aford has been in alliance with both other major parties and thus it has been in an opposition alliance as well as in the ruling coalition. It also has representation in the Electoral Commission. It has cordial though informal relations with CSOs, NGOs and the trade unions.

Funding

Although the party received funding from parliament until its share of parliamentary seats in the 2004 election dropped below the 10% requirement for such funding, the release of these funds was sometimes deliberately delayed by the ruling party to frustrate the opposition.

The party's constitution lists the sources of other funding and empowers local committees to raise their own funds. The party receives some funding from the business sector and also receives income from fundraising activities.

Candidates for national office are expected to contribute to the party while sharing in issues of campaign material such as T-shirts and caps. Party funds are used mainly for publicity, campaigning and civic voter education.

Concluding observations

Although Aford has held regular conventions, it has not been able to influence the autocratic style of its president. Lack of party democracy and unwillingness to listen to dissenting voices led to internal clashes and the eventual splitting of the party.

PEOPLE'S PROGRESSIVE MOVEMENT (PPM)

Founding

The PPM was registered in March 2003. It was started by a group of like-minded people, including Mark Katsonga Phiri and Jan Jap Sonke, who were determined to fight the threats to the Malawi constitution in general and to the third-term presidency bid in particular.

Other objectives were to campaign against corruption and to uplift the country's sagging economy. The party is urban based and is composed of members from the business community and professionals. As its formation was close to the 2004 election the party had to take the difficult decision on whether or not to join the opposition coalition. This caused some differences among party rank and file. The party held its first convention in January 2004.

Internal structure and leadership

The party's constitution is the written body of rules for the party. Its NEC is elected for a five-year term at a national conference attended by voting members from all levels of the party. Non-voting delegates may be invited as observers.

The structure of the PPM, which is not yet fully in place, differs from those of other parties in that instead of regional committees it has a zone committee. This comprises members of district committees and the women's and youth forums. The zone committee, which is elected for a three-year term, meets quarterly and holds a zone conference every year.

Then come district, constituency, area and branch committees. Constituency committees have 10 members, each representing an area, and meet at least once a month. An area committee has a three-year term and also meets at least once a month. Branch committees, which are established in villages, towns, municipalities and cities, must each have at least 10 main members plus 10 each from women's and youth forums.

Policy development

The PPM has been researching and writing a party policy document, which will be a manifesto defining priorities.

Membership

Article 4 of the party's constitution lists several criteria for membership, which include that members:

- must believe in zero tolerance for corruption;
- must actively and consciously refrain from the politics of retribution; and
- may not participate in politics for money or other financial gain.

An applicant shall become a member upon acceptance by the party, which shall either record his/her name in the membership register or issue a party identification certificate. There is no membership fee.

While the party does not have a complete updated register of members, it could start preparing a national register with funding from the IMD. Officials stated that the party was gaining membership until the 2004 election. Some members were then not happy that it joined the opposition Mgwirizano coalition while others became confused about the party's identity.

While the PPM does not have a quota for women, it ensures women's participation in the zone committee through the women's forum. The party fielded six women candidates out of a total of 110, but no women were elected as MPs. Regular communications are in writing or through meetings.

Candidates and campaigning

The PPM's election manifesto was used as the basis of the Mgwirizano coalition manifesto. Subcommittees worked jointly on the manifesto, which was presented at the party's national conference.

The party's candidate was the running mate of the opposition's presidential candidate in 2004 and the party contested 110 of the total of 193 parliamentary seats. With other members of the Mgwirizano coalition, the PPM is contesting the 2004 election results in court.

External relations and national contacts

The party has yet to develop external links. It has some links with NGOs, including the Open Society Initiative for Southern Africa.

Funding

The party sets no limits on campaign spending. According to one source, this is negatively affecting party activity as, in line with other parties, campaigning takes priority over all other activities, with candidates receiving MK20,000 each for this purpose. The party has pledged to fund the women's and youth forums adequately to enable them to function efficiently, but this pledge has not yet been implemented. Although the PPM is represented in parliament, it does not have sufficient seats (10%) to qualify for state funding. The party is working on several fundraising plans.

Concluding observations

PPM membership includes senior politicians and capable professionals. It enjoys support from civil society, particularly the churches. If the party uses the time between now and the next election for developing itself, it could become a political force to be reckoned with.

MALAWI DEMOCRATIC PARTY (MDP)

Founding

The MDP was formed as an informal group in mid-1991 by Malawian expatriates in South Africa. It was registered as a political party in Malawi on 5 August 1993. The founders included Kamlepo Kalua and Shyley Kandowe. Like other parties formed in 1993, the MDP pledged itself to end one-party rule and to prepare Malawians for a new environment. The party's base is in the South.

Internal structure and leadership

The MDP constitution is the party's guiding document. Its NEC is elected at the same time as the regional and district committees at the party's national conferences, held every two years. The smallest party bodies are village branches, which have between 10 and 30 members.

Policy development

The party manifesto spells out the key policy issues. The work is done at NEC level with some input from members from other levels. The party has so far not carried out surveys or opinion polls as an indication of priority policies.

Membership

The MDP has no reliable membership figures, and there is no formal recruitment procedure. Party membership was thought to be growing at the time of the 1999 election.

The MDP brings out party flyers from time to time reflecting the party's standpoint on a range of issues, and it tries to disseminate these as widely as possible, both to party members and to the general public.

Candidates and campaigning

The party contested the presidential and parliamentary elections in 1994 and 1999. In 2004 it joined the Mgwirizano coalition and did less individual campaigning than in the past. The party generally follows the eligibility criteria as stipulated in the Malawi constitution. The leadership claims that party nominations for election candidates are done democratically. In 2004 the party unsuccessfully contested nine parliamentary seats. One of its candidates was a woman, but the party has done nothing special to encourage women candidates.

External relations and national contacts

The party has good relations with the IMD, from whose funding it has benefited enormously. The party encourages training for its members by, among other bodies, KAF. The party still maintains some links with South African political leaders on an informal basis.

Funding

The MDP has spent about MK4 million on campaigning for each election so far. Through the NEC, the party raises its own funds for this campaigning, and candidates are not required to contribute money to the party. The party has allocated an average of MK25,000 to each candidate contesting a parliamentary seat and an average of MK15,000 to each candidate contesting local assembly seats. The party's few assets include two cars donated by party members. Audited financial reports are presented to members at national conferences.

Concluding observations

The MDP has been mainly in the background of the political scene since

1993, making itself heard on issues from time to time. Although it participated in the 1994, 1999 and 2004 elections, the party has stagnated, neither winning a single seat in parliament nor bringing some of its younger aspiring members to the centre stage. The party's president remains its only spokesman. If, however, the party could alert itself to the priorities of the country's political scene and actively involve its younger members, it could play a more positive role in Malawi politics.

SUMMARY

The findings on the internal structure and funding of parties are summarised in the following tables.

