

# How It Began: External Actors in the Early Phase of the Democratic Transition in Malawi

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## 1. Introduction

The wind of change which blew over Africa since late 1989 as a consequence of the end of the cold war between the Western and the communist world reached Malawi very late. While authoritarian regimes all over the continent came under pressure to abolish their Marxist or socialist single party or military systems and introduce democratic reforms, Malawi seemed to remain unaffected by those developments. Even the peaceful democratic transition in neighbouring Zambia which marked the end of the Kaunda regime which was defeated in General Elections in October 1991 had little impact on the political situation in Malawi. The regime of Dr. Hastings Kamuzu Banda who ruled Malawi with an iron fist since its independence from Great Britain in 1964 was – so it seemed – almost forgotten by the changing world. The article analyses the role which external actors played in initiating and promoting the democratic transition in one of the most isolated countries in Africa. It should be stressed that indeed there have been quite a number of individuals within the country, especially in the churches, academic circles, and outside Malawi in exile who fought for human rights and democratic reforms under the Banda regime even before 1992. Many of them risked their own lives and those of their families, some were imprisoned or lost their jobs.<sup>1</sup> It is not my intention to ignore or reduce the important engagement of those courageous people, but argue that their real influence on the democratic transitional process was limited. There were always people since 1964 – especially in exile – who fought for human rights and democratisation in Malawi but they never succeeded. Only the change of policy of the Western donors eventually paved the way for the democrats in Malawi to destroy the authoritarian Banda regime. Consequently, the article will follow a more structural approach.

<sup>1</sup> I remember very well my meeting with Victor Ndovi in February 1993 in London. He played an important role in lobbying the donors to suspend a considerable amount of aid to Malawi on the Consultative Group Meeting in Paris in May 1992.

## 2. External influences on the initiation of the democratisation process

### 2.1. *The Banda Regime*

The poor landlocked Malawi was ruled by one of the most repressive regimes in Africa. Dr. Banda, a medical doctor, trained in the USA and Great Britain, who had spent more than four decades outside Malawi before he returned home in 1958 to lead the independence struggle, established an autocratic leadership system. He made himself the undisputed leader. All constitutional powers vested in him as Executive President, a position he had held for life time since 1971. The Malawi Congress Party (MCP) which he had led as president for life since 1960 was the only legal political party. The MCP had an efficient structure down to the grassroots level and was, therefore, as a quasi-state institution present even in the remotest villages. A well organised special branch system supported by the paramilitary movement Malawi Young Pioneers (MYP) and the police force kept tight control on all parts of society. Even the slightest critical comment about the MCP, the government or the life time President usually had serious consequences for the critics, if they were discovered. Militant members of the League of Malawi Youth – a wing of the MCP – forced almost every Malawian to renew their annual party membership. The membership card was used as a quasi identity card (there are no ID-cards in Malawi). It was checked on every market, in busses or hospitals. But not only villagers suffered under the repressions of the regime. Even top government or party officials were targets of Banda when they, in his eyes, got too popular or too powerful. Whoever showed ambitions – real or imaginable – to succeed the ailing president was seen as a threat to Banda and his "royal family", consisting of his life partner Cecilia Tamanda Kadzamira and her uncle John Tembo. The position of Secretary General of the MCP – the second highest after the presidency – proved to be a hot seat. The position remained vacant since 1983, after two office holders had been killed, one put in detention and two others had unceremoniously been dismissed. The information system and the efficient repression system were important backbones of Banda's power. Another one was his patronage system. Unlike some other authoritarian leaders who allowed his clients to identify and use own sources of income (by corruption or theft of public property) Banda remained in full control of the patronage system. He allocated power and wealth carefully to his loyal supporters and reserved himself the right to withdraw any privileges whenever it pleased him. Only a handful of top politicians survived in office for more than a few years. There was a permanent rotation of portfolios in cabinet in order to avoid ministers becoming too powerful. Popular or too powerful politicians in many cases found themselves victims of intrigues and ended up either dismissed or imprisoned or in worst cases executed.

This climate of mutual distrust and repression which was widespread especially among the urban elites was the main obstacle in the building-up of an opposition movement for

democratic change. Another problem was the social and economic structure<sup>2</sup> which was according to the findings of the democratisation theories unfavourable for a democratisation process. Malawi's economy is dominated by agriculture. More than 85% of the Malawians live in rural areas.<sup>3</sup> Most of them are small peasants<sup>4</sup> who grow mainly the staple food maize for own consumption. They are more or less excluded from the formal economy. About 16% of the working force earned their living as employees on the large tobacco, tea and sugar estates which belonged to the Banda regime (tobacco) or to transnational concerns.<sup>5</sup> The small modern industrial, commercial and services sector based in the few urban centres was dominated by Press Holdings, a conglomerate owned by President Banda who has also been the biggest private entrepreneur of the country.<sup>6</sup> In 1992, the gross domestic product per capita was US\$ 210 which means that Malawi was under the seven poorest countries in the world.<sup>7</sup> Life expectancy was 45 years; the illiteracy rate was at 58,8% (1985).<sup>8</sup> The country ranked number 153 in the Human Development Index (1990).<sup>9</sup>

Under those circumstances a strong and independent civil society was not able to develop. The dominant political and economic position of the Banda regime was undisputed. It is not surprising that these conditions were quite unfavourable for the emergence of a democratic transition from within the country.

The only threat to the regime was its high dependence on development aid which accounted for 22,6% of the GDP and contributed to at least 40% of the government budget (1992/93).<sup>10</sup>

<sup>2</sup> In order to give a true picture of the economic and social structure at the time of the democratic transition the reference data are as of 1992.

<sup>3</sup> *Government of Malawi*, Malawi Population and Housing Census 1987, Zomba, 1991, pp. 364-365.

<sup>4</sup> According to the Population Census of 1987 77,6% of the 3,5 Mio. working people were small peasants. See: *Government of Malawi*, (ibidem).

<sup>5</sup> Tobacco is the most important cash crop which contributed 76% of the export earnings, tea made up 8% and sugar 6% (1994). See: *Economic Intelligence Unit*, Country Report Mozambique Malawi, 4/1995, p. 38. The tea plantations belong to the British transnational concern LONRHO.

