

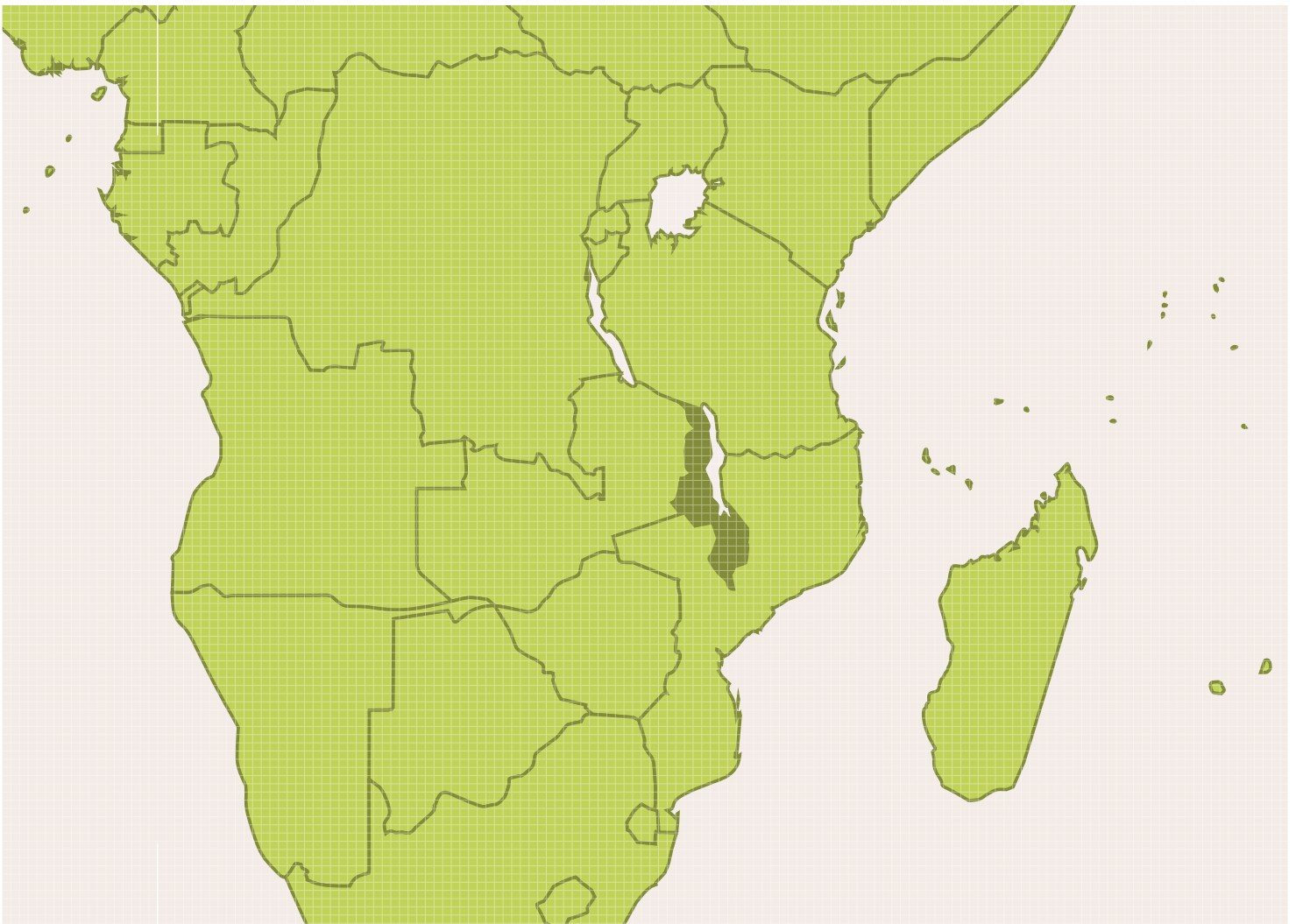


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Malawi: A Political Economy Analysis

Arne Tostensen



Report commissioned by the Norwegian Ministry of Foreign Affairs

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Visiting address: C.J. Hambros plass 2d
Address: P.O. Box 8159 Dep.
NO-0033 Oslo, Norway
Internet: www.nupi.no
E-mail: post@nupi.no
Tel: [+ 47] 22 99 40 00

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Map of Malawi

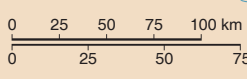


MALAWI



- ★ National capital
- Regional headquarters
- District headquarters
- Town, village
- ✈ Airport
- International boundary
- - - Regional boundary
- - - District boundary
- Main road
- - - Secondary road
- +— Railroad

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.



