

**POLITICAL REGIMES AND GOOD GOVERNANCE:
A COMPARATIVE ASSESSMENT OF ONE PARTY AND MULTIPARTY
REGIMES PERFORMANCE IN MALAWI**

M.A. (POLITICAL SCIENCE) THESIS

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DECLARATION

I, the undersigned, hereby declare that this thesis is my own original work which has not been submitted to any other institution for similar purposes. Where other people's work has been used, acknowledgements have been made.

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DEDICATION

I dedicate this thesis to my late Dad and the following family members who are a symbol of love to me, my mum, Sisters Jessie and the little Caroline, my brothers Henry, Mike, Alexander, Edward

And

Thandie C. Ngwira.

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ABSTRACT

This paper briefly argues that it does not need a particular regime type in order to promote good governance but rather the political will of those in leadership positions. To begin with, the study found that both regimes failed to promote rule of law despite that the one party rule performed worst in comparison to the two democratic regimes. The study findings further indicate that both regimes have given little room for people's meaningful participation. In connection to accountability, the study results indicate that the one party rule did not give Malawians any access to information because there were no vibrant CSOs, NGOs and Media houses that would facilitate the checks and balances, which democracy has. The findings reveal that there were still chances of shutting down these institutions or silencing them during the democratic dispensation. On promoting equality and social justice, the study revealed that both regimes had problems to fairly distribute public resources due to political affiliation of the intended beneficiaries though the one party era performed better. This study, therefore, argues that it is not necessarily a regime type that would enhance good governance in Malawi but rather the political will of those in authority. Finally, it can also be deduced from the study findings that being democratic does not automatically imply having good governance in the country.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACB	Anti-Corruption Bureau
ADB	African Development Bank
AFORD	Alliance for Democracy
CCAM	Chitukuko Cha Amayi M'Malawi
CONGOMA	Council for Non-Governmental Organization in Malawi
CSOs	Civil Society Organizations
DPP	Democratic Progressive Party
EISA	Electoral Institute for Sustainable Democracy in Africa
EU	European Union
FGDS	Focus Group Discussions
FPTP	First Past The Post
GDP	Gross Domestic Product
HDI	Human Development Index
ID	Identity Cards
IIAG	Ibrahim Index of African Governance
IMF	International Monetary Fund
MACRA	Malawi Communication Regulatory Authority
MANEB	Malawi National Examination Board
MBC TV	Malawi Broadcasting Cooperation Television
MCC	Millennium Challenge Cooperation
MCP	Malawi Congress Party

MEC	Malawi Electoral Commission
MGODE	Movement for Genuine Multiparty Democracy
MHRC	Malawi Human Rights Commission
MP	Member of Parliament
MYP	Malawi Young Pioneers
NCD	New Congress for Democracy
NGOs	Non Governmental Organizations
ODPP	Office of the Director of Public Procurement
PS	Principal Secretary
PTC	People's Trading Centre
RP	Republican Party
CSC	Civil Service Commission
SPSS	Statistical Package for Social Scientists
SSA	Sub-Saharan Africa
T/A	Traditional Authority
UDF	United Democratic Front
UNDP	United Nations Development Program
USA	United States of America
WB	World Bank
YERDEF	Youth Enterprises Revolving Development Fund

CHAPTER ONE

BACKGROUND AND PROBLEM STATEMENT

1.0 Introduction

This research work *Political Regimes and Good Governance: the Comparative Assessment of One Party and Multiparty Regimes Performance in Malawi* compares the performance of the two different regimes in promoting good governance. The one party regime had Kamuzu Banda who ruled Malawi when the country got independence and the multiparty regimes had Bakili Muluzi who ruled after Kamuzu Banda and Muluzi happened to be the first democratically elected President. Muluzi was followed by Bingu Wa Muntharika who also ruled under the auspices of democracy.

Good Governance is understood and defined differently overtime but in this study it is defined as the exercise of economic, political and administrative authority to manage a country at all levels. It comprises the mechanism, processes and institutions through which citizens and groups articulate their interests, exercise their legal right, meet their obligations and mediate their differences. Good Governance is among other things, participatory, transparent and accountable. It is also effective and equitable and it promotes the rule of law. It ensures that political, social economic priorities are based on broad consensus in society and those voices of the poorest and the most vulnerable are heard in decision making over the allocation of resources (UNDP, 1999). Thus, the

specific focus of this research project was to find out which regime type performed better than the other in promoting good governance measured through political indicators such as the rule of law, people's participation in politics, promoting accountability, and equality and social justice. This means that the performance of a particular political regime type was used as litmus for testing the regimes capacity to promote the aforementioned tenets of good governance.

This Chapter therefore presents the background of the study and its historical context. It also explains the circumstances that led to the study in the problem statement as well as the purpose of the study. Lastly, the chapter elaborates more on the significance of the study to the academic world there by hypothesizing the overall predictability of the expected results.

1.1 Background Information

Politically, Malawi is a former British protectorate that got independence in 1964. Economically, the country is ranked among ten poorest nations in the world (World Bank, 2010). Malawi's Gross Domestic Product (GDP) per capita in US dollars is 343 according to the World Bank (WB) report of 2010. Being land-locked, much of its economy depends heavily on agriculture with persistent donor funds that also help the country's economy. More than 40% of its national budget is donor funded (Chinsinga 2013). Ironically, Malawi's social, economic and political landscape is believed to have been better 40 years ago than now. This implies that during the one party regime things were better than how they turned out to be when the country became democratic.

Magolowondo (2004) affirms this when he argues that years after the introduction of democracy Malawi is much poorer than the years before the transition.

Furthermore, it is important to remember that around 1990's, the transition of States from being one party to multiparty, as was the case with Malawi in 1994, seemed to have offered various avenues for governments to achieve good governance record. This is why good governance in a country can be assessed using various political indicators such as rule of law, people's participation, accountability and equality and social justice just to mention but a few. Having locally understood and translated good governance as 'Ulamuliro Wabwino' in the vernacular language of Chichewa. The Ulamuliro Wabwino' Concept derived from good governance understanding therefore is not limited in its scope hence can be defined and understood differently but according to some participants of the Focus Group Discussions (FGD's), it means governance in which the constitution of the country is protected at all times, it also implies a situation when ordinary citizens take an active role and participate fully in development activities but also where the government explains clearly to the people how it is executing its duties on their behalf. But more importantly 'Ulamuliro wabwino' as well depicts the leadership that can be checked by various institutions so that it does always the will of the citizens. 'Ulamuliro wabwino also signifies' the governance process which promotes unity among citizens of different backgrounds in the country.¹ Government's performance, therefore, in promoting 'Ulamuliro Wabwino' has become the centre of debates in Malawi having experienced

¹ FGD, with local community members, Machinjiri May 2013

four decades characterized by various forms of bad governance under both one party and democratic regimes the country has had.

Bearing these issues in mind, the context of this study can be traced back from around 1966. This is the time Malawi assumed one party State status. At this time the Malawi Congress Party (MCP) banned all opposition parties that participated in the 1964 general elections when the country was getting independence. The Constitution of 1966 then allowed the existence of only one political party, MCP with Ngwazi Dr Hastings Kamuzu Banda as its leader. According to Sartori (1994), one party regime is where one political party uses dictatorial system of governance having the position of the ruling party guaranteed in the Constitution and all political opposition banned by law. More importantly, Sartori (1994) observes that in one party regime, the ruling party controls all aspects of life within the State. This is why for purposes of this research work; Kamuzu Banda's one party regime has been regarded as a dictatorial regime by proponents of democratic rule. For this reason the words 'one party regime' and 'dictatorial regime' referring to Kamuzu Banda's leadership have been used interchangeably.

The timeframe of this research project goes all the way through 1993 when Malawi experienced the return of multiparty era also referred to as the democratic era, which was silenced before by Kamuzu's regime. At this time, multiparty regime re-emerged in Malawi's political landscape describing democratic leadership where more than two parties have some impact in the States political life (Sartori, 1994). This is why both Bakili Muluzi's and Bingu Wa Mutharika's regimes have been referred to as democratic in the sense that this is the political system which assumes that people are the owners of

the sovereign power of the state (Khandakar and Danopolous, 2004). In short, this describes the political landscape in the multiparty era in Malawi hence the use of both multiparty and democratic regimes interchangeable in describing Muluzi's and Mutharika's tenures of office. Within this period, Malawi politics has evolved from being dictatorial during one party rule to democratic during multiparty with more than 50 registered political parties now.

1.2 Problem Statement

This research's concern is to assess the performance of Malawi's one party regime and multiparty regimes towards the promotion of good governance measured through their capacity to enhance the rule of law, people's participation, accountability of the powers that be and also promoting equality and social justice. However, the challenge remains to compare as to which regime had performed better than the other or had the qualities that promoted good governance or 'Ulamuliro Wabwino' as understood in Malawi. The main concern here is that poor social, economic and political conditions in Malawi have been caused by lack of good governance in the country having local and international communities as the mouth pieces. Supporters of the one party era believe that governance performance in the country has been made worse with the coming in of democracy. This can be confirmed by Abdellatif (2003) who argues that indeed democracy is not strictly essential for good governance; just as well as bad governance is quite possible under formal democratic structures. This means that Malawi being democratic is not enough reason to claim that there is good governance in the country. This comes in because subscribers of one party rule maintain that things were much

better in Malawi under the leadership of Kamuzu Banda unlike what is experienced in the democratic era. However, bad governance record was also observed from the start of self-rule in Malawi beginning with the years of Kamuzu's leadership. This can be substantiated by the claim that although Malawi gained independence from the British, for the next 30 years Malawians had to bear one of the worst dictatorial regimes (Magolowondo, 2004). Bearing this in mind, sceptics of one party leadership believe that Malawi under one party experienced the most oppressive Government that rendered good governance record very poor. For them, the coming in of democracy was indeed the dawn for better things for Malawians in form of good governance record.

As time passed, aid to Malawi and other developing countries started being attached to issues of good governance, rule of law, democracy and human rights (Magolowondo, 2004). This is why, 'Britain had indefinitely suspended part of its aid program, worth £19 million for Malawi over the country's repeated failure to address concerns over economic management and governance' (The Guardian, 2011). To show that governance issues have to be indeed taken seriously, the World Bank (WB), the European Union (EU), the African Development Bank (ADB), Germany and Norway had all suspended or ended general budget support to Malawi. Following suit was the US citizen Frank Wolf who wrote Barrack Obama President of the United States suggesting that Malawi should be dropped immediately from the Millennium Challenge Corporation (MCC) compact (Wolf, 2011) because Omar Al Bashir's (President of Sudan) warm welcome by the Malawian Government is a clear demonstration of its lack of commitment to good governance a core principle of MCC partnership (Wolf, 2011). To sum up it all, local

CSOs also gave people's concerns to the State President in relation to Government's bad governance performance in their 20 points petition with the title Poor Economic and Democratic Governance in Malawi, Concerns and Demands. The petition went further inviting people saying 'uniting for peaceful resistance against poor economic and democratic governance' (CSOs Petition, 2011).

Ironically this poor governance issue has not only been seen in the second democratic regime only. Under Muluzi too similar concerns were raised when Orla Bakdal, Danish Ambassador to Malawi was sent home for reporting to his country about money amounting \$ 1.2 million meant for interparty conflict resolution (Irin, 2004), which some top Government officials diverted into their personal accounts. This was evident when Malawi's credibility among international donors plummeted during Muluzi's second term when the International Monetary Fund (IMF), the World Bank (WB), the United States of America (USA) and the European Union (EU) withheld nearly \$100 million in budgetary aid, citing poor economic policies and corruption as the reasons (Tenthani, 2004). During the same period the Afro barometer (2002) survey found out that only 26% of Malawians were satisfied with how democracy was progressing in Malawi. This is why different people have faulted one type of regime over the other as a hindrance to good governance.

The puzzle therefore is that did the change in political regimes in Malawi from one party to multiparty matter in order to enhance 'the Ulamuliro wabwino' concept and which regime type between the one party or multiparty performance has been used as a benchmark for promoting good governance in Malawi? This puzzle can be of help in addressing Malawi's governance challenges bearing in mind that now more than 20 years

of democracy, issues to do with good governance still remain an issue. This research work therefore also tries to find out some of the contributing factors that make a regime type perform well or poor in promoting good governance.

1.3 Purpose of this Study

It is to assess the performance of the one party and multiparty regimes in promoting good governance by looking at four political indicators namely rule of law, promotion of people's participation, accountability and promoting equality and social justice. These political indicators were randomly selected to help in achieving the objectives outlined below.

1.3.1 Main Objective

The main objective of this study is to assess comparatively the performance of Kamuzu's Banda's one party, Bakili Muluzi and Bingu Wa Mutharika's multiparty regimes in promoting good governance in the country.

1.3.2 Specific Objectives

- To assess the performance of Kamuzu Banda's, Bakili Muluzi's and Bingu Wa Mutharika's regimes in promoting the rule of law.
- To compare the performance of Malawi's one party and multiparty regimes in promoting people's participation in politics.
- To evaluate the performance of Kamuzu's one party, Bakili's and Bingu's multiparty regimes in promoting accountability.

- To compare the performance of Banda's, Muluzi's and Mutharika's regimes in promoting equality and social justice.

1.4 Hypothesis of the Study

With the guidance of the objectives above the study intends to test the following hypotheses:

- It is not the regime type that matters in promoting good governance record but rather the political will of those in power.
- Being Democratic as a country does not automatically imply good governance.

1.5 Significance of the Study

As the debate on good governance and political regimes ranges on having supporters of one party rule holding that indeed democracy is not strictly essential for good governance, just as well as bad governance is quite possible under formal democratic structures (Abdellatif, 2003) and that democracy causes the proliferation of interests groups lobbying for power, which might lead to policy gridlock preventing major decisions that are required in the development process (Abdellatif, 2003). This is in contrast to subscribers of democratic regime who hold that it is only in democracy where there are efficient institutions, and a predictable economic and political environment necessary for economic growth and effective functioning of public services as it is concerned with political freedom and human right, and removal of discrimination as central objectives hence it incorporates the notion of good governance than a non-democratic regime (Abdellatif, 2003). The academic debate, therefore, revolves around

which regime is better placed to promote good governance that can be measures through political indicators such as rule of law, people's participation, accountability and equality and social justice?

This study, therefore, primarily aims at contributing to the world of knowledge on the current debate on good governance by assessing the performance of one party rule on one hand and democratic regimes on another hand in promoting good governance in Malawi. Many studies have focused only evaluating the Democratic Malawi (1999-2009) without comparing with the 30 years era of one party rule which some supporters of the one party era feel was a success. Those studies that looked at the one party rule such as Kayuni and Cloete (2006) emphasized only on evaluating people's participation in Local Assemblies leaving out the rest of the other aspects of participation and good governance. This study therefore fills the gap in the academic world in the sense that despite the fact that much has been discussed at both local and international level regarding good governance and democracy, a comparative assessment of Malawi's one party and democratic regimes performance has not been fully done. This means that this study adds value to most of those studies that have just evaluated or assessed democratic regimes performance leaving out the one party era which remains part and parcel of Malawi's history. This study does also complement those studies that have just looked at one aspect of good governance during the One Party era. This has been done by comparatively assessing same elements of good governance during one party era with the two out of the four democratic regimes Malawi has experienced so far.

This research work then will give guidance to academicians who may wish to use the findings as a basis for weighing the successes and failures of both one party and democratic regimes performance in Malawi in as far as assessing good governance record is concerned. This will help academicians contribution involving policy making in the country by giving them a platform for encouraging, designing and implementing measures that encourages Government's performance that promotes good governance regardless of the regime type.

This research is important because good governance, more often than not, is taken as a condition for international aid on social, economic and political development and for Malawi to win donor support there is need for good governance record. This will discourage different political actors to use the regime type as a ladder to selfish interests instead of being the spring board for advancing citizens' well-being by promoting good governance record. Generally, this study will also help in pointing out, which governance area of our regimes need to be improved for the betterment of our country.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 Introduction

This literature review presents a critical analysis of previous publications on the link between political regimes and good governance aimed at highlighting arguments for or against each regime's performance in as far as promotion of good governance is concerned. The section does as well observe gaps in the research area of good governance and political regimes that require further studies. The chapter firstly unpacks complex concept of good governance in general. More importantly, it brings into discussion under the guiding principle of some theoretical frameworks tenets of good governance namely the rule of law, promotion of people's participation, accountability, equality and social justice.

2.1 Defining Good Governance in General

Good governance literally translated as the 'Ulamulo Wabwino' Concept in Malawi has been defined and understood differently over time due to its complexity in what it means with eight major tenets. A Key Informant defined good governance as that leadership that promotes people's participation in the social, economic and political activities in the country on issues that affect them but also the leadership that is accountable to its people

for what it is doing. Additionally, some members of the FGD's believe that 'good governance' refers to the governing process in the country in which all people regardless their position in society live and are protected by the law but also where people of different history or backgrounds are treated equally before the law. Good governance can also be referred to how the World Bank (2001) defined the same as traditions and institutions by which authority in a country is exercised for the common good. This would include the process by which those in authority are selected, monitored and replaced. It also involves the capacity of government to effectively manage its resources and implement sound policies and the respect for the rule of law. Additionally, Jan, et al (2002) went further saying good governance is logically appropriate governance that even Malawi can adopt in order to improve, enhance or promote its social, economic and political advancement. The emphasis, thence, of this study is on the political regime's performance as the basis for good governance 'Ulamuliro Wabwino' that embraces what has been defined above. This in fact is the centre of discussion of this study because a country can be well governed in many ways but not democratic (such as Singapore) or democratic but not well governed such as the Philippines (Thomas and Gramont, D, 2011). The argument here therefore is that political regime does not matter but rather political will of those in power to adhere to good governance principles. According to Charney, (2009) political will is the motive force that generates political action with the aim of promoting positive changes. This is why when trying to assess efforts to positively change things in a country political will is used as a yard stick.² Charney, (2009) adds that the determination of an individual political actor to do and say things that will

² Key Informant Interview, December 2015

produce a desired outcome is what is called political will. This means that it does not need a particular regime to have this determination hence any leader regardless of the regime type has the capacity to promote good governance if he or she has the political will.

In connection to this, the World Bank as Leftwich (1994) had noted, was concerned with African countries' failure to register progressive development due to bad governance as one major cause despite mostly being democratic. This is why political regimes performance cannot be divorced from either promoting or hindering good governance record. Leftwich (1994) argues that development is fundamentally a political matter and that it is illusory to conceive of good governance as independent of the forms of politics and type of State which alone can generate, sustain and protect. This shows that there is indeed a connection between politics/regime type and good governance as a measure of political development. Thus, the concept of good governance is vital in as far as assessing the role of the political regime in social, economic and political development. With all these connections in mind, the possibility of the regime in power not to achieve these aspects of good governance cannot be ignored be it democratic or one party. Thus, the definition of good governance is intentionally broad so as to capture all of the social, economic and political goods and services that any citizen has the right to expect from his or her government and that more importantly the state has the responsibility to deliver to its citizens.³

³ FGD's, with local community members, Machinjiri, May, 2013

2.2 Conceptualization of Major Tenets of Good Governance

2.2.1 The Rule of Law

The rule of law has been defined differently over time hence there are various aspects that are associated with it. For the purposes of this study, rule of law firstly implies an independent, accessible and well-functioning judiciary (Malmstrom, 2011). This aspect then adds value when assessing good governance in accordance to how independent is the judiciary and more importantly its effectiveness in delivering justice. In addition to that Malmstrom (2011) believes that the rule of law can as well be extended to the respect for and the enforcement of fundamental rights. This element explains issues to do with the respect of human rights in a country as another way of assessing good governance record.

All the aforementioned elements of the rule of law then come against the background that weak legal and judicial systems where laws are not enforced undermine the respect for the rule of law (Morita et al, 2001). That is why the whole purpose of advocating for the rule of law in society is aimed at ensuring that there is an impersonal and impartial application of stable and predictable laws and statutes, rules and regulations without regard for social status or political consideration (Morita, et al, 2001). Simply put, the rule of law advocates that all people are equal before the law and more importantly that no one is above the law be it the governor or the governed. Eric (2010) reaffirms that the rule of law means government under the law. Thus, the law does not restrain the political agents of the country employing the principal-agent perspective upon politics (Eric, 2010). This is why in a rule of law society, government officials are not supreme. They

are always constrained by enduring legal principles and that constraint is what is called the rule of law (Eric, 2010). This means that good governance cannot be achieved in a country where people's rights are not adhered to. This is why development is often linked to human rights as multiple rights denials can cause and shape poverty (Cammack & Sharma, 2009).

Generally, the rule of law is the process of formalization of the rules in the country so that human rights and freedoms are not abused or violated by those in power. The researcher argues that laws are meant to be solutions to people's problems and not problems themselves. That is why good governance and human rights go together hand in hand (Adel, 2003). As a result, Malawi cannot claim to register good governance record minus maintaining the rule of law.

This rule of law comes in against the background that democratic countries have a better record in this regard. However, Erick (2010) found out that even democratic countries have to be assessed in this regard when he said that even if they were democratically elected to begin with; they may thereafter decide to keep power forever and to give their relatives and cronies powerful offices. Ironically, Focus Group Discussion supporters of democracy claimed that one party rule does not respect the rule of law because people do not have the chance to choose who they want their leader to be via votes as it is during democratic elections.⁴ Democratic regime is thus believed to be good in as far as respect for the rule of law is concerned because people are able to vote hence put the leaders they

⁴ FGD with Community Members, Tsabango, May 15

want in power. However, critics of democratic elections believe that issues to do with elections infringe on other people's freedom especially when they disagree because in democracy the majority rules so the best way to go is not by this mutual agreement. The social contract theory is criticized in pursuant of dictatorial tendencies as that the theory even in democracy uses force against those who do not want to be part of the deal with its majority rule syndrome, (Browne, 1998). In this case the social contract theory violates people's rights indirectly because it is not always under voluntary basis that people comply in a democratic country. This means that force can be used in a democracy to govern the minority through majority votes hence democracy does not entail good governance.

According to Chapter one section 6 of Malawi Constitution, it says, is important to underscore that all legal and political authority of the State comes from the people of Malawi and must be exercised solely to serve and protect their interests. In a democratic society and of course even under one party, where people can vote and take part in active politics, the State has the responsibility of protecting citizens from any form of harm such as oppression, violation of human rights through the rule of law stipulated in the Constitution of the land. Thus, nobody is supposed to go against the Constitution. More importantly, working in tandem with the Constitution allows the rule of law a chance to provide an effective basis for the watch on human rights adherence (Prah, 2007). The claim for the one party rule says that the 1971 Constitution provided for the independent of the judiciary and parliament and also the separation of powers among the three branches of government. This then makes supporters of the one party rule hold that because of this then the one party rule did as well promote rule of law in Malawi.

This is in contrast to the state of nature situation whereby people's actions are not under any form of control. The social contract theory once again proposes that in this contract an individual must also benefit positively from what the government is doing. This then nullifies the allegation that social discipline is a ladder to development. This is coming in because in other countries dictatorship is believed to have delivered development, a notable example being China under Deng Xiaoping, who brought a link between the two at the same time not allowing people civil liberties vis-à-vis giving them jobs in the name of discipline, (Mirsky, 2011). However, most political scientists have also observed that Constitutions protect the rule of law because they are written and specific; they provide clear instructions to all relevant people about the meaning of rule of law.

Peerboom (2005) went further adding that government officials will therefore be subject to concrete constraints, if they ignore those limits, other officials and ordinary citizens may rally to defend the Constitution and push back against the violators. This then means that the Constitution is something that must not be changed willy-nilly because of its nature of being a protective force. This is why Peerboom (2005) adds that a good Constitution is entrenched i.e. hard to change. Thus, the government should not be allowed to amend the Constitution by itself for the interests of those in power and not for the public. This is why there was an outcry that by 2006 the constitution of Malawi had been amended more than a hundred times and several legislature amendments with questionable intents have been undertaken (Chinsinga, 2010). This then is against good governance efforts in form of rule of law because the main concern therefore is that most of the constitutional and legislature amendments have been motivated largely by rather

selfish interests of governing elite at a particular point in time at the expense of the common good (Chinsinga, 2010). This is concluded by Kanyongolo (2003) who says that there is also no constitutionalism if the rules of the formal constitution are amended every time that those who hold power consider them to be an inconvenience obstacle to their exercise of that power.