<sup>6</sup> Press Ltd. in 1992 controlled about 1/3 of the political economy. See: *H. Meinhardt*, Politische Transition und Demokratisierung in Malawi, Hamburg, 1997, pp. 71-75.

<sup>7</sup> See: *World Bank*, World Development Report 1994, Washington, D.C., 1995, p.200.

<sup>8</sup> *Government of Malawi*, Malawi Population and Housing Census 1987, Zomba, 1991, p. 66.

<sup>9</sup> *UNDP*, Human Development Report 1993, New York, 1993, p. 137.

<sup>10</sup> *World Bank*, World Development Report 1994, Washington, D.C., 1995, p. 236; *Malawi Government*, Economic Report 1994, Zomba, 1994, p. 59.

Malawi was rewarded for its strict anti-communist policy by the Western donors and its financial institutions. In a Congress presentation for security assistance programs of the USA for the fiscal year 1991, it was stated that "Malawi has been a reliable partner in helping to bring about peaceful change in southern Africa. Malawi has also been a valuable force for moderation, maintaining a dialogue with South Africa while moving to improve its relations with Mozambique and Zimbabwe. US security assistance helps Malawi to continue this role (...) thus contributing to stability in this sensitive region."<sup>11</sup> The Banda regime was regarded by the Western world as a bulwark of peace and political stability in the region.

The overall amount of official development aid for the year 1991 was US\$ 544.4 Mio. of which US\$ 224.1 Mio. came from bilateral and US\$ 320.3 Mio. from multilateral donors.<sup>12</sup>

## 2.2. *The policy of the Western donors*

The quite generous flow of development aid continued regardless of the well known gross violations of human rights.<sup>13</sup> The end of the cold war resulted in a change of the Western foreign policy. Mid 1990 the British Foreign Minister Douglas Hurd announced the political conditions of development cooperation in general: "Countries tending towards pluralism, public accountability, respect for human rights and market principles should be encouraged. Governments who persist with repressive policies should not expect us to support their folly."<sup>14</sup> But only after a year, in July 1991, this new policy affected Malawi when London cut half a loan agreement to £ 5 Mio.<sup>15</sup>

The Banda regime reacted to this blow with an appeasement strategy. As more or less symbolic gestures, it released repeatedly political prisoners and even announced to enter into a public discussion concerning the future of the single party system of government. This last point was, however, not more than a show for the donors. The announcement of a discussion over the single party system, which had at that time been a sacred and untouch-

<sup>11</sup> Page 194. Quoted in: *Africa Watch*, Where Silence Rules. The Suppression of Dissent in Malawi, New York *et al.*, 1990, p.100.

<sup>12</sup> The World Bank contributed 18,2%, Great Britain 10,3%, European Community 8,1%, USA 9,9%, Germany 8,2% and Japan 3,6% to the total amount. Own calculations based on: *Economist Intelligence Unit*, Malawi Country Profile 1993/94, London, 1993, p. 31.

<sup>13</sup> The human rights situation was well documented in the annual reports of Amnesty International, London, and in: *Africa Watch*, Where Silence Rules. The Suppression of Dissent in Malawi, New York *et al.*, 1990.

<sup>14</sup> The Independent (London), 07.06.1990.

<sup>15</sup> See: *T. Cullen*, Malawi. A Turning Point, Durham, 1994, p. 62.

able institution by the Minister of Finance, was only made at a meeting with the in Malawi accredited diplomats but was not mentioned in the public media.<sup>16</sup> A meaningful discussion or major democratic reforms were not seriously wanted. It was left exclusively to the MCP Annual Convention and to the Parliament – both not more than forums for acclamation of Banda's decisions – to "discuss" the introduction of a multi-party system. Banda had already determined the results of these discussions in his speech at the opening of Parliament: "For myself, openly and clearly and frankly, I do not think (to change the one-party system). Why? The country has achieved the stability and prosperity of things as there are in the Party (...) So, why change, why change? But this is a democratic country, those of you who want change can say so but, if so, they are very, very few. Something wrong with them."<sup>17</sup> Therefore, the resolutions of Parliament were not surprising. The one-party system was, with reference to the democratic elections of 1961 in which the MCP won a landslide victory, fully endorsed as the "will of the people".

This containment strategy, however, was not successful. The donors were no longer impressed with the Banda regime and its achievements which for the first time had even been praised in a brochure on high-gloss paper produced for the donor community.<sup>18</sup> The propaganda pamphlet pointed out the great popularity of the life time President and the MCP in Malawi. However, the donors were not willing to change their course towards Malawi and the regime had to introduce serious and major democratic reforms, if it wanted to benefit from development aid in the future. Since Banda used the aid not only for developing his country but to a greater share for financing his pool of patronage, he recognized that he could not ignore the demands of the Western donors.

A major sign was given by the Western donors in May 1992 when the 4th Malawi Consultative Group meeting chaired by the World Bank decided to freeze financial aid worth US\$ 74 Mio. because of the poor human rights records and lacking democratic reforms.<sup>19</sup> The resumption of development aid was put under the condition of the introduction of irreversible democratic reforms. Although this suspension of aid had impacts on the budget, the psychological aspect was even more important: For the first time the Western donors were prepared to let Banda down.

<sup>16</sup> See: *H. Meinhardt*, Die Rolle des Parlaments im autoritären Malawi (Hamburg, 1993), p. 145.

<sup>17</sup> *H. Banda*, State Opening of Parliament, Hansard, 03.12.1991.

<sup>18</sup> *Department of Information*, The Nkwazi and Malawi. A Success Story of Development and Prosperity, Blantyre, 1992.

<sup>19</sup> Humanitarian aid of US\$ 170 Mio. and the financing of already existing projects (US\$ 220 Mio.) continued. See: *World Bank*, Malawi Consultative Group, Paris, Chairman's Closing Speech, 13.05.1992, and: *Herald* (Harare), 14.05.1992.