About the report

In June 2016, the Norwegian Ministry of Foreign Affairs (MFA) commissioned NUPI to provide political economy analyses of eleven countries (Afghanistan, Ethiopia, Haiti, Malawi, Mali, Mozambique, Myanmar, Nepal, Somalia, South Sudan and Tanzania) deemed important to Norwegian development cooperation. The intention was to consolidate and enhance expertise on these countries, so as to improve the quality of the MFA's future country-specific involvement and strategy development. Such political economy analyses focus on how political and economic power is constituted, exercised and contested.

Comprehensive Terms of Reference (ToR) were developed to serve as a general template for all eleven country analyses. The country-specific ToR and scope of these analyses were further determined in meetings between the MFA, the Norwegian embassies, NUPI and the individual researchers responsible for the country studies. NUPI has also provided administrative support and quality assurance of the overall process. In some cases, NUPI has commissioned partner institutions to write the political economy analyses.

List of acronyms

ACB	Anti-Corruption Bureau
ACHPR	African Charter on Human and People's Rights
ADMARC	Agricultural Development and Marketing Corporation
AIDS	Acquired Immunodeficiency Syndrome
ATI	Access to Information Act
AU	African Union
CSO	Civil society organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEO	Chief Executive Officer
CRC	Convention on the Rights of the Child
CONGOMA	Council for Non-Governmental Organisations in Malawi
CRPD	Convention on the Rights of People with Disabilities
DC	District Commissioner
DCCMS	Department of Climate Change and Meteorological Services
DPP	Democratic Progressive Party
EAM	Evangelical Association of Malawi
ECM	Episcopal Conference of Malawi
EGENCO	Electricity Generation Company
ERP	Economic Recovery Plan
ESCOM	Electricity Supply Corporation of Malawi
FBO	Faith-based organisation
FISP	Farm Input Subsidy Programme
FUM	Farmers Union of Malawi
GDP	Gross Domestic Product
HIPC	Heavily Indebted Poor Country
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IIC	Institutional Integrity Committees
IMF	International Monetary Fund
LGBTIQ	Lesbian, Gay, Bisexual, Transsexual, Intersexual and Queer
MACRA	Malawi Communications Regulatory Authority

List of acronyms | Arne Tostensen

MBC	Malawi Broadcasting Corporation
MCCCI	Malawi Confederation of Chambers of Commerce and Industry
MCP	Malawi Congress Party
MDHS	Malawi Demographic and Health Survey
MEC	Malawi Electoral Commission
MGDS	Malawi Growth and Development Strategy
MHRC	Malawi Human Rights Commission
MP	Member of Parliament
MRA	Malawi Revenue Authority
MSCTP	Malawi Social Cash Transfer Programme
MUST	Malawi University of Science and Technology
MVAC	Malawi Vulnerability Assessment Committee
MWK	Malawi Kwacha
NAO	National Audit Office
NASFAM	National Smallholder Farmers' Association of Malawi
OPC	Office of the President and Cabinet
PAC	Public Affairs Committee
PEA	Political economy analysis
PP	People's Party
PR	Proportional representation
PSRC	Public Sector Reform Commission
SADC	Southern African Development Community
STD	Sexually Transmitted Disease
TA	Traditional Authority
UDF	United Democratic Front
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNIMA	University of Malawi
UPR	Universal Periodic Review
USD	United States Dollar

Acknowledgments

This analysis of Malawi's political economy was commissioned by the Norwegian Ministry of Foreign Affairs. Its intended purpose is to inform decision-making related to Norway's aid programme in Malawi and generally the relations between the two countries. The principal author is Dr. Arne Tostensen, a senior researcher at the Chr. Michelsen Institute in Bergen, Norway.

He has received inputs to the analysis by two Malawian scholars, Professor Blessings Chinsinga, director of the Centre for Social Research (CSR) and Dr. Maxton Tsoka, Associate Research Professor at the same institution. Respectively, their contributions addressed public sector reform and the macro-economic situation of Malawi. Their contributions are gratefully acknowledged.

Preface

Before delving into the substance of Malawi's political economy analysis (PEA), a few *caveats* are in order. First, PEAs have a tendency to become outdated rather quickly. In a manner of speaking, they are 'perishable fresh produce' yet without a specified expiry date. This applies not least to a country such as Malawi where the exercise of politics is less constrained by formal rules of the political game and therefore more capricious than in well established democracies. Politics and economic policy-making are in constant flux. Therefore, PEAs should ideally be updated at short intervals, say, every six months (the World Bank's Malawi Economic Monitor is produced with such a periodicity) or at least once a year. The most recent comprehensive PEA is that produced by Irish Aid and Deutsche Gesellschaft für Internationale Zusammenarbeit (2015) which to some extent has already been overtaken by events. The recently published book (Eidhammer 2017) by former Norwegian ambassador to Malawi, Asbjørn Eidhammer, provides a *tour d'horizon* of Malawi's contemporary situation while drawing on historical antecedents. It might be considered a sympathetic political economy exposé that contrasts to the critical slant of the present report.

