

Malawi's Post 2019 Elections Scenario: Any Signs of Hope for Democracy Consolidation Amidst Electoral Violence?

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Abstract: The paper examines the factors behind electoral violence in Malawi. The holding of regular free, fair and credible elections is a litmus test for determining whether an elected government is truly legitimate, credible and based on the will of the people. Elections are an indispensable element of democratic governance. However, the central argument in this paper is that although regular elections is a major institutional pillar of liberal democracy, the quality of elections leaves a lot to be desired. This is in view of the cases of electoral violence which have characterised most elections including in Malawi. With the data gathered qualitatively, the study reveals that deficiency of democratic norms, inappropriate electoral systems and weak Electoral Management Bodies are the major triggers of post electoral violence in Malawi. The paper concludes that pragmatic policies which create a conducive environment for free, fair, credible and peaceful elections are required to sustain electoral democracy. Attention should be given to political-legal and socio economic institutions as well as efficient and effective management of the entire electoral process in order to provide a level political field among electoral contestants, minimise electoral violence and promote democracy consolidation.

Keywords: Consolidation, Democracy, Elections, Electoral administration, Electoral violence

1. Introduction

The promise for political competition that came with the third democratic wave in Africa provided the hope for electoral democracy and a political culture characterised by adherence to the rules of the electoral game in an open and democratic society. However, such anticipations are eroded by the existence of electoral violence which undermine the legitimacy and integrity of electoral democracy. For example, with respect to North Africa, Joffe (2020) observes that Algeria experienced post electoral violence in 1991, 2009 and 2014 while in Egypt the 2005 elections plunged into violence. Similarly, in Libya electoral violence erupted in the aftermath of 2014 general elections. In West Africa, Togo plunged into electoral violence in 2005, Nigeria in 2007, Cote d'Ivoire in 2010-2011, and Guinea in 2010. As observed by Lahra (2009), in the Horn and East Africa, electoral violence also occurred in Ethiopia in 2015, while Kenya saw its elections degenerating into violence in 2013. Similarly, in 2007, Tanzania had its share of electoral violence in 2015. In Southern Africa, South Africa saw its 2014 elections turning into violence, similarly, in Zambia, 2014; and Zimbabwe in 2013 and 2015-16 (Buchard, 2015). However, despite evidence that most recent democracies are trapped in the dilemma of electoral violence, there is scanty literature on the subject, particularly relating to Malawi.

Therefore, this study examines the factors behind electoral violence in Malawi and further interrogates on whether there are any signs of hope for democracy consolidation particularly in view of Malawi's post 2019 elections scenario. This paper is organised into five sections. The first section presents the introduction. The second section covers the conceptual and theoretical underpinnings of this analysis. The methodological aspects adopted for this study are presented in section three. The crux of this paper is section four in which the results of the study are discussed. Finally, the conclusion and recommendations are presented in section five.

2. Conceptual and Theoretical Underpinnings

It is important from the outset to clarify the concepts of electoral violence and democracy consolidation which underpin this analysis for a meaningful discussion since the concepts are often accorded different meanings and interpretations.

2.1 Conceptual Clarity of Electoral Violence

The analysis on electoral violence has yielded many definitions. Fischer (2002) defines electoral violence as the use of threats aimed at influencing an impending electoral contest or an announced election

results. According to Timona (2008:8), electoral violence refers to 'any random or organised act or threat to intimidate, physically harm, blackmail or abuse a political stakeholder in order to determine, delay or to influence an electoral process'. Pre-electoral violence and election day violence involves strategic manipulation or forms of electoral fraud while post electoral violence is as a response to the electoral outcomes. Similarly, Dunaiski (2015) argues that electoral violence erupts at different stages of the electoral cycle, namely, the pre-electoral period, the election day and the post-election period. The aim of electoral violence is among others, to oppose and disrupt the electoral process altogether or only a specific stage in the electoral process or to influence election results in their favour by increasing the vote share or challenging or defeating the official results.