Another observation noted is that in democracy the majority rule makes democratic countries prone to persistent Constitutional amendment. The Constitution is believed to be the defender of the people against State machinery. On the same Kanyongolo (2004) observes that there is no Constitutionalism if the rules of the formal Constitution are amended every time that those who hold power consider them to be an inconvenient obstacle to their exercise of that power. This implies that though Malawi has been democratic, its Constitution has been amenable to abuse to majority syndrome that characterizes democracy. This then confirms that in other cases, formal Constitutions are amended to satisfy the selfish interests of those who numerically dominate the legislature (Kanyongolo, 2004). This confirms that changes that are introduced without listening to the legitimate wishes of the people have the potential of delinking and alienating an otherwise good government from the very people it serves (Ziyaye et al 2012). As a result then, political regime plays little role in as far as upholding people's Constitutional rights if Constitutional amendments is anything to go by.

Consequently, the rule of law can be assessed in so many ways but for the purposes of this paper it will be done using cases of human rights violations, constitutional

amendments frequencies, and levels of judicial independence as laboratory apparatus for testing good governance.

2.2.2 Promoting People's Participation

According to De Vries (2013) participation means that all men and women, inclusive of the physically challenged have a voice in decision making processes either directly or through legitimate intermediate institutions that represent their interests. This tenet of good governance promotes people's active participation in politics at all levels of society. The importance of this can be appreciated by Ross and Gruzd (2008) that public participation in political issues will enhance government capacity to address core issues that affect ordinary people directly whereas little or no public participation the government is unable to address the challenges and in other circumstances different priorities and policies may be addressed which may be contrary to the people's needs (Ross, H. and Gruzd S. 2008). People's participation therefore becomes the cornerstone in fostering good governance for it address people concerns directly.

Kofi Annan, at the conference on governance for sustainable growth and equity in New York in 1997, emphasized that good governance demands the consent and the participation of the governed and the full and lasting involvement of all citizens in the future of their nation (Annan, 1997). This means that improving our country's governance record does not only lie in the hands of the State in power but the responsibility and the greatest ability to improve governance and security in Sub-Saharan Africa lies with the continents own leaders, media and civil society, but there is also a

role for donor countries, the private sector and other development partners to play (One, 2012).

Emphasizing on this is the Constitution of Malawi Chapter Four, section 36, it grants the media entitlement to report and publish freely, and to access public information. Otherwise failing to allow free expression and people's participation good governance in Malawi will not be achieved. This is also exactly what was observed that the denial of rights of expression, organization, participation can undermine local attempts to change systems that contribute to and perpetuate poverty (Cammack & Sharma, 2009). Thus, that this quest for good governance in Malawi is not misplaced if at all we are to fight poverty.

To help in acknowledging the importance of people's participation in politics, Oyugi (2000) described citizens of the country as 'the intended beneficiaries' of good governance (Oyugi, 2000). This for him means that the people must be treated as both means and ends in themselves if good governance is to make sense. It is highly believed that without the people having the driving force of development, which (good governance) exposes, development can hardly take place, (Bratton, 2007). When people do not take an active role in development agendas this affects them directly and in that society there is retrogressive development. This is why it is very imperative to know that when we talk of democratization we do not mean only political democracy expressed through multi-party systems as has become fashionable in Africa recently. Genuine democracy derives from the struggles of an awakening civil society, and public opinion expressing their plural and contradictory discourses through a free press (Prah, 2007),

which under one party regime are believed to be non-existent. However, the democratic rule in Malawi can also help us assess how people, CSOs and the International community contributed to the socio-economic and political development and even moments when people have been consulted on different socio-economic and political challenges.

The principle agent theory will also be used to analyze the link between the state/agent and the citizens/principals in order to find out how people are empowered via their participation in issues that affect them. This theory then will also assist in assessing citizen's involvement in the distribution of resources. This is a very pertinent issue now because supporters of dictatorial rule believe that participation as a whole does not always imply positive impact at the end because some form of participation does indeed account for negative performance a regime type can make. This is why others believe that people's participation through elections leaves a lot to be desired because it is the same that also helps put in leadership positions people who do not merit them and that is why others still feel that in the current administration for example we have once again recycled politicians who were there since the one party rule hence change of regime has not solved challenges Malawians faced since one party rule.

For advocates of democracy, democracy does ensure some form of participation but the challenge is that this implies that every form of participation is considered to be good. However from the participant point of view, the question arises as 'do the means justify the end or does the end justify the means? On one hand having, dictatorial regime with little or no participation from the citizens on issues that affect them but justifying the

positive results that the country registered. On the other hand having democratic regime's full participation of the citizens so to say but when negative results are registered, the claim has been this is what Malawians want. This works as a justification of the means despite the end being negative. This is substantiated by Naurin (1998) who thinks that such ideas associated as they are with structural change and with collective action both facilitated by and in opposition to the state, are rather out of fashion in development. This means that people's participation is one thing and having their contribution having positive impact is another thing under multiparty rule.

2.2.3 Accountability

With interest to promote good governance in a country, accountability implies procedures requiring officials and those who seek to influence them to follow established rules defining acceptable processes and outcomes and to demonstrate that they have followed those procedures (Abdellatif, 2003). In trying to relate good governance directly to the citizenry (Abdellatif, 2003), adds that accountability requires political energy too, this is why for him people, interest groups, civil society, the courts, the press and opposition must insist that those who govern follow legitimate mandates and explain their actions. This conceptual definition of accountability goes in tandem with what advocates of democratic leadership believe that it is only under democratic regime where attention is paid to the needs of the citizens. It is these citizens who ironically happen to be the electorate. This is why during elections people choose freely political parties with policies they feel can guide and enhance their wellbeing. These policies they claim are found in different political parties in form of manifestos from which they choose from.

This makes the leaders become accountable to the people they govern. This however comes in with the presumption that in democracy people who come to power are those who have the concerns of the people at heart.

The contrary, however, can be seen through government failure to react positively to different forms of advice that aim at providing guidance to the ruling elites and their government.

In, Malawi, the emphasis on the need for CSOs role in politics, in order to promote checks and balances for those in positions of power sharing the national cake is crucial. There is a common belief among many democratic leaders that in Burundi, CSOs with international organizations finances managed to incite the 1996 coup which was never intended to take place (Jenkins, 2001). This for them is a sign that CSOs are not there to promote its people's interests. With the unavoidable reality that most of the leaders in these organizations are middle class people, most governments in Africa believe that the middle class people do not aim at advancing the interests of the people at the grassroots but rather their own interests. The role as well of bodies that fight corruption becomes evident as one way of promoting good governance. However though the existence of such bodies such as the Anti Corruption Bureau in Malawi seems not to serve the purpose of promoting good governance because currently the anti corruption drive is interpreted by the public as driven the states desire to silence and push into submission people who seem to be politically ambitious or critical of some government decisions, (Chinsinga, 2010). This then implies that the creation of Graft fighting bodies is one thing but making

them fight corruption honestly becomes an issue in as far as the promoting of good governance measured through accountability is concerned.

On the contrary, governance and leadership crises in Africa are re-enforced by the inability of leaders to identify, sieve and apply relevant development policy options and theories as preferred by World Bank, IMF and other development institutions and agencies (Oguoma, 2010). Unfortunately, most leaders in many countries in Africa, Malawi included, do not want to cooperate especially when development policies proposed by development institutions do not much their wishes citing sovereignty as the bottom line. However, Boutros- Boutros Ghali commented on the same as was quoted by Weiss that ‘the time for absolute and exclusive sovereignty, however has passed’ (Weiss, 2000). More importantly, dependency theory can be defined as the relationship between the social, economic and political development policies of a country and the external forces that country faces to achieve the same. Leaders in Africa and Malawi in particular believe that more often than not proposals coming from external sources have not in most cases helped much. This is in agreement with Ferrari (1996) who highlights that it is a historical condition which shapes a certain structure of the world’s economy such that the economy favours some countries to the detriment of others and limits the development possibilities of the subordinate economics a situation in which the economy of a certain group of countries is conditioned by the development and expansion of another economy to which their own is subjected. This is why may be Mutharika had the audacity to blast the international co-operation partners as those behind negative influence perpetuated among CSOs, non-governmental organizations, donor countries as promoting their agendas not those that would benefit Malawians. The advice here is that, leaders in Africa

should avoid suspicion of their opponents and brothers in the theatre of development (Oguama, 2010). This helps to analyze Malawi's social, economic and political development with the understanding that external forces are believed to be much more behind Malawi's hindrances to development than internal factors.

The categorization of Malawi as a third world country that relies heavily on donor aid for its development means that we cannot indeed stand on our feet in as far as development is concerned without external help. Intrinsically, the first world countries at the same time would like to remain and dominate the world's high positions. Locke's international relation theory plays a crucial role in this regard because of its position that we as a country cannot live in solitude minus relating with other countries if our poverty level is anything to go by. This means that the need to associate ourselves with other countries is important. This will help us be aware of the global problems and at the same time be part of the solutions to these problems because most of these problems are not unique to us. Novelty, a pro-democracy activist, suggests that these international relations among States though lacking direct link with the people of a particular country in this case Malawi still do have what is called democratic principles under their constitutional mandates that stipulates how and what they can do in a democratic manner to the countries they assist (Debate Wise, 2006).

Proponents of dictatorial tendencies assert that there is clear lack of accountability and transparency in a democratic country. This for them can be seen with patron-client system of Government in a democratic Malawi that opposes good governance model that

aims at formalizing all Government activities as was observed under one party rule. Development requires sound policies and impartial implementation. According to principle agent theory, transparency is a means by which the principal controls that its agent does not engage in agency shirking i.e. pursues policies which promote its own interests rather than the interests of the principle (Naurin, 2007). This means that Malawians who are the principals must have the capacity to force the agent to account for all its actions. This is something that Naurin (2007), calls sanctioning mechanism. For him these can only be delivered by governments that are held accountable for their actions. Accountability, in turn, depends upon the existence of autonomous centres of social and economic power that can act as watchdogs over the activities of politicians and government officials, (Jenkins, R. 2001). Malawi must not exist with minimal involvement of non-state actors because these are agents of development not otherwise. Non state actors are there to promote checks and balances for the State machinery.

According to Naurin (2007), accountability involves something more than just having one's action publicly exposed. He goes further suggesting that in case of misconduct some kind of sanction should be imposed on the actor. This means that writing or exposing actions against agents in the media is not enough. Sanctioning them must be enforced. This is why democratic regime together with dictatorial regime will be analyzed as to whether sanctioning of the wrong doers has been done because supporters of dictatorial regime claim that democratic regimes in Malawi have been very good at just exposing the wrong doers and it ends there without further follow up of the culprits. This then is used by sceptics of democratic regime as an escape-goat saying that all

leaders who were found in malpractices under one regime did not go free and that they indeed paid the price for their actions.

2.2.4 Equality and Social Justice

The proposition of recommending social justice which is generally equated with the notion of equality or equal opportunity in society as highlighted by John Rawls can be defined as a concept aimed at assuring the protection of equal access to liberties, rights and opportunities as well as taking care of the least advantaged members of society (Abdellatif, 2003). This is why in the same line of thought the Marxist theory of justice recognizes that there is indeed always the struggle between two classes of people in society having the State holding all power and authority over the subjects hence there must be independence with the institution that brings about justice and distributes resources in the country. John Rawls as noted by Appachian University (2004) adds that in conditions of social justice people are not to be discriminated against nor their welfare and well being constrained or prejudiced on the basis of gender, sexuality, religion, political affiliation, age, race, belief, disability, location, social class, social economic circumstances, or other characteristics of background or group membership (Appalachian University, 2014). That is why in order to promote equal distribution of resources; different sources have faulted a democratic regime for not considering people who do not belong to ruling parties in terms of gifts and other incentives such as starter parks under Dr. Bakili Muluzi and subsidy program under Bingu Wa Mutharika. The proponents of dictatorial regime find that farmers' clubs initiative was a better option of helping rural farmers not the starter parks of Muluzi and subsidy program of Bingu.

Another point of concern against multiparty regime is also how ministerial positions and board chairmanships are awarded to mostly those who seem to be pro-ruling party (Tambulasi, 2005). This in summary explains that people in Malawi do indeed get things given to them by the Government but how these things are given, then the question of good governance comes in as a remedy because it is all Malawians who need these things not only those who support the regime. More importantly the Malawi Constitution Chapter Four, section 20 sub-section 1, is very clear on this by expressing right to equality saying no person should be treated less favourably than others on the grounds of his or her race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability (Malawi Constitution, 1994). This is very crucial because it has been observed that the distribution of support from Government do in most cases bring chaos and involve bribes hence undermining good governance (Tambulasi, 2005). Further to that, arguments against multiparty rule say that loans have been distributed specifically to those who are believed to support the ruling government unlike under one party rule where people had equal chances of getting them because only one party existed and all people therefore in the country belonged to the ruling party. The claim by supports of the one party regime is that under the previous MCP Government efforts were made to suppress tribalism in the name of national unity, (Tsoka, 2012).

Another important aspect in relations to equity and social justice is the position of women in society. Good governance entails that the position of women should not be undermined if we are to achieve point number 4 of good governance from a human development perspective that puts women as equal to men in both realms of public and private life in

as far as decision making processes are concerned (Abdellatif, 2003). This is with the background of the feminist theory that emphasizes the promotion of women in society and also advocates for the gender campaign in as far as involving women in decision making processes in the country is concerned.

2.3 Theoretical Framework

With the guiding framework of the Principal -Agent Theory an assessment of one party regime of Kamuzu Banda and Democratic regimes of Bakili Muluzi and Bingu Wa Mutharika's performance has been done. This theory is relevant because it emphasizes on relationships and decisions of the players involved. This is why the principal-agent theory is also called a game theory because it is concerned with the study of decision making in situation where two or rational opponents are involved under condition of competition and conflicting interests (Demuth, 2013). This explains well the relationship between the Government on one hand and the citizens on the other hand. It does also elaborate perfectly the link between the Government and other institutions such as Judiciary, Parliament and other Government created institutions. The theory comes in is in respect to the fact that some powers of the principals/citizens of Malawi are delegated to the agent be it government or other institutions and vice-versa. With this task at hand therefore it is important to define the principal-agent theory and analyse how decisions are made and at the same time relate it to good governance. Within this decision making game theory, by definition, the principal-agent is the theory that describes the delegation of power to an agent (Miller, 2005). This theory explains the relationship between the citizens and the government in power. It bears in mind the fact that the delegation of a

task to an agent who has different objectives than the principal who delegates it is problematic (Miller, 2005). The theory according to Laffont (2001) assumes that the principal is too busy to do a given job and so hires the agent, but being too busy also means that the principal cannot monitor the agent perfectly. Good governance therefore is the bridge that relates the two, the principal who hires and the agent who has been hired to carry out a duty on his behalf. The performance of the agent in fulfilling the needs and interests of the principal is what is referred to as good governance. The challenge with this theory is that it assumes that in a competitive situation each participant acts in a rational manner and tries to resolve the conflicts of interest in his favour (Demuth 2013).

This is why the principal-agent theory has also been used to test the relationship that exists between Government at this time as (principal) and other stakeholders as (agent). In this respect therefore the principal delegates some of its powers to the agent and that the agent has its own autonomy (Kim, 2011). This is where the bone of contention arises when principals have a say in what the agent does. The argument being where is the autonomy of the agent then? This is where the dilemma of the principal-agent relationship comes in when trying to make sure that the agent does his work independently of the principals interests (Kim, 2011) as it has been observed in Malawi through various relationships e.g. Government vs. Parliament, Government vs. Judiciary, Government vs. Donor Community and finally Government vs. Opposition parties and Government vs. Non Governmental organization or CSO. This theory helped the researcher to also address the relationship for example between the courts in Malawi and the powers that be in the sense that the latter in most cases has limited ability to exercise

its autonomy in decision making. This then reaffirms the fears that explain the direct link between courts and other organizations (agents) decisions that further the interests of those in power (Principal). Here of great interest is the relationship between the principal (Government) with courts (Agent). This is of great significance in order to look at issues to do with the rule of law because courts are there to interpret the law put together in form of the Constitution. This means that how these courts manage their role means a lot in assessing the rule of law in the country.

In relation to the same, another agent is the Constitution having the government still taking the role of the principal. The focus here is on how this agent's (Constitution) role is respected by the principal (the government). This is so because all protective measures for the people from the government are in form of different human rights provisions embedded in the very Constitution. This means that how government (principal) treats this Constitution (agent) or the powers it has over it means a lot in dealing with the rule of law in the country. The point here is that this relationship is crucial in explaining some phenomena in decision making in these institutions in respect to the powers that may be especially where there are conflicts of interests. This is according to Kim (2011) who adds that the principal-agent approach as means of understanding the contractual relationship between two(or more) parties when one of these, designated the agent acts on behalf of or as a representative for the other, the principal.

Another point that will be addressed using this theory is the assessment of the relationship between government as principal and other institutions e.g. political parties and even media houses as agents. This is the case because the agent here is believed to be

the platform used for people to participate in politics. This implies that in case of a political party as an agent when there is lack of differentiation between government and a political party this might have an impact on how people participate in politics. Media houses as another agent are also believed to be crucial in assessing people's participation because it is where people air their voices. How the media relates with government is also of great interests in this paper.

This paper therefore is of great significance in showing the relevancy in comprehending times when authority is delegated to other stakeholders in the country but also for evaluating the complexity for these stakeholders to make decisions as said in the previous section. Once again here Government takes the positions of the principal and the rest of the stakeholders play the role of the agent. Assessing this relationship is aimed at fostering accountability assessed through checks and balances that can be enhanced by those organizations in as far as government's offering of services to the citizenry is concerned. This means that this same theory is very important when addressing tenets of governance number two of accountability bearing in mind the fact that the principal-agent theory encapsulates a tradition of rational choice modelling in which some actor(s) (the principal(s) uses whatever actions are available to provide incentives for some other actor(s) (the agent) to make decisions that the principal most prefers. The focus here is on the responsiveness of the agent's decision to the principals' goals, and how this responsiveness is mediated by actions available to each other as well as institutional settings in which they interact with one another Gailmard (2012). According to Gailmard (2012) it is natural framework to study accountability in political institutions. This is why

accountability in good governance is directly related to the theory used. Firstly it is the theory that has become a widely used paradigm for analyzing public accountability (Gailmand, 2012). More importantly Gailmard (2012) goes further highlighting that analysis and evaluation of public accountability requires a specification of who is (or is supposed to be) accountable to whom. He concludes that this is a core ingredient of principal-agent theory. This is the case because according to him with principal-agent theory, some actors called an agent undertake an action on behalf of another called a principal. Good governance is directly related to this because the principal, for its part, can make decisions that affect the incentives of the agent to take any of its various possible actions. This then helps in explaining why agents in this example act the way they do to please their principals and how the same can have an impact on promoting checks and balances by the agent on the principals (government).

The principal-agent theory will also be used to analyze problems of legitimization that arise as a result of delegation to non-majoritarian institutions (Miller, 2005). This will be done in order to assess how decisions are made in both regimes with the aim of promoting equality and social Justice. Here the game is between the majority and minority groups who fight for their recognition. This also is of great value in this paper in order to look closely at issues to do with equality and social justice because cases of some minority groups e.g. youth, women, minority ethnicities beings disadvantage are inevitable. The principal-agent theory will help us look at the role played by these groups and also how decisions are made having government as the principal who delegates some of its powers to these groups as agents. The question to be answered by this assessment is

how worthy then is the contribution coming from these groups and more importantly are their cases that they are not fully given their role just because they belong to that particular group.

2.4 Conclusion

This Chapter has discussed the literature review by analysing what others have written on the subject matter with principal-agent theoretical framework in general incorporated as guiding principle. The social contract theory, Marxist theory of justice and development theory have been incorporated as supporting theories. This was done by defining good governance then relating it to regime type by discussing some notable tenets of good governance such as protection of the rule of law, promotion of people's participation in social, economic and political activities, accountability of those in authority in how they distribute public resources and exhibit their duties as public officers in enhancing equality and social justice.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter explains and justifies how the whole process of this research project has been carried out methodologically by looking at study design, research design, population consideration, data collection tools, research techniques, sampling method, ethical consideration and finally study limitations encountered while conducting the study.

3.1 Study Design

This study used mostly used data collected in trying to assess the performance of political regimes in promoting good governance. This was also supported by data collected from other publications such as magazines, newspaper articles and publications. This was done in form of comparative research approach because this study was designed to assess the performance of one party and democratic regimes promoting good governance record in the country.

The research methods applied in this study were both qualitative and quantitative because the two methods helped the investigator to grasp a comprehensive understanding of the ambiguities that exist when we relate a political regime to good governance Malawi has so far registered in order to suggest actions that will foster positive or progressive

governance. Both methods helped the researcher to have balanced results in form of findings and make informed recommendations for future referencing. In fact, this model offered a practical and outcome-oriented method of inquiry that is based on action and leads to further action and the elimination of doubt; and mixes that can help researchers better answer many of their research questions (Cameron, 2009). This implies that a mix model method of research was used.

3.2 Research Design

This research project generally used a comparative research design as the title also suggests. This is because the study assessed the performance of both one party and multiparty regimes in promoting good governance with the aim of offering solutions in form of recommendations on how the country can promote good governance.

This is a retrospective study considering the referencing period and also based on mostly secondary sources available for various reasons. More data for authoritarian regime was collected in this manner. Using these sources was very helpful because some respondents in one way or the other might have forgotten some important facts related to any of the regimes under study especially the regime that dates back more than 15 years or so. In order to address this challenge some primary research was done to supplement the already existing data. This was in form of Questionnaire and Key Informant Interviews. This has been elaborated in detail in the subsequent section and indeed through sampling method of the respondents of the same.

This study is a meta-analysis type of research because it looked for differences and similarities in performance of various regime types in enhancing good governance in Malawi. The study also went further in trying to address the question, does any of the regime type under study show positive performance in promoting good governance or not? And finally this study qualifies as meta-analysis because it has also sourced research problems from problems of governance in Malawi through people's outcry at both local and international levels and also events that have been taking place under both regimes in relation to governance record (McNamara, 2008).

3.3 Study Area

Bearing in mind the fact that collecting data all over the country in order to assess the performance of both one party and multiparty regime capacity to promote good governance is not easy, there was need for the researcher to develop strategies to collect data in the specific chosen area with good overall representation of the country's population so that the data can be applied to the whole country. Therefore data was collected within the country by carrying out a purposive random selection of the study area by choosing Lilongwe and Blantyre in T/A Tsabango, T/A Chitukula and T/A Machinjiri and T/A Chigaru respectively. People in these areas were randomly selected as respondents to either the questionnaire or as participants in the Focus Group Discussion (FGD) to give their opinion on the performance of the regimes which have been presented in the findings section. The majority were those about 35 years of age on average considering the referencing period of this study which dates back to the one party era. This made it possible to have participants who had direct experience of the one party

era all the way to the democratic dispensation. This made it possible to hear views of people of different background on how they perceived the three regimes Malawi has had. These areas were also selected because the researcher wanted to maintain the rural-urban divide of Malawi's settlement. These two cities had a good representation of extreme urban and rural dwellers. In both cities views from people who live in urban and rural areas were solicited.

3.4 Population Sampling

The total number of questionnaires administered was 140. This is bearing in mind that the study is for academic purposes only at the same time in order to get the sample that represents the three main regions in the country. This is why not all tenets of good governance have been discussed. Only 4 were randomly selected out of 8.

On managing resources but also maintaining effectiveness and efficiency, the interviewer used simple closed question that were easy to make and photocopy at the same time reach many people. In fact Key Informant Interviews (KII) were very important in this regard because they do provide in-depth information about the topic of interest. More importantly KII allows clarity of ideas and information but also makes it possible to obtain information from different individuals including minority or silent majority viewpoints. The researcher managed to do at least three interviews per day. This number also helped the investigator to grasp different views of the respondents on the performance of each regime in connection to good governance in Malawi. This included 3 respondents from each of the three main political parties namely MCP, UDF and DPP

and neutral Politicians. The MCP was chosen for obvious reasons of being responsible for the regime of Kamuzu Banda which was the one party regime considered dictatorial by proponents of democracy, secondly the UDF which took over from MCP hence had many people who had also taken active role during the MCP era and lastly the DPP that also piloted the country under democracy with a mixture of recycled politicians from MCP and UDF as well as new blood. Krishna Kumar justifies this choice saying depending on the nature and scope of an inquiry, the investigator identifies appropriate groups from which key informants are drawn and then selected a few individuals from each group (Kumar, 1989).