Second, the ambition to treat the PEA as 'fresh produce' is to some extent jeopardised by the requirement that it be underpinned by evidence found in written sources. Published sources are invariably somewhat dated as publi-

cation processes tend to be lengthy. To overcome that impediment, this report makes use of direct observation by the author and external contributors who are thoroughly familiar with the Malawian context and who have themselves conducted research in the country over many years. While principally a desk study, barring proper fieldwork, some supplementary interviews have been made by phone, Skype or person-to-person in Blantyre, Lilongwe and Zomba with a limited number of respondents. Although the reliability of the print media as sources may be in question, newspaper reports are nonetheless relied upon for want of updated alternatives. The cut-off date for the inclusion of new information was set at the end of August 2017.

Third, the distinction between formal rules and regulations of the Malawian polity as opposed to informal practices is critical and adds to the unpredictability of political action and the implementation of policies. However, it is exceedingly difficult for outsiders to capture the informality of the exercise of real politics as it is largely confined to closed circles. There are no good methodologies to come to grips with this challenge. This report has been compelled, therefore, to resort to 'widespread perceptions' or 'common knowledge' corroborated by other sources of information.

Bergen, *ultimo* September 2017

Executive summary

1. The long-term ambition expressed in Malawi's framework for development, *Vision 2020*, remains elusive. Instead, the country had survived on a begging bowl.

Malawi's governance realm

2. Malawi's political economy epitomises the primacy of politics. The economy is stagnant and poverty pervasive largely because of a dysfunctional *cum* corrupt governance system, which comprises a standard set of institutions, nominally akin to those of a modern, liberal-democratic state. Their inter-relationship ostensibly ensures vertical accountability between elected leaders and the electorate and horizontal accountability between key governance institutions.
3. A distinction is drawn between procedural and substantive democracy. The former refers to the rules of the political game as a method of making legitimate political decisions. The latter pertains to the output side of the formal democratic process. Expectations that the procedures of democratic governance would translate into substantive democracy of tangible benefits have not been fulfilled. While procedural democracy is no doubt essential, it must go beyond skin-deep 'electoralism' to comprise genuine accountability and transparency, respect for human rights, observance of the rule of law and free flow of information.
4. Malawi's system of governance is singularly presidential and confers extensive powers on the presidency. The president is both the head of state and head of government, elected directly by popular ballot for a five-year fixed term in a first-past-the-post electoral system whereby the candidate garnering a plurality of votes secures the office.
5. The 193-member parliament is tasked to represent the electorate, make laws and oversee the executive. However, its functions are seriously constrained because it does not control its budget, it does not determine its own calendar, and its support facilities are inadequate. The turnover of MPs from one election to another is high.
6. Malawi's judiciary is relatively independent of the executive. However, the uses and abuses of injunctions introduce a political dimension that undermines its independence. A case in point centres on section 65 of the constitution – the provision that the Speaker of Parliament may declare vacant the seats of MPs who have 'crossed the floor', i.e. defected from the party on whose ticket they were originally elected to join another party.
7. Periodic elections are a key institution of vertical accountability in any democratic governance system. In the 20-year period since the democratic opening, the proportion of registered voters in relation to the voting age population has been consistently high, which suggests that the electoral institution enjoys legitimacy. A high turnout has persisted despite recurring irregularities and distrust in the Malawi Electoral Commission to administer the elections. The first-past-the-post in single member con-

stituencies is applied as the electoral system in both parliamentary and local elections. The same applies to presidential elections with the entire country as one constituency. With the exception of the 2009 presidential elections, the head of state and government has not garnered more than roughly one-third of the vote, which calls into question his legitimacy as an elected leader. Whether Malawi's democracy is maturing could not be answered with an unequivocal 'yes' or 'no' after the 2014 elections. Democratisation does not seem to be progressing much, though not backsliding but rather stuck in transition.