This step of the donors<sup>20</sup> was partly contradicted by the World Bank only two months later when it granted a substantial loan of US\$ 199 Mio. to Malawi. Criticism of its policy to support Malawi was turned down by the World Bank with reference to its standing orders which says that only economic and not political criteria matter for its decisions.<sup>21</sup> However, this loan – the largest in the country’s history ever, could not put Banda in a position to stop the democratisation process due to three main reasons<sup>22</sup>: Firstly, Malawi had to cope with the effects of a major draught which stroke Southern Africa in 1991 and affected the rural population in Malawi badly. The food shortage had to be compensated with imports and relief food from the donors. Secondly, the donors put substantial pressure on the Banda regime in course of the transition process in order to build a favourable environment for the democratisation. Thirdly, there was no adequate alternative to Western aid. Banda’s close relations with the Apartheid government in South Africa which had granted him considerable financial aid in the past had lost its value due to the political changes in Pretoria. However, South Africa helped out with a loan of US\$ 22 Mio. after the suspension of Western aid in May 1992.<sup>23</sup>

In order to polish up his image in the Western world Banda tried to improve Malawi’s human rights record. For the first time in history, he allowed the International Committee of the Red Cross to inspect the country’s prisons (mid 1992) and invited the British Law Commission to analyse and evaluate the human rights situation (September 1992).<sup>24</sup>

### 2.3. *The emerging of opposition groups*

There was no organised political opposition against the Banda regime inside Malawi since September 1964. That time Banda won a power struggle against his own ministers in the so called Cabinet Crisis. The young ministers were not willing to accept Banda’s growing autocratic leadership style and differed with him in some essential policy fields such as Africanisation of the state bureaucracy and the introduction of a Socialist economic order.<sup>25</sup>

<sup>20</sup> In the aftermath of the Consultative Group Meeting Norway and the USA reduced already approved bilateral aid to Malawi. See: *Economist Intelligence Unit*, Country Report Zimbabwe, Malawi, 4, 1992, London, 1992, p. 39.

<sup>21</sup> See: *Economist Intelligence Unit*, Country Report Zimbabwe, Malawi, 4, 1992, p. 39.

<sup>22</sup> See: *H. Meinhardt*, Politische Transition (supra n. 6) pp. 85-86.

<sup>23</sup> See: *Economist Intelligence Unit*, Country Report Zimbabwe, Malawi, 4, 1992, p. 39.

<sup>24</sup> See: Human Rights in Malawi. Report of a Joint Delegation of the Scottish Faculty of Advocates, the Law Society of England and Wales and the General Council of the Bar to Malawi, September 17-27, 1992.

<sup>25</sup> For the Cabinet Crisis see: *T. D. Williams*, Malawi. The Politics of Despair, Ithaca / London, 1978, and *Ph. Short*, Banda, London / Boston, 1974.

After the power struggle the ministers had to flee the country into exile. Because of rivalries among themselves it was not possible for them to form a strong political opposition movement in exile. Consequently, the movement split into various small groups which operated from different neighbouring countries but had never been a serious threat to Banda.<sup>26</sup>

The interesting question is then: How did the opposition movements inside Malawi start? The political environment was quite unfavourable for the emergence of a democratisation movement. The regime was able to crack down on each opposition group by its Special Branch and MYP even before it met – so it was believed.

The major obstacle for the formation of an opposition group was the effective special branch system which increased the possibility of being betrayed. Being outed as an opponent of the regime usually had serious consequences of imprisonment for indefinite time and being assassinated or executed. In this climate of fear and distrust it was difficult to organise a democratisation movement let alone a political party.

It is remarkable that one of the two opposition groups formed in late 1991 was initiated with the assistance of at least two expatriates who worked in the country.<sup>27</sup> The two Europeans had important advantages: They had access to information about developments inside and outside Malawi through diplomatic channels which were not available from the strictly censored media and, perhaps even more important, they were not suspected to be agents of the regime. The two foreigners encouraged some personal friends like Brown Mpinganjira and Bakili Muluzi to start an underground group of a handful people fighting for democracy. Their computers and fax machines were used to print and photocopy anonymous pamphlets in which they criticized the regime and called for the respect of human rights and democratic reforms. After the group had been established, the two Europeans withdrew from their direct engagement in order to prevent the regime from accusing the opposition to being remotely controlled by foreigners.<sup>28</sup>

The group – which called itself after its appearance in the public in October 1992 United Democratic Front (UDF) – grew slowly and only by personal invitation of its members in order to prevent the intrusion of Banda's agents. By March 1992 the group counted about 20 persons. Their members were mostly former MCP-politicians who had fallen into

<sup>26</sup> The opposition politicians in exile had been the target of assassinations and kidnappings by Banda's special branch. Therefore they were not able to challenge the regime effectively.

<sup>27</sup> These are Dr. David Kerr, a British citizen, who worked as a professor at the University of Malawi in Zomba, and Father Patrick O'Malley from Ireland.

<sup>28</sup> See: *H. Meinhardt*, *Politische Transition* (supra, n. 6) pp. 87-88; and *P. O'Malley*, *Living Dangerously*, Glasgow, 1999, pp. 157.

disgrace with Banda already years ago. Most of them were unceremoniously dismissed from the cabinet or other high ranking positions, some even got imprisoned because of political reasons. Many of them came from the Southern Region. Quite a number of them earned their livings as private businessmen or entrepreneurs. Their big advantage was that they knew each other, they shared more or less the same experiences with the Banda regime and they had once tasted power. The group unanimously elected Bakili Muluzi, a well doing businessman and former Minister and Secretary General of the MCP<sup>29</sup>, to be chairman. They recognized that the new democratisation policy of the Western donors was favourable for their return to power as long as they used democratic ways to challenge Banda.

The group was aware of its vulnerability. In case of discovery the regime could have imprisoned its members or even could have killed them. They knew that they had to come to the open and challenge the Banda regime openly, if they wanted to bring real change to Malawi. Therefore, a wider platform was needed in order to make it difficult if not impossible for the regime to suppress the opposition. Since all media and most of the NGOs were tightly controlled by the government, it was difficult to find an adequate platform. Only the two biggest churches, the Roman Catholics and the Church of Central African Presbyterians (CCAP) had an effective nationwide organization structure<sup>30</sup>. Through personal contacts between some opposition activists and the Catholic Bishops the Catholic clergy was approached and encouraged to read a Pastoral Letter in which the regime is criticised for its poor human rights record, missing democratic rights, corruption and poor efficiency in its education and health policy. There are strong hints that the Irish Father Patrick O'Malley – who played an important role in the establishment of the underground movement (the later UDF) – convinced his countryman, the Apostolic Administrator of the Mzuzu Diocese in North Malawi, Monsignore John Roche, to encourage the Bishops to publish such a pastoral letter.<sup>31</sup>

The Catholic Church had several important advantages for challenging the regime which never had been publicly criticised from within Malawi since 1964. The church was a legal and well-established institution. In the past it was not seen as being critical of the government and therefore the regime could be taken by surprise<sup>32</sup>. More importantly, the church had worldwide contacts not only to the Holy Seat but also to Christian brother churches in

<sup>29</sup> Muluzi resigned from the post of MCP Secretary General, the formally most important position after Banda, in 1982 and retired from politics.