There is lack of consensus on the reasons for electoral violence across various countries. However, the common propositions include the deficiency of democratic norms, weak and inappropriate electoral system and ineffective Electoral Management Bodies (EMBs) (Shenga & Peoreira, 2019; Sheddler, 2002; Levitsky & Way, 2002). According to Sheddler (2002), the third wave democracies are characterised by patrimonialism, authoritarian tendencies and little experience with democratic competition, and entrenched exclusive, intolerant and militarised politics which trigger electoral violence. As noted by Leonard and Straus (2003), patrimonialism refers to political authority characterised by patronage, political intolerance, clientelist practices, and rule based on personal prestige and power. The situation provides a fertile ground for post-electoral violence especially in heterogeneous societies which are characterised by social economic cleavages, polarisation and other divisions in the society (Borchard, 2017).

Another factor which triggers electoral violence is the nature and design of the electoral system (Timona, 2010). For example, First Past the Post (FPTP) electoral system is a candidate centered electoral systems which promotes a zero-sum game and the *winner – takes all* electoral politics (Chingaibe, 2004). The incumbent or the challenger only requires a simple majority to dethrone or cement their hold on power respectively. Unlike, political party centered electoral systems such as Proportional Representation (PR), the FPTP which has been in use in Malawi until 2019 is contentious as it promotes minority government.

The deep-seated mistrust and perceived lack of independence of Electoral Management Bodies (EMBs) is another trigger of election violence (Fomuyo & Vines, 2017). According to Jinadu (1997), most EMBs depend on the executive for funding, staffing and materials to perform electoral related duties. This makes EMBs vulnerable to political manipulation, for example, through the president's power to appoint the head of such commissions (Hussein, 2019). Thus, partisan EMBs provide fertile ground for electoral conflicts and violent acts.

2.2 Democracy Consolidation

Democracy means different things to different people. However, the essence of democracy is that it is a system of government under which the people exercise the governing power, either directly or indirectly through representatives chosen through a periodical election (Appadorai, 2004). Therefore, the concept of democracy consolidation evokes notions of phases of democratic transition and a process of institutionalising democratic political culture (Neiryinck & Southhall, 2003). As defined by Heywood (2002), political culture refers to norms, values, beliefs, attitudes and traditions that shape systems, institutions and processes of governance and democratic political culture consist of values and practices which include the conduct of free and fair elections. According to Sadie (2001), free election implies the absence of any violence, coercion or manipulation, and a guarantee to the right and opportunity of citizens to choose their representatives while a fair election implies impartial application of the laws, rules and codes governing the electoral process. Thus, fair, free and credible election is an indispensable element of democracy consolidation founded on principles of non-violence, equality and neutrality. However, the hope for electoral democracy that came with the third democratic wave tends to be elusive and undermined by electoral violence.

3. Methods and Materials

This study adopted a qualitative research methodology. The existing literature on electoral violence and democracy consolidation was systematically reviewed and synthesised. This involved a review of journal papers, conference papers, books, official reports and internet sources. A systematic review of literature attempts to collate all empirical evidence to answer a specific research question. It uses

explicit, systematic methods that are selected with a view to minimise bias and thus, providing more reliable findings from which conclusion can be drawn and decisions made (Cochrane, 2003). According to Mulrow (1994) a systematic review of literature is appropriate in identifying, appraising and synthesizing research based evidence and presenting it in accessible format. This methodology was the most appropriate since the research area required a review of a broad range of documents.

4. Results and Discussion

In this section, the contextual issues relating to the electoral violence in Malawi and the major reasons for post-electoral violence are presented. Particular attention is paid to Malawi's post 2019 elections scenario and signs of hope for democracy consolidation amidst electoral violence.

4.1 The Context of Post-Electoral Violence in Malawi

The hope for democracy consolidation in Malawi was ignited by the referendum which was conducted on 29th June, 1993 where 63% of Malawians supported the introduction of multiparty system of government (Newell, 1999). Since then, seven presidential and parliamentary elections were held, namely, in 1994, 1999, 2004, 2009, 2014, 2019 (nullified) and 2020. Malawi reverted to political pluralism through the first multi-party democratic election which was held on 17th May, 1994 after almost three decades of one party system and authoritarian rule under Kamuzu Banda. The presidential candidates included the incumbent Kamuzu Banda, Bakili Muluzi, Chakufwa Chihana and Kamlepo Kalua. Bakili Muluzi was declared the winner by simple majority of 47.2% (Banda received 33.5% of the votes, Chihana 18.9% and Kalua 0.5%) (EC, 1994). The international observers declared that the polling was fair due to minimal electoral malpractices and violations prior to the polling day such as disruption of opposition rallies. There was no post-electoral violence which was recorded and the incumbent conceded defeat before the vote counting was completed. The bloodless transition from the one party system to the new political dispensation laid a strong foundation for the entrenchment of electoral democracy. Most Malawians appreciated the power of the vote and the sanctity of the electoral rules for the first time, giving them enough reason to envision an open and democratic society.