8. The Law Commission has proposed a change of the electoral system as far as the presidential position is concerned. It means discarding the first-past-the-post method towards a 50 per cent plus one requirement to become a duly elected president. If no presidential candidate garners more than 50 per cent of the vote at the first polling stage, a run-off election must be held within 30 days between the two candidates who mustered the highest number of votes. The first-past-the-post system will be retained as at present for parliamentary and local elections.
9. Political equality in terms of gender seems to have retrogressed to the level of 2004. In the 2009 election, 22.3 per cent of the elected MPs were women. This figure dropped to 16.7 per cent in 2014, roughly the same as in 2004. To address gender equality in political life, the Law Commission has proposed that parliamentary seats be reserved for women, one for each of Malawi's 28 administrative districts that will serve as constituencies. The total number of MPs would thus increase by 28.
10. Decentralisation entails the transfer of decision-making and implementation of policies to lower echelons of the state in order to move responsibilities closer to the citizens. At the local level, traditional authorities wield considerable influence. Chiefs have tended to be loyal to the incumbent government. Shifting presidencies have wooed the chiefs as influential agents in local communities by inflating their number or raising their remuneration.
11. Malawi's first-past-the-post electoral system in single member constituencies tends to induce elected MPs and councillors to be more orientated towards their constituencies/wards than to the political parties on whose tickets they are elected. All parties are dominated by strong and wealthy personalities as leaders. Hence, Malawian politics is personalised as distinct from based on ideology, policies and issues. Lack of ideological salience has led to 'programmatic homogeneity' with manifestos containing all and sundry good things that an electorate might want, devoid of prioritisation and guidance as to how the objectives could be achieved.
12. All political parties have failed to play a meaningful role in spearheading fundamental and sustainable democratic and structural transformation. Once in power they have perpetuated clientelistic behaviour, forged settlements within which the political elite to the effect that those well connected to the political establishment have benefited at the expense of national development. Malawian parties are weakly institutionalised with poor organisational capacity within a weakly institutionalised party system. The voting patterns – excepting the 2009 elections – show a clear regional *cum* ethnic *cum* religious distribution of votes italicise.
13. Apart from formal political institutions, civil society organisations (CSOs) play an important role in the political arena, both as watchdogs on government and as providers of social services. However, in most cases they are heavily dependent on donor support. A

sub-category of CSOs are the faith-based organisations who are grounded in Malawi as a profoundly religious society. At some critical junctures their influence has been significant, even critical, but on other issues they seem not to have made much difference.

14. Malawi has a long history of public sector reform. Prior to the launch of the latest report on public sector reform, there had been 79 comparable attempts by successive administrations since independence. The zealotry of the government and donors alike to build a legal-rational Weberian institutional set-up has led to *isomorphic mimicry*, i.e. carbon-copying institutional forms deemed successful elsewhere and transplanting them to another context. With a focus on *form* rather than *function*, the semblance of a capable civil service is created to serve as a justification for aid programmes. The Malawi public service has persistently experienced poor and declining performance in the delivery of services as well as in the management of public agencies, a deterioration of work ethics, indiscipline and absenteeism and proliferation of fraud and corruption.
15. Malawi features both formal and informal institutions that co-exist, sometimes reinforcing each other and sometimes competing. While Malawi's governance system has all the trappings of a modern state, there is a wide discrepancy between formal rules and actual informal practice. A major reason why formal mechanisms are largely ineffective is the presidential political system with lingering elements from the one-party era under Kamuzu Banda: obedience, discipline, loyalty and unity. This political culture is hierarchical and authoritarian; leaders issue orders and directives and the rank and file obey or are cowed into silence, regardless of professional merit. The orality that characterises informal decision-making undermines accountability because the post-1994 legal system insists upon documentation

and hard evidence. The prevailing political culture among the electorate and the elite alike 'contaminates' the formal institutional set-up. The predominant political culture in the general population is characterised as parochial-subject, which means that people are generally docile and subservient to authority. The political elite has its own (un)ethical norms that are non-democratic and deviate from the formal rules of the political game. The attributes of the elite's political culture include patronage, clientelism, opportunism, corruption, impunity and centralised authoritarianism in the executive – all of them contributing to making Malawi a democracy of chameleons. The frequent defections from political parties, dubbed 'political nomadism', is but one manifestation of the plasticity of the elite's political culture. It generates unpredictability rather than strategic thinking in favour of steadfast development.

A crisis-ridden economy

16. At independence, Malawi adopted managed liberalism, which changed somewhat with the introduction of structural adjustment in the early 1980s following economic crises induced by two oil shocks in the 1970s. The government did not have a coherent social policy and expenditure on social services was low. In the wake of the 2004 election, however, the government developed the Malawi Growth and Development Strategy (MGDS I) and its sequel MGDS II. The latter has been valid to date, although implementation was compromised. A draft of MGDS III is circulating, ostensibly with emphasis on key priority areas and flagship projects. Its overall assumptions make the realism of its implementation questionable.
17. The economy has been characterised by erratic growth, generally in tandem with rainfall patterns. Its structure has not changed appreciably. Export earnings have never kept pace with imports. External

debt was unsustainable before the debt relief under the HIPC initiative in 2006. Domestic debt rose steadily from 1994 to 2014. In the period 2007–2011, the domestic debt stock were higher than the external debt stock. Rising domestic debt is largely a reflection of the country’s challenges in revenue generation stemming from a narrow revenue base.