<sup>30</sup> 27,6% of Malawi's population is Roman Catholic while 33,7% are members of the CCAP. See: *Statistisches Bundesamt, Länderbericht Malawi, Wiesbaden, 1992, p. 28.*

<sup>31</sup> See: *H. Meinhardt, Politische Transition (supra n. 22), pp. 90-91 and 105-106; and P. O'Malley (supra n. 28) pp. 150-151.* He, however, left his personal role a bit in the dark.

<sup>32</sup> See: *T. Cullen, Malawi. A Turning Point, Durham, 1994, p. 39.*

Africa, Europe and North America. Acts of repression against the clergy would have led to an international outcry and would have put donor countries under pressure to suspend the development aid to Banda. In order to ensure international publicity, copies of the pastoral letter had been dispatched to the BBC Studio Lusaka, to all foreign missions in Malawi and to international church and human rights organizations outside the country. The letter – printed in a Church-owned printing house – was read simultaneously in all the Catholic churches of Malawi on 8 March 1992.<sup>33</sup>

This caution proved vital. The regime – completely taken by surprise – on an emergency meeting of the MCP National Executive Committee decided to kill the six Bishops.<sup>34</sup> Banda, however, who was not present at that meeting ruled out such a drastic step. He was aware of the fact that the donors would suspend their aid for Malawi and all the Catholics would regard his regime as their enemies. One of the reasons for his decision to leave the Bishops alone was the enormous international publicity which the pastoral letter attracted. There were messages from churches, governments and human rights groups from all over the world calling for the safety and integrity of the Bishops. The Pope sent a special envoy to Malawi in order to ease the situation.<sup>35</sup>

The fact that the Bishops publicly criticised the government and got away with it meant the break of a taboo. The Malawians for the first time saw that the Banda regime was vulnerable. Although the government tried to control the situation and suppress dissidents by acts of repression, it was not able to succeed. For the first time in the country's history, strikes and violent demonstrations took place in Blantyre and Lilongwe in May 1992 which were violently crushed by the police force. This action compromised the international reputation of Banda further.

At about the same time the UDF movement was founded in late 1991 another opposition group was formed in underground: The later Alliance for Democracy (AFORD). According to a founding member, Aaron Longwe, the idea to form this opposition group came from foreigners: "When we started AFORD the idea did not come from us. It came from our friends in the diplomatic circles who approached me 'why don't you start a party?'"<sup>36</sup> This

<sup>33</sup> 16,000 copies had been printed: 10,000 in Chichewa, 5,000 in Chitumbuka and 1,000 in English language. See: *T. Cullen*, op. cit. p. 37, and *H. Meinhardt*, Politische Transition (supra n. 6) p. 106.

<sup>34</sup> The meeting was secretly taped and smuggled outside the country. It later was broadcasted at the South African broadcast service Channel Africa.

<sup>35</sup> For details see: *G. Baumhögger*, Malawi, in: *Rolf Hofmeier et al.* (eds.), Afrika Jahrbuch 1992, Opladen, 1993, pp. 328-334.

<sup>36</sup> See: Interview with A. Longwe, in: Nation, Blantyre, 20.07.1995. See also: Conversation with the author, 01.07.1994.

statement, however, has been challenged by some academics and AFORD politicians who claimed ownership of the idea of founding AFORD.<sup>37</sup> The group was dominated by professionals and intellectuals from the Northern Region – the home of the minority ethnic group of the Tumbuka. The movement was founded by Chakufwa Chihana, the secretary general of the Southern African Trade Union Cooperation Council (SATUCC) based in Lilongwe. He was almost unknown in Malawi, but had good relations to trade unions in Europe and the USA. Further, his position allowed him access to uncensored information.

Although there were sporadic contacts between the two opposition groups efforts to unite them in order to strengthen their position against the regime proved futile. Chihana and his colleagues distrusted the UDF because of the fact that most of the activists had once served Banda in prominent positions. Another reason was the distrust which people from the Northern Region had in people of the Southern Region. The Northern Region had been, under Banda's regime, permanently neglected and sidelined. Approaches of the UDF to unite or at least cooperate with the AFORD were turned down, because they were not able to solve the leadership issue. Both groups claimed the leadership.<sup>38</sup> Chihana instead tried to win the support of the veteran opposition groups in exile. Therefore he attended a conference of the exile groups in Lusaka in March 1992. That conference was organized by the German Friedrich-Ebert-Foundation in Zambia. However, the exile groups were neither willing to accept Chihana as their leader nor were they prepared to go back to Malawi and challenge the Banda regime openly. Most of them never wanted to take the risk of getting imprisoned or killed in Malawi.<sup>39</sup>

Chihana recognized that the regime could only be effectively challenged from within Malawi. He wanted to use the international publicity Malawi enjoyed after the publication of the pastoral letter for establishing a democratisation movement inside the country. Despite clear warnings of the regime that he will be arrested when he returns to Malawi, Chihana went back to Lilongwe where he was detained on his arrival at the airport on 6 April 1992, when he wanted to read his speech in which he called for democratic reforms. The incident was witnessed by Western diplomats. The detention of Chihana and his trial for sedition was closely monitored by the international community.<sup>40</sup> Because of the international interest in Chihana, the Banda regime was not able to deal with him in the usual

<sup>37</sup> At a conference on Historical and Social Science Research in Malawi in May 2000 in the University of Malawi, Zomba, which the author attended. Especially John Lwanda questioned the statement made by the late Aaron Longwe.