Table 4: Founding of parties summary – reason, year, and by whom

Party	Reason	Year	By whom
UDF	To end one-party rule	August 1993	Muluzi
MCP	To fight for independence from colonial rule	1959	Chilembwe, Banda and others
Aford	To end one-party rule	September 1993	Chihana, Ngwazi Mapopa and others
PPM	To uplift the economy and fight against the third-term bid for the presidency	March 2003	Katsonga, Sonke and others
MDP	To end one-party rule	August 1993	Kalua, Kondowe and others

Table 5: Internal structure and leadership of parties, summary

Party	Rules	Highest body	Convention	Structure	Women
UDF	Constitution	National Executive Committee elected every six years	Once a year	Hierarchical set-up from national to village or branch level	25% of seats
<i>cont.</i>					

Party	Rules	Highest body	Convention	Structure	Women
MCP	Constitution	National Executive Committee elected every five years	Once a year	Hierarchical set-up from national to village or branch level	10 out of 30 at each level
Aford	Constitution	National Executive Committee elected every three years	Once a year	Hierarchical set-up from national to village or branch level	No quota but has a women's wing
PPM	Constitution	National Executive Committee elected every five years	Every two years	Hierarchical set-up from national to village or branch level	Has a women's forum and a director for women's affair
MDP	Constitution	National Executive Committee elected every five years	Every two years	Hierarchical set-up from national to village or branch level	Believes in fair and equal competition

Table 6: Policy development in parties, summary

Party	Policy communication	Opinion resource	Accountability*
UDF	Research department presents issues to the NEC	Surveys and opinion polls	Disciplinary committee of the party
MCP	Issues coming up at convention	Surveys and opinion polls	Disciplinary committee of the party
Aford	Manifesto	Surveys	Disciplinary committee of the party
PPM	Policy document in preparation but constitution and manifesto reflect areas	Surveys, opinion polls, party research team	Disciplinary committee of the party
MDP	Manifesto	Getting direct views from individuals in the party	Disciplinary committee of the party

* Disciplinary committees focus less on accountability for policy matters than on conduct and discipline.

Table 7: Party membership, summary

Party	Numbers	Fee	Eligibility	Recruitment
UDF	No definite figures available; membership registers only at branch and area levels	No	Party constitution stipulates who are eligible	Only at branch level
MCP	No definite figures available; membership registers only at branch and area levels	No	Party constitution stipulates who are eligible	Only at branch level
Aford	No definite figures available; membership registers only at branch and area levels	No	Party constitution stipulates who are eligible	Not stated
PPM	Membership figure not available but party has 5 000 officials	No	Party constitution stipulates who are eligible	Not stated
MDP	Membership figure not available but party has 5 000 officials	No	Party constitution stipulates who are eligible	Not stated

Table 8: Candidate selection and eligibility, summary

Party	Requirements for selection for presidency	Eligibility	Selection process
All parties	As stipulated in the national constitution	Should be a member of the party	Elected at the party national conference

Table 9: Campaigning, summary

Party	Limit on spending	Who spends
All parties	No limit	Party spends for campaigning in all constituencies; candidates do not have to pay anything to the party but are free to use their personal funds for campaigning

Table 10: External relations and national contacts, summary

Party	International network	Sister parties	Alliances with parties within the country	Alliances with civil society organisations
UDF	Liberal International	ANC, Frelimo, MMD	With Aford	None
MCP	Christian Democratic Union	None	None	None
Aford	Socialist International	None	With the UDF	None
PPM	International Republican Institute	None	Member of Mgwirizano coalition	NGOs Osis
MDP	None as yet	None	Member of Mgwirizano coalition	None

Table 11: Party funding, summary

Party	Source	Expenditure	Business/assets	Election expenditure
UDF	From parliament, fund-raising activities, assets	Publicity, propaganda, salaries, transport	Vehicles, office equipment, furniture	Data unavailable
MCP	From parliament, fund-raising activities, assets	Publicity, propaganda, party training, transport	Buildings in cities, equipment, vehicles	Data unavailable
Aford	The same except no longer from parliament as have less than 10% seats	Publicity, transport, campaigning, meetings	Vehicles	Data unavailable
PPM	Not from parliament as have less than 10% of seats but donations and other sources mostly personal			
MDP	IMD-funded and well wishers	Not stated	Not stated	Data unavailable

CHALLENGES AND OPPORTUNITIES

IDEOLOGY AND IDENTITY

Even after a decade of democratic transition, Malawi's political parties are based on personalities rather than ideologies, and it is difficult to distinguish one party from another on the basis of what they stand for. Given the socio-economic realities and the pressures from outside the country, parties should be taking up strong ideological positions, which is not the case. The privatisation programme went ahead in full speed with no parties questioning the implications until it was too late.

LEADERSHIP AND SUCCESSION

The party constitutions are generally well-written but mainly ignored. Conventions and conferences are not held regularly. The parties' highest bodies remain unelected for prolonged periods and account to no party members except those in the high command. Leadership succession issues have torn parties apart in recent times. Party loyalists do not get a chance to contest elections and candidates are handpicked by party presidents.

MEMBERSHIP AND RECRUITMENT

Political parties claim to have membership records at grassroots levels but have no idea of membership figures. Parties have grossly exaggerated estimates of their membership. Parties which have been in existence for over a decade have still not worked out a procedure for membership recruitment.

HIERARCHICAL STRUCTURE: TOP-HEAVY

Organisational factors inhibiting party democracy include dysfunctional hierarchies, a lack of regular communications within party hierarchies, and environments not conducive to a free flow of thought and expression. These are compounded by an erosion of party procedures, such as the blatant violation of party constitutions and procedures. This situation prevents effective participation in parties, stunts the growth of parties, and leads to frustration, animosity and conflict by and between their members.

Parties' top horizontal hierarchies are generally the ones that are best defined. These include the national or central executives and their various office-

bearers. The effect is to make the parties top-heavy, with a handful of elite officers dominating the membership, and making all the decisions that are to be executed by the lower echelons. Vertical hierarchies are generally absent, with the result that there is no scope for party democracy.

The top-heavy approach owes much to the common notion that government power is equated with the executive branch and not with the legislature. If the legislature were seen as the organ of the people and therefore the real power-house of the democracy, the party structures would very likely also be different – with a bottom-up approach.

FINANCE AND RESOURCES

Limited financial resources present a major challenge. Only parties with at least 10% of the seats in parliament are eligible for state funding. This excludes most parties. Parties do not make long-term plans for income generation – such as setting up party businesses. Their fundraising activities are mainly in the nature of dinner-dances and similar functions focusing on election campaigns.

PARTY OFFICES

Party offices should be the nerve-centres for information and communication, stocked with manifestos, pamphlets, write-ups of key leadership figures and parties' histories. Such information should be easily and readily accessible to the general public, while party constitutions, convention reports and minutes of meetings should be accessible to the membership.

The three parties in our survey that are represented in parliament have offices in the three regions of the country and they also have a presence in most districts. Regional party offices are, however, generally dilapidated structures with little if any equipment or staff, while at district level a party's office could be in a bottle-store or a grocery shop. During the one-party era the ruling party had imposing party buildings, busy with business and disciplined and orderly. However, with the death of the dictator and the scramble for his property the party offices fell early victims. The current ruling party's headquarters in the South, which should be an attractive information and meeting centre, are in an unimpressive structure, barely furnished and with little documentation.