In MCP the target was on those who have been there before the coming in of UDF and DPP and have seen these parties emerge but did not join them. These are the people who have reasons as to why they opted to stay put in MCP instead of moving to UDF or DPP. The target was also for those people who might have joined MCP leaving out the other two parties at their entry into active politics. These as well had to justify why they joined the MCP instead of the other two political parties. In UDF, the target was on those people who were once members of MCP but later joined UDF. These people who moved from MCP joining UDF were able to identify differences that motivated them to move to a democratic party unlike the MCP, their initial political party. Finally, in DPP the target was on those people who were once members of MCP and UDF. Since these people have been members of the three regimes under assessment, they as well were of help to the researcher to objectify findings for each regime's performance because they can differentiate the regimes they have been part of and explain why they changed political

parties and more importantly they can help to determine not only what people do but why they do it (Kumar, 1989). Kumar goes further saying such informants are selected because they possess information or ideas that can be solicited by the investigator (Kumar, 1989).

The respondents were Malawians, mostly those with the age above 35 as they are considered adults. The purpose was to have the majority of those sampled with direct experience of the regimes under study. Their informed experience of the three regimes helped the researcher to observe patterns that have contributed positively or negatively to the promotion of good governance in Malawi. This was done with the aim of sampling people who are well versed and understand political issues in Malawi and how politics has evolved since the one party era all the way through first democracy under Muluzi and then under Mutharika but also people of different background. This helped in bringing out a mature objective comparative assessment of the three regimes. This means that participating members were randomly selected having all three main regions of the country including both urban and rural setups been catered for in the population sampling.

3.5 Sampling Method

This study followed the non-probability method. In this regard non-probability method means sampling of respondents as informants in order to get relevant information. This was the case because other possible respondents might have had expertise in one field not necessarily all fields that deal with good governance. This meant that the selection

included people who at the end of the day represented the general sample of those with expertise in all fields of good governance discussed. This included quota sampling with the aim of considering differences among the informants such as age, occupation, religion, gender and background. This allowed easy replacement of those who were not available at the time data was need provided the criteria used was maintained. This is so because financially as well this method was cost and time saving.

The researcher also used the snowball method because this allowed him access to people the researcher personally would not have known or approached yet might have relevant information for this study. The researcher relied on the help of those who were recommended by other respondents in the process of data collection. This was very helpful in getting only relevant data for this assessment from well versed respondents.

The study considered selective representatives groups of different sections of the society in Malawi in order to obtain with more certainty the results sought to avoid biasness and subjectivity of the researcher. This was done by considering members of different regions found in Malawi, political affiliation, age group, gender biasness just to mention but a few. This included people of different professions such as members of Parliament, Lawyers, some leaders of different political parties, civil society leaders, and religious people and indeed those local community members who in one way or the other know something in how the two regimes led Malawians in connection to governance.

3.6 Data Collection Tools

3.6.1 Secondary Sources

This research was carried out using literature in form of secondary sources such as publications from Government, newspaper articles, journal articles as well as other weekly or monthly publications. The media houses and different organizations local and international either in form of a survey, and also reports in finding out some related data on dictatorship and democracy both in connection to promotion of good governance record in Malawi were also used. The international organizations included were the Afro-barometer because it measures the quality of democracy and governance in African countries hence their contribution helped in ranking Malawi's performance (Afro-barometer, 2012). The Afro-barometer as well was used because firstly it is an independent, non partisan project that measures the social, political, and economic atmosphere in Africa, and secondly it is an African-led series of national public attitude surveys on democracy and governance in Africa (Afro-barometer, 2012). Freedom House data was also relevant because it does speak out against the main threats to democracy in their findings (Freedom House, 1941). Lastly, Mo Ibrahim Foundation with the Ibrahim Index of African Governance (IIAG) was used. It is the most comprehensive collection of quantitative data that provides an annual assessment of governance in every African country. The IIAG did also provide a framework for citizens, public authorities and partners to assess the effective delivery of public goods and services and all these were of great help to this research project on Malawi (MO Ibrahim, 2007). Variety for Democracy (V-Dem) was used because the organization also measures democracy in more than 200 countries in the world Malawi included. More importantly, the

organization uses experts in the project hence more exact data in terms of measuring Malawi's performance was found. Secondary sources were used because Management Study Guide (2012) finds that it is economical and that it saves efforts and expenses. It is time saving and that it helps to improve the understanding of the problem. Finally, secondary sources were used because the context of this research work dates back to around 1966. Some respondents earmarked for primary data collection might have in one way or the other forgotten some issues that were relevant to this study. This then means that secondary sources helped in curbing memory lapse by those eye-marked as respondents.

3.6.2 Primary Sources

3.6.2.1 Key Informant Interviews (KII)

Bearing in mind the challenges of validity of secondary data collected. The researcher supplemented data collection efforts with primary tools. Firstly, 12 KII were conducted and where permissible and necessary recordings were done, failing which objective notes were drafted and with agreement from the interviewee on the correctness and truthfulness of the notes then these notes were included in the research work without mentioning the actual name of the contributor to protect their privacy as per request the ethical considerations made. Interviews were also done because mostly many people who are interviewed do indeed respond (Mann, 2003). In fact KII were used to give the interviewer timely information in a cost-effective fashion (Kumar, 1989). These interviews involved interviewing a selected group of individuals who provided needed information, ideas, and insights on a particular subject (Kumar, 1989). This meant that

this is a participatory approach method whereby the researcher was involved when collecting data for analysis through interviews.

The target was Informants from each of the main political parties under study of MCP, UDF and DPP. The rest were neutral in terms of party affiliation. The aim was to balance the opinion of those with party affiliation and those who are neutral to curb biased. The researcher supplemented data collection efforts with primary tools. Firstly, KII were conducted and where permissible and necessary recordings were done, failing which objective notes were drafted and with agreement from the interviewee on the correctness and truthfulness of the notes then these notes were included in the research work without mentioning the actual name of the contributor to protect their privacy as per request the ethical considerations made. Interviews were also done because mostly many people who are interviewed do indeed respond (Mann, 2003). In fact KII were used to give the interviewer timely information in a cost-effective fashion (Kumar, 1989). These interviews involved interviewing a selected group of individuals who provided needed information, ideas, and insights on a particular subject (Kumar, 1989). This meant that this is a participatory approach method whereby the researcher was involved when collecting data for analysis through interviews.

Semi-structured interviews were conducted because the interviewer was free to change the order of questions depending on the direction the interview was taking and in other instances probe for more information. This came about bearing in mind the fact that not all interviews followed the same path due to differences in character of those

interviewees. This then allowed additional questions and probing to be done by the interviewer (Corbetta quoted by Annabel Bhaman Kajornboon, 2004). This gave room to the researcher to pose questions and rephrase them when necessary so that the interviewee understood well the questions hence gave appropriate answers to the leading questions. This meant that the interviewer could clarify those questions the interviewee seems not to understand. According to Kajornboon (2004), this type of interview gave the researcher opportunities to probe for views and opinions of the interviewee.

3.6.2.2 Questionnaires

This study administered 140 questionnaires to Malawians in the two selected districts of Lilongwe and Blantyre. These districts were chosen because the investigator wanted to maintain regional representation of the participants in the sense that it was easier to find people from all three regions of the country in these two districts. This brought regional representation of the participants but also these districts have good variety of both urban and rural dwellers that added value in making overall generalization of the study to the regions as a whole. This means that this study had participants from the Four Regions of Malawi. Here it was the quality of the districts chosen not quantity that gave value to the data collected. The intention was to have 70 questionnaires in each district. 35 questionnaires were therefore administered in rural area and 35 in urban area per district. The questionnaires also played a major role in counteracting the researcher's subjectivity on one political regime over the other with specific closed questions. With less transportation costs and easy access to informants through email and other electronic devices, questionnaires indeed added value to the data collected through interviews

(Mann, 2003). The questionnaires were very important due to financial constraints of the researcher because they are relatively cheap, there were no follow up hence less resources were required though having low response rate (Mann, 2003). This was why the sampling involved people of different background in order to maintain good response rate. Lastly, the questionnaire helped the researcher in condensing the data into quantitative form. This helped in balancing the data collected as being both qualitative and quantitative hence showcasing the mixed model. More importantly the questionnaire gave a chance to the citizens of Malawi who are the electorate to air out their views and opinions on the same and more importantly because they are the intended beneficiaries of good governance according to the principal-agent model.

3.6.2.3 Focus Group Discussion (FGDs)

The study carried out six FGDs in total in the two districts selected as study areas. Four FGDs were done in Blantyre and the rest took place in Lilongwe. Each FGD comprised of 6 to 8 participants. This number was intended for the purposes of offering a variety of views at the same time allow all participants to air their views within scheduled time for each discussion.

Two groups in Blantyre comprised of women only, one in urban area and the other one in the rural area. The same applied to the other two groups, which were for men only. The aim of doing this was to also give women a chance to have a platform where their contribution was not affected by the presence of men. This means that these FGDs were a carefully planned discussion designed to obtain perceptions on a defined area of interest

in a permissive and non threatening environment (2004). This was important because the study did also include people's views on how they were treated under each regime under study. This means that these FGDs underscored the importance of an atmosphere that would allow each participant to contribute freely without fear or favour. This aimed at giving both groups an open environment to contribute on how each group perceived the regimes under scrutiny. In fact, the participants for these FGDs were randomly selected in order to curb biasness associated with the other data collection tools more especially KII. In addition, the use of FGDs gave the researcher a chance to probe hence unexpected views were unearthed. More importantly, this method was employed because it was also relatively cheap a method for it brought many participants at one place and at the same time. The researcher collected a variety of data at one place. This was an important aspect for the researcher for it helped him save time and resources.

Significantly, this tool has been used in order to complete a triangulation model, which is a very significant perspective in social science research. This implies that FGDs were aimed at supplementing quantitative data collected through a questionnaire and more importantly in addressing challenges encountered with the qualitative data collected with KII. This can be substantiated by Bailey (2007) who suggested that triangulation is the application and combination of more than one research perspective with the aim of minimizing the inadequacies of a single-source research. The FGDs then helped the researcher to obtain confirmation of findings through convergence of different perspectives (Bailey, 2007). This therefore added value to the data or confirmed the data collected through other sources e.g. questionnaire, KII as well as all other secondary data.

3.7 Data Analysis

Because of having closed questions in form of a questionnaire when collecting quantitative data, the researchers analyzed the data after coding all responses made by the respondents on the questionnaire so that this study was done within schedule. Data therefore was analyzed using a computer through Statistical Package for Social Scientists (SPSS) software. This software allowed the researcher to easily enter the data collected and also it made it possible to properly analyze the data entered because of the simple spread sheet available in this software. This can be confirmed by the fact that the most critical part of any data analysis was the initial data entry. If you enter the data the wrong way, you would not be able to analyze it properly; often entering the data into IBM SPSS is the best choice. SPSS offers simple spreadsheet format for data entry that is intuitive and easy to start with (Mean, 2011).

On the other hand, qualitative data that was collected through key informant's interviews was analyzed manually to save time and cost since the researcher did not have adequate expertise to use other qualitative software. Qualitative data made it possible for the researcher to look at themes that transcended a regime in order to find patterns in each regime that contribute to either promote or discourage good governance record in the country. This then as well included qualitative content analysis process. This helped the researcher to prepare, organize and report study findings within specified period of time deductively (Elos and Kyngas, 2008). This was achieved because the researcher used content analysis as a method that made replicable and valid inferences from data to their

context, with the purpose of providing knowledge, new insights, a representation of facts and a practical guide to action (Elos and Kyngas quoting Krippendorff, 1980).

3.8 Ethical Considerations

This research was carried out in total confidentiality with the aim of only contributing to the academic world. Consent was sought first from those who were earmarked as possible respondents to the interview, questionnaire and FGDs through before-hand request or formal communication in form of a letter when necessary was given. This was done because the researcher had a letter of introduction from the MA Political Science Course Coordinator underscoring the academic purpose of the study. No names and identification of the respondents both as interviewees and key informants have been published in any form to respect their privacy. There was no change or tampering with the information given to maintain purity of the data collected. The participation was voluntary based hence those who felt uncomfortable to contribute to the academic world were free not to take part.

3.9 Study Limitations

This study is sensitive to the challenges of the three regimes for it touches negatively their performances in promoting good governance record. The researcher was aware of negative response and low response turn out on the part of the concerned regimes that might avail themselves. This is why the researcher did not solely depend on respondents but also used some available secondary data that were non partisan. Similarly due to

memory lapse on the part of FGD's participants and KII since the study dates back to 1966, the study also relied on secondary data available.

This work is done as partial fulfilment of the award of Master Of Arts Degree in Political Science under personal sponsorship hence with the limited funds, resources available the research did not discuss each and every tenet of good governance but discussed only four out of eight.

3.10 Work Schedule

This study has been undertaken within one year and half. This was from January 2013 to August 2014. This was done in phases, firstly presenting the proposal and writing the literature review from January 2013 to July 2013. Secondly the actual research project in form of collecting data and its entry and analysis from August 2013 to December 2013 and from there writing the report for submission from January 2014 till end August 2014.

CHAPTER FOUR

RESULTS AND DISCUSSION OF THE STUDY

4.0 Introduction

As it was presented earlier the purpose of this research project was to assess comparatively the performance of the one party and multiparty regimes in promoting good governance in Malawi. Some political indicators were randomly selected. In doing so, the study was not limited to discussing only the performance of each regime but also it analysed some of the contributing factors to either good or bad governance performance. The aim of this chapter therefore is to present and discuss the results of the data collected using the objectives stated in chapter one.

4.1 Assessing the Performance of the Three Regimes in Promoting the Rule of Law

This section assessed the performance of the three regimes under study in promoting the rule of law. There are various political indicators that can be used but this study used three. In the literature review section this study has provided some indicators that can be used to assess the performance of a political regime as elaborated earlier on. These indicators included cases of violations of human rights, Constitutional amendments frequencies to favour the interests of the powers that be and judicial independency in executing court cases. These indicators match well with the theoretical framework used

in this paper, the principal-agent theory considered as game theory revolving around decision making processes. Cases of violations of human rights, Constitutional amendment and having independent judiciary in as far as decision making is concerned becomes tricky because in this respect, the principal (citizens) has given some of its powers to the agent (Government). When the agent's decision goes against the wishes of the principal then we can conclude that there is bad governance because the principal did not give some of its powers so as to in the end suffer the reprisals from the delegated agent's decisions. The assessment of both regimes (agents) then in upholding and respecting the principal can be vital in finding out if the relationship between the two is healthy.

The Constitution is one of the major players in the principal-agent relationship, Some members of FGDs suggested that good governance as well denotes a Government that governs by ensuring that the national Constitution of the land is adhered to at all times⁵ hence it is proper and wise as well to assess these regimes using their performance in upholding and respecting what the Constitution stipulates. This in the end will describe the complexity of the principal-agent relationship in achieving what the principal hopes for with the use of the agent.

4.1.1 Assessing the Performance of the One Party Rule's in Human Rights Protection

Starting with the Kamuzu era, views of the participants in the FGD's shows that human rights issues were a problem the leadership failed to address. This could be the reason

⁵ FGD with local community members, Machinji in Blantyre, 18th May, 2013

why data collected in almost all Focus Group Discussions (FGDs) similar sentiments were expressed that in terms of human rights violations the one party regime was the worst in the sense that people did not have any form of rights respected by those in power. The participants went further observing that the Constitution itself did not guarantee any freedom and that contrary the Constitution gave more powers to the Executive arm of Government.⁶ The participants in the FGDs went on commenting that the only thing people could get away with under Kamuzu Banda's thirty years of one party rule was when they heaped praises of the late (Kamuzu Banda) President and his development policies.⁷

One Key Informant indicated that there were several cases under the one party rule where violations of people's rights were explicit. He cited cases of violations of people's right that included rights of dressing; opinion and worship. This made it impossible for women to dress freely but also did not give a chance to those with contrary opinion to freely express their sentiments. In fact people could be arrested for not buying wrappers with Kamuzu Banda's face. This can be substantiated with what Lwanda (1993) found out that Atati Mpakati who was critical of Kamuzu style of leadership had a letter bomb that killed him in 1983 while he was outside the country. Another participant in the FGD said that Dick Matenje and friends died because they revealed corruption in the Government machinery. This can be confirmed by what Kamuzu Banda was quoted as saying against people who opposed him, 'I will keep them there (detention camps) and they will rot and the youth league will know what to do with those fools. They will knock sense into their

⁶ FGD with local community members, Machinjiri in Blantyre, 18th May, 2013

⁷ FGD with local community members, Chitukula village, 21st May, 2013

heads' (Lwanda, 1993). It was also expressed by a Key Informant that Kamuzu also banned Muslims from going to Mecca and Jehovah's witnesses were also banned from worship in the country for their refusal to own party Identification cards.

In addition to these sentiments expressed above the questionnaire show some similar trends on how the three regimes under study performed in respect to violations of human rights in the country. The results indicate that the human rights situation under the one party rule was far much worse than the other two regimes which were democratic. The MCP regime got 62% of the respondents indicating that indeed the one party rule failed in maintaining respect for human rights to a large extent. It was also revealed in most FGDs and KII that Kamuzu did not respect human rights declarations whatsoever. A good example given was also about the MCP membership cards. Most participants in the FGD said that the MCP ID cards were in fact forced on people and most of the people bought them unwillingly. It was worse to the point that women were forced to buy two cards if they were seen to be pregnant. In fact, people could be arrested for not buying cards and sick and pregnant women could not access medical help if they did not have a card⁸. Another Key Informant also noted that the cards were sold on the pretext that all Malawians were members of the MCP. However, the Key Informant was quick to point out that despite all these negative attributes given to the IDs, they were an important tool in showing loyalty or support for a particular political party. The only problem therefore was that this loyalty was forced on the people hence violating their rights. Otherwise the idea of identification remains useful in a situation where people belong to different

⁸ FGD with local community members, Chigalu village, 19th May, 2013

political parties. These forced membership cards according to members of the FGDs contributed greatly to people live in total fear but others were quick to point out that things moved under the one party rule because people had fear. They had respect for other people's property and that they could not refuse to take part in village development activities unlike what is happening today in the name of freedom that people decide not to involve themselves in activities that would benefit them.

Of interest here could be having all these cases of violations of human rights during Kamuzu Regime; how come he managed to hold on to power for more than 30 years? According to the contribution from another key Informant, Kamuzu's bad governance record continued to haunt Malawi and at the same time Kamuzu managed to hold on to power for more than three decades because donors did not stop helping Malawi despite his governance record being poor. This means that the donors did not play their rightful role in the principal-agent relations for they continued supporting the agent even if the agent did not do as was expected. It was confirmed that Kamuzu still enjoyed foreign aid support by WB and IMF despite its poor human rights record (Lwanda, 1993). Lwanda (1993) also noted that Margaret Thatcher's visit to Malawi in 1989 did not show or indicate any sign of human right abuse in the country. Lwanda, (1993) then gives examples that for over two decades Britain gave substantial sums of aid to Dr. Banda's Government with the only world of criticism occurring during the Chirwa's trial in 1983. Another example was in 1989 when Pope John Paul the II visit only noted and thanked Malawi for welcoming 650,000 refugees from Mozambique (Lwanda, 1993). This is another sign that despite having bad governance record the international community did

not openly challenge Kamuzu's leadership in as far as violations of human rights were concerned.

This can be substantiated by data findings that show that more than 75% of the respondents were for the idea that indeed the Kamuzu regime did not face undue influence on local political activities from the donor community and that is why he managed to continue trampling upon people's rights. This is why his regime described as one with the most appalling records of human rights in Southern Africa in 1992 was able to continue attracting WB and IMF approval even after the Malawi Government and Dr. Banda's own personal mismanagement of the economy was revealed in the early eighties just because Kamuzu embraced capitalism instead of communism and also welcomed refugees from Mozambique (Lwanda, 1993). This can also be confirmed by the fact that another country Germany, which helped to build the lakeshore road was unwilling to criticize Dr. Banda's regime until a change of ambassador in 1988. It was also revealed that Japan had never voiced any criticism of Malawi human rights record and as late as April 1993 was still a significant aid donor to Malawi (Lwanda, 1993).

Generally, many historians maintain that the Kamuzu had a foreign policy that was pro western hence no much condemnation of his rule was evident (Juwayeyi et al, 1999). This could be confirmed by the majority's belief in the FGDs that resistance originating from outside Malawi failed because Kamuzu Banda supported the western countries on global issues. This is why only Malawi had an ambassador in South Africa during Kamuzu time despite condemnation from other countries because South Africa supported

some projects in the country e.g. building of the Capital Hill. As said earlier on, the presence of refugees also delayed the day of reckoning for Dr. Banda's Government because the refugees made it possible for Malawi to continue receiving foreign aid (Lwanda, 1993). When Mandela visited Malawi in 1992 Kamuzu dictatorial tendencies were not mentioned. In short, the appalling situation under Kamuzu's 30 years rule can be summarized by what Lwanda (1993) said that more than 280, 000 people had been detained and that the numbers of prisons were more than that of hospitals. No wonder some respondents in the questionnaire on whether the international community must be involved in internal affairs more than 52% think that donor community's involvement is not necessary because as other Members of FGD believe that can have negative impact on the people if the donor community supports the policies of a leader who might at the same time be mistreating his own people. For them donors do also encourage bad governance in countries where they share policy issues with the incumbent⁹.

In this line of thought towards the wave of first democracy, the opposition forces were strengthened by the decision of the international donor community at its meeting in Paris in May 1992 to suspend development aid to Malawi until its record on human rights and good governance was improved (Nzunda and Ross, 1995). Another political observer reaffirmed this by saying that the international community had become interested in respect for human rights and good governance rather than simple anti-communism as the criterion for support, created a powerful tide to carry forward the movement for reform of the political system, (Ross and Phiri, 1998). Consequently, it was discovered that

⁹ FGD with local community members, Chigaru village, 19th May 2013

Germany stopped its aid to Malawi soon after the neurosurgeon George Mtafu was detained (Lwanda 1993). As a matter of fact pressure from the donors compelled Dr. Banda to hold a referendum and later general elections (Magolowondo, 2004). What this means is that the winds of change in Malawi on the onset of democracy can as well be attributed to the change in the role the donors played otherwise nothing could change minus their new strategy.

However, subscribers of one party rule claim that despite disparities that appeared in executing justice to the people using formal courts the existence of traditional courts however managed to balance these court rulings in the sense that they offered judgment fairly for people and that the rule of law prevailed in communities hence no need for alarm against one party judiciary processes. Contrary to this claim, in 1971 Chief Chikumbu from Mulanje was removed from his position by a traditional court when he ruled and found a defendant not guilty because the ruling did not go well with Kamuzu Banda (Lwanda, 1993). Another contributor added that in traditional courts at that time, ‘the defendant was not allowed legal representation’ (Dzimbiri 1998). This then confirms the fears that members of one FGD had that under Kamuzu judgment rendered by the local courts was in most cases prearranged to deal away with those deemed to be anti-Kamuzu Banda¹⁰. Another Informant also observed that the chiefs who were presiding over cases at the local courts were not trained in law and that the courts were intended to bypass the normal judicial system.¹¹ More importantly, in these courts, the accused were not given legal presentation. The chiefs mostly handled political cases and ultimately

¹⁰ FGD with local community members, Chigalu Village, 19th May, 2013

¹¹ Key Informant Interview, 29 December 2015

they were given what kind of sentence to give to the accused by the powers that were. On this point some key informants revealed that traditional courts were created for political reasons. They went on saying that their major purpose was to try political opponents of the late President. The job of the chiefs was solely to announce the judgment that the Government machinery thought was worth for the criminals hence chiefs just did exactly that¹². This is why Lwanda, (1993) concluded that independent minded chiefs like his own Mwase of Kasungu, Mtelela of Mangochi and Katumbi were replaced after questioning his right to interfere in traditional matters.

This study found out that during the one party era there were so many cases where by the court rulings were either disregarded by the executive arm of government or overruled. This action rendered the promotion of the rule of law difficult to achieve. The survey results reveal that more than 65.6% of the people believe that the courts were not free from the influence of the executive arm of Government under Kamuzu's thirty years rule. This then reaffirms the expression that one key informant said that 'the judicial system under the one party regime was submerged in the executive arm of Government and that all what the courts did was to do according to the needs or directives of the executive arm of Government.' This for him was reason enough that there were many deaths and detentions without trial during Kamuzu era and different abuses of human rights by the one party regime¹³. This period was also characterized by cases where Kamuzu could go against the ruling of the courts. It was also pointed out by some FDGs that indeed

¹² KII with a Party Official, 24th May, 2013

¹³ KII with a Party Official, 20th May, 2013

Kamuzu did not respect court orders at all¹⁴. This could be connected to the message that Kamuzu made to the Law Society of Malawi by F.L Makuta sounded the same disregard for the legal system saying ‘he wants the Law Society to know and accept that by the will of the people of this country and by such grace of the Almighty he will die in the office of the President of Malawi and will continue to rule as life President. With this he was referring to his status as life President as voted by the people in the MCP of which the Law Society was not in favour. This is very problematic within principal-agent theoretical framework because the ability of Courts to mobilize the people against the Government means that Government disobedience of the courts decisions or even the Police carry potentially severe consequence (David, 2009). Some of these consequences can be seen in a country by having bad governance record where decisions made by the courts, Police or any other arm of Government is rendered null and void by the executive arm of Government. This disregard happens more often than not when the decisions do not favour the ruling party.