18. The poverty rate declined insignificantly from 54 per cent in 1998 to 52 per cent in 2005 and to 51 per cent in 2011. Consumption inequality remained stable with a Gini coefficient of 0.39 in the period 2005–2011 but worsened to 0.45 in 2011. Malawi has recently faced two successive adverse weather events that has pushed the country into a state of humanitarian emergency since 2015. Over 6.5 million (nearly 40 per cent of the population) were estimated to require food assistance in the 2016/2017 season. The required food assistance put pressure on the 2016/2017 budget as the government was compelled to relax its tight fiscal stance to allow for emergency purchases of maize and related expenses.
19. Lending rates are very high, hovering between 38 and 40 per cent, driven primarily by macro-economic factors, particularly high rates of inflation that have averaged 23–25 per cent annually since mid-2012. High lending rates limit private sector access to finance and affect economic growth adversely. Malawian banks have a high level of exposure to the public sector, which not only crowds out the private sector but also exerts upward pressure on lending rates. Malawi is ranked fourth from the bottom (134th out of 138 countries) in the Global Competitiveness Index.
20. Apart from the multitude of smallholders, the agricultural private sector comprises large estates in tobacco, tea and sugar production. Mining has long been touted as a sub-sector with great potential but following the suspension of uranium mining, it has failed to take off. As a sub-sector, tourism contributed 3.4 per cent of GDP in 2015. The manufacturing share in GDP declined from 20 per cent in 1992 to 9.2 per cent in 2014. The high cost of borrowing continues to hamper business. Similarly, high charges for telecommunication services and unstable networks constrain business, as do frequent and unpredictable electricity and water outages. Malawi still lacks a clear implementable roadmap towards industrialisation.
21. Owing to its weak competitiveness abroad and a limited domestic market, Malawi’s private sector is excessively orientated towards the opportunities for procurement that the public sector offers. This situation lends itself to unhealthy relationships, which encourage collusion between private interests and civil servants who flout procurement rules.
22. Malawi is extremely vulnerable to climate change and weather variability that result in calamities such as floods, droughts or dry spells causing destruction of infrastructure, compounded by outbreaks of diseases and pests. As maize is the staple crop, much attention is devoted to its cultivation. To that end, FISP was introduced in 2005 to enhance the production volume and became immensely popular. However, FISP is questioned on many grounds; its financial sustainability is doubtful and its implementation has been marred by massive corruption in procurement and distribution. Moreover, from a long-term climate-change adaptation perspective, food production needs to be diversified to include alternative crops. Nonetheless, FISP has been retained, mainly for political reasons. In appreciation of the popularity of FISP, politicians of any hue are disinclined to scrap it. When sound professional judgement is at variance with short-term political expediency the latter takes precedence over the former.

23. Malawi has recently seen some improvement in selected macro-economic indicators. Favourable weather conditions have led to a rebound of economic growth combined with declining inflation and a stabilising currency. These developments appear to have set the country on a recovery path. However, there are no signs of economic transformation. The economy seems stuck in a vicious cycle characterised by large fiscal deficits, excessive borrowing, and high inflation and interest rates. These factors depress investment and growth, leading to weak revenue collection, which further exacerbates fiscal pressures.

Endemic corruption

24. Despite professed commitment to curbing corruption by successive governments, this scourge remains endemic. It ranges from petty bribery that citizens encounter in their daily lives to grand corruption, as well as patronage and nepotism. The Malawi Anti-Corruption Bureau (ACB) is the main institution in the struggle against corruption. While the ACB is legally independent, in a system of governance characterised by executive dominance, its operations are constrained. Its director is widely perceived to be a political appointee. The ACB's prosecutorial powers are subject to consent by the Director of Public Prosecutions.

25. The Office of the Auditor-General was established under the Constitution, with an attendant National Audit Office (NAO). It is nominally independent but it does not control its own budget, without which and no authority to hire and fire, NAO suffers from severe capacity gaps in terms of staff of all categories and attendant skills.

26. The Office of the Ombudsman's mandate includes receiving and investigating complaints of alleged maladministration, including corrupt behaviour, by any public institution, conducting systemic investiga-

tions, and determining appropriate remedies. However, the Ombudsman has no authority to prosecute but must refer matters to the Director of Public Prosecutions or to the ACB in cases of suspected corruption.

27. On the face of it, Malawi's legal anti-corruption framework and attendant institutions seem strong and appropriate but there is a wide gap between the letter of the law and actual enforcement. The operational constraints that impede anti-corruption agencies, mainly due to executive dominance, mean that no significant progress has been made in combating corruption. The Corruption Perception Index 2016 ranks Malawi as number 120 of 176 countries, with a score of 31 of a possible 100.

Human rights – slow and uneven progress

28. Malawi is a signatory to all major international and regional conventions on human rights, and is legally obligated as a duty-bearer to abide by their precepts and to report regularly to the treaty bodies. The Malawi Human Rights Commission (MHRC) has a broad mandate to promote and protect human rights and to investigate violations. The MHRC enjoys A-status accreditation, which means a modicum of autonomy vis-à-vis the government. The Universal Periodic Review commended Malawi for taking action in a number of areas, including legislation. However, several contentious issues remain unresolved such as the rights of sexual minorities and abortion. The death penalty remains on the statute books but no executions have been carried out since 1992.