The second democratic multiparty election was held on 15th June, 1999. The election was conducted against the background of tense situations that degenerated into violence; the chaotic and violent primary elections in the political parties, creation of no go areas for the opposition parties, and perceptions of MECs partiality in favour of the government (GOM, 2013). The aftermath of the elections was characterised by litigation and national wide violence. The legitimacy of the election results in which Bakili Muluzi of UDF was declared the winner was challenged in court by the opposition MCP and AFORD alliance. Supporters of UDF were tortured and their property was destroyed by the opposition supporters. Three mosques were burnt and a total of 35 houses and businesses property were looted in Rumphu and Karonga districts (Mchulu, 1999). Similarly, property including houses belonging to UDF sympathisers was damaged in Dowa, Mchinji and Salima districts property (Chirwa, 1999). The opposition MCP sympathisers beat banana and sugarcane vendors from Thyolo district in Chikwawa and Nsanje while in Mangochi, the ruling UDF loyalists burned and destroyed the MCP district office and houses belonging to the party's loyalists and a church was burnt in the south (Mchulu, 1999). The political conflict affected government business and threatened social, economic and political stability in the country. Thus, the hope to consolidate the democratic gains of 1994 was curtailed as the legitimacy and integrity of electoral democracy was eroded by the existence of electoral violence (GOM, 2013).

The third presidential and parliamentary election in the multiparty dispensation was held in 2004. The election was conducted against the background of the 2002 Third Term Bill' (later known as the Open Term Bill) which sought to amend section 83(3) of the Constitution to pave the way for the incumbent (Bakili Muluzi representing UDF) to extend his tenure and serve three consecutive terms. The UDF's youth wing (called the 'Young Democrats') resorted to underhand tactics and the use of force, intimidation and beating anyone who opposed the amendment (GOM, 2013). However, the bill was defeated on 4 July 2002 as it failed to garner the required two-thirds majority vote and Bingu wa Mutharika was declared UDF's presidential candidate. The election was also characterised by electoral malpractices and incidents of violence. These malpractices included the use of insulting language against opposition parties and candidates; and unbalanced coverage by the public broadcaster

and the intimidation of opposition leadership which turned violent in some instances (Hussein 2019). After polling, Gwanda Chakuamba, one of the presidential candidates issued a circular which declared that he had won the presidential election before the release of official results by MEC. His supporters took to the streets when MEC announced three days later that it was actually the UDF's presidential candidate, Bingu wa Mutharika, who had won with only 35.8% of vote. The matter was taken to the High Court but the situation degenerated into violence and chaos which resulted in the deaths of five civilians, including a ten-year-old girl, as well as damage to property in the cities of Blantyre and Mzuzu (GOM, 2013).

On 19th May, 2009, the fourth democratic election was held against the background of a come-back bid to contest by the former president Muluzi. The Democratic Progressive Party's (DPP)'s presidential candidate, Bingu wa Mutharika won by a landslide victory. DPP's victory de-regionalised and de-ethnicised the country's political configuration and alignment of political interests. Although the leader of the major opposition party John Tembo took time to accept the results of the presidential elections claiming that the elections were rigged there were no post electoral violence. (GOM, 2013). The situation created hope for possibilities of rapid and fundamental democratic transformation.

The fifth multiparty general election was held in 2014. The major presidential contenders, among others, were the incumbent president Joyce Banda who assumed by power after the sudden demise of Bingu and Peter Mutharika a brother to Bingu. Following the announcement that Mutharika had won the elections, there were violent incidents in various districts. For example, in Mangochi District a teenager died and property was destroyed by supporters of the incumbent. The losing parties delayed in accepting the results and sought court intervention (GOM, 2013).