ACCOUNTABILITY AND RESPONSIBILITY

Party leaders behave as if they are neither responsible nor accountable to the rank and file of the party for their actions. In recent times there have been instances where party leaders have made decisions to form coalitions or alliances with other parties without consulting their party members. This leaves party members angry and frustrated.

A case in point involved the NDA and RP. Soon after the declaration of the 2004 election results the NDA president declared without consulting his party MPs that he would join the UDF government. These MPs publicly expressed their resentment over the decision. The RP president also declared that the RP would join the UDF government in return for a few ministerial positions. Later, when the state president was expelled by the UDF and formed his own party – the Democratic Progressive Party (DPP) – the RP president decided to merge the RP with the DPP and to dissolve the RP – all without consulting his party colleagues.

COMMUNICATION AND COORDINATION

There is a concern about communication on two levels. The first is the lack of communication across the various levels of the party, with the lower echelons of the party left out of the decision-making process. The second is the language used by senior party members about colleagues who do not subscribe to their views. Far from instilling confidence in the membership, this creates a sense of disgust and disrespect for these members.

Senior party members also expose their differences in public and in the media. An example of this was when the former head of state attempted a third term and discovered that some of his own close colleagues did not support the attempt. He used offensive language against them and criticised them in public. More recently, the exchange of words between the former and the current heads of state has been vicious and scandalous, so that instead of instilling confidence in the people, their heads of state have left them concerned and distressed.

COALITION AND ALLIANCE FORMATION

Past experience with electoral alliances and coalition formation indicates that parties are not clear why they are going into these arrangements and

how they should be formed on an acceptable and lasting basis. The 1999 electoral alliance between the MCP and Aford sowed the seeds of the break-up of the MCP. Alliances also weakened Aford, which in 2004 lost all but six of the seats it held on its own in the 1999 parliament. The 2004 Mgwirizano coalition left many parties wondering if it had been worth their while joining the coalition. Parties are too focused on the presidency and neglect a parliamentary strategy. This results in a weakening of the parties.

EDUCATION AND TRAINING

It is the party rank and file that benefits from the education and training programmes that are offered by various agencies. As a result, the middle level of the hierarchy – which is not consulted by the party leadership – is better informed than their leaders. This widens the communication gap within the party.

CONCLUSIONS AND RECOMMENDATIONS

Malawi's democratisation process has given rise to more but not better political parties. As one of the fundamental institutions of a democracy, political parties arouse high expectations from the people. Malawi's present political parties are, however, unable to fulfil these expectations. In recent years, all the parties have lost credibility – for reasons ranging from shifting loyalties and allegiances to an almost total disregard for ideology and values.

The parties are, however, both evolving and fragmenting. A probable consequence will be a change away from the present regionalised party structure. The new parties that are emerging will also have a different image. The fragmentation process is clearly telling party officials that if their decisions are not made with a popular consensus, their members will leave the party.

The party evolution process is also raising pertinent questions about the role of governing institutions – the executive, legislature and judiciary. Fragmented parties lead to a weak parliament. Members of Malawi's parliament are realising that they are being bulldozed by the executive and the judiciary and this could be a wake-up call for the country's parties.

The reality of coalition politics has to be accepted. No party is soon going to get a clear majority in parliament and parties have to prepare themselves to work with other parties. While history shows that parties are willing to form alliances or coalitions, what is also clear is that coalition dynamics need to be understood and pursued in a workable way.

While external support – from bodies such as KAF for training and the IMD for funding parties before elections – remains valuable, what is really required is a thorough needs assessment of parties. Left to themselves, parties can barely see anything beyond campaigning. The scope for long-term planning is limited when institutions are confronted with new challenges all the time. In such a scenario, other institutions need to be ready to come in to help the parties to develop. The following recommendations are therefore proposed:

- ❑ **Membership and recruitment:** Parties need first of all to define who are their members. They have to understand the differences between supporters, those who attend rallies and those who vote for their parties, and they have to understand that none of these categories need be party members. Parties need to take effective steps to maintain membership records and to monitor changes in membership. Members should have party cards or certificates or some other type of identification. The concept of paying membership is something parties also need to think about dispassionately.
- ❑ **Training for leaders:** Training programmes need to be designed for leaders of the party. Mechanisms such as caucuses and party whips need to be used in a way that allows party members to feel that they are being guided but not pressurised by their party seniors. In Malawi one observes that the performance of MPs in the House is negatively affected by the way they are intimidated and harassed by their own party seniors.
- ❑ **Formation of coalitions:** Coalitions are formed on the basis of personalities and often with superficial motives. Parties need to move towards common policy frameworks, or policy initiatives. There should be a mechanism to stop a party's leadership from forming and dissolving coalitions without the agreement of a majority of its members. It is taken for granted that the smaller and newer parties will support larger and better established parties. In 1994, for example, when Bakili Muluzi was nominated by the UDF as a candidate for the presidency, other parties, including the UFMD, the MDU and the MNDP, also supported his candidature because they felt completely left out of the process after the election. As another example, after parties such as the PPM, Petra and Mgode had given enormous support to the Mgwirizano coalition in the run-up to the 2004 election, the president of the coalition and the president of the RP (a coalition member) swiftly decided after the election to extend their support to the UDF – but without consulting the other partners of the coalition.
- ❑ **Conflict management mechanisms within and between parties:** Recent events have underlined the urgent need for parties to adopt mechanisms in the area of conflict management. Conflicts within parties have become more serious than those between parties.

- ❑ **Deregistration of parties:** While new parties can and do easily register in Malawi, there is no body such as a registrar of political parties to impose sanctions on parties which violate their rules, regulations and constitutions. While some parties have in the past voluntarily deregistered once they have ceased to be effective or have disbanded, there has been no instance of an authority deregistering a party on the grounds that it has violated norms or a code of conduct.

- ❑ **Interaction with the public:** Parties – especially the ruling party – should take every opportunity to interact with the community. It has already been pointed out that the ruling party has for some years shunned most civil society meetings, seminars and conferences. While the reason may have been a fear of being criticised and even condemned for some of their acts, this lack of interaction has been taken for arrogance and indifference and has led to a worsening of relations between the party and the public. The more parties come out in the open, the better their chances are of being understood by the people and receiving their cooperation.

NOTES

- 1 Olukoshi A, *The Politics of Opposition in Contemporary Africa*. Uppsala: Nordiska Afrikainstitutet, 1998, p 29.
- 2 Ibid.
- 3 Ibid.
- 4 Salih M, *African Democracies and African Politics*. London: Pluto Press, 2001, p 17.
- 5 Court to rule, *Daily Times*, 5 July 1994.
- 6 Malawi Supreme Court of Appeal, Civil Case No. 33 of 1994.
- 7 Maliyamkono TL & Kanyongolo FE, *When Political Parties Clash*. Dar es Salam: Tema Publishers, 2003, p 242.
- 8 *Guidelines for conducting of primaries for the 2004 election*, Malawi Congress Party, Lilongwe, 2004.

