



MALAWI'S REFERENDUM ON MULTI-PARTY POLITICS:

BANDA'S BATTLE OF HASTINGS?

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INTRODUCTION

President Kamuzu Banda announced on October 18, 1992, that a referendum would be held "as soon as possible" to determine whether Malawians wanted to maintain the country's one-party system or change to multi-party politics. Subsequently, the referendum was set for March this year. This decision reflects growing international and domestic pressure for political change and improved human rights conditions in Malawi.

With this move, Banda seems to have taken the first step on the road which could bring an end to one-party, personal rule. Although he has faced unprecedented internal opposition to his regime last year, it was the decision by major Western donor nations and the World Bank to suspend all non-humanitarian aid to Malawi that appears to have brought Banda reluctantly to test the waters in the wave of democratic change towards multi-partyism sweeping over Africa.

OPPOSITION

The proposed referendum has been welcomed by some opposition forces: the internal Alliance for Democracy (Aford) of Chakufwa Chihana, and newly-formed United Democratic Front (UDF) of Bakili Muluzi; and the exiled League for a Socialist Malawi (Lesoma) of Grey Kamunyambeni, and United Front for Multi-Party Democracy (UFMD) of George Kanyanya. They, however, listed a number of demands in order to "level the playing

field" in the run-up to the referendum:

- * adequate time for the merits and demerits of the one-party and multi-party systems to be fully explained to the voting public;
- * the compilation of a national voters' register as a safeguard against any vote-rigging;
- * the immediate suspension of all legislation prohibiting or infringing upon fundamental freedoms - such as "freedom of association, of expression, and of movement", - and the right to publicize and hold mass rallies and demonstrations;
- * the appointment of an independent referendum commission to guarantee equal access to the media, so that all opinions - also those of the advocates of multi-partyism - can be discussed "freely and without fear";
- * the release of all political prisoners and an end to all political trials;
- * a general amnesty for all exiles to allow all eligible Malawians to participate in the referendum;
- * unimpeded monitoring of the polls by a neutral, international observer team from the United Nations (UN) and the Organisation of African Unity (OAU),

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acceptable to both the ruling Malawi Congress Party (MCP) and the opposition;

- * the disarming and confinement to barracks under Malawi Army supervision of the notorious, paramilitary Malawi Young Pioneers (MYP) throughout the campaign period and during voting;
- * the confinement to their camps on polling day of the more than one million Mozambican refugees in Malawi to prevent any malpractice; and
- * an irrevocable pledge from the Malawian government to respect the people's verdict and resign in the event of a massive vote against the one-party system.

UN ELECTION MONITORING

Compliance with all these demands seem to be vital if a recurrence of allegations of foul play and electoral irregularities, which have plagued so many African elections and referenda in the past - most recently in Angola - is to be averted. Perhaps it is time for the UN to consider establishing a Permanent Election Monitoring Commission with appropriate manpower and technical resources, which could - with the assistance of the OAU and the Commonwealth - provide properly manned and equipped observer teams to ensure that elections in Africa (and elsewhere) are conducted under conditions that can be regarded as "free and fair".

As a consequence of the referendum announcement, the government of Malawi, for the first time, met its opponents on October 19, 1992 in a face-to-face encounter to discuss their political differences. The so-called Presidential Commission on Dialogue, led by Minister of State John Tembo, saw leaders of Aford, clergy from various denominations, a delegation from the Malawi Law Society, and representatives from the Malawi Chamber of Commerce to discuss the modalities of how the referendum exercise should be conducted.

But the unexpected and tragic death in prison of the leader of the Malawi Freedom Movement (Mafremo), Orton Chirwa, has cast a long shadow over these promising developments. Aford said it was boycotting further talks with the Malawi government to protest the death of Chirwa after years of "brutal and inhuman treatment" in prison and the arrest of Aford members for "possessing documents likely to be subversive" - the latter, a clear indication of the Malawi government's "carrot-and-stick approach".

In the past, the accumulation of physical poverty and ruthless state terror has simply muzzled, if not murdered, any resistance to the Banda regime. Nearly three decades of "peace and calm, law and order" under Banda, have resulted in a smiling docility - and seemingly justified the reputation of Malawians for timidity and passiveness. But now, most Malawians agree that the events of earlier this year liberated them from their terror and silence.