From these findings therefore it can be concluded that people living in a community are bound to face conflicts due to differences in interests. Therefore, the need to put in place a mechanism to settle such conflict is a prerequisite for each community. The second arm of government called judiciary is the mechanism used all over the world to settle disputes for it has the capacity to interpret laws and judge different acts of people in the community to determine their actions as being legal or allowed or illegal not allowed depending on what the country’s Constitution stipulates. The judiciary here falls within

¹⁴ FGD with community members, Chigalu Village, 19th May, 2013

the principal-agent trap in the sense that in this case the Government becomes the principal-where as the judiciary takes the role of the agent. This affects the independency of the judiciary because in most cases it acts according to the will of the principal. Yet for good governance to prosper it is required according to this theory that the agent remains independent because his existence is for the sole purpose of controlling the principal. The judiciary using the legal system is mandated to control the powers that may be from abusing their powers against its own people. This is why the judiciary is constitutionally mandated to do so independently without fear or favour. Bad governance crops in when judgment offered by the institution is either overruled or not respected by the powers that may be.

4.1.2 Assessing the Performance of the One Party rule in respecting the Constitution

The Constitutional observation with the 1966 Constitution has something to do with the powers that those in leadership positions had to amend the Constitution. The concern here is making those amendments to favour the interests of the powers that be. An example was given by a key Informant that the attempts to change the constitution in 1983 was made to allow John Tembo whose niece married Kamuzu Banda become Prime Minister yet this was not provided for in the constitution. The study findings indicate that during one party rule it was very common to amend the Constitution. According to the survey respondents more than 85% of the respondents indicated that indeed there were amendments to the Constitutions under the one party rule that would affect people's lives negatively or positively.

4.1.3 Assessing the Performance of Multiparty Regimes in Protecting Human Rights

Concerns in general of violating people's rights under the democracy have been obvious according to the results obtained after this study, though having the one party rule as the worst culprit did not mean that the multiparty rule did not violate people's rights. The only difference according to the study findings is the extent of how the violations have been. Otherwise both one party and democratic regimes are prone to the same. Many cases can testify this claim with examples given by some participants in the FGD's indicate that people's right to life were indeed violated by UDF's democratic rule citing examples when there were rampant cases of breast cutting among women. This claim then tallies well with the allegation that Evison Matafale a famous reggae artist was arrested for authoring a highly sensitive and defamatory letter against the leadership of Malawi (Chanika, and, Muula, 2004) and died later under dubious circumstances in a Police cell. This according to some FGDs then confirms that despite the fact that freedom came for the people of Malawi still more people who spoke against the ruling democratic party faced death as much as it happened under the one party rule. In fact some participants in the FGD's complained that freedom that most people claim in democracy does also trample upon the freedom of others. This for most of them means that when others try to exercise their democratic right they sometimes also violate the rights of others in the process. Freedom then has been misunderstood by many people in democratic era. The freedom without limits in democracy brings the country backward.

Still on people's rights during democracy, sentiments by members of the FGDs show that this was as well poor though we became a democracy. They gave examples of cases of insecurity when instances of breast cutting among women were rampant in some parts of the country.¹⁵ In fact, people even in democracy still fear those in power and hence they do act out of fear even in democracy. The democratic freedom then according to them does not benefit ordinary people because if an ordinary person talks ill of those in power he or she gets in trouble as was the case during Kamuzu regime.¹⁶ The arrest of a prophet who prophesied the death of Bingu Wa Mutharika is a good example and the surrounding circumstances that led to the academic freedom saga that came in just because a lecturer Blessings Chinsinga spoke ill of a sitting Head of State was another reference point aired by members of the discussions¹⁷.

According to the study findings, comparatively both democratic regimes were given higher confidence in terms of judicial freedom having first democracy scoring slightly higher than second democracy with the margin of less than 5% but for both just above 50% that the two democracies were more on the right track in terms of giving judicial freedom unlike the one party rule.

Even during democratic dispensation as was the case with the one party rule the role of chiefs has also been politicized as many participant in the FGD contributed. Phiri (2007) said that the colonial powers and Kamuzu Government treated chiefs as public servants

¹⁵ FGD with Community members, Chigaru, 19th May 2013

¹⁶ FGD with Community members, Chigaru, 19th May 2013

¹⁷ FGD with local community members, Machinjiri, 18th May, 2013

who support the Government of the time. In a similar fashion, Presidents Muluzi and Mutharika elevated many chiefs to senior ranks for political reasons. In fact, most members of the FGDs were saddened by the fact that President Mutharika used to parade chiefs to endorse his policies. E.g. the issues against the Kwacha devaluation came out strongly. This then made Phiri (2007) conclude that chiefs were misused at local levels to strengthen the parties that do not have roots in rural areas. According to the Chief's Act, the President may from time to time by order declare or alter the boundaries or sections and subsections and may create new offices of paramount chief, chief or sub chief and assign to such offices such area of jurisdiction as he shall think proper. It was also shared during FGD that many chiefs were being used by the first democratic leadership to mount support for the third term bid which eventually failed¹⁸. Powers given to the President here may be used to gain political mileage using chiefs. The observation has been that this existed even during all the three regimes under study.

Subscribers of democratic regime claim that today our courts have been liberalized unlike how they operated during the one party rule. The coming in of democracy then with normal courts as it is all over the world was thought to be a solution to the challenges faced by the courts that existed under Kamuzu regime. This is why despite the fact that local courts were abolished as being weak another Key Informant observed that the so called educated courts we rely on under democracy have also failed Malawians to give them hope for good governance. This according to the informant is the case because nowadays in most cases our courts do delay cases unnecessarily long. This according to

¹⁸ FGD with local community members, Chigalu Village, 19th May, 2013

him challenges the whole purpose of upholding the rule of law in the country. He went on arguing that imagine the case that takes more than five years to be concluded. He wondered as to what happens when suspects die while their cases are still in court. The informant complained as well that what will become of cases whose witnesses die. Where will they get evidence? For him he concluded this entails a very big setback in how current court proceedings render justice to the offended.¹⁹

Another notable example expressed by another Key Informant against judicial system is the treason case involving Former Vice President Cassim Chilumpha and friends that also started at the same time but up to now no proper direction is seen. This then confirms the fears that people have now that since the demise of Bingu treason charges against Chilumpha and friends might be dropped hence Government will pay a lot of money to them in form of compensation. What this means is that ‘justice delayed is justice denied’ hence poor governance record for Malawi when most crucial cases in court are delayed unnecessarily wrong.

Another issue to do with our democratic judicial system enacted during the first democracy but also applied by the second democracy has much to do with the independency of the judiciary. One political commentator found out that the President does have some powers whose exercise could interfere with the independence of the judiciary. According to him to some extent the powers granted by the Constitutions enables the president to remove any judge of the high court and appoint him elsewhere

¹⁹ KII, 29th December 2015

(Chijere, et al, 2003). In fact, within the judicial system is the fact that judges are appointed and paid by Government. This once again reaffirms the fear that some key informants raised that indeed even under democracy the Presidents holds as much powers as Kamuzu had that make it difficult for our courts to operate independently. A good example in point was despite the fact that the court had convicted gay marriage couple, President Bingu wa Mutharika pardoned them (Mzungu, 2004). In 2004, the Speaker of Parliament under the UDF rule Sam Mpasu had also observed bad trends within the judiciary when he complained that since 1994, Malawi witnessed a deterioration of standards in as far as judgments are pronounced by our courts. This went as far as having the three high court judges being summoned by the National Assembly to answer charges of incompetence (Chanika and Muula, 2004). Apparently the judges were accused of different crimes against the majority UDF parliament. A High Court judge lamented this fact saying ‘although I am a judge in this case; I am also accused in the National Assembly. I have a charge to answer’ said Justice Anaclet Chipeta (Chanika and Muula, 2004). If even a judge can be summoned by Parliament, how can the same judge operate freely to decide on cases against the party that holds majority members in the legislature? These powers to the legislature therefore can be misused when what the courts are deciding is against the party in majority.

4.1.4 Assessing the Performance of Multiparty's Era in Protecting the Constitution

Despite the fact that the Constitution exists in Malawi, the practice more often than not tends to be different. Other political observers have also attributed this to the type of

Constitution Malawi has. The 1995 Constitution despite the fact that it was believed to have been a solution to the challenges Malawians faced with the 1966 Constitution, the current Constitution still leaves a lot to be desired. Kishindo (1998) observes that it became apparent within one year of putting the new Constitution into effect that the presidency could not be easily termed. This is similar to the fears people expressed with the 1966 Constitution as alluded to earlier on. This affirms the observation that one Key Informant made that the 1995 Constitution as well gives the incumbent President much powers of authority as was the case with one party dispensation²⁰. In fact, Kishindo (1998) claimed that in the course of 1994 and 1995 while the provisional Constitution was being tried, calls could be heard for more executive powers than that which the Constitution had provided for.

What the study found out is that during the democratic dispensation Constitutional amendments were also common. For example, according to one Key Informant the UDF amended its party Constitution in order to create the post of National Chairman phasing out Party President in order to give room to Muluzi to remain influential after a failed third term plot. The UDF Constitution was amended as well in October 2013 in order to accommodate Atupele Muluzi who was seen as a favourite to contest against other political party leaders for presidency in 2014²¹. This amendment gave room to Atupele Muluzi, son to the former President Bakili Muluzi, to be selected for his party nomination ticket even if he did not meet the minimum requirement²². It is important to remember

²⁰ KII with a Member of Parliament, 24th May, 2013

²¹ KII with a Member of Parliament, 25th May, 2013

²² The Lamp, September- October 2009

that the UDF Constitution says that a person shall only be qualified for nomination for election as Presidential candidate or running mate if he or she (ii) has attained the age of thirty five years. Another amendment was with the Section 64, the recall provision, which was repealed in 1995 Parliament when Muluzi was in office. Another key informant shared that this Section 64 of the recall provision was abolished because the electoral system that we had. According to him, the recall provision could be effected when 100 signatures could be collected by the concerned people against a particular Member of Parliament. In his own words most MPs felt that they would be victimized by this provision if this law was put in place. For them they felt that it could be easy to collect signatures in different places after which the concerned member's seat could be declared vacant and that elections would follow within 60 days. Generally, the belief was that it would be easy for Government to collect signatures against opposition members and similarly it would be very simple for opposition members to collect the same against Government members. Another Constitutional amendment according to Patel (2004) went on noting that the Senate was repealed by a Constitutional amendment, ostensibly on the grounds that a Senate would be too expensive to maintain. In addition to that, it can be observed within the amendment of the Constitution and as well the capacity the Government has had to enact and pass bills even if the outcry from other stake holders suggested otherwise. Under the second multiparty democratic rule the 2010 amendment of Local Government Elections Act gave the President absolute powers to set local elections dates. This then thwarted the whole aim of having the Local Government Elections as the elections kept on being postponed for various reasons yet it is something that is provided for in the Constitution of the land. A good example can be taken from

the Section 65 provision which exists in the Constitution but deliberately or otherwise the powers that be decide to follow a contrary opinion. In fact the challenge with the Section 65 has been the incapacity of the Speaker of Parliament to declare the seat of an MP who crosses the floor vacant especially those who join the Government side. In cases of when he managed to do that, such rulings have been overturned either through injunctions or otherwise. This then benefits the ruling party against all opposition members who want the section applied on Members of Parliament who cross the floor who in most cases are from the opposition to the ruling party. The Speaker of Parliament relies on the attorney general as his legal advisor. If the speaker wants to declare a seat vacant he needs guidance from the attorney general who is appointed by the President himself and Minister of Justice who has often been an MP from the ruling party. The interest of the Minister of justice in this case becomes obvious. Bearing in mind this for the Minister of justice who is a member of the ruling party crossing the floor is to his political party's advantage hence the hands of the Speaker are always tied in this scenario. This is exactly what the principal-agent theory substantiates implying that the Minister of Justice here has his own goals and preferences, which raises the risk that he will pursue his own ends, thus creating the classic dilemma of principal-agent relationship; good governance in this case in form of rule of law is working to ensure that agents act on the principles behalf and not their own self interests (David, 2009).

Another Constitutional amendment can be traced in the second democratic rule where according to the DPP Constitution anybody who wants to stand on its ticket as Presidential candidate must be a member of that party for more than five years. This was

not the case with Peter Mutharika who nevertheless was given the mantle in the long run. The million dollar question then is how do we expect such people who do not follow their party's Constitution to at the end of the day respect the Constitution of the land as a whole? Chinsinga (2010) observes that by 2006, the Malawi Constitution was amended more than a hundred times and several legislative amendments with questionable intents have been undertaken²³. In fact, the Electoral Act was also amended to allow the sitting President to decide when to hold Local Government Elections. 'Indeed the 1995 Constitution of Malawi (which is in use now) has Constitutional amendment provisions that would ultimately undermine the authority and credibility of the Constitution itself if abused (Chinsinga, 2006). Section 46 of the Penal Code was also amended by the Mutharika administration giving the Minister of Information powers to ban the media deemed to diffuse unpopular information to the masses (Cammack, 2011). Amendment was also done to the Police Act giving the Police officers powers to search people's belonging minus prior warrant. The injunction bill and the change of the national flag without enough consultations are good examples on how the amendments were done.

The first example of a situation whereby the Constitution is not respect can be though stipulated in the Constitution the declaration of assets has not yet been put into effect up to date. This is however against the observation revealed by the Key Informants Interviews that were conducted that showed that most of the Members of Parliament did indeed declare their assets. Failure to declare assets by the President then affects the promotion of the rule of law in the country. However, the informants shared concerns that

²³ The Lamp, May- June, 2010

despite having this provision of asset's declaration in the Constitution, the Head of State in the country is yet to honour the Constitutional provision.

During the second democratic rule there was also an indirect ban on demonstrations with the introduction of 2 million Malawi Kwacha sureties in case of damage. This was a blow in the face of the weak and financially handicapped opposition parties and CSOs according to a key informant. In fact, this was against the provision that the 1995 Constitution gave to all Malawians a right to demonstrate peacefully in case they are not happy with something.

The survey results showed that despite the fact that the Flag was changed without a referendum most of the people did not support the Flag the Government had introduced then having more than 82% of the respondents preferring the original Flag we had. One other thing that we have failed democratically is to respect those sections that can be amended by referendum e.g. the Flag change can only be amended by referendum yet we saw the second democratic leadership changing the flag using its majority presence in the August House. Such acts then made one informant complain that indeed all the three leaders Malawi has had have powers and choices of which laws they want to obey or not. For him this then defeats the whole purpose of having the laws in the country. This in short means that the performance of the three regimes did not promote good governance in Malawi.

The table next page shows the findings of the study in general comparing the one party and the multiparty regimes capacity to promote rule of law in the country measured using

human rights violations cases and Constitutional amendments frequencies. The difference shows that in terms of human rights, the worst culprit was one party rule. On the other hand democratic regimes were given more or less same levels of confidence. But on first and second democracy Constitutional amendments were common having 84% and 86% testifying to this while under one party rule had about 40 saying yes the one party regime indeed made a lot of amendments. Almost 30% as well did indicate that they did not remember whether the Constitutional was amended or not.

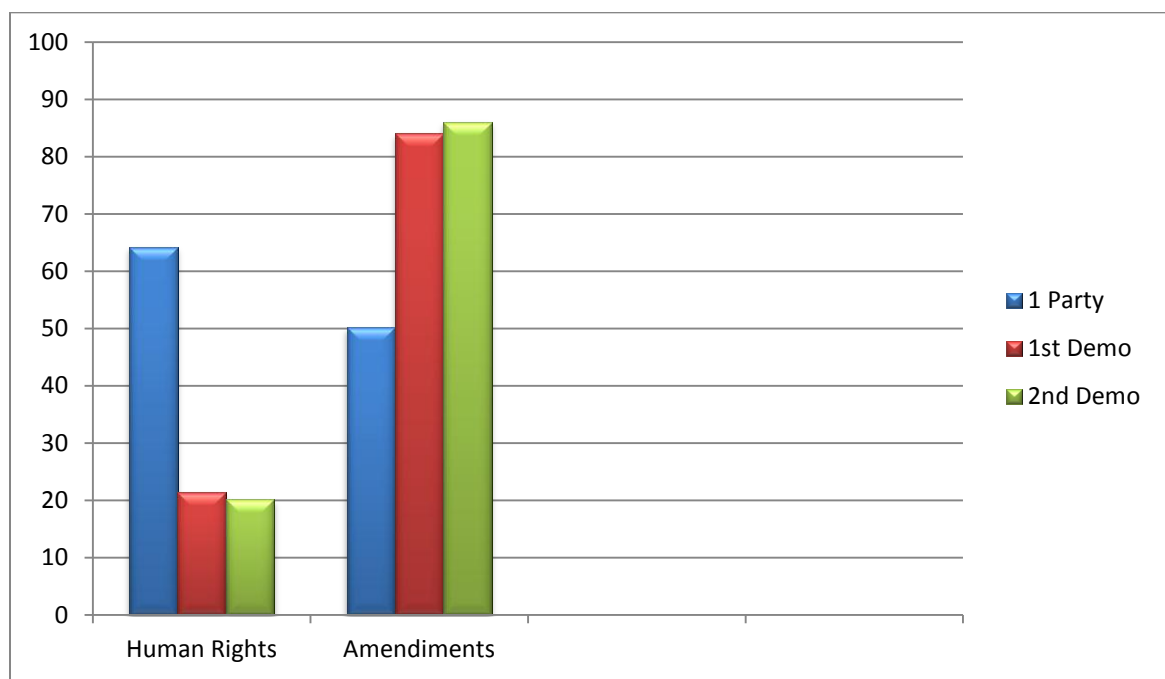


Fig.4.1 Survey results on political regimes performance in promoting rule of law

This means that the results indicate that the human rights situation under the one party rule was far much worse than the other two regimes which were democratic. The Kamuzu regime was also faulted as lacking human rights respect having threatening, intimidating and killing those of contrary opinion as another major weakness of the regime. It is in this regard that both multiparty democracies performed better despite the fact the two democracies were found out to be good at Constitutional amendment because the new Constitution gives them the mandate to do so. This made it possible for the powers that be to pass unpopular bills mentioned in the previous section into laws some of which, led to bad governance.

Having discussed both regimes in terms of their capacity to maintain the rule of law it became obvious that that the Constitution plays a vital role in stopping or allowing government to use or misuse its powers against its own people who are the electorate. Bearing also in mind the fact that the Constitution carries the aspiration and interests of the people hence government policies and activities should aim at advancing those interests and aspirations. The implication in this regard is that the strength or weakness of the Constitution therefore affects how well or bad a government can use the same to foster protection of the people referred to as the rule of law in legal terms.’ This means that in terms of rule of law the three regimes despite having the capacity to maintain the rule of law were not perfect.

The other problem that was seen in democratic regimes was that having a Constitution was one thing but doing what the Constitution stipulated was different. What this finding

indicates is that even if we may be democratic the spirit of limiting the powers of the ruling Government which according to John Locke has been defined as Constitutionalism has been a problem. Yet it is believed that Constitutionalism is an essential tool to achieve public accountability, the end of which is good governance. In fact, in the fulfilment of another tenet of good governance it is noted that when constitutionalism is achieved it is expected that rule of law is also existent in that context (Saha, & Chakravanti, 2004). Both the 1966 and 1995 Constitutions have similar weaknesses; one of them being that both Constitutions give much powers of authority to the President. Another important move towards good governance in regard to the rule of law must be to stripe the President some of his powers such as an appointing authority and decider of date of elections or powers to elect people in some senior public positions.

The democratic system is also prone to be comprised because of the nature of the Constitution we have. In general terms the Constitution of Malawi is very weak in the sense that it is liable to amendment with majority rule in Parliament hence has been abused by those who are the majority in the August House at that time. The sceptics of capacity to amend the Constitution believe that in most cases the amendments were not in good faith of continued commitment to save good people's rights in the country but rather to further the interests of those in powers which could be hindered by the status quo of the Constitution without the intended amendments. It is important therefore to maintain what is stipulated in the Constitution. In addition to that, some sections of the Constitutions should only be amended through referendum. This means that major Constitutional amendments must call for referendum to hear people's views. In fact, other

political analysts such as Joseph Mandala (2005) propose that the judiciary must be involved in either validating or nullifying the amendment made by the legislature. This third arm of government can 'also use its powers of interpretation to argue that though the amendment allows the necessary required procedure it negatively affects either the material substance of the Constitution or the weak permanent minority or is contrary to long term cumulative interests of the people there by rendering it null and void.

To summarize these arguments therefore the existence of the judiciary as the third arm of government is very crucial. This is the body that interprets the constitution as well as acting as the whistle blower whenever people's rights are trampled upon. This brings back to life the principle-agent theory because the theory draws attention to the fact that judges do not decide in isolation but are part of a larger institutional structure and that their interaction with other actors in that system also influence their decision making (Pauline, 2011). The implication therefore is that the principal-agent relationship between the judiciary and the government in power is conceived as a contractual one in which the principal payoff is affected by the agents actions and in which the principle delegates decision making authority to the agent (Pauline, 2011). In short, what the theory is highlighting in this scenario is the existence of value conflicts within the judiciary system (Pauline, 2011). This is what affects good governance promotion as we have seen be it under one party or multiparty regimes. This happens when those in authority do influence judicial decisions. It is only the judicial independence that promotes good governance in the sense that it supports popular sovereignty by mitigating the principal-agent problem that lies at the heart of democratic government (Gailmard, 2010). For Malawi to register

good governance the judiciary must be free unconditionally. Having the judiciary is one thing, making it independent is another thing. Thanks to our three regimes they managed to establish the judiciary as third arm of government. However, Malawi has experienced bad governance because the institution has not been independent from executive influence.

In connection to the presence of the donor community some key informants felt that we need them not politically but economically because we are independent politically but we cannot be independent otherwise. The problem with these donors is that they give you not according to what you need but what they think you need. This makes them make wrong intervention by giving us breakfast yet what we need is lunch. This makes us dance to their tunes in order to get aid²⁴. Conclusively, the role of donors in Malawi cannot be over emphasized. The influence of donor funds has been evident under all regimes studied due to how they propose measures or policies to be taken by government. The best way is for donors not to dictate policies in recipient countries and that the recipient countries should use constituencies to hear people's views on issues that are pertinent and that need immediate attention. There must not be very many detailed conditions on their aid so that local authorities can decide on what affects the people best.

The above scenarios confirm that both systems be it one party or multiparty can be manipulated. Bearing this in mind then it is safe to conclude that though democracy was like a better option for Malawi after 30 years of dictatorship it seems that the system as

²⁴ KII with a Party Official, 20th May , 2013

well has had its own weaknesses hence whenever it was not checked, the same was responsible for bad governance in the country especially considering the nature, contents and provisions of the Constitutions. Though having the one party rule as the worst culprit this did not mean that the multiparty dispensation did not violate people's rights. The only difference is the extent of violations otherwise both one party and democratic regimes are prone to the same. The principal-agent dilemma will be addressed when the Constitution is respected. Donors play their rightful role and more importantly when the judiciary remains independent. This will be possible because where the principal (citizens) fails to check the agent (government) these instruments become the only option that does the checks on behalf of the principal.

4.2 Comparing the Performance of the Three Regimes in Promoting People's Participation

The significance of good governance in its quest for the promotion of people's participation is to give ordinary people a chance to contribute to the social, economic and political activities of their country. The platform for this is provided for in different ways according to the literature review provided in Chapter two. The indicators of people's participation can be assessed via people's capacity to participate in Political Party Activities and more importantly the capacity to be heard of different organization such as Government created bodies, Non Governmental Organizations, CSOs. People's participation through political parties in Malawi is vital in seeing whether people have the platform for their contribution or not. There have been so many political parties that have seen the light of the day in different countries. Some parties have survived while others

only to disappear after a short while. Such has been the case for many years and for many political parties around the world and Malawi is no exception to that fact. This is exactly how the principal-agent theory puzzle between the citizens as the principal delegate powers to the agent (political party) is addressed when Heller (2013) suggested that parties serve as agents of the electorate to design broad policy agenda and to compel elected officials to implement these programs. In this fulfilment people's participation is manifested. More importantly participation is assessed by analysing the contribution of the minority groups such as the women and the youth just to mentioned but a few.