REFERENCES

- Salih M (ed). 2003. *African Political Parties - Evolution, Institutionalisation and Governance*. London: Pluto Press.
- Olukoshi AO. 1998. *The Politics of Opposition in Contemporary Africa*. Uppsala: Nordiska Afrikainstitutet.
- Maliyamkono TL & Kanyongolo FE. 2003. *When Political Parties Clash*. Dar Es Salaam: Tema Publishing Company Ltd.
- Van de Walle N. 2000. *The Impact of Multi-party Politics in Sub-Saharan Africa*. Prepared for delivery at the Norwegian Association for Development Research annual conference, 'The State Under Pressure', 5-6 October 2000, Bergen, Norway.
- Matlosa K. 2004. *An Overview of Political Parties Development in SADC Region: Challenges for Intra-Party Democracy*. EISA-IDEA Regional Study on Political Parties and Governance, December 2004.
- Poeschke R & Chirwa WC. 1998. *The Challenges of Democracy in Malawi: Socio-Anthropological Conditions: Study Report and Recommendations*. German Agency for Technical Cooperation (GTZ), May 1998.
- Patel N & Meinhardt H. 2003. *Malawi's Process of Democratic Transition: An Analysis of Political Developments between 1990 and 2003*. Lilongwe: KAF.
- Patel N & Tostensen A. 2004. *Executive Parliament Relations in Malawi*. Paper presented at a workshop 'Political Processes and Institutions in Malawi in the Context of the 2004 General Elections', Rosendal Barony, Norway, 9-10 September 2004.
- Ott M, Phiri KM & Patel N. 2000. *Malawi's Second Democratic Elections: Process, Problems, and Prospects*. Blantyre: Kachere Series, Claim Books.
- Beethem D, Bracking S, Kearton I, Vittal N & Weir S (eds). 2002. *The State of Democracy: Democracy Assessments in Eight Nations Around the World*. The Hague: Kluwer Law International.
- Englund H (ed). 2002. *A Democracy of Chameleons: Politics and Culture in the New Malawi*. Stockholm: Elanders Gotab.

Documents

Malawi Electoral Commission. Malawi Electoral Laws.

Malawi 2003 State of Governance Report, Government of Malawi.

Party constitutions

The constitution of Alliance for Democracy

The constitution of United Democratic Front

The constitution of Malawi Congress Party

The constitution of People's Progressive Movement

Party manifestos

Manifesto of the UDF 1999, 2004

Manifesto of MCP

Manifesto of Afford 1999

Manifesto of Mgwirizano coalition

APPENDICES
RESEARCH AND DIALOGUE ON
POLITICAL PARTIES PROGRAMME

APPENDIX 1: COUNTRY CONTEXT QUESTIONNAIRE

1. What is the country's record of holding free and fair general elections?
2. What is the record of freedom of association as regards forming political parties?
3. What is the country's score on the Freedom House index for free and democratic countries? And thinking about changes over the past five years and reasons for the changes, please comment on the Freedom House score?
4. How free are parties to present candidates in national elections?
5. How, if at all, are political parties restricted in carrying out political or electoral activities?
6. What, if any, specific rules or code of conduct exist for the ruling party or ruling coalition? Provide copies.
7. What parties and independent candidates are represented in the national parliament (both chambers if applicable) according to the following model? (use Election Results Archive as one source) – % of votes; No. of seats in lower chamber; No. of seats in upper chamber; No. of seats held by women in lower chamber; No. of seats held by women in upper chamber
8. What, if any, reference do the policy documents of the ruling party/coalition and the biggest opposition party/coalition in parliament make to specific International Conventions on Human Rights? Provide examples of formulations where applicable.
9. What other significant – in size or otherwise important – political parties or political groups exist that are not represented in the national parliament? Indicate why they are significant (size, regional, exiled, influential diasporas, historical, non-parliamentary influence, armed, repressed group, etc.) and measurable national/regional strength (percentage of votes, opinion survey results etc.).
10. What is the total number of registered parties (if applicable)?

BASIC MEDIA STRUCTURE AND ENVIRONMENT

11. Briefly describe the media environment, including: whether political parties have equitable access to major media outlets; difference between paid and free media coverage for parties; access during an election campaign period and during normal times. Distinguish any differences between publicly and privately owned media.
12. What are the most important sources from which people say they access political information? Note source. If survey/poll data is available, if not – skip question.
Television; Radio; Newspaper; The Internet; Friends; Other (please specify)
13. What is the level of literacy of the general population? Note source.
14. If survey/poll data is available, what is the percentage of the population which:
Read daily newspapers (combined readership); Read other news print media at least weekly (readership); Have mobile/cellular telephones; Use the Internet?
15. If survey/poll data is available, what is the percentage of households which have access to:
Television; Radio; landline telephones?

-
16. **Apart from the constitution and direct party laws, are there any legal instruments or other circumstances that strongly impact the existence or functioning of political parties?**
17. **Which, if any, are the politically influential groups seeking to influence or maintain power through other means than electoral politics?** (Mechanism used/ Intended influence/ Intended outcome)
Business groups; Ethnic groups; Media; Military; Other non-governmental organisations (specify); Organised crime syndicates; Religious; Unions; Other (specify)
18. **Are there mechanisms for public participation in government decision-making other than elections?**
Parliamentary public hearings; Referenda; User committees; Other (please specify)
19. **Attempt a country nutshell description, a few paragraphs long, as an easy-read entry. Format:**
- a. Population, capital, head(s) of state/ government, term limit for president (if presidential system), are all seats in the national legislature elected or are some appointed – if so by whom, attempts to extend/ remove term limits, constitutional arrangements, balance of power between branches of government (executive – legislature – judiciary), type of electoral system, and (if appropriate) if inherited from colonial power.
 - b. Democracy since 19xx (and other recent years of great importance, like independence, system change, armed conflict, etc.). Last/ next elections with (maximum) x years mandate. Restrictions on political parties (if any). Degree of respect for human rights (civil and political rights but also economic, social and cultural rights) and rule of law. Freedom House Index. TI Corruption Index, UNDP Human Development Index.
 - c. Governing party/ coalition and leading opposition, degree of dominance/ stability of political landscape. Important forces not standing in elections but shaping politics (business sectors, unions, religious, military, criminal, etc.). Any social or regional upheavals with political consequences. Relevant international/ regional relations and membership, level of trust in political parties and government institutions (use survey data and barometer data where available).
 - d. Economic and social level of development (\$ GNP/ capita, trade as % of GNP, Human Development Index, Income GINI Index, % of population in largest city (name if not capital)/ urban areas, rural:urban ratio.