29. Since the demise of Bingu wa Mutharika in 2012 Malawi has made great strides with regard to political and civil rights, particularly freedom of expression. However, the same does not apply to economic, social and cultural rights, despite notable improvements in health and education. There has been a steady decline in under-five mortal-

- ity. Primary school enrolment stood at 87 per cent in 2014. Malawi scored 0.445 on the Human Development Index in 2016. The national poverty rate is 50.7 per cent indicating that about half the population is poor, with a slight decrease from 52.4 per cent in 2004/2005.
30. Malawi's population grew from 4 million in 1966 to 13.3 million in 2008, with an intercensal annual growth rate of 2.8 per cent. The average birth rate is 5.7 children per woman. The age structure is youthful with nearly half the population below the age of 15, which means that even if fertility declined dramatically in the near future, the built-in growth momentum remains strong as the young reach reproductive age. The high population growth rate is worrisome because it puts heavy pressure on meagre resources.
 31. Social conditions are determined mainly by pervasive poverty. Certain reprehensible cultural practices cause health problems and psychological trauma. Gender-based violence is pervasive, with 40 per cent of Malawian women having experienced violence. One in every five girls is abused sexually before reaching the age of 18.
 32. People with albinism are vulnerable. Prison conditions are appalling. Driven by poverty, petty crime is increasing, even though the crime rate is comparatively low.
 33. Malawi is relatively peaceful but it does not lack conflict potential. Not all conflict is to be shunned; a society without conflict is a dead society. There are constructive and destructive conflicts. Contemporary Malawi is characterised by a multitude of intersecting cleavages – ethnicity, region, and religion – which form the basis of electoral contestation. Absolute poverty is a palpable source of conflict. So is relative poverty, i.e. inequality. Economic inequality is extreme and increasing. The share of total consumption by the top 10 per cent of the population was 46 per cent in 2004/2005 and increased to 53 per cent in 2011. The bottom 40 per cent accounted for 15 per cent of total consumption in 2004/2005 and declined to 13 per cent in 2011. The consumption by the top 10 per cent was 22 times higher than that of the bottom 10 per cent in 2004 and increased to 34 times by 2011. The land Gini-coefficient was 0.523 in 2011. Inequality is also pronounced in education. While the poor enjoy access to primary education, the bias in favour of the rich increases at the secondary level and becomes extreme at the tertiary level. Similar disparities are evident in the access to health services.
 34. A dispute with Tanzania over the northern part of Lake Malawi remains unresolved. Tanzania insists that the international border be drawn in the middle of the lake, not along the shoreline of Tanzania. Malawi claims ownership of the entire northern part of the lake and bases its claim on the 1890 treaty between the colonial powers Germany and Britain. Tanzania invokes the 1982 UN Convention on the Law of the Sea, which stipulates that the boundary between states separated by water should be drawn in the middle of the relevant water body.
- Policy implications and entry points**
35. The political economy analysis paints a bleak picture and provides a long, cynical catalogue of problems facing a country characterised by deep economic and political crisis. A roadmap out of the crisis is hard to chart. As the political elite is essentially rent-seekers, it appears exceedingly difficult to find entry points for donors to change the existing formal and informal rules of the political game in a direction that might set the country on a development path, not least because it is difficult to pinpoint who the spoilers are. Rather than clearly identifiable interest

groups who pursue consistent policies, the spoilers form an amorphous elite of ever shifting constellations in line with changing political winds. The drivers of positive change are very few and appear toothless.

36. The discouraging prospects do not entail that Malawi is a write-off; discontinuation of aid is hardly an option. One option is

to muddle along in the same manner as before. If the donor community would pool its resources, a difference could be made in two critical sectors as another option: irrigation and solar energy. Agriculture is the mainstay of the economy but without irrigation productivity is doomed to remain low. Electricity outages cripple the private sector and create problems for households.

1. Introduction

Launched in 1998 as the long-term framework for Malawi's development, *Vision 2020* boldly stated:

By the year 2020, Malawi, as a God-fearing nation, will be secure, democratically mature, environmentally sustainable, self-reliant with equal opportunities for and active participation by all, having social services, vibrant cultural and religious values and a technologically driven middle-income economy (National Economic Council 2000: 27).

Nearly two decades hence, it is evident that Malawi remains far from achieving its ambitious vision. In stark contrast to the aspirations of *Vision 2020*, at the 52nd anniversary of independence a daily newspaper declared cynically in a large-font headline: "Celebrating 52 years of begging" and claimed the country had survived on a begging bowl from donors (Sabola 2016).