4.2.1 Assessing People's Participation during One Party's Rule Using MCP as a Platform

4.2.1.1 Party Meetings

According to participants supporting the one party era during the FGD's, Kamuzu's one political party is believed to have been the party of the nation in the sense that conventions for MCP were rotating from one region to the other. A former party official of the one party era believe that this was promoting unity in diversity in all regions and that all Malawians had a chance to participate in party functions. Others contributors have observed that regular party conventions have been a feature of the Malawi Congress Party since its formation by the late Orton Chirwa and others in the late 1950's. Common examples are elections within the party that took place in 1994, 1997, 1998 and 2001. These elections took place in different regions. However, of the contrary opinion is Chiweza (2012) who maintains that in reference to the claimed participation within MCP functions, delegates simply spent the week competing with each other on heaping praises

on the policy proposals as flagged by the President in his opening speech. This then defeats the whole assertion that during one party era people's participation was commendable.

4.2.1.2 Women Participation

Supporters of Kamuzu's one party rule assert that even during the one mighty MCP the marginalized in society had a role to play especially women who were given a platform for their contribution in the social, economic and political activities of the country.²⁵ Despite the fact that the 'oppression of women is the oldest oppression in the world' (Chinoko and Ngulube, 2003). One party subscribers believe that under it, women participated at all levels of political life in Malawi having the CCAM as their mother body and figure head (Chinoko and Ngulube, 2003). The creation of CCAM according to one party advocates was used as women platform for enhancing their participation. This then makes supporters of the one party era claim that in as far as good governance is concerned in relations to women participation, and then the MCP era performed well. According to one Key Informant, Kamuzu was a very clever leader in the sense that most of his decisions passed through women in a secret way and that he called them 'mbumba'²⁶. This for him is not the case in democracy as he asserted that very few of them give their opinion hence their impact is limited to the educated women. This according to them was not the case during Kamuzu's time. However, some women who took an active role in these women activities under CCAM had a contrary experience. This can be confirmed by a woman who gave an appalling experience saying, in the

²⁵ FGD with Community members, Chigaru, 19th May 2013

²⁶ KII with a Member of Parliament, 24th May, 2013

CCAM gardens they worked like slaves. Another woman's point did not confirm the claim that they contributed using the CCAM as the platform by affirming that in the CCAM meetings, they just listened and contributed nothing as if they were idiots (Chinoko and Ngulube, 2003). It is also worth noting that in 1984 only 1% of women in the country had attended secondary school education and that women planning and policy making was 0 % when 52% of the population were women (Chinoko and Ngulube, 2003). Yet, the 1948 Universal Declaration of Human Right gave equal rights to education for all. This is in tandem with what the FGDs revealed especially on the positions of women under Kamuzu regime. Most women complained that under the one party rule they were in most cases abused by those in leadership positions either sexually or otherwise. Some women revealed that they were in other instances forced to sleep with party leaders when they went to cook during party meetings. It was revealed that during the MCP era they were being forced to dance at party functions, even to the point of leaving their husbands sick at home. They were called 'mbumba za Kamuzu' literally means the children of Kamuzu's family. This then implies that women participation was not actually there but that in most cases they were used as objects to satisfy men's needs.

4.2.1.3 Youth Participation

In relation to giving the youth the platform, one member of the concerned political party made an open rebuke of the one party regime that despite the fact that the regime did its best to empower the youth, the fact that these very youth were given guns and that they were in the fore front in the disputed MCP Membership Cards scam under one party rule was a very disservice to the youth of Malawi. In another FGD, one participant who

happened to have been a member of the MYP added that despite all the bad things associated with MYP, he managed to get skills in mechanics. Others got many other skills despite the fact that they did not make it to the university. For this participant, not going to the university, did not make most of them poor because the MYP policy helped him to earn a living and also send his children to school. For him youth's contribution to the country's politics during the one party era cannot be overemphasized. Similar sentiments were as well expressed by the majority of the FGD's that youth played an important role under the one party rule. They said that the youth were experts in different fields such as mechanics and carpentry. This then fits very well with what another Key informant noted that indeed the Youth program in Malawi was based on Ghana Young Pioneers whose aim was to spearhead youth development in Malawi as it was in Ghana.²⁷ The Key Informant confirmed that the youth program, had training bases in all districts and that the youth had a lot of opportunities. He went further saying that no democratic regime has matched this youth program under the one party regime. He however lamented that the program was also political and this is where when democracy came in it could not be sustained.²⁸ According to this Key Informant, Youth week was time for voluntary work among the youth which demonstrated clearly their role in the social, economic and political development of the country. Youth were involved in a lot of activities within this week which disappeared with the coming in of democracy; the spirit of volunteering without cash is no longer there. People work t\on when they will get something from the authorities. The problem according to this Informant with multiparty regimes is that there is lack of special programs for youth yet they are the majority. The

²⁷ Key Informant Interview, 29th December 2015.

²⁸ Key Informant Interview, 29th December 2015

challenge is if the youth have nothing to do. They themselves find something to do. This is why sometimes they are misused by political powers that be to intimidate others especially those with contrary opinion. This was observed under both the first and second democratic eras Malawi has had so far.

Here is the summary how the respondents to the survey questionnaire responded to the question on their evaluation on how women and the youth contributed to the social and economic development in our country under the three regimes.

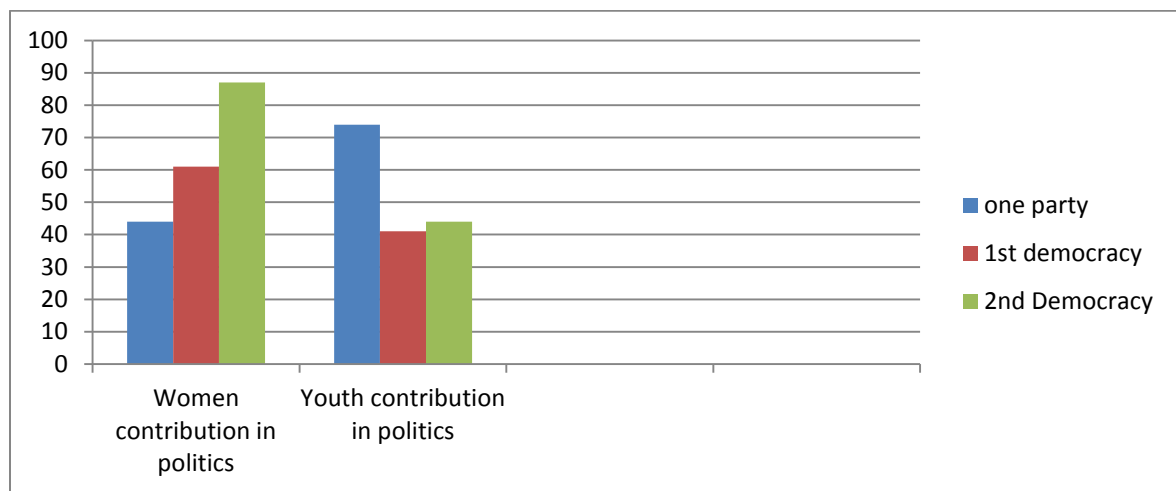


Fig.4.2 Participants Evaluation on People's Contribution under the Three Regimes

This means that the role of the youth despite being brutal under one party rule the respondents still appreciated their contribution in youth week and also in Youth League and MYP as sources of giving them technical training unlike today where they are being misused by the powers that be. Different for women though, the second democracy scored highest as the Vice president was a woman who is the immediate former President.

4.2.2 Evaluating the Performance of Multiparty Regimes using different Political Parties as a Platform

4.2.2.1 Party Meetings

In both first and second democracies, the Political party strongholds have been characterized as regional based unlike during one party where the MCP was considered national and that members of all regions were forced to belong to it. As alluded to earlier on by some members of the FGD's, Conventions for the MCP were rotated in all regions unlike Malawi's Democratic Party meetings. They continued saying that this is unlike what happens today where by convention for these democratic political parties take place in their regions of strong hold. This was also noted by One Key Informant who added that for example the Alliance for Democracy (AFORD) has never had any convention outside the north. The same happened with DPP and UDF. In fact, in almost all FGDs and KII, this fact was repeated several times that indeed these parties did/do have regions of strong hold. Most Key Informants believe that the number of conventions has been on the decrease with the coming in of democracy yet some political analysts believe that conventions are useful for party bosses to exchange notes with cadres and to breathe new life into the party.

There has been a complaint expressed by a few Key Informants that most parties find conventions as being a very expensive exercise. This means that though there exist some form of a Political Party Act, this act only regulates how parties become registered and not how they are internally governed (Svsand and Khembo, 2004). This is a set back

because if internal squabbles in the parties are not addressed, their contribution at national level will as well be affected (Svsand and Khembo, 2004). Additionally, the UDF Constitution only allowed a serving member of the party for more than 20 years to be eligible to stand as its presidential aspirant on its ticket.²⁹ Ironically, while Bingu was elected, Ken N’goma who joined UDF at the same time as Bingu was denied a chance to contest as Director for Youth saying ‘he was a stranger in the party’³⁰.

Other notable examples given by some Key Informants are Kamuzu was invited into the MCP as a leader the party he did not form and that. Bingu became a torch bearer of UDF the party he did not find. The consequences of such acts were cabinet crisis and ditching of the party that led to cry for Section 65 which was costly.³¹ Peter Mutharika a brother to the then President was endorsed by the DPP with the nod from the President there-by downgrading and suppressing any contrary opinion. This then explains that an election at a party level during conventions is in most cases just a formality. For Atupele Muluzi, it was obvious that he would carry the day despite the fact that the UDF Constitution barred him; Peter Mutharika was also likely to win over Henry Chimunthu Banda when the DPP held its convention. It was also clear from the onset of the PP convention that the torch bearer for the party would be Joyce Banda. In fact, another Key Informant said that he left the MCP because his opponent in the party rigged primary elections and this forced him to join another party on whose ticket he made it to Parliament. This then shows that sometimes having poor primary elections affects choices given to people. People’s

²⁹ The Daily Times, July 4, 2003

³⁰ The Daily Times, July 31, 2003

³¹ The Lamp, September- October, 2005

choices must start to be seen at party level during primaries otherwise imposed representation breed bad governance. The Key Informant however was quick to point out that switching political parties is not mostly out of choice of what these politicians believe in but there are inclinations to particular political parties.

As a conclusion to these findings therefore, there is a challenge for the democratic political parties according to sceptics of democratic dispensations that democratic political parties have had poor reach to the electorate. According to these people, their main agenda is just to unseat the incumbent leader otherwise they have no clear manifestation and agenda principles to follow. The contribution thus of the people in democracy is not as good as the claim given by those participants who support the democratic dispensation.

4.2.2.2 Women Participation

During the third democracy, women participation was also limited to dancing as was the case under the one party rule goes the claim by most participants in the FGD's. The same women held similar roles to those of Kamuzu. They were called 'Amai a Bingu m'Boma ndi m'Chipani' which literally means, 'Women of Bingu in Government and DPP. This implies that in most cases under both one party and multiparty democracy women are mostly used as dancers during party functions mostly donning party colours. This is why Chinoko and Ngulube (2003) concluded that the women of Malawi proved to the nation that they were the wisest of the wise. They sang and danced 'NO' to the introduction of

multiparty in Malawi; during the voting exercise they sang and danced 'Yes' to the introduction of multiparty in Malawi.

4.2.2.3 Youth Participation

The claim by most participants in the FGD says that only few of the hold decision making positions in democratic regimes hierarchy hence they do not participate significantly in decision making processes in their political parties. Some participants in the FGD's suggested that not many of them become MPs due to lack of financial stamina and other related reasons. Ironically sceptics of democratic era believe that it is during elections that the youth are used positively as they are in majority hence bring in more votes for the party in question. According to one key informant the same attitude was showed towards the youth where most of them did the dirtiest jobs the parties wanted to do, especially silencing the opponents. He goes on saying that this is why they have existed since post-colonial rule of Kamuzu Banda and the difference has been that they have carried different names yet performed similar functions. In the UDF there were Young Democrats, in DPP Youth Cadets in MCP Young League and in PP Young patriots.

4.2.3 Participation through Elections during One Party

People's participation in politics has emerged as a major ingredient in promoting good governance. But little has been explained on how elections can positively or negatively influence people's participation. The principal-agent theory in one way of trying to assess challenges perpetuated by elections proposes different electoral systems as preferences over other systems.

To begin with, an election refers to the steps that are followed when conducting an elections e.g. counting of votes to decide the winner and losers of something. This can be determined by using different systems such as plurality system as is the case here in Malawi, which is famously called FPTP and other systems such as proportional representation which is believed to be used as means of enhancing fair distribution of seats in Parliament that cannot be achieved by the Malawi system highlighted above. Once again, the electoral system is another factor that affects the promotion of good governance in Malawi in as far as participation of the people is concerned.

Obviously, during the one party rule, it was the MCP that took the centre stage of all political activities. The MCP was in charge after the banning of all other political parties after the 1964 general elections. The problem with this is that it does not allow competition of various political parties in terms of policy articulation and interest's aggregation. This means that there is no competition of policies which can wrestle for supremacy in order to control internal conflict of interests in the country. With elections organized under Malawi's one party leadership, the electorate did not have a chance to elect a Government and leaders of their choice but rather those deemed fit by the MCP machinery and endorsed by Kamuzu Banda (Mzunda, 1995). This is against the social contract theory that was aimed at protecting an individual, in this respect, the voter from the chains of government. When the individual enters into the social contract he or she does not place himself or herself entirely at the mercy of the state as a representative of the majority interests. It is important to note that proponents of one party regime of Kamuzu Banda claim that under it there were many elections that gave people a chance

to participate in politics. This is with reference to the elections of 1961, 1971, 1976, 1978, 1983 and 1987. For them, this means that people therefore contributed in social, economic and political activities hence good governance record was good then. The electorate, according to them, managed to put in leadership position people of their choice. However, Nzunda and Ross (1995) challenged this claim when they observed that during one party rule Presidential elections were abolished in 1971 during DR. Kamuzu Banda by providing for his life presidency in the 1966 Constitution. This would mean a political institution helping the electorate choose their office bearers, more importantly people to represent them. However, sceptics of one party regime contend that these 'elections were not elections per se as in most of the elections many candidates went unopposed and that physically the elections never took place. This refers to the elections of 1964, 1971 and 1976 where all candidates went unopposed hence people never went to the polling stations to vote. Finally, these candidates were declared winners in their respective constituencies. In fact, in all the above mentioned elections there were no campaigns for different posts and that all candidates were members of the MCP. This meant that people practically did not have a variety of candidates to choose from in a free and fair manner. This then for subscribers of democracy defeated the whole purpose of having elections under the one party rule.

4.2.4 Evaluating People's Participation through Elections during Democracy

Advocates of electoral system change in Malawi have found out that the problem with Malawi's current electoral system is that 'winner takes it all.' That is why others propose proportional representation of seats in the legislature. According to them, seats in the

August House should go to a political party with most popular vote country wide. This for them can give a chance to those parties that would not have majority votes be represented in the National Assembly as well unlike the current scenario. This implies that good governance has been failing in our democratic Malawi due to the electoral system that is in use now. Sceptics of FPTP believe that this electoral system enhances the existence of bigger or famous political parties, which undermines the representation of smaller political parties. E.g. currently, there are more than 50 registered political parties but not all of them are represented in Parliament. In fact, less than 10 of them have representatives in the legislature. This means that the promotion of good governance is failing due to the electoral system when the voice of the minority (smaller political parties) here is not heard. This means that Malawi's democracy does as well fail to promote good governance. In that regard, Chigona and Tenthani, (2004) on the electoral system after 2004, elections contended that if it were PR, the results of the elections could have been the same while the outcome could have been different. This meant that other parties could at least get representation in the August House having had a chance to amass a number of votes despite losing the elections to bigger and more famous political parties.

Another worrying fact has been that, with elections in Malawi's democracy, there is no legal possibility to complain as was observed in the 2004 elections in Malawi when the then Leader of Opposition John Tembo challenged the results. Another challenge to these democratic elections has been that the playing ground has always not been levelled for all to contest in a free and fair manner. This is why the past three elections have been

contested by the losing political parties though at the end of the day they did not win their case in the court of law. However, the electoral system we have is believed to be very simple and not expensive means of electing office bearers in a country that is in deep poverty and where illiteracy levels are still high. This for supporters of FPTP means good governance whereby the little resources the country has are used effectively to give a chance for people to participate in politics through voting instead of wholly denying them this Constitution right.

The majority rule syndrome is another issue in Malawi's electoral system. This becomes a problem when the opposition is in majority or otherwise. The principal-agent paradox here is that a party organization is instrumental for controlling the flow of Parliamentary work (Heller, 2013). The theory, therefore, realizes that one group has the capacity of using its numerical superiority to influence parliamentary decisions that can be detrimental to the citizenry. A good example was when the opposition was in majority in Parliament after the 2004 elections. This scared the ruling DPP to hold the much needed and awaited for Local Government Elections. In the majority syndrome, the same can be abused and misused in different ways. For example, in the run up to 2009 elections MBC TV and MBC Radio did not receive any funding. This was so because of the majority in Parliament who faulted the two broadcasters as being biased towards Government rose against them. The majority in the opposition namely the UDF members after the 2004 elections affected the performance of Bingu Wa Mutharika administration. It was very difficult to pass the budget of which government depends to run its affairs. This majority becomes a problem to the ruling minority. This happened again in 2004 when the DPP

was in majority in Parliament and managed to block some bills. In addition, a further weakness of the majoritarian democracy lies in its disregard of minorities and the absence of a mechanism to integrate reliably those that lose out from a vote or decision (Manfred, 2002). Manfred (2002) believes that non-majoritarian democracies are better at integrating opponents.

The same happens as well when the ruling party is in majority as it was after 2009 elections whereby the DPP for Bingu Wa Mutharika had an overwhelming majority in both Presidential and Parliamentary elections country wide. The results were as follows: The DPP scooped 113 seats of the total 193 and the MCP got only 25 and UDF had 17, and finally the independent got 25 of them. Unfortunately, these independent MPs in most cases sided with the ruling party (Magolowondo, 2009). This made the DPP majority more decisive than ever against the minority opposition, which in this case was very weak. Kaufa (2009) observed that the same period saying, with a current Parliament dominated by the Democratic Progressive Party, the trend unfortunately, is the passing of bills with absolute absurdity (Kaufa 2009). Malawi's electoral system of 'winner gets all' affects the representation of the minority be it the opposition or the ruling party. The Police Bill was passed by majority Bingu administration that allowed the Police to invade and search in people's homes without a warrant. This affects arbitrary arrests or interrogations of those who openly criticize the government. The country's Flag was as well redesigned at the dismay of many Malawians. This as well brings in the possibility of having a political party taking majority seats in Parliament but does not form government. Ironically, during the same period, the bill was passed to allow girls get

married at the age of 16 yet at the same time the performance of Malawi in terms of literacy levels especially for girls remained poor. Granted that in general there may be some practical sense in making the will of the majority the cornerstone of a democracy we must at the same time, realize that not only may the majority be wrong but also that there are certain area of individuals human activity in which the view of the majority need not have a role (Kanyongolo, and Nzunda, 2004). The danger is that the majority rule in a poor country may mean rule by people elected by a misinformed electorate. An electorate can easily vote on the basis of election handouts or other not so important issues like region, religion and tribe.

Sceptics of our electoral system (FPTP) hold that the electoral system has contributed to the development of a regionally based voting system in Malawi, (Bakken et al, 2007). This is where advocates of Proportional Representation as an alternative to the FPTP in Mozambique showed that Raul Domigo's preference for Proportional Representation was clear when he said 'of course we were going to lose the elections. The proportional system would be a guarantee that even if we lost the elections we would get some representation in parliament (Navuga, 2006). This then sounds a basic ingredient for good governance having the minority voice being represented in the August House using Proportional Representation electoral system not the current FPTP that is in use in the country. A good reference point can be in Mozambique where a political party that loses all seats in each and every constituency still is represented in Parliament (Navuga, 2006). He gives an example of the Democratic Union (UD). This scenario explains the fact that this electoral system does in way promote good governance performance in as far as

tolerating alternative opinion or representation of the minority group is concerned. In fact, with proportional representation the winner does not take all and the loser is not left with nothing (Navuga, 2006). Using the new system then will guarantee Malawi an electoral system that can enhance good governance unlike the current one.

From the evidence above, it is safe to conclude that the legislation of more than 50 political parties is a good example towards political pluralism. That is why Malawi is called a democracy. Taking opposition members as enemies makes the tenets of good governance of incorporating the voice of the minorities and contrary views in particular and people's participation in general not attainable in a democratic Malawi. This has made it very difficult for other players in social, economic and political development to play their meaningful roles. There must be co-existence between Government and the opposition. Tolerance must be encouraged at all levels in both government and the opposition because mostly the opposition is referred to as the government in waiting. If other political parties would take part in instituting cabinet, it would be very important than the mostly appeasement policy taking place under our ruling parties. It is high time opposition parties realize their weaknesses in terms of strength to unseat the ruling party. There is need for cooperation among them to minimize candidates in order not to split votes among several of them. The Political Parties Act has to be reviewed so that it may guide all 'political parties' internal governance that would promote the adherence to good governance performance. Political parties should also incorporate in their manifestos how they will promote good governance in the country instead of only promising what they will do for the people. This has been the case under all the regimes under study.

Opposition parties play a vital role of good governance performance hence their presence should not be misunderstood as political enemies thus must not be crushed as it was during one party regime. Most party manifestos do not articulate women and youth policies despite having youth and women representatives. In fact, the youth have mostly been abused in UDF and DPP.

Political Parties should be institutionalized in order for them to exist beyond some individuals e.g. founders (Svsand and Khembo, 2004). Normally in multiparty systems, the parties are separated from each other because they have different political objectives (Svsand and Khembo, 2004), which is not the case in our country. The existence of several parties is only necessary but not sufficient condition for characterizing a political system as a democracy. This implies that not only the number of parties determines how democratic a country is but also how they operate (Svsand and Khembo, 2004). Political parties have more than one function as government in waiting. They can also offer alternative opinion through their policies that can be used as a platform for contributing to the country's social, economic and political development. In addition to this, the incapacity for political parties to put in position leaders on merit affects as well how Malawi as a whole can select its leaders who would be able to adhere to principles of good governance or foster social, economic and political development. Parties should indeed give room to new thinking and people; if this succeeds at party level the possibility of having competent representatives at national level is high. People's participation starting point as electorates is well done at party level. This will as well resuscitate their contribution in political issues at national level. The challenge has been

that parties in Malawi according to the study revelations do not subscribe to principles of intra-party governance that is applied elsewhere that would enhance good governance. It is more important that people should have rights in their political parties to participate fully or fight for any position in the party following prescribed rules and regulations. Candidates have to be selected on merit from primary elections if our general elections will have anything to be proud of. Good governance principles of participation, transparency and accountability if applied at party level would go along way on country wide governance performance. This will implant in our people the spirit of good governance that can be applied nationally. Inter party relations should be enhanced as was the case on the onset of fighting for democracy in Africa. Many political parties got support from some well established parties from the first world. This co-existence must continue so that our local parties can mature in ideological presentation.

Thence, this section has raised in relation to people's participation is that the contribution made by the citizens themselves are very necessary bearing in mind what the principal-agent relationships observes that the interests of the principal and agent may diverge; those entrusted with public powers may seek to seize more powers than has been given to them or to turn the power they have been given against the people themselves (David, 2009). People's participation here tries to address the challenge people face of asserting effective control over a potentially treacherous government. The implication here is that when people participate in politics, it means that the interests of the agent, who may be more preferred than those of the principal, are controlled. This is where good governance

comes in when the citizens have the chance of being heard in the day to day affairs of their country.

4.3 Evaluating the Performance of the Three Regimes in Promoting Accountability

Accountability is a key feature in as far as good governance is concerned. This is the case because only when those in leadership positions are accountable would corruption and other malpractices be minimized. The capacity of promoting checks and balances on all what the government is doing by other institutions be it government formed or CSOs, NGOs, Faith Based Organizations, Media houses representing both print and electronic is paramount in good governance efforts. Last but not least, Malawi has other arms of Government such as Parliament and Judiciary that are there for the purposes of separation of powers with the executive arm of government in order to promote checks and balances and also accountability for the powers that may be. The Judiciary has been discussed in the earlier section but Parliament will be looked at in some detail in this section. Finally, we have as ‘Political Institutions’ regulatory bodies for example Malawi Communication Regulatory Authority (MACRA), the Anti Corruption Bureau (ACB), and the Malawi Human Rights Commission (MHRC) just to mention but a few.