APPENDIX 2: EXTERNAL REGULATIONS AND ENVIRONMENT QUESTIONNAIRE

LEGISLATION GOVERNING POLITICAL PARTIES

1. **What legal provisions govern political parties and/or individual candidates for election?**
(Full Name/ Year/ Year of last amendment, if any/ Main monitoring body)
Specify full name, year and year of last amendment. Provide copies of all relevant legislation. (Legal provisions might include, but are not necessarily restricted to, the ones mentioned below.)
Constitution; Political party law/Act that governs political parties; Electoral law/Code; Legislation governing Non-Governmental Organizations/societies; Legislation governing the access to media; Government decrees; Regulations with the force of law; Regulations without the force of law; Other laws or regulations that are important to how political parties and/or candidates operate (including financing, tax exemptions etc); Not applicable
2. **How, if at all, are political parties defined in current legislation?**
3. **Which, if any, legal provisions govern the conditions for the founding of new political parties or coalitions?** Please provide copies.
4. **What are the requirements to register a political party at the national level?** (As an association, not in order to contest an election) check all which apply.
Establishment of (regional or local) party branches (specify); Monetary fee (specify in local currency); Registration with court (specify, including level of court); Signatures (specify); Other (specify); No specific registration requirements; Registration possible but not required
5. **Which body (authority) decides on the registration of a political party?**
6. **What, if anything, can cause the de-registration of a political party?** (Check all that apply and specify the body or person who has the authority to deregister a political party.)
Anti-democratic policy; Bankruptcy or insolvency; Breach of Code of Conduct; Breach of Electoral law; Failure to meet gender quotas; Hate Speech; Inciteful activities; Non-payment of registration fee; Other (please write in and code '9'); Not applicable
7. **What body/bodies are responsible for the administration, enforcement and sanctions of the legislation on political parties?** Please note all different bodies and, if possible, provide contact details. (Note: It is possible that different bodies will be responsible for different aspects of enforcing laws and regulations.)
Electoral Management Body; Regulatory body specially; Created for this purpose (specify); Government department(s) (specify); Normal courts/judicial system; Auditor; Other (please specify); Not applicable
8. **Which sanctions, if any, have been applied to political parties in the last 10 years?** Provide two or three detailed examples.
9. **What legal rights and restrictions, if any, apply to political parties in relation to accessing media (include electronic and print)?** Provide details for both public and private media.
10. **In the absence of legal regulation, what if any, agreements between parties – or rules applied by the media – are upheld?** Provide details for both public and private media.

INTERNAL PARTY FUNCTIONS

11. **Which legal provisions, if any, govern the internal functioning of political parties?**
Provide copies.

12. **Which legal provisions, if any, govern how a political party s/elects candidates for local, regional, national elections or presidential elections?** Describe the provisions and specify the required role of party members, local branches, etc.
13. **Which public body, if any, has the authority to be involved in the process of internal party s/election of candidates?** Specify the role of the public body.
14. **Which non-governmental organizations, if any, have a role in political primaries or congresses during candidate s/election?** Provide name/s and describe the role of the NGO(s).
15. **What legal provisions, if any, require political parties to include a certain number (or percentage) of male or female candidates on party lists?** Describe what the requirement is, what level it is on, the possible sanctions and provide the reference and copies.
16. **What legal provisions, if any, exist to encourage or provide incentives for political parties to include a certain number (or percentage) of male or female candidates?** Describe the incentives, what level they are on and provide the reference and copies.
17. **What legal provisions, if any, require political parties to include a certain number (or percentage) of persons from other groups as candidates (e.g. ethnic or religious or linguistic minorities, persons with disabilities?)** Describe what the requirement is, what level it is on, the possible sanctions and provide the reference and copies.
18. **What legal provisions, if any, exist to encourage or provide incentives for political parties to include a certain number (or percentage) of persons from other groups as candidates (e.g. ethnic or religious or linguistic minorities, persons with disabilities)?** Describe the incentives, what level they are on and provide the reference and copies.
19. **What other legal provisions, if any, govern any other aspect of internal party functioning?** Describe and provide the reference and copies.

REGISTRATION OF PARTIES AND NOMINATION OF CANDIDATES FOR ELECTIONS

20. **What, if any, are the registration requirements for political parties which wish to contest elections?** (Presidential Elections/ Chamber 1/ Chamber 2/ Regional/ Local)
Check all that apply, and specify amounts, numbers and percentages where applicable.
Deposit; Minimum number of candidates; Minimum number % of votes in previous election; Regional presence; Signatures; Others; No specific requirement for registration; Registration possible but not required
21. **What are the requirements, if different from above, for political parties which wish to nominate candidates or lists of candidates for elections?** (Presidential Elections/ Chamber 1/ Chamber 2/ Regional/ Local)
Check all that apply, and specify amounts, numbers and percentages where applicable.
Deposit; Minimum number of candidates; Minimum number % of votes in previous election; Regional presence; Signatures; Others; No specific requirement for registration; Registration possible but not required
22. **What, if any, special requirements exist for the registration of new political parties to contest an election?**
23. **What are the legal qualifications to become a candidate in elections?** (Presidential Elections/ Chamber 1/ Chamber 2/ Regional/ Local)
Please specify all that apply and note differences for chamber(s) of the legislature, president, regional and local elections.
Age; Bankruptcy or Insolvency; Citizenship; Citizenship of parents; Civil status; Country of birth;

Criminal record; Current criminal incarceration; Detention; Holding of government office; Holding of military office; Holding of other public offices or employment in public services (police etc); Language requirement; Membership of a political party; Mental health problems; Minimum level of education; Multiple citizenship; Nationality/ethnic group; Naturalization; Offences against electoral law; Physical health problems; Registration on voters' roll; Religion; Residence in constituency/ electoral district; Residence in country; Unpaid debt; Other; Not applicable

24. **In which elections, if any, can candidates not affiliated with a political party (independent) stand for election?** Check all that apply.
Presidential; To chamber 1 of the national legislature; To chamber 2 of the national legislature; To regional councils; To local councils
25. **What, if any, are the registration requirements for independent candidates who wish to stand for election?** (Presidential Elections/ Chamber 1/ Chamber 2/ Regional/ Local)
Check all that apply and specify amounts, numbers and percentages where applicable.
Deposit; Minimum number of candidates; Minimum number % of votes in previous election; Regional presence; Signatures; Others; No specific requirement for registration; Registration possible but not required
26. **If a candidate withdraws her/his candidacy or dies before election day, but after registration, can the party substitute with a new candidate?**
Yes, explain (include whether replacement candidate must be of the same sex and how late in the process a candidate can be replaced)/No/Not applicable/Other
27. **Can a party remove a nominated and registered candidate without her/his consent?**
Yes/No
28. **Can a political party remove or replace an elected representative?**
Yes (explain circumstances)/ No
29. **Is it possible for a member of parliament to leave the party with which s/he was elected and join another party or become an independent MP (floor-crossing)? If so, what becomes of the mandate/seat?** (Yes/No/Not applicable)
Possible to remain an MP – the mandate/seat remains with the individual until the next election/Not possible to remain an MP: the individual is replaced by a member of his/her former party (please specify how, including the replacement MP must be of the same sex); a bi-election is held for the seat; the member of parliament leaves the legislature and the mandate/seat remains vacant; Other (explain)
30. **How, if at all, are vacant mandate(s)/seats filled in between general elections?**
Replacement by candidates on the party list (describe and provide reference); Other (describe and provide reference); None

ELECTION CAMPAIGNS AND OBSERVATION

31. **What, if any, additional rules of good conduct does the ruling party or coalition have to sign or adhere to? Is the ruling party required to observe rules of good conduct regarding incumbency?** Explain contents and possible sanctions. Provide copy.
32. **What, if any, rights do political parties have in relation to the Electoral Management Body?**
Representation in the Electoral Management Body; Right to participate in meetings; Advisory capacity; Right to observe the proceedings of the EMB; Other (please specify)
33. **What, if any, rights do political parties have with regard to the activities in the polling station?**
Describe, including if they form part of the polling station staff and / or if they are allowed to observe / witness the voting.