This report will look at a wide range of Malawi's current parameters contained in the quotation above and assess future prospects. This assessment will emphasise the political dimension of Malawi's political economy because so much of what transpires – across all sectors and areas of activity – results from decisions or non-decision by the political elite, including corrupt behaviour. In other words, the abysmal performance of the economy is largely the by-product of dysfunctional politics.

Reflecting the primacy of politics, the report begins with a discussion of the political realm, its historical evolution and current state of affairs. A major part lays out the governance system including the formal institutions (branches of government), elections, local government and traditional authorities, and political parties. An account of public sector reform follows. To underscore the importance of informality in the political game, a major section is subsequently devoted to formal and informal institutions, including a discussion of the prevailing political culture. Endemic corruption warrants special attention. The discussion of governance institutions is followed by an account of the economy, historically and currently. A separate section is devoted to the private sector. The subsequent passage highlights Malawi's vulnerability to climate change as a predominantly agrarian economy, followed by a review of the human rights situation. In view of the high population growth rate, a brief passage addresses the country's demographic trends. Social conditions other than those highlighted in the human rights section (health and education), are also treated. The penultimate part deals with latent and manifest conflicts. The final and concluding section attempts to draw some policy implications of the analysis.

2. Malawi's governance realm

This lengthy part of the report is justified on account of the understanding that politics and governance play a pivotal role in Malawi's political economy, reflecting the primacy of politics. It is asserted that the economy is stagnant and poverty pervasive, largely because of the dysfunctional *cum* corrupt governance system.

Based on the 1994 Constitution, the governance system of Malawi comprises a standard set of institutions, nominally akin to those of a modern, liberal-democratic state: a legislature, an executive and a judiciary (for overviews see Patel *et al.* 2007; Patel and Svåsand 2013), as well as a number of institutions of restraint. These institutions ostensibly make all the major decisions pertaining to economic, political and social affairs, each according to their mandates in their own right or in conjunction according to defined rules. The interrelationships of these institutions bear decisively on the political economy of the country, reflected in various forms of accountability (Schedler 1999; Lindberg 2009). In its most basic form, when decision-making power in a representative democracy is transferred from a principal (e.g. citizens or voters) to an agent (e.g. an elected government), there are mechanisms in place for holding the agent to account for its decisions and if necessary for imposing sanctions, and ultimately by removing the agent from power.

Two types of accountability relations are central. In a polity, a distinction is made between *vertical* and *horizontal* accountability. In a representational democracy, the former typically refers to the relationship between citizens and voters (as the principals) and their elected representatives (as their agents). A vertical accountability relationship runs downwards and upwards

in a hierarchy of authority. In a well-functioning democracy, the principals – effectively the people – may hold their representatives to account through various means, mainly through periodic elections but also through lobbying, petitioning and activism. Unless the representatives are deemed to perform in a satisfactory manner, the people as the electorate have the opportunity to impose sanctions by withholding support come the next election. Free and fair elections are the epitome of vertical accountability. However, since elections occur only periodically the elected representatives may be subjected to pressure during the hiatus between the polling days by the exercise of such freedoms as association, and mass media expression. Taken together, these mechanisms make up vertical accountability in its most fundamental sense.

Horizontal accountability, on the other hand, runs between equals or peers, whether they are individuals or institutions. In a governance system, horizontal accountability has to do with checks and balances between the three branches of government, and with the institutions of restraint as ancillary actors (O'Donnell 1998). When the legislature as the key oversight institution holds the executive to account for fiscal prudence and budgetary restraints, that relationship is horizontal. Likewise, when the judiciary, through the Supreme Court of Appeal, determines that an action by the executive or legislation passed by parliament is unconstitutional, it exercises horizontal accountability. Similarly, when the institutions of restraint (e.g. the Anti-Corruption Bureau (ACB), the National Audit Office (NAO), the Human Rights Commission and the Ombudsman) hold the executive to account, they exercise horizontal accountability.

A distinction may be drawn between procedural democracy and substantive or developmental democracy. *Procedural democracy* refers to the rules of the political game as a method of making legitimate political decisions, i.e. acceptable to the electorate. *Substantive or developmental democracy* pertains to the output side of the formal democratic process. When Malawi transitioned from authoritarianism to a democratic dispensation, it adopted democratic governance principles and a political system for making legitimate decisions. The new system epitomised procedural democracy in the formal sense. The atmosphere was euphoric at the time and expectations ran high that a new era would be ushered in, to provide tangible benefits for the ordinary grassroots voters in terms of services (education, health, water supplies, etc.) and improved living conditions. In other words, there was an expectation that the procedures of democratic governance would translate into a substantive democracy of tangible benefits. Three decades hence, questions have arisen not only in a disillusioned electorate but also among analysts about the expected outputs that have remained elusive. The disappointing benefits of procedural democracy have generated a sense of nostalgia in parts of the population with a yearning for a 'benevolent autocrat' such as Kamuzu Banda who might perform just as well as or even better than the current leaders who are elected by means of perfectly democratic procedures, in delivering the tangible outputs that the electorate wants.