<sup>38</sup> See: *H. Meinhardt*, Externe Einflüsse auf den Demokratisierungsprozeß in Malawi, in: *R. Hanisch* (ed.), *Demokratieexport in die Länder des Südens?*, Hamburg, 1996, pp. 405-430, here: p. 408. See also: *P. O'Malley*, (supra n. 28) p. 148f.

<sup>39</sup> Interview with C. Chihana, 20.07.1994.

<sup>40</sup> See: *Sunday Times* (Harare), 12.04.1992.

way. Neither detention without trial nor an unfair trial before a traditional court were possible ways to eliminate him. Therefore, for the first time in Malawi's history, an opposition politician was tried in a court of law. When the police, in May 1992, failed to present him for a court hearing, thousands of people marched in Lilongwe to demonstrate in support of him. He was sentenced to two years of imprisonment which was later reduced to nine months. Chihana was released in June 1993. His imprisonment gave him the image of a martyr and made him known to the whole country and even to the donors and human rights NGOs in Europe and North America. Chihana was awarded the prestigious Robert F. Kennedy Human Rights Award in 1992 which increased his international reputation.<sup>41</sup>

Many Malawians living abroad in Europe and North America joined AFORD and supported it financially. Although there was poor communication between the supporters outside the country and the underground movement, the Malawians in Canada, Great Britain and other countries played an important role: They tried to sensitize the governments in their host countries towards the democratic transition in Malawi and tried to convince them to put pressure on the Banda regime. They had a major impact on the decision of the Consultative Group Meeting in Paris in May 1992 to suspend aid to Malawi.<sup>42</sup>

The opposition movements used every concession the regime made as a lever to make further demands. The liberalisation process gained its own dynamics. Meanwhile, the donor countries put continuous pressure on the regime and secured a favourable environment for a democratic transition.

The pressure on Banda was increased in July 1992 when the Presbyterian Church (CCAP) publicly called on the President to appoint a commission which should work out democratic reforms. It was suggested that the churches should be part of the committee. The call was made during an audience with Banda and in the presence of representatives of the Geneva based World Alliance of Reformed Churches (WARC). The presence of the WARC-delegation raised the importance of the call and also increased the safety of the CCAP-heads.<sup>43</sup>

Surprisingly, Banda took up the demand and, in early October 1992, appointed a Presidential Committee on Dialogue (PCD) which consisted of a number of high ranking government politicians, mainly Cabinet Ministers. The PCD was meant to form a platform for

<sup>41</sup> See: *Robert F. Kennedy Memorial Center for Human Rights*, *Confronting the Past: Accountability for Human Rights Violations in Malawi* (paper), Washington, D.C., 1994.

<sup>42</sup> See: *H. Meinhardt*, *Politische Transition* (supra n. 6) p. 94.

<sup>43</sup> The letter "The Nation of Malawi in Crisis: The Church's Concern" was handed over to President Banda personally by the General Secretary of CCAP. He was accompanied by a 5-member-delegation of the WARC. See: *H. Meinhardt*, *Externe Einflüsse* (supra n. 38) p. 409.

discussions with the churches about their grievances. Banda pursued two objectives with the appointment of PCD: Firstly, he wanted to demonstrate to the donors that he was willing to introduce serious democratic reforms in the hope that the suspension of development aid would be lifted, and, secondly, he wanted to include the opposition into formal negotiations in order to maintain control over the reform process.

The opposition on its side formed the Public Affairs Committee (PAC) in order to speak with one voice and strengthen its position for the negotiations with the PCD. Despite the vehement resistance from the PCD which insisted that its invitation to discuss matters of national concern only includes the churches<sup>44</sup>, PAC extended its membership to the Muslim Association of Malawi, the Law Society and the Chamber of Commerce and Industry. Thus all important organizations of Malawi's small civil society were represented in PAC.

### 3. External actors in the transition period

#### 3.1. International supporters of the democratisation

Shortly before the discussions between PAC and PCD started in early October 1992 AFORD had appeared on the public scene, but not as a political party (which would have been illegal) but as a pressure group for democratic reforms.<sup>45</sup> It called for the abolition of the Public Security Act, release of all political prisoners and the entering of a national dialogue on the introduction of a democratic system of government including a referendum about the introduction of a multi-party system.<sup>46</sup> With its move into the public, AFORD also wanted to increase international pressure on Banda to release its chairman Chihana or at least to guarantee him a fair trial. The establishment of AFORD was reported on BBC World Service at the same day in order to attract international and national attention.<sup>47</sup> AFORD was financially supported by well-wishers and NGOs in Europe and North America. The sale of membership cards resulted in a temporary ban of the organization in November 1992.<sup>48</sup>

<sup>44</sup> John Tembo, Minister of State in the President's Office, wrote to the CCAP: "(...) The inclusion of people other than Church leaders in your group in a departure from (...) the Life President's directive which specifically mentioned Church leaders." The letter dated 07.09.1992.

<sup>45</sup> AFORD came to the open on 21st September 1992. See: Herald (Harare), 22.09.1992.

<sup>46</sup> See: *Alliance for Democracy*, Press Statement, Blantyre, 04.10.1992.

<sup>47</sup> For details see: *H. Meinhardt*, Politische Transition (supra n. 6) p. 97.

<sup>48</sup> *H. Meinhardt*, Politische Transition (supra n. 6) p. 177.

Encouraged by the public appearance of AFORD and the beginning of the PAC-PCD negotiations, the UDF came to the open on 19 October 1992. This public appearance was not undisputed inside the pressure group because some businessmen feared that their political activities could provoke sanctions against them by the government (parastatals) and Banda's powerful conglomerate Press Corporation Ltd. They even feared the loss of business licenses. Like AFORD, the UDF called for serious democratic reforms and for a referendum on the future of the one-party system. It's financial situation was a bit better than that of AFORD, because many members were wealthy businessmen who contributed generously to their group and used own money for political activities and for the mobilisation of supporters.

Unlike AFORD, the UDF was internationally quite unknown. In May 1993, therefore, a UDF-delegation lead by the chairman Bakili Muluzi traveled to Great Britain, Germany and to the USA.