34. **What rights, if any, do political parties have in the process of vote counting?** Describe, including if they form part of vote counting staff and/or are allowed to observe/witness the counting.
35. **What rights, if any, do political parties have in the process of tabulation of votes and the collation of results?** Describe, including if they form part of the tabulation staff/committee, and/or if they are allowed to observe/witness the tabulation.
36. **What, if any, is the official campaign period?** Specify number of days/weeks and describe what is permitted or restricted during that time.
37. **What, if any, is the official period of campaign silence before election day?** Specify number of days/weeks and describe what is permitted or restricted during that time.
38. **What political party activities, if any, are prohibited during election day?**

APPENDIX 3: INTERNAL FUNCTIONING AND STRUCTURE QUESTIONNAIRE

FOUNDING OF PARTY

1. When and where (date and place(s)) was the party first founded?
2. When, if applicable, was the party first officially registered as a party?
3. What, if any, subsequent changes or party splits have taken place?
4. What was the original name of the party? If this name differs from the party's current name, what were the circumstances of any changes in name?
5. How, in a few key words, does your party describes itself (right, left, pragmatic, conservative, liberal, socialist, green, religious, nationalist, social group, ethnic group etc.)?
6. Why was the party founded?
7. How was the party founded? Describe.
8. Which constituency or socio-economic group does/did the party's founders claim(ed) to represent?
9. What was the initial participation or support of additional organisations to the party (i.e. ethnic, religious, military, business, civic groups, trade unions)?
10. Which, if any, of the above has changed since the party was founded?

INTERNAL STRUCTURE/ELECTION OF LEADERSHIP

11. What, if any, written organisational rules exist to guide the functioning and organization of the party? Provide copies.
Constitution; Operational guidelines; Party Rulebook; Statutes; Other (please write in); No formal rules exist
12. What is the name of the *national executive* body in the party?
 - a. Are there written rules and procedures for the regular s/election of members of this body? If yes provide copies. If no describe.
 - b. By whom are they elected or appointed? (Elected / Appointed)
The party leaders; The parliamentary party (ie the group/caucus of the party's members of the national legislature); Regional or state party branches; Local party branches; Delegates to a party congress; All or some party members; Auxiliary party groups; Affiliated party organizations; Other (please write in)
 - c. If elected, how? Describe procedure.
 - d. Are there formal internal party quotas for women on this body? If yes describe how applied, including number or proportion.
 - e. Are there formal internal party quotas for youth, ethnic minorities or any other group on this body? If yes describe how applied, including number or proportion.
 - f. Are the members in this body paid by the party?
All paid; Some paid (explain); Unpaid (Voluntary)

13. **Is there a written mandate (duties) for the national executive body above and/or distribution of power/tasks within the party leadership?**
Yes (provide copies); No, but informal practices (describe); No mandate
14. **What is the name of the next highest permanent body in this party?**
- a. **By whom are they elected or appointed?**
The national executive body described above; The party leader(s); The members of parliament/parliamentary caucus; Regional or state party branches; Local party branches; Delegates to a party congress; All or some party members; Auxiliary party groups; Affiliated party organizations; Other (please write in)
- b. **If elected, how? Describe procedure.**
- c. **Are the members in this body paid by the party?**
All paid; Some paid (explain); Unpaid (Voluntary)
15. **What is the name of the most local branches in this party?**
- a. **What is the normal geographic or other area of operation of the most local branch?**
- b. **How is it formed and by whom is its leadership elected? Describe.**
16. **How often, if at all, does the party have a national conference/convention/congress?**
Less often than once a year; Once a year; Twice a year; More than twice a year; Never (go to Q20)
17. **Who attends the national party conference/convention, check all that apply?**
The party leader(s); The parliamentary party (i.e. the group/caucus of the party's members of the national legislature); Regional party delegates; Local party delegates; All or some party members; Auxiliary groups (youth wing, women's wing etc); Affiliated party organizations (trade unions, employers' federations etc); Other (please write in)
18. **Are decisions by the national party conference/convention/congress ...**
Binding on the party executive; Advisory to the party executive; Other (please write in)?
19. **Is this body the highest decision-making body of the political party?**
Yes/No (specify which body is).
20. **What, if any, written rules govern the s/election of the party president?** Describe type of system used and provide copies of rules.
21. **What, if any, formal process exists to monitor and regulate the ethical behaviour of political party officials?** If board of ethics, explain structure, mandate and examples of activities and/or decisions.
Board of Ethics; Other formal process (specify); No formal processes, but informal norms and practices (specify); No process
22. **Provide a description of the structure of sub-national/regional/ local party units, women's wings/ associations, youth branches and other party groups.**
How many branches; In all of the country; Autonomous; To whom do they report; How are leaders chosen; Main functions

Internal structure/election of leadership – additional comments

POLICY DEVELOPMENT

23. **How does the party decide on its policy programme document, if it has one?** Describe the process and provide copy of document.

24. **Which of the following opinion-related resources, if any, does the party have access to?** (Party has access / Check if party pays for resource) Check all that apply.
Resources specific to the party: Surveys among members, Opinion polling (not restricted to members); Public domain resources: Public domain polling results, Surveys/barometers issued by other organisations; Other resources.
25. **To what extent does the party use any of the following opinion-related resources when developing policy?** (Uses a large extent/ Uses a fair amount/ Does not use very much/ Does not use at all/ Don't know) Check all that apply.
Resources specific to the party: Surveys among members, Opinion polling (not restricted to members); Public domain resources: Public domain polling results, Surveys/barometers issued by other organisations; Other resources
26. **How, if at all, can the party leadership be held accountable for not following party policy decisions?** Describe the process, including to whom it is accountable and possible sanctions.

