

Polity IV Country Report 2010: Malawi

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Score:</td> <td style="width: 15%;">2009</td> <td style="width: 15%;">2010</td> <td style="width: 15%;">Change</td> </tr> <tr> <td>Polity:</td> <td>6</td> <td>6</td> <td>0</td> </tr> <tr> <td>Democ:</td> <td>6</td> <td>6</td> <td>0</td> </tr> <tr> <td>Autoc:</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Durable:</td> <td colspan="3">16</td> </tr> <tr> <td>Tentative:</td> <td colspan="3">No</td> </tr> </table>	Score:	2009	2010	Change	Polity:	6	6	0	Democ:	6	6	0	Autoc:	0	0	0	Durable:	16			Tentative:	No			<p style="text-align: center;">Authority Trends, 1964-2010: Malawi</p>
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Polity:	6	6	0																						
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SCODE	MAW	CCODE	553	Date of Report	1 June 2011																				
Polity IV Component Variables																									
XRREG	XRCOMP	XROPEN	XCONST	PARREG	PARCOMP																				
2	2	4	6	2	3																				
Date of Most Recent Polity Transition (3 or more point change)																									
End Date	14 June 1993		Begin Date	18 May 1994																					
Polity Fragmentation: No																									
Constitution	1995																								
Executive(s)	<p>President Bingu wa Mutharika (UDF); directly elected 20 May 2004, (Note: President Mutharika, who ran as the United Democratic Front (UDF) presidential candidate in the 2004 election, resigned from the party on 5 February 2005. Soon after, he announced his intention to form a new political party, the Democratic Progressive Party (DPP). The party was officially launched in March 2005.) re-elected 19 May 2009; 66.0%</p>																								
Legislature	<p>Unicameral: National Assembly (193 seats; directly elected; most recent elections, 19 May 2009)</p> <p style="margin-left: 20px;">Democratic Progressive Party (DPP): 114 Malawi Congress Party (MCP): 26 United Democratic Front (UDF): 17 Other parties: 4 Non-partisans: 32</p> <p>Note: Since the formation of the DPP by President Mutharika in March 2005, the DPP gained 80 seats in the National Assembly, largely through the defection of delegates from other parties. The opposition, composed of the UDF and MCP, still held a majority of seats when the legislative session was closed by the President in September 2007.</p>																								
Judiciary	High Court; Supreme Court of Appeal																								

Narrative Description:¹

Executive Recruitment: Transitional or Restricted Elections (7)

In 1963 Dr. Hastings Banda, leader of the Malawi Congress Party (MCP), became the country's first post-colonial prime minister. By 1967 Malawi was a one-party republic under the leadership of Banda, who was named president in 1966. Under intense international pressure to reform the political system in Malawi, President Banda held a referendum in October 1992 that resulted in the return of multiparty politics. The thirty-year dictatorial rule of "President-for-Life" Banda formally came to an end in 1994 with his electoral defeat to the United Democratic Party (UDF) candidate, and former cabinet minister, Bakili Muluzi. President Muluzi was reelected in 1999 to a second five-year term. Both elections, while plagued by organizational problems and opposition claims of electoral malpractice, were largely viewed as being free and fair by international observers. However, in 2002 President Muluzi orchestrated a campaign to abolish the two-term limit written in the constitution in an effort to participate in the upcoming elections scheduled for 2004. Efforts to stack the High Court with regime loyalists in conjunction with rising levels of political intimidation by UDF activists, the so-called "young democrats," indicated that Muluzi intended to remain in office beyond 2004 through undemocratic means. However, in early 2003 President Muluzi announced that he would not seek a third term.

Muluzi's ambition to stay in power beyond two terms was thwarted after a bill proposing the constitutional amendment to make a third term possible failed to garner the two-thirds majority necessary when introduced in July 2002. A second bid to push through this amendment failed in January 2003 after widespread protest from churches, NGOs and donor countries. In response to these failures, President Muluzi named Bingu wa Mutharika, a political newcomer, as the individual he wanted to see replace himself in 2004. The selection of Mutharika over long-time party stalwart, Justin Malewezi, produced a deep rift within the ruling UDF.

Bingu wa Mutharika won the flawed elections of 20 May 2004 with thirty-five percent of the vote. These elections were initially deemed "free but not fair" by international observers, but evidence of voter registration irregularities, media bias and electoral commission favoritism tarnished the close electoral victory of Mutharika. Court challenges by all the leading opposition parties were filed in the immediate aftermath of the election. However, subsequent efforts by the ruling UDF to incorporate many of the losing opposition parties into the government coalition significantly reduced the political pressure for overturning the election results and, in the process, has provided the president with a simple majority in the National Assembly. President Mutharika split from the ruling UDF and formed his own party, the Democratic Progressive Party (DPP), in March 2005, triggering a confrontation with former-President Muluzi who remained as leader of the UDF. Mutharika has used periodic threats of prosecution for corruption against Muluzi and other leaders of the UDF to temper their opposition while he has consolidated support within the DPP structure. On 24 April 2009, the UDF chose Muluzi as their candidate to challenge Mutharika in the upcoming presidential election. The constitution includes provision for limiting a president to two consecutive terms and Muluzi was ruled ineligible by the Electoral Commission on 20 March 2009. That ruling was challenged and the Constitutional Court finally ruled out Muluzi's candidacy only three days before the election, on 16 May 2009. The UDF threw its support behind Malawi Congress Party candidate John Tembo. Mutharika was reelected for a second term on 19 May 2009 with 66% of the vote. Muluzi subsequently retired from leadership of the UDF.