Banda – under enormous pressure by the donors – changed his strategy and, in October 1992, eventually allowed AFORD and UDF to enter into dialogue with the PCD through PAC under the condition that they act as pressure groups and not as political parties. This was important for the regime because, if AFORD and UDF had constituted themselves as political parties, Banda would have been left only with two – for him quite unfavourable – alternatives: Firstly, to dissolve them (which would have raised protest from the donors) or, secondly, to call for multi-party elections instead of a referendum.

Banda, who at first was prepared to discuss anything with the PAC except the abolition of the one-party system, suddenly took the offensive when, on 18 October 1992, he announced – after the first meeting between PAC and PCD had taken place – that a referendum on the introduction of a multi-party system will be held but he left the date open. Therefore the main subject of the negotiations between PAC and PCD were the modalities for the realisation of the referendum.

Banda's calculation was obvious: He thought that he could easily win the support of the rural population (about 85% of the Malawians live in villages) because the pressure groups were urban movements which were still quite unknown to the villagers. Contrary to the pressure groups, the MCP had a well organized party structure, which included even the grassroots level. Unlike in some other African countries, the MCP did not only exist on paper, but was an effective arm of the regime in its main tasks, namely controlling the people and enforcing the four cornerstones of Banda's rule: Unity, Loyalty, Obedience and Discipline.

Both, the government and the PAC agreed that international assistance for the preparation and implementation of the referendum was needed, because the mutual distrust between

both sides was immense. The UN was accepted by both the government and opposition as a neutral and professional institution which would guarantee a free and fair referendum according to international standards. However, the relations between the regime and the UN was ambivalent: On one hand the outcome of the referendum in favour of the one-party system had to be endorsed by the UN as a precondition for the donors to continue the development cooperation with Banda, on the other hand rigging was more difficult. Therefore, the UN was requested to participate in the preparations of the referendum. A technical team of the UN visited Malawi in November 1992 and submitted a detailed report.<sup>49</sup> The report analyzed principle aspects (such as the nomination of an independent referendum commission, the guarantee of the freedom of opinion and of assembly as preconditions for a democratically conducted poll) as well as technical details (i.e. voters' registration procedures, polling procedures and international monitoring) and the necessary expenditures.

Only in his New Year's address to the nation, Banda announced the date for the referendum: 15th March 1993. He made it clear that the poll was only to be done because of pressure from the Western donors and the reduction of aid.<sup>50</sup> Since the donors did not demand the introduction of a multi-party system of government as a precondition for the resumption of aid, Banda tried to save his one-party system.<sup>51</sup> The short time span had tactical reasons: The regime wanted to restrict the chances of the opposition groups to articulate and organize themselves and to mobilize support among the rural population. The opposition had almost no organization structure outside the few urban areas. Furthermore, a voting date in March would have made it difficult for international observers to monitor the poll effectively, because of the rainy season. Some other African leaders, such as Bongo in Gabon or Houphouët-Boigny in the Côte d'Ivoire, called for early elections, too, and won because the opposition groups had no time to organize themselves countrywide.

### 3.2. *International support in the preparations for the Referendum*

The high dependency of the Banda regime on Western aid continuously played an important role during the phase of negotiations between PAC and PCD. As has been stated earlier, Banda only implemented most of the democratic reforms because of pressure from the donors while the influence of PAC without support from the donors was still limited.

<sup>49</sup> *United Nations*, Report: UN Technical Team on the Conduct of a Free and Fair Referendum on the Issue of a One Party/Multiparty System in Malawi.

<sup>50</sup> See: Malawi News (Blantyre), 02.01.1993.

<sup>51</sup> See: Daily Times (Blantyre), 24.02.1993.

How did the policy of the donors look like? They renewed their call from May 1992 to implement irreversible democratic changes. With the exception of humanitarian aid all the donors in a concerted action refrained from new pledges of aid, a policy which was continued until after the referendum.<sup>52</sup> This policy strengthened the donors' position against Banda, because he was not able to play one donor off against another. The announcement of the referendum opened concrete ways of influence for the donors. They made it very clear that only a free and fair poll which meets international standards would be accepted.

More important than the technical conduct of the referendum were the rights and freedoms which had to be granted to the multi-party advocates in order to guarantee the balance of chances. This included in addition to the freedoms of expression and assembly the right to publicly campaign, access to the state controlled media and the participation of the Malawian politicians living in exile.<sup>53</sup>

The influence of the donors on Banda, however, was not sufficient to enforce all recommendations made by the UN experts. But the opposition adopted the recommendations of the UN report and tried to put through as many points as possible. Since the regime was not willing to accept all the conditions raised in the report, the donors had another important role to play: They not only had to pressurize Banda to make concessions for the conduct of a free and fair poll, but they also had to influence the opposition to agree to compromises where necessary and to keep the negotiations going. For example, the opposition was urged to give up exaggerated demands concerning the set up of the referendum commission. Otherwise the donors threatened to resume development aid to the country.<sup>54</sup>

The Western donors played an important role as mediators in the negotiations between government and opposition, although they never attended them as observers. It was their aim to ensure a free and fair referendum and to make sure that the negotiations between the regime and opposition would not break down. Although the donors preferred democratic multi-party elections they were not willing or able to impose this on Banda.

The donors were aware that they would only be able to impose the most important preconditions for a free and fair poll on the regime. For example, the opposition was not willing to accept the early date for the polls and threatened the regime to boycott the referendum. After mediations by the UN Secretary General, Banda eventually agreed to move the date to 17 June 1993, the date which had originally been recommended by the UN experts.<sup>55</sup>

<sup>52</sup> See: *H. Meinhardt*, Politische Transition (supra n. 6) p. 185.

<sup>53</sup> See: Report of the U.N. Technical Team, November 1992.

<sup>54</sup> See: *H. Meinhardt*, Politische Transition (supra n. 6) p. 186.

<sup>55</sup> See: Report of the Joint International Observer Group on the Malawi National Referendum, 1993, p. 13; and also: Malawi News (Blantyre), 06.02.1993.