The capacity these organizations have in promoting accountability can as well be elaborated with the principal-agent conceptualization of the relationship between various institutions and Government. This is the case because the principal (citizens) is allowed to delegate power to different agents such that institutional mechanism is enacted to limit the ability of agents to act outside the interest of the principal (Heller, 2013). This means

that the goal (Heller, 2013) behind these institutional checks is to limit the damage that an agent can do if they decide to directly act against the interests of the principal. This will in the long run yield good governance in the country.

4.3.1 Evaluating the performance of the One Party rule in Promoting Accountability

Advocates of multiparty rule claim that the one party regime of Kamuzu Banda did not have most of the ‘political institutions’ highlighted above hence primarily in terms of accountability the absence of these institutions implied lack of mechanism for promoting checks and balances for the executive arm of Government. This entails that there was no accountability on what the Government was doing. This can be seconded by the survey results that showed that more than 72% felt that there was lack of access to information or read budget statement. More than 14% did not remember anything. This is a sign that those who were positive on one party’s performance in allowing people access to information as a form of accountability were less than 15%. Sceptics of one party regime believe that the situation under Kamuzu Banda’s one party leadership whereby there was no presence of institutions such as ACB, CSOs and others that would work as watchdogs for government’s day to day activities allowed the one party leadership to do things as it willed against the will of the people it was governing. A key informant told the investigator that it is not true that CSOs were not there under one party rule. This according to him is tantamount to label Kamuzu too much on the negative side. However, the CSOs had many weaknesses unlike today. This can be reaffirmed by Chipeta, (1992) who thinks that between 1964 and 1990, Malawi’s CSOs have invariably been an insignificant factor in the country’s political processes. This was like a blessing in

disguise for some key informants who maintained that CSOs were insignificant fearing that much of the admired developments we have today could not have taken place when Kamuzu was in power if the CSOs were vibrant. He cited the example of the transfer of the Capital City from Zomba to Lilongwe saying that if CSOs existed then they would make too much noise against this move, yet Zomba as seen today is a small district. The district did not have enough space hence it was wise and proper that Kamuzu managed to move the Capital City to where it is today.

According to subscribers of democratic dispensation, during one party era, the only major key institution was the MCP which was considered as Parliament number one (Lwanda, 1993). Its main role was primarily to gather people from all sections of the country to deliberate different policy issues as one way of the people contributing to the issues that affected them hence participation in politics. In the same line Lwanda (1993) found out that by then there was no civil society influence and there was tight control of the media. In fact, Malawi did not have a local television channel till 1999 when MBC TV then TVM was born. In fact, Lwanda (1993) found out that there was no independent radio station allowed in Malawi till 1993. In fact, it was revealed that the only form of media institution that existed was the newspaper and this newspaper was owned by the then President of the Republic Kamuzu Banda himself. This meant precisely that there was no critical debate on various policies and that contribution from other actors was minimal.

Another observation faulted the one party's Political institutions maintaining that those institutions that were present then did not play their rightful role in the sense that during

this one party era most mass circulation media (the Malawi Broadcasting Cooperation (MBC), Malawi News Agency, the Daily Times and the Malawi News were used as propaganda tools for the MCP and its life President Dr. Hastings Kamuzu Banda (Manda, 2004). This means that the monopoly of mass media and censorship board prevented the expression of dissenting views. This is why people paid dearly for their political opinion (Phiri K, 1998).

The argument that there were no other media houses under Kamuzu regime does not hold water after this research because it has found out that there were other independent media houses under one party rule of Kamuzu but their main challenge was that they had to practice extensive self censorship to avoid harassment or even detention (Phiri, K, 1998). A good example was the Montfort Catholic Press that was burnt down for publishing the 1992 Pastoral Letter (Lwanda, 1993).

Lwanda (1993) another contributor on the performance of Kamuzu's dictatorial regime, explained that despite this fact therefore even informal institutions did not prevent Kamuzu Banda from trampling upon people's rights and formal ones have not helped democratic Malawi to enhance good governance performance (Lwanda, 1993). According to him the Malawi Censorship Board was created for reasons of controlling the press in 1968 (Lwanda 1993). He continued highlighting that in fact the censorship board was also a way of controlling and keeping in check intellectual expression within the country's schools and university colleges (Lwanda, 1993). This is what explains the experiences that the country's academicians and those in the media industry had under

this leadership. He maintained that like their academic colleagues, Malawi journalists also suffered terrible hardships under Dr. Banda. The control of the Press was even more brutal, so much that no local papers dared criticize the Malawi Government. He went further lamenting that the institution that was supposed to be impartial like the army was used to hunt the dissidents after the Chipembere uprising (Lwanda, 1993). He confirms this by saying that it was recorded that in March 1990 Police killed more than 20 protesters in Lilongwe. These according to Lwanda were demonstrators after a rich business man had killed his worker (Lwanda, 1993).

Proponents of one party regime claim that despite having bad governance record in relation to various Political Institutions, the performance of the Civil Service was much better than unlike what we experience now. This meant that institutionalizing the civil service under Kamuzu's dictatorial regime brought with it positive results in the sense that the civil service delivered according to the needs of the people of Malawi then. 'It was a very meritorious civil service. People got what they deserved in terms of promotions. All pots were filled by interviews except for PS the only one appointed by the president. The rest was through public service commission. He then complained that with the coming in of multiparty everything changed. The civil service is no longer the same.'³² He also said that the civil service was good because Kamuzu Banda was strict on discipline in the sense that the civil service was highly disciplined, it complied with the Malawi Public Service Regulations which are still there today but not followed by the democratic civil service. In fact (Lwanda, 1993) claims that the public servants were told

³² Key Informant Interview, 29th December 2015.

the civil service is the civil service. He pointed out that those working in the civil service were further advised not to get near any minister; 'no minister should influence you about what you can do'. In fact Lwanda (1999) alleges that the head of the civil service (the SCC) was expected to answer solely to Dr. Banda and any interference from politicians had to be reported to the Ngwazi. This can be confirmed by Cammack (2007) who said that one of her informants affirmed that corruption within the civil service was minimal. Another one went further asserting that it was a dedicated civil service that was clean, efficient and corrupt free. Basically, others claim that the efficient civil service under Kamuzu Banda was due to colonial legacy or system which had white PSs till 1980s. This makes supporters of one party rule against multiparty democracy allege that Kamuzu had disciplined bureaucratic system and that it is the system not the individual that creates corruption. A President has to look after his friends in a multiparty system which for them makes democracy not a performer in terms of maintaining effective bureaucracy that delivers according to the needs of the people. Another Key informant adds that the good performance of the one party era civil service was also due to merit based system whereby it is only the principal secretary who was appointed by the President but the rest had to go through normal civil service recruitment process which had people in their positions on merit unlike today where the majority are filled due to partisan interests. The Key Informant went further expressing that but soon after democracy came in because of mistrust to the old civil servant, most positions were changed and filled by business persons or party loyalists who had no experience on how the civil services works. This for him changed the texture of the civil service. This s for him was reason enough to claim that the performance of the civil service under

multiparty regimes as below average.³³ Another key informant also noted that the civil service under the one party rule had standards of performance for the civil servants. For him the democratic system has many irregularities which for him made the cash gate possible. For him the cash gate case we are talking about could not have taken place under the one party system of the civil service.

This then can also be confirmed by the survey results that showed that the performance of the civil service was professional under the one party rule unlike the two democracy eras. This is backed by the number of people who supported this claim having more than 87% saying that the one party had professional civil service unlike the democratic dispensation that got only 32% saying it was professional and 46% supported the second democratic era against the first. Under Banda this was different as he did not have to face real elections and he was under no pressure from any rival. 'Banda never had to buy off anyone, yet under multiparty parties needed to buy loyalty, thwarts the effectiveness how democratic rule can perform' (Lwanda, 1993). This of course, explains why elections in general and the bid for third term created such economic havoc from 1998 onwards under the auspices of first democracy and the same characterized the second term of Bingu Wa Mutharika who was spending each and every effort to have his brother succeed him.

In relation to the performance of the civil service, it has been noted that in democracy civil servants interacted directly with politicians and ministers; something that could not have happened earlier under Kamuzu Banda's one party rule elaborated earlier. This

³³ Key Informant Interview, 29th December 2015

according to subscribers of one party rule allowed rampant corrupt practices between politicians and the civil servants in our democratic dispensation. Another key informant however made an awakening observation that indeed corruption did exist under Kamuzu regime only that people could not talk. He then brought memories that then Kamuzu was holding many ministries positions e.g. agriculture, foreign affairs and even defence. These ministries ironically were the ones that were getting lion's share of the Budget allocations hence you could not mention of corruption in these ministries because doing so meant that Kamuzu himself was corrupt and this would be the end of you at all costs. In fact, Lwanda (1993) noted that by 1972 Kamuzu held almost half of the cabinet ministerial positions.

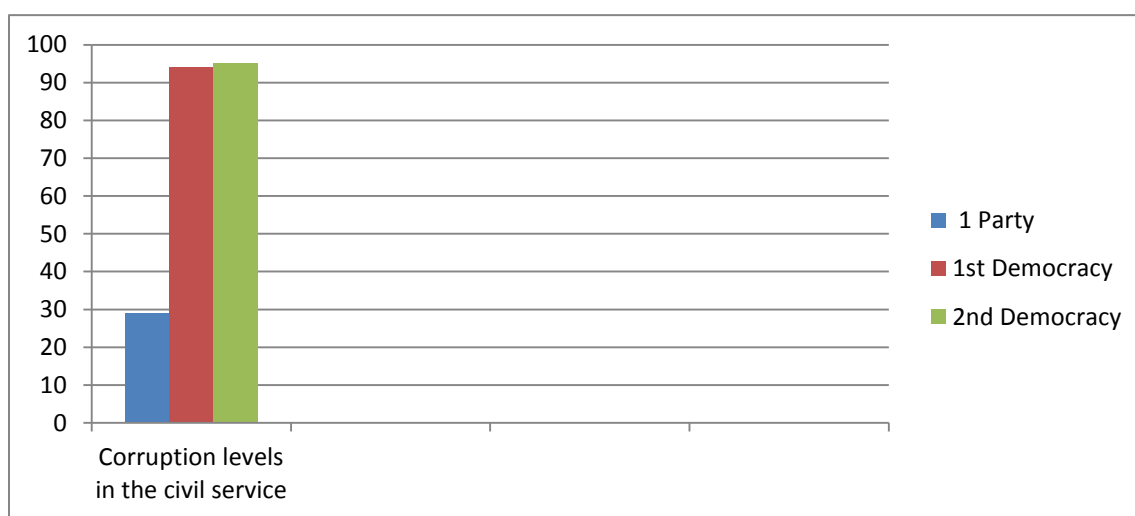


Figure 4.3: Survey results in relation to Corruption under the three regimes

This is a clear indication that during the one party era the civil service was far much free from corruption unlike the two democratic counterparts. This confirms what one Key

Informant said that indeed there was still corruption under one party rule only that it was at minimal level and if it was indeed it went unnoticed deliberately because of fear. This did not mean that corruption was not there. But comparatively the performance was far much better during the one party era unlike democratic dispensation.

According to the leader of the post colonial one party regime of Malawi, ‘the legislature also known as Parliament came second to the MCP.’ This statement can be affirmed by the fact that the President had powers to dissolve Parliament at will. This means that the legislature was weak and that its capacity to check the powers of the executive was questionable. In the Parliament then, out of the total number of seats to be contested, 15 of them were to be chosen by the President himself. On this one, advocates of the one party rule claim that the aim was to enhance representation of the minority groups in society. In fact, all candidates had to be first approved by the Head of State for selection and as already alluded to all of them belonged to the MCP. This meant that those with dissenting views did not make it to elections level. H. Lweya was sacked as Education Secretary for not respecting MCP statutes in 1987 (Lwanda, 1993). The MCP delegates agreed that the Bishops be killed in 1992, 11th March. Chirwa (1998) adds that it was MCP that suggested in 1968 that Chichewa be a national language alongside English at the expense of other local languages. Yet this was supposed to be passed by Parliament not at a political party’s convention.

On the other hand, democratically, ‘the Parliament has since 2004 functioned mainly as a battle ground for political parties between government and the opposition’. This means

that good governance that uses the legislature as means of representation of the communities within the country had people with one vision if their background in the MCP is anything to go by. Others say that the legislature practically did not exist. For them, what existed were the MCP and its leader, Kamuzu Banda. Another contributor challenges the democratic Parliament by saying that the Malawi National Assembly for the periods 1994-2004 was described by the Law Society of Malawi as being unfair and discriminatory against members of the opposition parties (Chanika and Muula, 2004).

4.3.2 Evaluating Democracy's Performance in Promoting Accountability

Democracy is believed to have come as a solution to this lack of bodies discovered in one party era that would promote checks and balances for the powers that may be. Advocates of democratic rule therefore claim that the existence of so many institutions such as the ACB, MHRC and in general CSOs make democracy better in as far as good governance performance is concerned because these institutions do indeed promote checks and balances of the powers that be.

But sceptics of democratic dispensation find that these institutions especially State created institutions such as ACB, MHRC, MACRA, CONGOMA, are not very strong in terms of the powers they have to hold the executive accountable. Firstly, it has been noted by several key informant that the primary challenge these organizations face is that some of these organizations survive on government funding hence they are mostly controlled by the government. In fact, in some organizations as well the President has powers to appoint the chairperson of such bodies e.g. the selection of the head of ACB is

the prerogative of the Head of State. Critics of this fact say that this provides information on why more often than not the ACB has targeted the opposition members against the ruling elites. This was clear beginning with the first democracy with ACB as its brain child protecting those in power. Other key informants as well noted that the ACB had indeed failed to act on leaders. They also said that most cases have been prolonged since the onset of first democracy. Most of the key informants have referred to the ACB as a toothless dog that does not bite. For most of the Key Informants similar cases with those in government have not been brought to courts but those cases with those in opposition are taken to task. Another Key Informant revealed that there are indeed so many cases of government officials that are dormant within ACB files. This means that once you are in government you are safe and once you quit then ACB will come after you. Cammack (2011) noted that as long as the Muluzi and the UDF were in power, they were more or less protected from prosecution by the Anti Corruption Bureau (ACB). Another revelation by some key informants showed that indeed many cases of the ACB were against those in opposition. He gave an example when DPP was born and was in power that most members who joined DPP had their cases dropped by the ACB.

In terms of corruption, the study findings reveal that the two democratic regimes were the most corrupt and that the one party rule performed far much better in this aspect having only 27.9% saying it was corrupt. The Muluzi administration was the worst with 94% percent saying it was corrupt and seconded by the second democracy that had 95%. This can be seconded by what another Key Informant revealed that when he left MCP he joined DPP because according to him UDF was the most corrupt than the other two.

Here, he showed signs that despite having two regimes democratic they were not the same. They had their own weaknesses which were distinct from each other. Another Key Informant explains that another challenge with the ACB is that there has been poor misunderstanding of what corruption is. For him, the ACB was born for the specific purpose of dealing with corrupt practices in the country which according to him was soliciting, asking for or being asked for a favour and you do not report it then it is corruption. Public and media perception then has been hazy in the sense that some of the cases treated as corruption in our country are not in fact corrupt practices but rather theft, fraud, embezzlement and all these are not in the Penal Code hence they are liable for Fiscal Police cases. He gave examples of senior Government officials claiming allowances of more than 365 days per year. The major setback being that the ACB is not well funded to enjoy its autonomy. Another key Informant added to this when he complained that though the ACB is supposed to be independent practise shows that the entity is far from doing so because its funding is mostly coming from the Government. No wonder he continued most of the cases are against those in opposition not in Government of the day. This finally explains the fact that our democratically elected leaders are unable to be controlled or arrested and that corruption is rampant. Another challenge with this institution in our democracy has been elaborated already concerning the powers that the President has of appointing its head. One Key Informant preferred the one party era in this regard. He recalled that during one party era, in most ministries it was only the PS who was appointed by the president. The rest went through normal civil service recruitment system. The director finds it difficult to prosecute those in government especially politicians. However, he finds it easy to do so with the opposition

members. This implies that the President of the day uses him for political reasons. The complexity is clear in the sense that he as an individual does not want to lose his job at the same time he cannot investigate the very person who put him in that position because he is answerable to the same authority. In fact, for him to have powers to prosecute, he seeks advice from the DPP who is also unfortunately appointed by the very same President. This is exactly what another key informant concluded that since MCP anybody in Government does not suffer, even those who are doing badly unless the government wants to get rid of them that is when they face the wrath of the law. In short, the performance of the state funded organization, as the results show, did not achieve their intended purposes unlike during one party where they did not even exist. Only 7% believed that there were chances of the alternative voices being heard on state funded media during one party rule with only 38% for first democracy and slightly higher for second democracy with about 43%. This then confirms what IIAG (2011) found out that Malawi in terms of accountability was lagging behind under second democracy being put on position 22 in Africa having 45.6% while the first democracy had as well only 43%. A sign that still more during our democratic dispensation issues to do with accountability remained a farfetched dream.

Advocates of democratic rule maintain that where state controlled institutions fall short as elaborated above, the other CSOs and NGOs or Faith Base Organizations that are donor funded do come in as a remedy. When it comes to these organizations that do not get funds from government, their weakness is that the government side looks at them as advancing the interests of their donor agencies. CSOs remain accountable to their

financiers hence do not represent the interests of the electorate but rather of their donors is mostly the claim by the government. This was clearly manifested under democratic dispensation especially the second democracy when gay rights issue rose in the country. Government complained that donors were using some CSOs as a scapegoat to further their own interests behind human rights condemnation.

At one of the political rallies on 14th May 2005 the leader in the first democracy showed signs of intolerance towards media by saying that he would not tolerate what he called inaccurate reporting which harmed the country's image (Phiri, K, 1998). However, good governance demands a conducive atmosphere for reporting good or bad of what the government is doing to the rest of the world. Such spirit as demonstrated by the President kills good governance efforts in the country. According to Manda (2004), media's major role is to facilitate public participation in politics and formulation of public opinion. This according to him is the forum that allows great variety of voices to be heard. The same can be influenced by social, economic and legal framework. The electorate communicates using the media as means hence very crucial in good governance.

The legal framework that monitors the activities of the media in our democracy is embedded in the activities of the Malawi Communication Regulatory Authority (MACRA). This body regulates all media houses and apparently choosing the chairperson of the regulatory body is the prerogative of the Head of State. It is important to note that Media provides masses with information about social, economic and political activities in the country; the same does as well entertain people but more importantly tell people about politics. The same can be used as propaganda against political opponents

(Manda, 2004). In short, it is clear that within democratic era some media are politically polarized and therefore often present partisan political information hence democracy in Malawi suffers checks and balances disease that would make the executive accountable. Macra as a regulatory body has failed to do its job against those media houses that have seen people complaining of their biasness. This includes MBC. It has been clearly stated that Macra has failed in its responsibilities because it has not enforced the law against the MBC when the latter has failed to provide impartial broadcasting as required by its public services broadcasting obligations (Manda, 2004). To undermine opposition Cammack (2004) find that the awards of licenses for independent radios stations, which is done by Macra, was delayed for years by Government on the pretence of applications having insufficient funds or technical expertise. She added that the first two licenses went to UDF supporters, even though they did not meet these criteria. MIJ radio was closed on May 23, 2004 for broadcasting statement by Mgwirizano Coalition spokesperson Kholiwe Mkandawire (Manda, 2004). The operational independence of the MBC is limited in that it relies on Parliament for its core funding (Manda, 2004). If this is anything to go by, democracy has not helped Malawi in informing the public about politics or provide a forum for people to share views bearing in mind the revelation that between 17th January and 24th April 2009, 97.6% of all Malawi Broadcasting Cooperation (MBC electoral coverage was dedicated to the governing DPP and for MBC TV was 98.4% in favor of DPP (Bertlsmann, 2012). Lack of tolerance to dissenting views in terms of government capacity to shut down media houses with contrary views to those of government is another yard stick used to measure how democracy is failing in ensuring good governance record. Reaction by government to 2010 October Catholic Bishop's

pastoral letter that was addressing issues related to governance, the burning of Montfort Catholic Press for publishing the 1992 Pastoral Letter are sad examples. In September 2010, President Mutharika threatened to close down newspapers and arrest any journalist who reported negatively on his administration (Bertmann, 2012).

Having presented the above performances of the one party and multiparty regimes in promoting accountability, it can be clearly stated that different institutions play a significant role in as far as fostering checks and balances is concerned. Beginning with the media, which is mostly referred to as the 4th arm of government, it plays a crucial role in informing, entertaining and educating the masses on different issues. Having some of the media houses aligned with government and others with the opposition has been one way good governance record has been retarded in the country. This is why after this research it is recommended that there must be a great overhaul with the Communications Act which establishes the two as state broadcasters. This act should be amended to provide an environment where MBC TV and MBC Radio can operate as true public broadcasters in presence of other players. In addition to this, another weakness of our democratic institution has been that they do not reach the rural Malawians with all what they claim to inform, educate the voters on politics. This can be confirmed by Phiri (1998) who ascertains that the limited distribution capacity of independent newspapers is a major hindrance to a genuinely free press and the promotion of checks and balances by giving people relevant information. In fact, he goes on observing another factor affecting democratic media institutions saying the vast majority of independent newspapers that started appearing in 1993-1994 have disappeared not only because of the lack of printing

capacity but also the enormous cost of distribution. This then affects issues of educating the people in the rural areas. Democracy has opened up the institutions but some of the challenges mentioned above are making good governance efforts of the open press suffer a setback.

On corruption, what should be done is that political leaders and public officials in connection to corrupt practices must resign to pave way for smooth investigations of their malpractices, which would be jeopardized if they remained in power. For those in senior government offices, government must put in place measures to arrest and prosecute them even if they are still in office. This is essential in order to curb rampant corruption. Those in positions of power must resign once they are suspected of being involved in corrupt practices to give way for thorough investigations into their cases. Good governance will not prevail if there is impunity especially of those in government.

In short, despite the fact that most institutions emerged under democracy whose role is primarily to promote checks and balances for the powers that may be, most of these institutions do not manage to regulate political actors' actions especially those on the government side. This is in contrast to well governed developed countries characterized by democratic institutions, capable public service, a rule of law, a regulatory environment, watchdog organization and other attributes that contribute to the states functionality, prosperity and stability (Cammack 2007). The claim therefore that in democracy there is respect for human rights because democracy gave rise to the birth of various institutions such as the MHRCC and Malawi Law Society; both aimed at

enhancing the respect of the rule of law, leaves a lot to be desired. Sad to say, we still find that people have been put under different forms of harassment especially the press freedom. Worse still, often than not, we have also experienced people with contrary views to those of the ruling team being harassed by arbitrary arrests. This means that though as a country we are democratic having all these institutions, human rights abuses remain rampant. Some Political Scientists believe that this poor performance by our democratic institutions has been due to poor institutionalization of political system in the country. For example, the independence of Malawi Electoral Commission itself, another 'Political Institution' aimed at managing regular and fair elections, has continued to be questioned. Firstly, the commissioners are appointed by the President, to whom it is also mandated by law to report. That made it possible in 2010 for the President then, Bingu Wa Mutharika, to suspend the whole office of MEC at the same time the electoral body was in the middle of organizing the local elections slated for April same year. The inability of MEC to administer the election in an equitable manner is linked to this lack of autonomy from Government. MEC's lack of financial autonomy and predictable long term financing is also a point of concern. Despite the fact that local elections were held in 2000 and that the Councillors were in place, the government displayed an attitude of indifference towards the local assembly institutions (Tambulasi, and Kayuni, 2011). This means that having local councillors as way of decentralizing state powers to spur performance disregard them meant their presence was insignificant. The 2012 amendment of Local Government Elections Act that gives the President absolute power to set local elections dates (Bertemann, 2012).

4.4 Comparing the Performance of the Regimes in Promoting Equality and Social Justice

It remains irrefutable that social and ethnic differences are recurrent phenomena affecting many countries (Marta, 2002). Being a country with many ethnic groups the country is bound to face challenges related to these different ethnicities. This is the case because there is a possibility of some ethnicities being prone to be abused especially the minority by the majority or those who hold leadership positions. This is where the argument of bad governance comes in. This relates to social justice and equality especially when the needs and aspirations of those minority groups are not realized. Some notable examples of these are firstly division of the country's administrative centres in terms of regions namely central, northern and southern region and newly established eastern region, secondly different religions found within the same country, and lastly differences in ethnicity. In this case of trying to promote equality and social justice different ethnicities, religion and country boundaries are principals who delegate their powers to the agent (Government) to develop the framework that enhances equality and social justice among these people with different historical background. In this respect according to Christine Kraft (2012) the principal-agent theory proposes a model of trusteeship in trying to curb challenges that may arise in promoting equality and social justice among people of different background. In this situation of Malawi, the principal-agent relationship is complicated when the principal is made of multiple actors such as religion, tribe and region just to mention a few. The principals' preferences may prove to be unstable overtime if its actors engage in competition with one another or if its composition changes this is exactly happening in

our country and many political scientists believe this case affect the promotion of good governance in the form of equality and social justice.