Chakufwa Chihana's continued harassment and trial on charges of sedition has become a rallying point for an already angry populace, whose religious sentiment had been greatly hurt by the treatment meted out to the Roman Catholic bishops after their pastoral letter of March 8, 1992, in which they condemned Malawi's human rights record (lack of freedom of speech, detention without trial, "silencing" of political opponents) and called for democratic reform and greater political freedom. The action of the bishops has opened the door, long thought tightly sealed from public scrutiny, on Malawi's deep-seated problems; never before has such hard-hitting political criticism been aired publicly.

Both the rioting of May 6 and 7, 1992 and the stayaways from Kamuzu Day celebrations on May 14, 1992, were signs of a new mood of discontent among Malawians. The challenge by initially the clergy, and then by students and workers, signify a new spirit of revolt against one-party rule. It may have started a chain reaction of events, sparked a fire, that will be difficult, if not impossible, to extinguish.

PEOPLE'S POWER

The events of early May marked a turning point in Malawi's history. The popular protests and labour unrest were unprecedented in the history of post-independence Malawi. "People's power" has finally come to Malawi - and for the first time, Malawians have crossed the psychological barrier to collective and joint action against the government. It is clear that the present crisis is different from the previous ones: this time, the lid will not stay on. Even if Banda and Tembo ride out this storm, Malawians will never be quiescent again.

In the post-cold war era, Malawi has been under growing pressure to follow the path of multi-party democracy. Western donor countries, in particular, now link aid to progress on human rights and good governance. The the pastoral letter, Chihana's continued detention, and the May disturbances, served as a cumulative trip-wire for

the response of donor nations; no human rights - no aid.

DONOR LEAGUE

If anything can make the Malawian government adhere to democratic principles, it is the leverage that Western donor nations have on its economy. It was therefore to be expected that donors would put on the squeeze to get the Malawian government to live up to its international commitments - such as the African Charter on Human and People's Rights it signed in 1990 and the October 1991 Commonwealth Declaration on Good Governance.

PARALYSIS

The events since March 1992 clearly constitute the most visible challenge to the nearly three decades of superficially stable rule of President Banda. Indeed, the political system in Malawi is in a state of near paralysis: there seems to be a constant weakening of government control and growing uncertainty within the regime. Banda's leadership is faltering and an internal opposition to the government is beginning - slowly and carefully, and at extreme risk - to take root, preparing itself for inevitable change.

The combination of strikes and demonstrations, vocal opposition from the church, students, and exiled and internal political movements, as well as international economic pressure, do not necessarily mean that Banda is in danger of being toppled, but they are a clear warning. The *Ngwazi* still commands considerable respect - after all, independent Malawi has never known any other ruler. But time is clearly running out for the regime: Banda is in his 90s, his inner palace circle is intensely disliked, and an unknown factor is the mood of the military.

CONCLUSIONS

The attacks on Banda's personal rule could well be the start of a popular revolt in favour of democratic reform, such as those which brought multi-party rule and a new government to Zambia and are shaking the foundations of the strongman ruler, such as Zaire's Mobutu Sese Seko and Kenya's Daniel arap Moi. Politically, Malawi now stands out as a festering sore in a region moving towards democracy - Banda could well be caught, like Rumania's Nicolae Ceausescu, in a regional tide of change.

Already Malawi's neighbours in southern Africa are treating the country as a pariah, particularly since the political changes in Zambia and South Africa. South Africa, too, may have to reappraise the exceptionally close relationship it has had with the Banda regime since the days when Malawi was its sole friend in Africa. Just as Banda wanted to "kill apartheid with kindness", South Africa should exert more pressure through friendly persuasion to get Malawi to mend its repressive ways.

Malawi is on the brink of a new era; but what path it will take is difficult to predict accurately. The immediate reality is likely to be continued unrest and official repression, and some forced concessions to democracy - with the possibility of a military coup always in the background.

Malawi cannot remain an island of repression on the continent indefinitely; and the ageing Banda is not immortal. Having for so long been the power behind the throne, Tembo cannot be unaware that his protection will last only as long as Banda lives. An attempt by him to take over the reins of power is most likely to be resisted - leaving a power vacuum which, in the absence of well-organised political groups, is likely to be filled (in the short term, at least) by the military.

In the interim, tension in Malawi will not let up as long as economic difficulties escalate, the people continue to express their new-found collective powers, and while the nation apprehensively awaits the end of the Banda era - and the implosion that is almost certain to follow.

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