Executive Constraints: Near Parity (6)

The 1995 constitution provides for a strong president. The National Assembly, which has been narrowly controlled by the UDF, first under President Muluzi and now under President Mutharika, has shown only limited autonomy from the executive branch since the introduction of multiparty democracy in 1994. However, the ability of the National Assembly to reject President Muzuli's efforts to re-write the constitution to allow for a third term in office (first introduced in July 2002 and then again in January 2003) demonstrates the power of the legislative body to check the executive branch from time-to-time. While the president dominates policy making in Malawi, nevertheless, he is also constrained by a relatively active, albeit inefficient and understaffed judiciary.

¹ The research described in this report was sponsored by the Political Instability Task Force (PITF). The PITF is funded by the Central Intelligence Agency. The views expressed herein are the authors' alone and do not represent the views of the US Government.

While most analysts had expected Mutharika to be subservient to Muluzi (who retained his position as chairman of the UDF), the newly elected president has sought to distance himself from his political benefactor in the post-election period. In particular, the fight against government corruption led by President Mutharika has divided the ruling UDF between pro-Muluzi and pro-Mutharika camps. While President Mutharika actively sought to crackdown on government corruption, Muluzi's continued control of the UDF effectively diluted the power of the president to prosecute UDF members charged with bilking the state. In an effort to consolidate his authority, in November 2004 President Mutharika dissolved the National Intelligence Bureau (NIB). The NIB had been accused of being sympathetic to former President Muluzi and was linked to a 2004 plot to overthrow the President. On February 5, 2005, President Mutharika formally resigned from the UDF and formed a new party, the Democratic Progressive Party. In June 2005, the UDF initiated a motion to impeach the President, although the debate was halted when the Speaker of the Assembly collapsed and died. The Constitutional Court ruled on 16 May 2009 to bar former-President Muluzi from seeking another term as president due to a constitutional limit of two consecutive terms.

Political Participation: Factional Competition (7)

While there is substantial tribal diversity and a significant religious cleavage (seventy-five percent Christian and twenty percent Muslim) within Malawi, political competition in the past decade has tended to revolve around a small contingent of loosely organized, patronage-based political parties. Three regional-based parties dominate political activity in Malawi in the post-Banda era: the ruling United Democratic Front (southern) and the opposition Malawi Congress Party (central) and the Alliance for Democracy (northern). These parties are weakly institutionalized and are rife with political infighting and factional leadership struggles.

Despite the relative weakness of ethnonationalism in Malawi, political competition between the three dominant parties has become increasingly divisive and violent in recent years. The most recent manifestation of political violence in Malawi occurred in the immediate aftermath of the flawed May 2004 elections as opposition supporters clashed with police in the southern city of Balantyre. While ethnicity has played a small role in this escalating instability (as demonstrated by the attack of Muslim supporters of President Muluzi, who is also a Muslim, by MCP activists in the aftermath of the "fraudulent" 1999 presidential and legislative elections), most of this violence is strictly political in nature. UDF activists calling themselves the "Young Democrats" have perpetrated the majority of political violence in Malawi in recent years. The "Young Democrats," who are most active in the urban areas of Malawi, have targeted opposition politicians and journalists and were an integral component of both President Muluzi's failed effort to secure a third term in office as well as the subsequent electoral victory of his successor, Bingu wa Mutharika, in the May 2004 polls. In addition to the rising level of political violence in Malawi, vote buying, media repression and electoral irregularities continue to undermine the consolidation of democracy in this country.

The defection of President Mutharika from the former ruling party (UDF) and his formation of a new party (Democratic Progressive Party, DPP) in March 2005 triggered a polarization of political elites in the country. Since March 2005, the DPP gained 80 seats in the National Assembly as many elected representatives defected from their party rolls and joined the new party. This mass defection led to a budgetary crisis in July 2007 as the main opposition parties, the MCP and the UDF, who still controlled a majority of legislative seats, halted deliberation on the national budget. The opposition parties demanded that Section 65 of the constitution, which forbids "floor crossing" (defection) by legislative members under penalty of dismissal be implemented. In June 2007, the Supreme Court granted powers to the Speaker of Parliament to expel the defecting lawmakers. In response to the legislative impasse, international donors froze foreign assistance until a budget could be passed. After four months, the opposition succumbed to mounting pressures and opened debate on the budget; a national budget was finally approved on 18 September 2007, at which point the President immediately stepped in to prorogue (close) the legislative session to prevent a return to debate over the issue of party defections. The general election held on 19 May 2009 resulted in a major victory for President Mutharika's party (DPP; 114 of 192 seats) and a major defeat for Muluzi's party (UDF; 17 seats). Muluzi resigned from leadership of the UDF on 23 December 2009. International and domestic observers agreed that these elections were generally free and fair.