4.4.1 One Party's Performance in Promoting Unity in Diversity

Firstly, there is the claim that the post colonial one party rule fostered unity in diversity than any other post one party era. This according to the subscribers of one party rule can be substantiated by speeches made by the then President Kamuzu Banda who was quoted as saying 'we must no longer think in terms of our individual tribes. We must not think in terms of our regions or provinces. Oh you are from the north, you are from the south, you are from the centre, no we are one people one country' (Chirwa, 1998). Despite this claim, the Kamuzu Banda's one party regime was not an exceptional in challenges associated with ethnicity. Primarily, some political commentators observed that the Tonga suffered under Banda because their traditions were strong and they had excelled in education (Lwanda, 1993). In fact, another political observer stated that under one party rule the first group to face Banda's wrath after independence were the Yao from Mangochi who had backed Chipembere (Lwanda, 1993). Another ethnicity that experienced such treatment was the Tumbuka from the north. In fact this ethnic biasness was perpetuated by the conspiracy theory by Tembo/Kadzamira faction that northerners were lazy and did not want to teach students from central and southern region (Lwanda, 1993). This led to the recall speech for all teachers to teach in their own regions in 1989. The 1989 regional ethnic cleansing affected the teaching standards of students in other regions. This came as a background from people of one region which complained that their region was left without any substantial development and that they were developing

other regions. Chirwa (1998) adds that northerners were subjected to state terrorism or harassment as well as political and social economic marginalization. He confirmed this by saying that in 1988, 10 northerners were removed from the Malawi National Examination Board (MANEB) after allegations that its Executive Director himself, a northerner, had packed it with people from his region so as to influence results of national examination.

In addition to this, Kamuzu's regime failed in good governance record because all other ethnic groups were deprived of the exposure of their language on radio. More importantly, this was made clear when Chichewa was imposed in 1968 as the national language (Lwanda, 1993). This challenges unity factor because Lwanda observed that at the same time, Zimbabwe with a supposed 5% Chichewa speaking population saw it fit to give them time on ZBC. In Zambia too all languages were accommodated in its radios (Lwanda, 1993). This can be made clear bearing in mind the fact that 14 out of 23 cabinet ministers were from central region representing 60.8% having 13.2% for north and 26.6% for the south. The observation went further lamenting that it was shocking that all key ministries were held by the centre (Chirwa, 1998). This then confirms the fears that were expressed by the urban FGDs that indicated that even during the one party dispensation issues surrounding ethnicity still played a role in the day to day running of the Government. These same views were as well retaliated by some key informants who expressed concerns on how divisive our politics has been since the Kamuzu time bearing in mind the fact that MCP has the central region as its stronghold up today and that it is not easy for MCP to get seats in the Parliament in the southern region and more

especially the Eastern region which are believed to be strongholds for DPP and UDF respectively.

On the contrary, despite his reputation as a Chewa, Dr Banda was according to those who worked with him, neither tribalistic nor regionalist but was interested in balancing out development in the country (Cammack, 2010). Projects such as the Dwangwa Sugar Estate in the northern part of the central region, the move of the Capital City to Lilongwe the Viphyia Timber Estate established outside Mzuzu and the lakeshore road to the north were efforts to shift growth from its concentration in the south (Cammack, 2010). His policy of opening the newly built university at Zomba to all groups through quota system rather than favouring the better prepared northerners continued this trend. Kamuzu Banda was at one time quoted as saying my first job as long as I am in Zomba the Capital City is to maintain political stability in this country and efficient incorruptible administration'. This was signifying his desire to unite Malawi despite ethnic diversity. Though Kamuzu himself was not very famous for favouring people from his tribe in different public positions it was very clear however from people that surrounded him that ethnicity still played a major role in how people got public appointments. For instance, Tembo put his relatives in most important positions. Lwanda (1993) observed that Owen Mbirizi, a relative of Tembo, headed Oilcom, Ivy Tembo, his sister, was at the Malawi US Embassy, Beatrice Kadzamira, his niece, was at the Malawi London High Commission, Nora Kangulu, his nieces daughter was at the Embassy in South Africa, Dr Zimani Kadzamira to the Embassy in Japan, Mary Kadzamira was Kamuzu's secretary. Another Tembo was in the Embassy in Mozambique and another nephew Kangulu was at External

Affairs in Lilongwe (Lwanda, 1993). Even at Malawi Broadcasting Cooperation it was Franklin Titani, his nephew, who was the editor in chief (Lwanda, 1993).

Another challenge associated with the one party regime in trying to bring together people of the country is religion. Many political scientists claim that in Malawi religion does as well point direction of people's political beliefs. This implies that people's political attitude in Malawi is also shaped by religion. This makes it hard to unite people of different religion towards a particular political belief.

During the one party era for instance, the influence of the Christian faith in politics was still strong. This could be confirmed by a statement made by one of the prominent ministers under Kamuzu regime saying, if the Roman Catholic Church has not learnt any lesson from the religious wars that they have had in Europe and their expulsion from many countries of the world, they will be taught a lesson that they will never forget in this country of Malawi. This was Aleke Banda telling the then Archbishop of Blantyre John Baptist Hubert Theunissen. This then demonstrates how religion influenced the politics of the country then depending on how politicians viewed the same. Incidentally, though, the same person, Aleke Banda, many years down the line realized the contribution church organization made especially beginning with the 1992 Pastoral Letter saying the letter was a source of great strength to the pressure groups and probably brought forward their existence by at least 10 years (Juwayeyi, et al, 1999). Apparently, he was referring to political parties which were still underground then but with the

pastoral letter they emerged with full force and was the power to reckon with by the MCP.

The same then applied to how the electorate themselves view leaders of a particular religion. This in both ways defeats the purpose of good governance because a person of a particular religion will be voted into power or not and the same will happen when a leader of a particular religion is in power. That is why under Kamuzu Banda, some religions could be as well banned for practicing their faith. This was the case because the MCP convention endorsed the banning of Jehovah's Witness Church in Malawi in 1967. In short, under Kamuzu, Christianity was the most known religion. Muluzi turned to Islam and the majority of his ministers were Muslims (Tsoka, 2002). In fact, the study findings clearly indicate that the UDF had many supporters from the Islamic faith having more than 92% saying that this is true.

4.4.2 Democracy's Performance in Promoting Unity in Diversity

When using the same yard stick in comparing the performance of the one party era to that of democratic dispensation similar concerns have been raised some FGD's participants that ethnicization of government positions, board chairperson of parastatal organizations under both Muluzi and Mutharika affected the delivery of Government institutions because those who are competent enough are not put into positions of influence just because of their background. A key informant thence noted that this ethnic links hinder equality and social justice in the country in the sense that it makes it difficult to implement policies and projects that would benefit all members of the country

irrespective of their background. Almost all FDGs as well as informant interviews confirmed the fact that even in our democratic dispensation nepotism has been a great concern for good governance. Participants in some FGD's believe that in most cases it has been those related or loyal to the ones in leadership positions that have been the beneficiaries of most privileges that go along with public positions. Some political commentators added that Malawian politics revolves around ethnicity and regionalism in a way that it inhibits the development of a mature approach to policy formation and implementation (Ross and Phiri, 1998). This is why Chanika and Muula, (2004) concluded that one of the reasons AFORD did not win 1994 Presidential elections was really because of regionalism. To make this point clear, one key informant brought out a situation that had some AFORD members such as Mayinga Mkandawire, Chenda Mkandawire, Melyvin Moyo and Rodwell Munyenembe who when contested on AFORD ticket in 2004 won decisively. However, when the same individuals contested on another political party banner (UDF) or independent ticket in 1999, they lost. This scenario then implies that UDF as a Party was being rejected in the northern region where AFORD was strong and regarded it as its base. Another Key Informant endorsed this when he said tribalism in Malawi goes along with political lines in the sense that the tribe of a party leader makes the most of the members of that tribe associate themselves with that party³⁴. This then confirms what another Key Informant revealed that in fact their political party refused the candidature of another prominent candidate just because the candidate was not from the tribe that was mostly associated with the said political party.³⁵ For him, this would be like selling the party from another region to another region. This

³⁴ KII with a Member of Parliament, 24th May, 2013

³⁵ KII with a Member of Parliament, 25th May, 2013

can be substantiated when Aleke Banda confirmed the fact that his bid to represent UDF in 2004 elections could not materialize because he was from the northern region. He revealed that when he met Muluzi on the way forward after his (Muluzi's) third term bid failed, that (Muluzi) had not considered him (Aleke Banda) despite his knowledge of his ability to work and strong track record because he came from the north and Malawians were not ready to accept a northerner for that high office (Chanika and Muula, 2004).

Another Key Informant was clear when he said that no matter the amount of money one can have in his constituency, which is in the central region a person standing on another party's ticket cannot win. He went further saying that he joined MCP because it has been the party for his ancestors and all his people. Joining another party would mean going against his own people. For him, these reasons were enough to make him join MCP and stand on its ticket and that is how he made it to Parliament. This was also seconded by other Key Informants who observed the same in the Eastern region which is believed to be the backbone of the UDF. These MPs were honest enough to say that joining any other political party in their constituencies means self de-campaigning because a person who stands on another party ticket cannot win. For them as well, joining the UDF was more a natural thing for them to do since people eat and drink the UDF in their areas of origin. The figure below shows some alarming revelations on how Malawians associate themselves with parties according to ethnicity.

The figure below as well indicates results that the survey found out that in Malawi the way the regimes managed their appointments into political positions to a greater extent did indeed follow tribal background. This was the case because out of all the three

regimes it was, however, the MCP that had almost equal number of votes having just above half saying it favoured the Chewa while the other half said there were equal chances to almost all tribes unlike the UDF regime that cleared showed that it favoured Muslims by scooping more than 88.4% of people supporting this claim seconded by the Bingu regime which had more than 81% saying that the regime supported the Lomwe's more than other tribes. This figure shows that the percentage these two democratic regimes performance given in fostering equality among Malawians was insignificant. Only the MCP did try its best despite its weakness in other aspects.

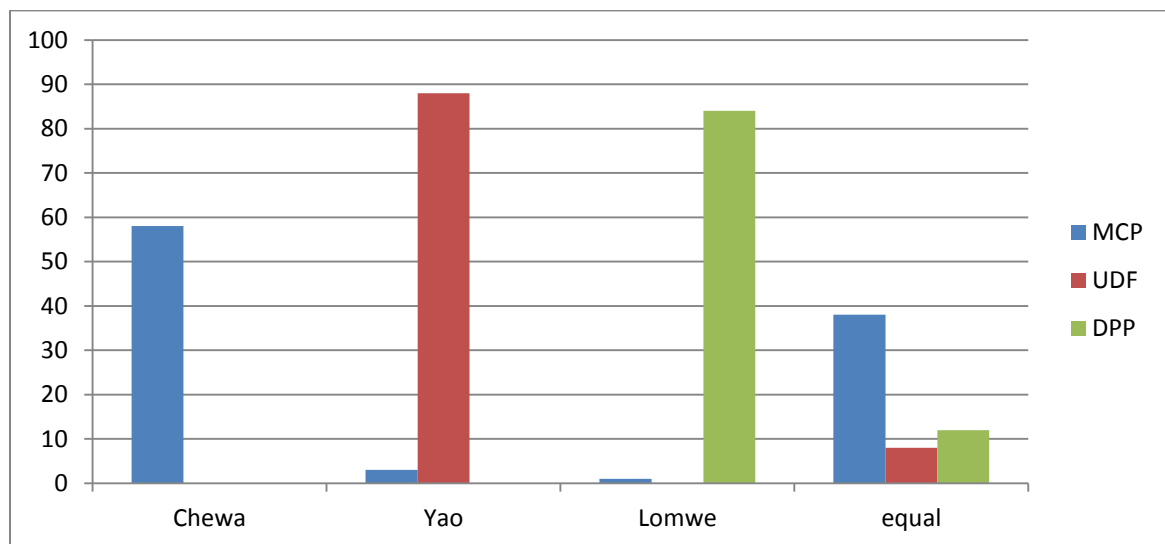


Fig.4.4 Study results on Political Regimes Support by Tribe

Another setback that Malawi suffered due to ethnicity fragmentation involves the voting patterns which most observers say are more or less region based or ethnic oriented. A renowned political scientist confirms this observation by saying that voting patterns is an evolving phenomenon but with traceable trends that are predictable (Bratton 2007). He went further noting that Malawi's elections resemble a regional census: where a voter

lives her region predicts quite strongly how she will vote (Bratton, 2007). According to the working paper by Karen Ferree and Jeremy Horowitz (2007), voting is therefore an act of indemnity expression not a careful weighting of policy positions or performance evaluation. Statistically, 1994, 1999, 2004 elections prove this fact despite having somehow a different story with 2009 elections where Bingu Wa Mutharika won with a land slide victory in all the regions. Chihana had 88% of the votes in the north. He got 89% of the north in 1994 when he joined coalition. In 1994, Kamuzu got 64% votes of the centre and in 1999 Chakuamba who stood for MCP got 62% from the centre. In 2004, Tembo MCP torch bearer got 64% of the centre. UDF in 1994 got 78% of southern region votes, 1999 it got 79% and in 2004 it got 53%. Here there were other southerners for presidency such as Brown Mpinganjira of NDA and Gwanda Chakuamba of Mgwirizano Coalition. The coming in of another contestant from the south in the name of Brown Mpinganjira made it possible for votes to be split between the two candidates. What this means is that Malawi politics still shows signs of being regional based in the sense that strengths in particular parties are regionally demarcated (Manda, 2004). This makes it difficult for parties to register seats in other regions apart from their strongholds. In fact, this even goes to the point of not fielding a candidate in particular constituencies hence weakening the opposition against the party that is strong there or not giving a variety of things for the electorate to choose from.

Table 4.1 Election Results by Region

Table 4.1 Parliamentary Results by region in 1994, 1999 and 2004 elections. According to Patel, (2004) Presidential and Parliamentary General Elections results, Malawi Government Gazette.

Political Party	South	Centre	North
UDF -1994	73	12	0
-1999	76	10	1
-2004	39	8	3
MCP -1994	3	51	0
-1999	8	54	4
-2004	0	57	0
AFORD -1994	0	3	33
-1999	0	1	28
-2004	0	0	6

These elections results imply that after the one party rule the rest of the regimes did not manage to enhance nationalism. However things were different during the one party era because all ethnicities had only common factor, the common enemy which was the colonial powers. After that, it was difficult to unite them hence nothing to motivate these

tribes to remain united. Another drawback situation in the second democracy happened when the legislation of People's Democratic Movement (PDM) was in 2010 rejected twice arguing that the use of Tumbuka as a language in its manifesto was a measure of promoting ethnic discrimination. The party got registered through the court not Ministry of Justice as required (Lwanda, 1993). In practice, the Government had also shown some willingness to limit the freedom of association as with its arrest of two northern politicians for allegedly founding an unlawful society, the Northern Region Force. This means that politicization of ethnicity is the one that ruins good governance efforts in the country. This according to Chirwa (1992) occurs when ethnic or regional identity is mobilized to gain advantage in situations of competition, conflict or cooperation. This situation is even much worse to the point that Chanika and Muula (2004) observe that the choice of President and running mate confirms regionalist politics. The two positions, Presidential candidate and running mate had to be shared by the south and the centre and not one region.

With these issues raised therefore we can say that this tendency of overvaluing ethnic ties on the expense of unity in Malawi has been long overdue. To begin with, voters must desist from voting people based on where they come from because this has been found out as one factor that hinders the promotion of equality and social justice because others fail to rise to leadership positions because of their background. Secondly leaders must stop treating or favouring people just because of their region or ethnicity of origin. With these findings therefore it is safe to conclude that in Malawi equality and social justice has somewhat not being achieved due to ethnicity. This then implies bad governance and

in short both one party and multiparty regimes did not manage to enhance good governance in the country. Fair distribution of resources is paramount in a country like Malawi that has people of different backgrounds in as far as promoting good governance is concerned. This is why equality and social justice was a key feature in comparing the performance of the regimes on how resources have been distributed in the country. This comparison was not limited to getting material things but also how people are selected into different positions or entitled to public resources. As the study findings indicate, even in democracy, religious diversity has not been left out as a contributing factor shaping people's political views. As it was seen under both democratic rules in Malawi, religion also contributed to how the Government exercised its powers. The Afro-Barometer round five survey confirms this trend even in how people associated themselves with political parties following the religion of the founder. In fact, the influence of religious communities continued to play a major role in Malawi democratic dispensation bearing in mind the belief that the major reason why Muluzi fell out with the faith community was his bid to run for a third term of office as President of the Republic (Chanika and Muula, 2004).

Table 4.2 Religion and Party Affiliation Afro-Barometer 2005

	Christians	Muslims	Other
AFORD	<i>1.2</i>	<i>0.0</i>	<i>3.7</i>
DPP	<i>50.3</i>	<i>16.8</i>	<i>37.7</i>
MCP	<i>22.4</i>	<i>2.9</i>	<i>38.8</i>
UDF	<i>23.1</i>	<i>80.3</i>	<i>18.5</i>

This means that under the three regimes, the promotion of good governance has had a religious influence either positively or negatively. Some people have not been voted in leadership positions because of their religious affiliation while others have been victimized due to their religious beliefs that the latter being much experienced under Kamuzu Banda and the former under democratic dispensation in Malawi. This is against tenet number three of good governance that promotes social justice regardless of one's religion and equality for all despite one's faith.

4.4.3 One Party's Performance in Promoting Equality

Inequality simply means differences in status of people within the same territory. This becomes problematic when one group that is different from the other is treated differently or does not enjoy the same benefits the other group is enjoying within the same territory. This becomes social injustice that implies bad governance when those in leadership positions are to blame for unfair distribution of the national cake. This is against the background that good governance demands that all people must be treated equally and more importantly justly. In respect to equality and social justice as another important tenet of good governance, the period of 1966 to 1993 was as well considered the dark period for women positioning in politics. The rule of Kamuzu Banda did not significantly or permanently increase the role and power of women in Malawi society. This can be affirmed by the fact that by 1975 Malawi had only Mrs. Sadyalunda as female cabinet Minister and she held this position for less than a year. Even in terms of education, in the year 1984 only 1% of women in the country had attended secondary school education yet they were still the majority in the country (Lwanda, 1993). In the same year (1984),

women's participation in planning and policy making in Malawi was 0% when 52% of Malawi's population were women, (Chinoko and Ngulube, 2003).

Inequalities and disparities between women and men are still very pronounced in Malawi and this is one of the major causes of poverty among women and men (Government of Malawi, 2002). Students who were female were as well forced to take part in CCAM gathering dances. In January 1989, four students at the Chancellor College were expelled after criticizing the Government policy of quota system designed to lead to some restriction of northerners entering university. Women participation was limited to dancing during political rallies. One woman was quoted as saying 'members of the MCP forced us to dance even on a Sunday, completely violating our inner conscience. At one time some of us were actually beaten for having refused to dance on Sunday' (Lwanda, 1993). There were many sexual abuses as well under Kamuzu regime 'So wide spread were these cases of sexual abuse of young ladies by party officials that it led to one of those few occasions when the Mbumba questioned party culture. Senior middle and junior party officials continue to take advantage of Banda's mbumba during the many party festivals. Sexual harassment against women is another form of gender inequality in reference to how women are treated in our political circles. A youth league member of MCP regrettably confessed that during the party's annual convention in Mzuzu in 1991 he slept with over twenty different women. Within two weeks, 'there are countless incidents in which Malawi's women became victims to sexual abuse under one party state. Most women during FDGs as well remembered that most of them were forced to cook at political gatherings unwillingly and some of them confirmed that they were as well forced to sleep with some party leaders at such gatherings. They went on revealing

that things were even worse to the point that men could fear to talk to their wives because if the wife told the MCP machinery what the husband said or did to her then the man could disappear. In most cases gender difference has been on the increase in our societies. This encourages male chauvinism which enters even in politics. This is why women face enormous challenges when they take active role in politics. Castigations are levelled against them as prostitutes in most cases. A good example can be taken from the legislature where Aaron Sangala a Member of Parliament for Blantyre, insulted Anita Kalinde a Member of Parliament for Thyolo when the two crossed each other.

Just recently, the Gender inequality index puts Malawi on position 120 out of 146 countries measured in 2011. A sign that though democratic still more the country is failing to advance the role of women. Another unfortunate statement went saying, 'Malawi not ready for a female leader.' This was against Vera Chirwa when she showed interest to run for presidency (The Nation 9th March, 2005). This then concludes the research results that also show that only about 44% of the people thought that during one party rule there was a significant contribution of women in comparison to 61% and 87% that were scored by 1st and 2nd democracy. During second democracy we had the immediate former President as a vice President a sign of positive step towards empowering women in decision making positions.

4.4.4 Democracy's Performance in Promoting Equality

One participant in FGD's who subscribed to the one party rule held that democratic dispensation in Malawi does not give equal opportunities to its citizens regardless of race,

age and sex. This for him makes a democratic regime far from achieving this tenet of good governance of promoting equality and social justice. According to him democracy looks at those with different opinion, race, religion and others as enemies, rivals not partners in developing Malawi. To begin with, White (2000) also observes double standards in as far as laws of Malawi are concerned in relation to gender despite the fact that the Constitution per se promotes gender equality. This can be confirmed by what she found in the Citizenship Act (Chap 15:01 the Laws of Malawi that provide that upon marrying a foreign man the Malawian woman will lose her right to Malawian citizenship White (2000). Ironically for her this does not apply to a man³⁶. This implies social discrimination against people of the opposite sex in this case women. She goes further observing that children of a Malawian woman by a foreign husband cannot be Malawian citizens by virtue of their mother being Malawian. However, Malawian male in a similar situation does not face such problems. This means that her freedom as a woman is violated because of her sex because this does not apply to both male and female. To verify this claim check the proportion of seats occupied by men to those of women number of girls to boys in primary and secondary and tertiary education. With democracy numbers are increasing but ratios are not very convincing. Another key informant noted that between 1994 and 2004, there had been increased awareness and advocacy towards gender equality and equity in Malawi, during the same period, there was a high record of cases of sexual assaults including rape, defilements and others (Chanika and Muula, 2004).