Policy development – additional comments

MEMBERSHIP

27. **Is there a national membership register?** If yes provide details of how it is maintained and what the role of local/ regional branches is for maintaining their own registers.
28. **How much, if anything, does the party charge as membership fee?** If fixed amount please specify – per year – in local currency?
A fixed amount; Amount dependent on member's position in the party (EXPLAIN); Amount dependent on party branch (explain); Other (specify); Voluntary contribution; No membership fee
29. **How many members does the party have?** (No. of individual party members/ No. or % of women party members) Provide year and source of figures and indicate if real figures or estimates.
Earliest available estimate; Latest available estimate; Year of maximum members
30. **How much has the party membership increased or declined over the past ten years, in percentage and total numbers?** If ten-year figures do not exist, describe the general trends in membership, if possible with other figures.
31. **What, if any, criteria/requirements exist to be eligible for membership?** Describe, including the body/person who decides on admission as a member.
32. **What, if any, formal rights come with membership?**
Discounts with merchants; Voting rights at party meetings; Other (please specify).
33. **What, if any, responsibilities come with membership?**
Adherence to party statutes; Unpaid work; Other (please specify).
34. **What process, if any, exists to discipline members who breach party rules?** Describe the process and identify who takes the final decision.
35. **How often, if at all, does the party communicate with its members?** (From National Party/ From Regional branches/ From local branches)
Electronic Newsletter; Paper Newsletter; Party Paper; Meetings; Public website; Membership restricted website; Other (write in)
36. **How often, if at all, do members communicate with the party?** (To National Party/ To Regional branches/ To local branches)
Individual postal correspondence; Individual email correspondence; Petitions; Meetings; Other (please specify)

37. **Which, if any, formal and written guidelines provide party members with an opportunity to express their opinions on party matters?**
Guidelines (provide copies); No formal guidelines, although informal practices exist (describe including recent examples); No guidelines or practices
38. **To whom does the party provide training?** Check all that apply and describe type of training and at what level.
Campaign volunteers; Candidates; Elected members; General members; Party officials; Other (please write in); No training provided
39. **How, if at all, does the party seek to recruit members between elections?**
40. **What efforts, if any, are made to engage activists/members in party activities between elections?** Describe and provide examples.

Membership – additional comments

ELECTORAL ACTIVITY – CANDIDATES

41. **What are the eligibility requirements established by the party rules to become s/elected as a presidential candidate?** Check all that apply and specify each requirement.
Age; Belonging to a certain ethnic group; Certain position in the party; Coming from a certain geographical area; Membership in the party; Qualifications; Signatures; Other (please write in)
42. **What is the process for s/election of party candidates for presidential elections?** Describe the process, including who can propose and vote.

S/election of other candidates for election

43. **What are the eligibility requirements established by the party rules to be selected as a party candidate for elections other than presidential?** (Chamber 1 of national legislature/ Chamber 2 of national legislature/ Regional council/ assembly/ Local council/ assembly)
Check all that apply and specify each requirement.
Age; Belonging to a certain ethnic group; Certain position in the party; Coming from a certain geographical area; Membership in the party; Qualifications; Signatures; Other (please write in)
44. **What are the party rules for the process by which candidates to chamber 1 of the national legislature are recruited and then s/elected to stand for election?**
Describe, including how candidates put their names forward, who/ which party bodies are involved.
45. **What, if different from above, are the party rules for the process by which candidates to chamber 2 of the national legislature are recruited and then s/elected to stand for election?**
Describe, including how candidates put their names forward, who/ which party bodies are involved.
46. **What, if different from above, are the party rules for the process by which candidates to regional councils/assemblies are recruited and then s/elected to stand for election?**
Describe, including how candidates put their names forward, who/ which party bodies are involved, and if the national party can decide on sub-national lists.
47. **What, if different from above, are the party rules for the process by which candidates to local councils/assemblies are recruited and then s/elected to stand for election?**
Describe, including how candidates put their names forward, who/ which party bodies are involved, and if the national party can decide on sub-national lists.

48. **What electoral system, if any, is used within the party to select its candidates?** Describe and identify which type of system is used, including possible differences between levels.
Plurality/majority; Proportional; Other (please write in); Not applicable – no election of candidates
49. **What, if any, is the quota voluntarily (not required by law) adopted by the party that a certain number or percentage of candidates for nomination will be women?**
Quota – explain year introduced, percentage, placement on list or in constituency, women only shortlists; No quota; Previously – please explain year introduced and rescinded, percentage, placement on list or in constituency, women only shortlists; Other, including informal practices (please describe)
50. **What, if any other, special measures have been adopted by the party to ensure that women are nominated in elections?**
Training for aspiring candidates; Financial incentives; Other (please specify); No other measures
51. **What, if any, is the quota voluntarily (not required by law) adopted by the party that a certain percentage of candidates for nomination will be young people?**
Quota (please explain year introduced, percentage, placement on list or in constituency); No quota; Previously (please explain year introduced and rescinded, percentage, placement on list or in constituency); Other, including informal practices (please specify)
52. **What, if any other, special measures have been adopted by the party to ensure that young people are nominated in elections?**
Training for aspiring candidates; Financial incentives; Other (please specify); No other measures
53. **What, if any, is the quota voluntarily (not required by law) adopted by the party that a certain number or percentage of candidates for nomination be from any other group (not mentioned above)?**
Quota (please explain which groups, year introduced, percentage, placement on list or in constituency); No quota; Previously (please explain year introduced and rescinded, percentage, placement on list or in constituency); Other, including informal practices (please specify)
54. **What, if any, are the limits on the number of times a candidate can hold an elected office on behalf of the political party?** Please specify in number of terms and years.
55. **If there are reserved seats for women, national minorities or other groups in the legislature, how are candidates selected by the party to fill them?**
A list of candidates is compiled (explain); Appointed (if so, by whom); Other (please specify); Not applicable

Electoral activities – candidates – additional comments

ELECTORAL ACTIVITY – CAMPAIGNS

56. **Does the party produce election manifestos for election campaigns?**
Yes (provide copy)/ No
57. **What is the process of development of party election manifestos?**
58. **What is the process of development of campaign strategy/operational plan?**
Yes (provide examples from recent campaigns)/ No
59. **Are candidates (at all levels) expected to campaign on behalf of the party?** Specify what is expected of the candidates.
Yes, only on behalf of the party/ Yes, in addition to personal campaign/ No, only personal campaign
60. **What presidential elections or elections to the national legislature, if any, has your party boycotted over the last 10-year period?**
Specify what national election, year and the reasons for boycott/ No

61. **Has your party recognised, as legitimate, the officially declared winners of presidential elections or elections to the national legislature during the last 10 year period?**
Yes/No specify which winners (presidential or party) and the reason for not recognising them as legitimate
62. **What if any, non-partisan voter education or other civic training activities has the party undertaken during the last five years?**

Electoral activities – campaigns – additional comments

EXTERNAL RELATIONS OF THE PARTY

International contacts

63. **Which, if any, Party Internationals or other international network of parties is the party affiliated with? (specify)**
Party international. (The Christian Democrat-People's Parties International, The International Democrat Union, The Liberal International, The Socialist International or other); Regional party organisation; Other (including non-partisan international organisations); No international affiliation
64. **Which, if any, sister parties from other countries does the party have contact with?**
65. **What is the nature of the relationship, if any, with sister parties from other countries (eg policy support, campaign support, training, public relations, funding)?**
66. **What regular contacts, if any, does the party have with international organisations or party foundations?**