Another disputed issue was the question of ballot boxes. The regime wanted to use two separate boxes for Yes and No ballots while the opposition wanted to use one box for both ballots only, as it was recommended by the UN. The opposition feared that the system of two separate ballot boxes could increase the chances to illegally exchange or fill up boxes in order to rig the polls. Only after the mediation by the Secretary General of the International Law Commission, A. Deng, the problem was solved in the very last minute in favour of the opposition.<sup>56</sup> In other disputed issues, such as the return of the politicians living in exile to Malawi, the donors did not succeed, because even PAC was not enthusiastic about a solution. More important were the complaints of the opposition about disadvantages during the campaign period. The donors were not able to avoid that campaigns of the pressure groups were disturbed or not permitted. Some leading opposition politicians were threatened, intimidated and even temporarily arrested.<sup>57</sup> Also, equal access to the state-owned and only radio station Malawi Broadcasting Corporation (MBC) was not enforced.<sup>58</sup> The influence of the donors also proved limited in the efforts to release Chihana from prison. It was only possible to ensure a relatively free trial, but he was released only a few days before the referendum. The Western donors had to restrict themselves to a few minimal demands in order to avoid the impression that they put too detailed conditions on a sovereign internationally recognized government.

The financial advantage of the regime which used state resources for its campaign over the multi-party advocates was enormous. However, the opposition received some means from Western sources.

### 3.3. *Banda's international friends*

Not only the democratisation movement received a lot of, and eventually deciding, support from external actors. Banda, too, was not willing to rely on his own resources of power inside the country but tried to use his international contacts to strengthen his position. His freedom of action was, however, restricted and his efforts finally proved futile.

Banda tried, *inter alia*, to get assistance from Tiny Rowland, at that time chairman of the British transnational enterprise LONRHO. The company had important business interests in Malawi, especially on the sugar, tea and coffee sectors. His longtime friendship with Banda had provided him with some valuable business privileges. Moreover, the restrictive wage

<sup>56</sup> See: *H. Banda*: Radio Address to the Nation, 17.05.1993, for the text see: Daily Times (Blantyre), 19.05.1993.

<sup>57</sup> See: *Amnesty International*; Malawi. Preserving the one-party state – human rights violations and the referendum, London, 18.05.1993.

<sup>58</sup> There was no TV channel in Malawi until April 1999.

policy and the ban of strikes in Malawi were favourable for LONRHO. Rowland is not only believed to have supported Banda's referendum campaign with US\$ 675,000<sup>59</sup>, but also to have arranged for two of his lawyers to go to Malawi and take over the prosecution against Chihana. Banda wanted to demonstrate his pretended willingness to grant Chihana a fair trial with the British professionals handling the issue.<sup>60</sup>

Banda's long time ally South Africa was – as it has been stated above – was not willing to render major support to him because of the domestic political changes in RSA. However, after the appearance of violent riots in Malawi in May 1992, a special police division was trained in South Africa in controlling and putting down riots.<sup>61</sup> All in all, Pretoria's impact on the democratization process remained limited.

Another long time ally, Taiwan, assisted the regime in security issues. The Taiwanese ambassador was embarrassed with newspaper stories blaming his country of having provided the paramilitary Malawi Young Pioneers (MYP) organization with fire arms.<sup>62</sup> The MYP were used for intimidation and harassment of multi-party advocates mostly during the referendum campaign period.

More important was the cooperation with President Daniel arap Moi and his Kenya African National Union (KANU). MCP and KANU used to have close links with each other. KANU was seen as an example for the introduction of democratic reforms without losing its governmental power. The cooperation with KANU was intensified in the campaign period in the running up of the multi-party elections in 1994.

### 3.4. *International support for the conduct of the referendum*

In addition to the already mentioned Western influence on the modalities for the conduct of a free and fair referendum, the technical support played a major role. The UN Electoral Assistance Secretariat (UNEAS) founded the Joint International Observer Group (JIOG) for which international election experts and observers<sup>63</sup> as well as resident diplomats and workers of international NGOs had been recruited. JIOG cooperated with the National

<sup>59</sup> See: Southern Africa Political & Economic Monthly, 1993, 7, 2, p. 24.

<sup>60</sup> See: *British Law Society*, Human Rights in Malawi, London, 1992, pp. 16ff., and: Daily Mirror (London), 02.10.1992.

<sup>61</sup> This has been confirmed by the South African authorities. See: Weekly Mail (South Africa), 04.-10.09.1992.

<sup>62</sup> See: Monitor (Blantyre), 17.12.1993.

<sup>63</sup> The author served as an international observer appointed by the German Foreign Office. He observed the referendum in Mchinji District.

Referendum Commission. It not only engaged itself in the observation of the polls but also launched an important Civic Education programme. It is remarkable that the entire costs of the referendum of about US\$ 8 million were covered by the Western donors.<sup>64</sup>

The first group of international observers arrived in the country in mid April 1993. They observed the voters registration process and covered 14% of the 2,066 registration centres.<sup>65</sup> In addition to the international observers, local monitors representing the concerned groups, i.e. the PAC, UDF, AFORD and the MCP, were accredited by the Referendum Commission. These monitors were either sympathizers of the group they represented or were hired. Some of the monitors of the opposition were undercover agents of the MCP.<sup>66</sup> Monitors of the MCP and of the opposition were present in each of the polling centres on the polling day, too.

The few international observers who arrived early visited a number of campaigns all over the country. They were often contacted by activists of both camps and complained about certain cases of intimidation and harassment which was mostly caused by the MYP or the League of Malawi Youth, a wing of the MCP who disturbed campaign meetings or intimidated villagers. Another reason for complaints was the unfair treatment of the opposition groups by the police who had to give permission for the conduct of a campaign meeting. The police was biased towards the MCP. The polling was observed by 210 international observers from 11 countries.<sup>67</sup> There are no figures on the number of the 2,070 polling centres which have been inspected by international observers. An estimated number of 30-40% seems realistic. Serious manipulations have not been established. However, there were a number of technical shortcomings. The polling staff, mostly teachers of local primary schools, were in some cases not sufficiently trained and the polling procedures manual showed some errors which confused the polling staff. The national monitors were, if at all, insufficiently trained for their job. Most of them, therefore, played a passive role. They hardly complained, even in cases where problems were obvious. Many of them did their job because they were hired, but not because of loyalty towards the group they represented.<sup>68</sup> However, the big advantage of the local monitors was the fact that they were present in each of the polling stations. Thus they did a very important job.