However, it is the sixth multiparty elections which were held on 21 May 2019 that exposed Malawi's vulnerability to electoral violence with unprecedented consequences (Pondani, 2019). The result management system was marred by irregularities and the use of correction fluid (Tippex) to change the results. The tense situation was deepened by the perception that the MEC connived with the ruling party to rig the elections. This degenerated into violence,

protests and litigation. The violence started with the former Minister of Homeland security (Nicholas Dausi) who was beaten by some roughnecks within MEC premises as the vote counting was in progress. When Mutharika was declared the winner of elections, nationwide violent protests and marches were organised by the civil society organisations to oppose the election results (Hussein, 2019). In Lilongwe, Nsundwe area, a police man was killed in cold blood by protesters and it was alleged that police officers raped women in the area. The protests were so violent in some cases to the extent that it had to take the intervention of the Malawi Defense Force to ensure public order. According to Mwale (2019), the protesters called for the resignation of the chairperson of MEC through songs of protest and placards carrying messages expressing displeasure with the election administration.

The 2019 post-election woes magnified political tension and socio-economic turmoil and were so consequential as to negate the electoral process and its outcomes (Hussein, 2019). The opposition sought court intervention, and the 2019 presidential electoral results were nullified in a landmark judgment by the constitutional court which ordered for a fresh presidential election to be conducted within 150 days counting from 3rd February 2020. Despite the resistance by the incumbent and MEC which included the requests and appeal made to Supreme Court for an overturn of the constitutional court ruling, and the refusal to assent to enabling electoral bills by the incumbent, the fresh presidential election was eventually held on 23rd June 2020. The incumbent Peter Mutharika lost with 39.93% of the votes against the opposition leader Lazarus Chakwera who amassed 59.33% of the votes in an election which was declared free, fair and credible despite reports of incidents of violence in some districts (EC, 2020).

In summary, only two elections, 1994 and 2009 are not associated with electoral violence while four, namely, 1999, 2004, 2014 and 2019 were highly contested and characterised by electoral malpractices and violence. With the exception of 2019 where election results were nullified, the election woes were inconsequential as to negate the electoral outcomes. The situation gives hope for the sustenance of Malawi's electoral democracy. The optimism is enhanced by the efficient and effective administration of the 23rd June 2020 election by a reconstituted MEC. However, the paper does not aim to provide a

detailed catalogue the election violence and events of the recent elections. As is the intention of this paper, the section below presents the main reasons behind electoral violence as a first step towards promotion of electoral democracy.

4.2 Reasons for Electoral Violence in Malawi

Although there is lack of consensus on the reasons for electoral violence in Malawi, the major proposition established by this study include zero-sum nature of Malawi's political competition, electoral systems, and deficiency in Malawi Electoral Commission (MEC) and youth radicalisation.

4.2.1 The Zero-Sum Nature of Malawi's Political Competition

The zero-sum nature of Malawi political competition makes electoral defeat enough reason for political players to incite violence. The situation is compounded by the blurred demarcation between the ruling party and the state machinery, the ruling party monopolises the use of state resources for political and campaign purposes notably state owned vehicles, and media institutions like the Malawi Broadcasting Station (MBC) radio and TVs, at the expense of the opposition. Therefore, the political playing field is not level since it is difficult for opposition party candidates to have equitable access to the state media. In such a zero-sum political game where gains of the economy are not fairly distributed, stakes are high and the situation provides high incentives for electoral violence. For example, the 2019 post electoral violence was triggered by a hostile inter party environment. The hostility between the ruling party and the opposition was reinforced by the nature of cabinet appointments and other senior positions were filled by individuals predominantly from the southern region and especially the Lhlo mwe – the incumbent President's ethnic group. Thus, perceptions of distrust based on ethnicity and regionalism provided a fertile ground for post electoral violence.