National contacts

67. **What, if any, formal alliances/cooperation does the party have with other political parties in the country? (Eg common election platform)**
Yes – specify/ No, but informal – specify/No
68. **What, if any, formal relationships does the party have with the Election Management Body?**
Represented as voting members of the EMB; Official observers on the EMB; Other formal relationship; Informal relationship; No relationship
69. **What, if any, formal relations does the party have with national civil society organizations? (Name of organization/ Type of relationship/ Key issues)**
Describe the relationships including name of organization, type of cooperation, funding relationships etc.
Business interests; Corporations – specify; Trade Unions – specify; NGOs, movements, civil society organisations – specify; Religious groups – specify; Other – specify
70. **What, if any, media outlets are owned by the party or party leadership, nationally or locally?**

External relations of the party – additional comments

FUNDING

71. **What, if any, are the spending limits for s/election contests or primaries established by the political party or in legal provisions? Please specify whether party rules or law and give amount in local currency.**
72. **What amount of funding, if any, are party candidates required to bring to the party in order to secure their candidacy? Specify amount in local currency.**

73. **How is funding for campaign purposes distributed within the party?** Describe the distribution and who takes the decisions.
74. **What amount of funding, if any, do candidates receive from the party for their personal election campaigns once they are nominated?** Specify amount in local currency.
75. **What amount of campaign funds, if any, are individual candidates expected to raise for the campaign?** Please provide details.
- a. Are the candidates expected to raise a specified amount?
 - b. How are those funds dispersed?
76. **Do local and regional branches raise funds for their own campaign activities?**
77. **What was the total income of the political party in the last election and non-election year respectively?** Specify in local currency.
78. **How much funding, if any, does the party provide to the women's wing, youth wing, etc and do they have their own sources of income and budgets?** Specify in local currency.
79. **Which are the party's main sources of income (amount and percentage)** (In last non- election year/ Amount as % of total party income/ In the last election year/ Amount as % of total party income) Specify in local currency.
Public funding from the state; Membership fees; Income from fundraising activities and events; Individual donations; Trade union donations; Donations from associations (list principal donors); Other (please specify)
80. **What, if any, strategies and methods for fundraising are used by the party?**
81. **What, if any, assets are held by the party (ie. businesses, buildings, etc)?** Specify which ones and if they generate income.
82. **Which are the main expenditures of the party?** (In last non- election year/ Amount as % of total party income/ In the last election year/ Amount as % of total party income)
Specify in local currency.
Publicity/propaganda; Salaries; Transportation; Public opinion research (polling/ policy development); National and regional meetings/ congresses; Voter education; Election campaign; Other (please specify)
83. **How, if at all, are regular financial reports of the party (and/or individual candidates) made public?**
84. **How, if at all, are campaign finance reports of the party (and individual candidates) made public?**

Funding – additional comments

QUESTIONS FOR ALL INTERVIEWEES

85. **What are the most important reasons for change (or lack of changes) in membership, in your opinion?** Please refer to Q30 on membership.
86. **How much influence, in your opinion, do the following bodies have in initiating policy changes or development?** (Great deal of influence/ Fair amount of influence/ Not very much influence/ No influence at all/ Don't know) Please check that all apply.
Affiliated external organisations (trade unions etc); Auxiliary internal party organisations (women, youth etc); Delegates to party congress; Local party; National executive; Parliamentary party caucus/club; Party leader; Party members; Regional party; Significant party donors; Other (please specify)

87. **How much, in your opinion, do the following bodies participate in debating major policy changes?** (Great deal of participation/ Fair amount of participation/ Not very much participation/ No participation at all/ Don't know) Please check that all apply.
Affiliated external organisations (trade unions etc); Auxiliary internal party organisations (women, youth etc); Delegates to party congress; Local party; National executive; Parliamentary party caucus/club; Party leader; Party members; Regional party; Significant party donors; Other (please specify)
88. **How much influence, in your opinion, do the following bodies have in finally deciding major policy changes?** (Absolute approval or veto power/ Great deal of influence/ Fair amount of influence/ Not very much influence/ No influence at all/ Don't know)
Affiliated external organisations (trade unions etc); Auxiliary internal party organisations (women, youth etc); Cabinet ministers (if ruling party); Delegates to party congress; Local party; National executive; Parliamentary party caucus/club; Party leader; Party members; Regional party; Significant party donors; Other ((please specify)

S/election of candidate

89. **How much influence, in your opinion, do the following bodies have in finally deciding major policy changes?** (Absolute approval or veto power/ Great deal of influence/ Fair amount of influence/ Not very much influence/ No influence at all/ Don't know)
Affiliated external organisations (trade unions etc); All party members; Auxiliary internal party organisations (women, youth etc); Delegates to party congress; Local party; National executive; Parliamentary party caucus/club; Party Leader; Party members; Regional party; Significant party donors; Other (please specify)
90. **To what extent do the following factors, in your opinion, affect positively the chances of candidates to get s/elected by the party?** (Very important/ Fairly important/ Not very important/ Not at all important/ Don't know)
Ability at public speaking; Closeness to party leader or senior party officials; Commitment to the campaign; Educational qualifications; Experience of holding party office; Local/regional connections with the community; Name recognition; Personal wealth; Business experience; Trade union experience; Many years of membership; Other (please specify)

Additional comments

ABOUT EISA



EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values, practices and enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA is currently the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is also the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Realisation of effective and sustainable democratic governance in Southern Africa and beyond.

MISSION

To strengthen electoral processes, democratic governance, human rights and democratic values through research, capacity building, advocacy and other strategically targeted interventions.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance
- To build institutional capacity of regional and local actors through research, education, training, information and technical advice
- To ensure representation and participation of minorities in the governance process
- To strive for gender equality in the governance process
- To strengthen civil society organisations in the interest of sustainable democratic practice, and
- To build collaborative partnerships with relevant stakeholders in the governance process.

CORE ACTIVITIES

- Research
- Conferences, seminars and workshops
- Publishing
- Conducting elections and ballots

- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter / civic education
- Conflict management
- Educator and learner resource packs

PROGRAMMES

EISA's core business revolves around three main programmes namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design and citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region and providing technical support to both the SADC-ECF and the SADC-ESN.

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:

- Rule of Law, which examines issues related to justice and human rights;
- Local Government, which aims to promote community participation in governance; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:

- Research
- Publications
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- Information and Communication Technology (ICT).

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- Journal of African Elections
- Election database

ABOUT IDEA



The International Institute for Democracy and Electoral Assistance (International IDEA) was set up in 1995 as an intergovernmental body located at the interface between researchers, practitioners and the donor community to promote dialogue, analyses and networking for the purpose of strengthening democratic processes and institutions. IDEA's current programmes cover three thematic areas: Electoral Processes, Democracy and Conflict Management, and Political Participation. IDEA's work in the area of electoral processes is the most developed and entails, among other things, the production of global knowledge and tools which cover issues such as electoral systems, representation and participation, and election administration. In 1997 IDEA produced a handbook on electoral systems which has been widely circulated and discussed and which informed electoral system reform processes in several countries. Recently, IDEA published the *New IDEA Handbook on Electoral Design*, adding material on the political context of electoral systems and the process of electoral system change to the explanation of different electoral systems and their effects contained in the original book.

This year (2005), IDEA is celebrating its 10th anniversary both at its headquarters in Stockholm, Sweden, and also at select venues around the world.

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