<sup>64</sup> Daily Times (Blantyre), 19.08.1993. See also: *H. Meinhardt*, Politische Transition (supra n. 6) p. 188.

<sup>65</sup> See: Report of the Joint International Observer Group, Lilongwe, 1993, p. 8.

<sup>66</sup> See: Public Affairs Committee: An Outline Report on PACREM up to Referendum Aftermath, Lilongwe, 1993, p. 3.

<sup>67</sup> See: Report of Joint International Observer Group, Lilongwe, 1993, p. 2.

<sup>68</sup> This attitude was also mentioned in: Joint International Observer Group, Final Report, Lilongwe, 1993, pp. 31-32.

The work done by the international observers also had some deficits. The small number of longtime observers (most of them came just before the polling day) were only able to cover a few selective campaign events. Some of the observers had neither experience within the country nor had they ever observed a poll before. Sometimes they even lacked a sense of sensitivity in doing their job. The observers who arrived just on the polling day were in many cases not well prepared. Some did not even know the electoral law which was the basis of their job.

Altogether, the international observers – despite all the shortcomings – played an important role in the democratization process. During the referendum, when there was a lot of tension in the society, the JIOG tried to build up confidence among the voters. Many voters used to live in fear of the repressive Banda regime and the MCP. The presence of the international observers reduced this fears. Most likely the national monitors – even if they had been more efficient – would not have been able to have this effect. In short, the surprise visits of international observers in polling centres were not meaningless. The climate at the centre sometimes told its own story. In quite a number of cases the observers were able to give advice to the polling staff on technical issues. It proved, however, almost impossible to identify cases of voter intimidation because this was carried out very subtle. Sometimes traditional village headmen served – for the observers not recognizable – as local monitors for the MCP. Since most of the observers were unable to speak the local language Chichewa, it was impossible for them to talk to the voters directly.<sup>69</sup>

Despite the fact that there was an international observer present in every one of the 24 district commissions where the results from the polling stations were counted, cases of manipulation were not ruled out. The final statement of JIOG that the referendum was "free and fair" did take into consideration the number and gravity of the registered irregularities. The phrase "free and fair" was, however, problematic. The referendum showed that a poll can have a number of more or less important irregularities without necessarily invalidating it. Despite attempts of the MCP to manipulate the polls in its favour, it failed to win the referendum in which 63% (almost the entire Northern and Southern Regions) voted for the introduction of a multi-party system of government, while only 35% (mostly in the Central Region) voted for the one-party system.<sup>70</sup> The referendum was not "free and fair" in the sense of the word, but clearly reflected the wishes of the voters, and this is what counted.

Malawi's way towards the establishment of a democratic system of government was – after a long struggle – finally paved. The referendum *de facto* marked the end of almost three decades of autocratic rule under President Banda. With the emergence of multi-party poli-

<sup>69</sup> In a lot of cases the Malawian drivers of the observers were very helpful as translators.

<sup>70</sup> See: *National Referendum Commission*, Results of the National Referendum, Lilongwe, 1993.

tics Banda's power was seriously cut down. After the first ever democratic presidential and parliamentary election on 17 May 1994, Banda conceded defeat and peacefully handed over his powers to his duly elected successor, Bakili Muluzi.

#### 4. Conclusion

The autocratic Banda regime managed to run Malawi for nearly three decades by using repression and with the help of an effective security machinery. It was only in early 1992 that the winds of change, which had swept over Africa since 1990, reached Malawi. The incident which marked the starting point of a fairly successful transition from autocratic rule to a democratic government was a pastoral letter read by the Catholic Bishops of the country, in which the Banda government was publicly criticized for the first time. Due to international diplomatic interference and rising international interest in the political affairs of Malawi, the Banda regime had no alternative but to protect the lives and freedom of the Bishops. This development encouraged two opposition movements, the United Democratic Front (UDF) and the Alliance for Democracy (AFORD), which had recently constituted themselves as underground movements to proceed with their work. The pastoral letter marked a turning point, because the Bishops were the first persons who criticized the government and got away with it. This fact had a big impact on other developments: AFORD chairman and trade unionist Chakufwa Chihana decided to challenge the Banda regime openly. Strikes and mass protests in the cities (although mostly economically motivated) led to the suspension of development aid by the Western donors in May, 1992.

Due to the fact that Malawi was highly dependent on foreign aid, which was an important source of income for the Banda regime and which – at least partly – was used to sponsor its pool of patronage, the Western donors had a big impact on the political development in the country. It is shown in this study that external players not only initiated the democratization process but influenced it throughout.

President Banda was forced to start a dialogue with the opposition groups which pressed for democratic reforms in order to demonstrate to the donors his seeming commitment to their demands. Banda tried to legitimize the one-party system of government in an internationally recognized referendum in June 1993, but failed because two-thirds of the voters voted in favour of the introduction of multi-partyism. This event marked another milestone on the road to democracy.

The democratization process was initiated and encouraged by the Western donors, who demanded democratic reforms in return for aid. However, this can only partly explain why Banda accepted the democratic transition, which was carried out in a reasonably organized and peaceful way. Idiosyncratic factors (age, illness and senility of the President) have

clearly contributed to the process, because Banda had made some important mistakes. He thought he would be able to win the referendum and thus preserve his one-party system of government and later the elections against a split opposition in a way other leaders, e.g. Daniel arap Moi in Kenya, managed to do. It was almost impossible to interrupt the democratization process, since the army was not willing to participate in repressive actions against the opposition movements. On the contrary, Banda faced the threat of a military coup.

It becomes clear that the external actors played an important role in the initiation and promotion of the democratic transition in Malawi. However, the external factor was only one among others which made the democratization process a success. The most important role was played by Malawians who – sometimes under enormous personal risk – peacefully fought for democratic change.

It is remarkable with how insignificant costs the international donor community was able to initiate, support and guard the democratic transition process in Malawi. This process was almost exemplary without disasters and many human victims. Although there are similar structural conditions – a small and poor agrarian country dependent on development aid – in other African states, it is not possible to call Malawi's transition a model for other countries because there are intransferable idiosyncratic factors which determined the course of the transition. However, Malawi is an interesting case of a democratization process successfully promoted by external actors.