4.2.2 Dysfunctional Electoral Systems

Malawi adopted 'First Past The Post' (FPTP) or winner *takes all* system since the 1994 implying that the contestant who receive the highest number (simple majority) of votes win the election. The major shortcoming of the system is that it leads to marginalisation of some groups and creation of a minority government (President not voted for by the majority). For example, with the exception

of the 1999 and 2009 elections, the FPTP outcome was Presidents who assumed positions with minority votes (less than 50%). For example, in 1994, Bakili Muluzi became President with 47.16% of the votes; in 2004 Bingu had 35.97% and in 2014 Peter Mutharika was declared winner with 36.40%. In the disputed 21st May 2019 elections, Peter Mutharika was declared the winner with 38.57%. Thus, the dysfunctional FPTP electoral system undermines the tenets of democracy of fairness and majority rule. The discontent among the majority towards the electoral outcome provides a fertile ground for post electoral violence as was the case in the 1999, 2004 and 2014 general elections in Malawi.

4.2.3 The Compromised Malawi Electoral Commission (MEC)

The capacity of Malawi Electoral Commission (MEC) to preside over a free and fair election is controversial. The major constraints facing MEC include limited independence and inadequate resources which undermine efficiency and effectiveness of election administration. The authority to appoint the chairperson of MEC rests with the President. Thus, MEC is not insulated from the political machinations of the power holders (Langa, 2019). The developments in the 2019 elections confirmed the weaknesses of MEC to the extent that the civil society organisations called for its disbanding. The MEC declared winners without concrete evidence in some constituencies in the 2019 elections. For example, Chimjeka, (2019) noted that MEC declared a candidate in Ngokwe ward under Machinga South East while the score sheet indicated different candidate as the winner. It was later revealed that the candidate who was declared to be the winner actually came third in the race. Chauluka (2019) observed that ballot boxes were tampered with and tally sheets missed for Nsanje Central, Nsanje North and Chikwawa East constituencies when the courts asked for the results. In all the protest demonstrations and violence which erupted, the civil society organisations under the Human Rights Defenders Coalition called for the resignation of MEC due to its incompetence (NICE, 2019).

4.2.4 Radicalisation of Youth Wings

The major characteristic of Malawi's post electoral violence is the dominance of the youth perpetrating violent protests and acts. The youth who make up 60% of the population are affected by unemployment and feelings of frustration and low esteem, desperation and vulnerability. These youths are

exploited by the political class to perpetrate violence against opponents. The first ruling party in the democratic dispensation, UDF, used the Young Democrats as its political enforcement arm while the DPP has the Cadets in its setup. During the 2019 election campaign period, youths belonging to the United Democratic Front (UDF/DPP) alliance mobilised themselves to declare Mangochi, Machinga and Phalombe districts as a no go zone for opposition parties. Similarly, for the opposition which dominated Central and northern regions, its youth created political anarchy leading to the loss of a life of a police officer. In the districts of Rumphu, Chitipa, Karonga and Mzuzu City in the northern region, police offices were torched and vandalized. The free political participation and presence of the market of ideas which is the hallmark of a vibrant democratic polity were undermined by youth radicalisation.

5. Conclusion and Recommendations

In conclusion, the holding of elections is a significant step in the sustenance of democracy in any country including Malawi. However, although regular elections are a major institutional pillar of liberal democracy, electoral violence tends to undermine the quality of elections and democracy consolidation. The major catalysts for electoral violence in Malawi include democratic deficiency and the existence of a winner takes all political institutional arrangements, weak electoral system, and poor electoral management system and youth radicalisation. There is a need for pragmatic policies which lead to the creation of a conducive environment for free, fair, credible and peaceful elections. Democracy education should be intensified and provided to all electoral stakeholders including political leaders and the public in order to inculcate democratic principles. Public institutions should be insulated from political manipulation by enforcing electoral rules and code that promote fairness in political competition. The public resources such as state media houses should be accessible to both the incumbent and opposition parties during campaign period. The two-round electoral system (which is also called 50 plus 1) should be fully established to ensure that only Presidents that have country-wide support assume the position to entrench democratic principles of representativeness, responsiveness and accountability to the majority. A well elaborate procedure for the appointment of the head of the Malawi Electoral Commission should be put in place under the Electoral Commission Act in order

to ensure that the person appointed is competent, impartial, and independent and of high integrity. Attention should be given to promotion of a level political field among electoral contestants, provision of civic education on democratic principles regularly, and capacity build for an efficient and effective management of the entire electoral process by Malawi Electoral Commission. In short, the political-legal and socio-economic institutions should be strengthened in order to entrench democracy.

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