³⁶The Lamp, May- June 2000

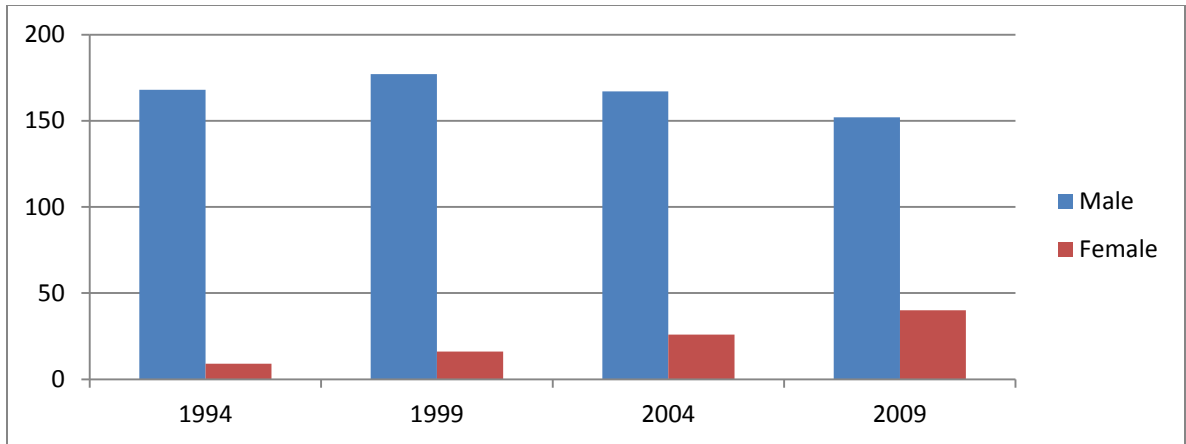


Fig.4.5 Men vs. Women Representation overtime. Electoral Commission, Report of 2004

Kaufa (2010) states that ‘the President was audacious enough on 20th February 2010 to share his plan on how to spend K3 billion youth enterprise development fund by prioritizing the DPP youth.’ This meant that being young did not guarantee a chance for YERDEF loans but also your party affiliation was much more important. In fact, the loan issues according to the survey showed that in most cases this did not benefit the intended beneficiaries and that in most cases it was the party members that were beneficiaries. This is against the background that under the one party rule more than 42.9% thought that the Government was at least fair in loan distributions; this is contrary to what was found out during first and second democracy. More than 65% thought that the 1st democracy loans benefited more UDF party members and that more than 52% thought the same for second democracy. This then confirms fears raised by one key informant who complained that in fact starter packs and subsidy program are politically driven with no commercial production strategy hence it is just a tool for getting votes for those in power. This according to participant of the FGD can be confirmed by cases that saw some

Ministers caught with their own share of coupons yet this is something that was meant to be distributed by chiefs. Another complaint that came clear in the discussions was that in most cases the number of coupons for subsidy program did not much the population of the people in the villages hence it bred hatred towards the chiefs and also more importantly disassociation to community development activities with excuses that ‘let those who receive coupons do the work’³⁷. Another key informant bemoaned the subsidy program saying what can one bag do to somebody who has five children and has one acre of land? This then is in accordance with the sentiments raised by one key informant who said the farmers clubs were duly registered by Admarck. Farmers collected farm products from there and also sold their products there. This worked well unlike what we have today with starter pack and coupon subsidy. It was expressed by most FGD participants that starter pack and Coupon subsidy did not work well due to political affiliation of the majority of the beneficiaries unlike Universal subsidy that benefited all.³⁸

There must be need to empower farmers with input that would make them produce beyond consumption so that they can sell the rest and make money³⁹. This is why he preferred universal subsidy that was there under the one party rule that people benefited from this thought farmers clubs that it was everyone who had chances of benefit to farm input loans Kamuzu had introduced. All inputs should go to clubs who at first have to contribute something towards the same. This is the better way to go unlike the coupon and starter packer which are marred by favouritism. It has been highly affirmed that the

³⁷ FGD, with community members, Machinji, 18th May, 2013

³⁸ FGD, with community members, Tsabango, 21st May, 2013

³⁹ KII with a Member of Parliament, 24th May, 2013

perception of economic injustice can certainly raise the likelihood of an explosion of political unrest directed against the regime. In most cases this is between States or dominant class against the masses (WhiteHead, 2009). This confirms the fact that the 20th July demonstrations targeted rich business tycoons, who belonged to DPP e.g. Vuwa Kaunda and some PTC shops alleged to be owned by some politicians.

Having looked at these issues then we can summarise that for our country to achieve desired results in promoting equality and social justice, all cultural believes that are not in tandem with what human rights advocates for both men and women must be abolished. There must be strong sensitization campaign or civic education to bring awareness to women of their equal status to men because other women have been indoctrinated with this belief that women have to be second in command to a man. Women must as well be given the economic muscle for them to excel financially hence increasing their ego. It has been painfully observed that women have been put at the peripheral of all social, economic and political activities in the country despite their number growing unprecedentedly but their percentage in terms of representation remains low. Democracy has at least opened windows for their involvement however democracy alone has not made it possible for women to realize their full potential hence good governance is the last resort for us to encourage their meaningful involvement. It is imperative that the 50-50 campaign be encouraged because this is a positive development in as far as increasing women representation is concerned in the Parliament. Another way would be creating a quota for women representation as it is done elsewhere in political parties. This means that a number of seats to be reserved specifically for women in all political parties and

finally in the legislature. The Constitution must treat men and women equally on issues to do with citizenship and marital status. Those involved in gender violence against women must be severely punished to deter others from doing the same.

The end of cold war and communism was believed to be the time that global conflicts were finally history. Ironically, the same period marked the origin of democracy with the hope that the same would easily spread globally. However, the growing Islam faith in the Middle East and Asia became a threat to the growing Christian faith in America and western world. The hostility therefore between religions started escalating in societies where people of different religions lived together. The same differences therefore have triggered rivalry over struggle for political powers in different countries however the difference has been the extent to how this is done. In Malawi in particular, the two religions are evident and have in one way or the other contributed to how government has been exercising its powers. In fact, religious influence has also played a role mitigating women participation in social, economic and political activities as second class from men (Voice of Micah, 2009)⁴⁰. This observation pointed out that Catholic Church and Islam are both patriotically organized and that in general this affects the promotion of equality and social justice as good governance. When talking about good governance therefore advocating the promotion of gender balance in all spheres of social, economic and political activities cannot be over emphasized. The two religions use male pronoun for God e.g. He and Him though with a capital letter but this still implies male dominion over women. In fact Islam is the religion that allows a man to have many wives not the

⁴⁰ The Lamp, March-April, 2009

contrary. This marks a clear sign of gender discrimination towards women which penetrates even in our political life. Religion does play an important role in educating the faithful on issues surrounding politics within the country since time immemorial. We must vote people in leadership positions not because we share same religion faith but because of what the promise to offer. Religious leaders must play an advisory role not to indulge in active politics to the point of making choices for their faithful. On the same issue, those in leadership positions must allow freedom of worship at all costs and must not politicize religion just to win votes of favour.

Conclusion

This chapter has discussed the findings of this research project in terms of the performance of Malawi's political regimes with the aim of fostering good governance in the country. This was achieved in this section by assessing the performance of both one party and multiparty regimes in promoting rule of law, people's participation, accountability, equality and social justice and finally political stability. This was achieved by also looking at some contributing factors to either good or bad performance of each regime by attributing this to the nature of the constitution Malawi has done, donor influence, traditional court system as well as the role of chiefs in politics, nature of political party system, judicial system, political institutions, electoral system, political party system and finally ethnicity. Finally this chapter tried also to suggest what could be done to address the challenges outlined in each section discussed. It is important to note that what has changed since the coming in of democracy is mostly the name from being

one party to multiparty but much of what was happening under Kamuzu still happened during 1st and 2nd democracy. The difference can be only the extent.

The Chapter, more importantly, proved right the hypothesis that it is not necessarily the type of regime that promotes good governance but rather the political will of those in power. This has been achieved by the findings that even the democratic Malawi has failed to promote good governance in various ways as was the case with one party rule. In fact, in some occasions the performance of the democratic Malawi was much worse than that of the one party rule in as far as good governance was concerned. The study has also proved the hypothesis that democracy does not mean good governance. This has been proven by showing how a democratic regime can either hinder or promote good governance in the country.

CHAPTER FIVE

CONCLUSION AND RECOMENDATIONS

5.0 Introduction

This chapter presents concluding remarks in form of overview of study findings, recommendations as well as suggestions for further study on good governance.

5.1 Over-view of the Study Findings

This study assessed the performance of one party and multiparty regimes in promoting rule of law, accountability, peoples participation and equality and social justice found out that despite all short falls associated with the one party regime it is worthwhile to note that there were still some elements that can help us in enhancing good governance record in the country hence we cannot thrush away the one party era completely. There are also positive things worth learning that can contribute positively if we are to achieve good governance. However, it is important to note that the effects of the authoritarian regime of Kamuzu Banda were much more devastating unlike what we experienced with democracy.

Firstly, the study findings have shown that both regimes failed to promote the rule of law in the country having the one party as the worst performer. The assessment was made using cases of violation of human rights and Constitutional amendments frequencies as

indicators of bad governance. It has been revealed in this paper that this has been as a result of the weak nature of the country's Constitutions. For example, it was found out that both Constitutions gave more powers to the President. The results have shown that the one party Constitution did not provide for many rights that people need in order to promote rule of law while the multiparty Constitution was easily amended when what was provided for in the Constitution did not much the interests of the powers that be. This then rendered the existence of the Constitution itself useless.

In addition to that, there has been also an outcry under both regimes that the judiciary has also been very weak in the sense that under both leaderships were incapable to act swiftly on cases against members of the ruling party. This brought in the tendency of having ruling party members as angels who could not be held accountable for their deeds.

Secondly, it is also important to note that in relation to the promotion of people's participation the democratic regimes performed better than the one party regime though there has been a persistent revelation that all in all how people contributed to the social, economic and political activities has not been enough. This can be confirmed by looking at issues to do with freedom of expression, elections and electoral processes that have been used to assess the performance of each regime. The study findings show that there was more suppression of freedom of expression under the one party leadership. However, media freedom as well still faces cases of control by the powers that may be directly or indirectly in the democratic dispensation. This then makes the performance of democratic regimes remain poor. In fact, contribution of other stakeholders has also been a challenge

in the sense that under one party regime, their contribution was always in accordance with what the then leadership wanted. Despite change with the coming in of democracy the democratic Government tends not to listen or at least respect the views of those in the opposition parties, CSOs or NGOs and even donor community. This means that other stakeholders in the country do not make meaningful contribution as the study findings have shown. The role of independent MPs which would make a difference as a fruit of democracy has been thwarted because the paper has found out that in most cases these Independent MPs do not stand their ground. In fact, it has also been found out that there is sour relation between the ruling party and the opposition.

It has also been discovered in this research project that many political parties are personalized hence suffer continuation diseases that make them have short life span depended on the existence of the founder. Even the electoral system has been blamed for continued marginalization of others members of the society with winner takes all and loser gets nothing syndrome. This leads to voter apathy. Representation of the minority groups has not been enhanced with the current electoral system. Finally, regionalization of Malawi politics has negatively affected the promotion of people's participation in the country under both regimes. Some people are denied chances to participate or rule due to their origin. On the contrary others get an upper hand based on their regional background.

Thirdly, accountability has also suffered a setback as the study findings show. On the contrary, both leaderships have been found out not to have been accountable hence many cases of corruption. However, the results show that the situation has been much worse

under multiparty democracy. Civil service under Kamuzu Banda is believed to have been free from corruption unlike its democratic counterparts. Despite this fact, there were no organizations or institutions that would promote checks and balances for Kamuzu's one party rule. Another point is that the performance of Parliament and Judiciary as other arms of Government have been overpowered by the executive arm of government reveals the study findings. In fact, most Government created institutions fail to live according the expectations and goals for which they were created because they are mostly affected by the disease of having one appointing authority by the name of the President. This affects their independency and autonomy in executing their duties.

The promotion of equality and social justice has been marred by ethnic division within the country. In fact, the cultural aspect of being patrimonial in many ethnicities affects the enhancement of the role of women and also youth in political issues. It is believed that the one party era was much better in promoting unity in the diversity concept in as far as the study findings can tell. The study results also indicate that nepotism in democracy in appointment in public positions is also killing the sense of equality and even social justice in the country however similar tendencies were as well revealed for the one party rule.

5.2 Implications of the Findings

The implications therefore of the above findings are that democracy does not entail good governance as others had earlier on claimed. This project therefore has also proven that good governance and democracy are two different things and that democracy is more capable of creating a society where good governance can prosper unlike one party

dictatorial rule. Despite several promises made by both democratic rules Malawi has had the two democratic regimes did not fulfil much of the promises made in as far as promoting good governance was concerned due to factors that also affected the one party rule's. This implies that if we address challenges that the one party rule met in advancing good governance we can as well address those that are affecting democratic regimes because in most cases the study has found that there were similar contributing factors. It is important to note that the coming of democracy in Malawi has developed necessary springboards via political institutions that are crucial in promoting good governance in the country only that these have not been used accordingly. In short not all what came with democracy is good for Malawi. There are aspects that we need to assess before incorporating them in our system otherwise mixing our traditions and democratic values sometimes do not bring desired results. It is important therefore for Malawi to extract issues that are in tandem with Malawian way of life from the wholesale of democracy and leave out others that would jeopardize the desire for social, economic and political development of Malawi which has had a different history all together from the developed world. This means that we should not absorb all what democracy per se offers.

Another important point to note is that disassociating good governance from holistic approach leads to poor governance record in one aspect and good record in another hence the need to incorporate both. This thesis has tried to give some guidance on the starting point of action. Changing government democratically is one thing but moving from bad to good governance demands some sense of political will of those in power. This implies that there must not be only change of government whether democratically or not. No

matter how many governments we can change democratically if good governance is not priority we can still have governance problems as we have experienced so far in Malawi. This implies that not every change that happened elsewhere would fit Malawi in all aspect. This is the case because Malawi is different and that it also has different environmental setup as well as history. This means that this paper has been able to expose the fact that becoming democratic did not automatically translate into good governance as western mentality has made us to believe. This confirms what Magolowondo (2005) saw that democracy has been over praised or over marketed. People feel as if just being a democracy then everything good has already been achieved without further efforts. According to the study revelations, more must be done in order to achieve good governance not only by changing government (being democratic).

Furthermore, democracy has brought in a misconception that it is Government that has the responsibility of developing the country so the people sit down and wait for the Government to bring about promised policies. This then thwarts as well the whole purpose of participation, which ironically is one of the principles of a democratic Government. This generally means that becoming democratic was like treating the symptoms of the governance disease Malawians suffered under one party rule, promoting good governance therefore is taken as preventive measures from bad governance record Malawi has suffered under all the two regime types.

5.3 Recommendations for Further Research

- This research project has not exhaustively discussed all tenets of good governance. There is need for more studies to assess the performance of both one party and multiparty regimes in promoting the remaining tenets of good governance.
- In addition, contributing factors to either one party or democratic regimes performance that can fail to enhance good governance have not been exhausted. There is need for more research to bring them out so in order to appreciate what hinders or fosters a regime in promoting good governance.

Conclusion

This chapter has presented the summary of what this research project has found out in general. The chapter went further opening for more discussions by suggesting possible areas of further study in the same field as researcher's recommendations. This was done bearing in mind that the researcher did not address all issues that surround political regimes performance in promoting good governance hence this becomes a starting point for other researchers.

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APPENDICES

Appendix 1 : QUESTIONNAIRE

Questionnaire NO.	
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These Appendices are divided into **4 sections** each captioning some major tenets of good governance under study. This means that a particular section tries to ask questions related to that particular tenet of good governance as a litmus test for governance record in Malawi's three regimes. The sections are in the following order from rule of law, people's participation, accountability and equality and social justice.

SECTION A : THE RULE OF LAW

1. How do you assess the performance of each regime in respect to the protection of human rights in Malawi?

	One Party	1 st Democracy	2 nd Democracy
1.Very good			
2.Fair			
3.Poor			
4.Very poor			
5. Don't know			

2. How did each of the three regimes perform in maintaining the rule of law by acting within what the Constitution stipulates or what the law demands?

	One Party	1 st Democracy	2 nd Democracy
1. Very good			
2. Fair			
3. Poor			
4. Very poor			
5. Don't know			

3. Under which regime did we have more amendments of the constitution without holding a referendum to hear people's views?

	One Party	1 st Democracy	2 nd Democracy
1. many changes			
2. Few changes			
3. some changes			
4. no change at all			
5. Do't know			

4. How do you assess chances of alternative voices being heard in the State funded media houses e.g. MBC TV and MBC Radio 1 and 2?

	One Party	1 st Democracy	2 nd Democracy
1.Very high			
2.High			
3.Low			
4.Very low			
5.Dont know			

5. How has the closure of media houses been under the regimes?

	One Party	1 st Democracy	2 nd Democracy
1.VeryFrequent			
2.frequent			
3.very few			
4.none			
5.Don'know			

6. How do you rate the performance of Parliament under the three regimes?

	One Party	1 st Democracy	2 nd Democracy
1.Excellent			
2.Very good			
3.Good			
4.Average			

5.Poor

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6.Very poor

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5.Don't know

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7. How do you rate the civil service in relation to corruption under the three regimes?

	One Party	1 st Democracy	2 nd Democracy			
1.Very free	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
2.Free	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
3.Corrupt	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
4.Very corrupt	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
5.Don't know	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	

8. How free has the judiciary been from executive or any other influence under the regimes under study?

	One Party	1 st Democracy	2 nd Democracy			
1. Very free	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
2. Free	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
3. not free	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
4. very un free	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
5. Don't Know	<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	

9. Under which regime have journalists been free from restrictive laws, harassment and intimidation by the powers that may be?

	One Party	1 st Democracy	2 nd Democracy
1. Very free			
2. Free			
3. not free			
4. very un free			
5. Don't know			

SECTION B : PEOPLE'S PARTICIPATION

10. How do you assess the contribution of ordinary people in Malawi to the social, economic and political development of this country?

	One Party	1 st Democracy	2 nd Democracy
1.very good			
2.fair			
3.poor			
4. very poor			
5.Don't know			

11. Which is good between self help initiatives and waiting for government to provide development projects in the area?

1. Self help ☐

2. Waiting for government

☐

12. If you had a chance to vote the time the flag was changed, which one would you vote for?

New Flag	
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Old Flag	
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13. Compare the attitude of the State/Malawians towards the caring for public property?

	One Party	1 st Democracy	2 nd Democracy
1. Very caring			
2. Less caring			
3. Caring			
4. Not caring			
5. Don't know			

SECTION C : ACCOUNTABILITY

14. How do you assess the performance of the civil service under three regimes in terms of professionalism?

	One Party	1 st Democracy	2 nd Democracy
1. Very professional			
2. professional			
3. Unprofessional			
4. very unprofessional			

5. Don't know

15. How do you assess the three governments in terms of corruption?

	One Party	1 st Democracy	2 nd Democracy
1. never corrupt			
2. somehow corrupt			
3. corrupt			
4. Very corrupt			
5. Don't know			

16. Has Malawi the capacity to develop without the help of the international community?

1. Has the capacity ☐

2. little capacity ☐

3. no capacity ☐

☐

17. How has access to public services (health, education) been by Malawians under the three regimes?

	One Party	1 st Democracy	2 nd Democracy
1. Very good			
2. Good			
3. Poor			
4. Very poor			

5. Don't know

18. Choose one statement from the following and say how much you agree or disagree with the statement.

- i. It is not necessary for the President, Members of Parliament (MP's) and other senior Government public officers to declare their assets for it is more a private thing even if they hold a public office they have a right to privacy.
- ii. It is very necessary and important that the President, Members of Parliament (MP's) and other Senior Government Public officers to declare their assets because when they assume public office because this will help in curbing corruption by assessing what they had before taking office and compare with what they have the time of leaving office.

	1 st statement	2 nd statement
1. strongly agree		
2. agree		
3. disagree		
4. strongly disagree		
5. Don't know		

19. How easy has to been for you to access information or read the budget statement made available by the government?

One Party

1st Democracy

2nd Democracy

1. Very good			
2. Good			
3. Bad			
4. very bad			
5. Don't know			

SECTION D : PROMOTING EQUALITY & SOCIAL JUSTICE

20. How do you assess the contribution of women in politics under the three regimes?

	One Party	1st Democracy	2nd Democracy
1. Very good			
2. Good			
3. Fairly poor			
4. very poor			
5. Don't know			

21. Under which regime did the youth play their rightful role in contributing to the social, economic and political development of our country?

One Party	1st Democracy	2nd Democracy

1. Very good			
2. Good			
3. Fairly poor			
4. very poor			
5. Don't know			

22. Which program do you think benefited ordinary farmers more than the other?

1. Input loans ☐ 2. Subsidy ☐ 3. Starter pack ☐

23. Who benefited more than others from the public loans under the three regimes?

	One Party	1 st Democracy	2 nd Democracy
1. Everyone			
2. Mostly party loyalists			
3. Only party loyalists			
4. Don't know			

24. Under which regime are the procedures for appointing and removing people from public positions being credible, transparent, and open?

1. One party ☐ 2. 1st Democracy ☐ 3. 2nd Democracy ☐

25. Under which regime do we see more people in government positions reflecting all sections of Malawi people (ethnicity, racial, gender opinion)?

1. One party ☐ 2. 1st Democracy ☐ 3. 2nd democracy ☐

26. In your opinion, which religious grouping affiliated itself more with the following political parties?

		MCP	UDF	DPP
27. How	1. Muslims			
	2. Christians			
	3. Equal			
	4. Don't know			

did each regime perform in preventing powerful international organization and business interests from exercising undue influence over public policy?

	One Party	1 st Democracy	2 nd Democracy
1. Very good			
2. Good			
3. Bad			
4. very bad			
5. Don't know			

28. Which regime favoured most the following tribes in public positions appointment over the other tribes?

	One Party	1 st Democracy	2 nd Democracy
1. Yao/Asilamu			
2. Chewa			

3. Lomwe

4. Equal

5. Don't know

END OF QUESTIONS

Appendix 2: INTERVIEW GUIDE FOR KEY INFORMANTS/MEMBERS OF PARLIAMENT

Questionnaire NO.	
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1. Give me your brief introduction and background in politics?
2. What does good governance mean to you?

A. RULE OF LAW

3. In comparison to the 1966 and 1995 Constitution? According to you what are the weaknesses and strength of the two Constitutions?
4. Have you declared your assets as the Constitution demands? Why?
5. How do you describe the performance of the Civil service under the three regimes?
6. Describe the performance of the three regimes in giving the other arms of Government (Judiciary and Legislature) independence.
7. How has the atmosphere been for Journalists under the three regimes?

B. PARTICIPATION

8. Imagine that you had a chance to choose between the old and new flag, which one would you, go for?
9. How do you describe people's participation (women, youth, MP's) under the three regimes under study?

C. ACCOUNTABILITY

10. How do you assess the involvement of the donor community in Malawi's social, economic and political issues? Do we need them or not? Explain
11. How do you rate the performance of government formed organizations such as the ACB under Muluzi and Bingu and MBC TV, MBC Radio and MEC under Kamuzu, Bakili and Bingu?

D. EQUALITY AND SOCIAL JUSTICE

12. What do you think of the three political parties of MCP, UDF and DPP in terms of popularity? Which were their regions of stronghold if any?
13. In your own assessment which is the best way to help farmers in Malawi in term of farm inputs? Having farmers clubs with input loans, starter packs or subsidy program? What are the weaknesses and strength of each method?
14. How has the Judiciary performed in promoting equality and social Justice under the three regimes?
15. How did ordinary Malawians benefit from Government donations and loan facilities such as YERDEF or MARDEF?
16. What made you join the party you belong to now and not any other party? Finally, how is your political party different from other political parties?

END OF QUESTIONS

Appendix 3: FOCUS GROUP DISCUSSION

Questionnaire NO.	
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1. How do you define good governance? Ulamuliro Wabwino concept?

A. RULE OF LAW

2. Compare how the three regimes managed to respect or not what was stipulated in the Constitution in Malawi? Explain
3. Can you compare and contrast positive and negative elements of the 1966 and 1995 Constitutions?
4. Are you contented with the current electoral system? Discuss.

B. PARTICIPATION

5. How do you assess the contributions people make in the social, economic and political development in the country? When was their contribution highest and lowest during the three regimes?
6. Imagine that you had a chance to choose between the old and new flag, which one would you, go for?
7. Compare the performance of Church Organizations in Malawi, CSOs and CSOs under the three regimes? Do they play their rightful role? Explain.
8. How do you differentiate political parties in Malawi? How is one political party different from another?

C. ACCOUNTABILITY

9. How do you assess the involvement of the donor community in Malawi's social, economic and political issues during the three regimes?
10. How do you rate the performance of government formed organization such as the ACB, MHRC, MBC Radio, MBC TV, MEC and others?
11. How do you assess the performance of the civil society organizations under the three regimes in terms of professionalism vis-a-vis corrupt practices?

D. EQUALITY AND SOCIAL JUSTICE

12. Do you think ruling parties we have had practiced nepotism in the sense that they supported the tribe the leader came from who happened to be the President?
13. What do you think of the three political parties of MCP, UDF and DPP in terms of popularity? Which are their regions of stronghold if any?
14. In your own assessment which is the best way to help farmers in Malawi in term of farm inputs? Having farmers clubs with input loans, starter packs or subsidy program? Explain your answer.
15. Do you think that there is equitable distribution of resources in the three regions of the country? If so why?
16. What role do you think women/youth played under one party rule in comparison to during multiparty? Are they given enough platforms?

END OF QUESTIONS

ANNEXT 1

People Interviewed

HONOURABLE KENNETH ILAMU	(UDF, MACHINGA EAST)
HONOURABLE MUHAMUD LALI	(UDF, MANGOCHI MKUNGURU)
HONOURABLE DONNEXT MPUZENI	(UDF, MACHINGA SOUTH EAST)
HONOURABLE ROBERT LOWE	(MCP, LILONGWE CENTRAL)
HONOURABLE JOLLY KALERO	(MCP, LILONGWE CITY NORTH)
HONOURABLE PETER CHALERA	(MCP, MSINJA NORTH)
HONOURABLE NICHOLAS DAUSI	(DPP, MWANZA CENTRAL)
HONOURABLE MSULIRA BANDA	(DPP, KASUNGU NORTH)
HONOURABLE JUSTIN MALEWEZI	(Former Vice President of Malawi)
MR SAM MPASU	(Former Speaker of Parliament)
MR NOEL MTOZA	(Secretary General, CCJP, Lilongwe Diocese)
MR MUHHAMED KULESI	(Former Malawi Ambassador to Libya)