Yet, few would deny that procedural democracy is desirable. It is an achievement in itself not to be belittled. Round 6 of the Afrobarometer survey across 36 African countries showed that 71 per cent of the Malawian respondents support democracy, 84 per cent reject presidential dictatorship, 69 per cent reject one-party rule, and 86 per cent reject military rule. When put into a composite demand-for-democracy index that fathoms the combined attitudes to all those four dimensions, 49 per cent of the Malawians favoured a demand for democracy (Mattes and Bratton 2016). It also appears that schooling enhances support for democracy (Evans and Rose

2006). Notwithstanding such supportive figures, however, the desirable brand of democracy goes beyond skin-deep 'electoralism' to comprise as well accountability and transparency, respect for human rights, observance of the rule of law and the free flow of information. It goes beyond procedural democracy by simultaneously encouraging popular participation in decision-making processes that affect the lives of ordinary citizens and promote the material welfare of the general populace.

In terms of substantive democracy as measured by economic parameters, the latest round 7 of the Afrobarometer survey (2017) shows that 86 per cent of the respondents described the present economic conditions in the country as 'very bad' or 'fairly bad'. Looking back, 76 per cent rated the current economic situation in the country as 'worse' or 'much worse' compared to 12 months previously. Referring to their own living conditions, 77 per cent of the respondents deemed them 'very bad' or 'fairly bad'. Judging by those responses, it is not surprising that Malawian citizens are disappointed by the meagre tangible benefits deriving from procedural democracy.

A strong and pervasive executive

The executive branch of government is what in common parlance is referred to as the government (Dulani 2013). It comprises not only the cabinet (the head of government and his/her ministers) but also the civil service (at central and local levels alike) tasked to implement the decisions made by the cabinet (see sections below on public sector reform and local government). Malawi's system of governance is singularly presidential which confers extensive powers on the President through constitutional provisions and other legislation. The President, who is both the head of state and head of government, is elected directly by popular ballot for a five-year fixed term in a first-past-the-post electoral system whereby the candidate garnering a plurality of votes – not necessarily a majority of 50 per cent or more – secures the office. Much of the electoral competition in Malawi is centred on securing the

presidency. As head of government, the President is at liberty to select his/her ministers from the ranks of the MPs or non-elected professionals. Since one single party rarely commands a parliamentary majority, party coalitions are common. Because of executive dominance, the legislature has limited means to perform its oversight task (Patel and Tostensen 2006 and 2013; Chingaipe *et al.* 2016a; Patel 2016).

A subordinate legislature

The elected representatives of the people at the central level, referred to as members of parliament (MPs), form the legislature.¹ After the repeal in 2001 of the constitutional sections on the Senate, the Malawian legislature is unicameral with three main functions (for a thorough institutional description, see Banda 2015). First, it represents the electorate at the central level of the polity. In other words, it is vertically accountable to the voters who elected its 193 MPs. Second, it is making laws in specific policy areas and scrutinising the national budget that the executive tables every financial year in accordance with the wishes of the principals (voters or constituents). Third, it is overseeing the executive and restraining its exercise of power in accordance with the laws of the country. Malawi's governance system is presidential, not parliamentary. Although the executive ideally ought to enjoy the confidence of the legislature to ensure an amicable relationship and a smooth mode of operation between the two institutions, it takes more than a simple majority of MPs to pass a motion of no confidence to remove the president and his/her cabinet. Rather, it requires an elaborate impeachment process to depose an incumbent government legally.

Apart from the extraordinary action of removing an incumbent president and his/her cabinet, the regular oversight functions of the legislature are constrained (Chingaipe *et al.* 2016a; Patel 2016). The constraints are multiple. Parliament does not control its own budget, which is set by the executive. This affects in particular the

work of the parliamentary committees. Parliament does not determine its own calendar, which means inadequate number and duration of sessions to deliberate on policies, bills and budgets. Non-compliance on the part of the executive to appear before parliament for questioning is commonplace. Although MPs have the opportunity to table private member's bills, their technical capacity and support for drafting legislation are low. Party caucuses and whips are primarily used to instil discipline among party cadre to toe the party line rather than to deliberate on issues. MPs experience difficulty in balancing party and constituency interests, which tend to tilt in favour of the former. Hence, the constituents perceive that their interests are sacrificed. For that and other reasons, turnover rates from one election to another are high and undermine the long-term professionalism of legislators. Parliamentary support facilities are inadequate, especially the research department that could buttress committee work. Taken together, all of these constraints contribute to jeopardising the three parliamentary functions, especially the exercise of oversight vis-à-vis the executive as an expression of horizontal accountability.

While some legislators are articulate and contribute to putting salient issues on the public agenda through the mass media and otherwise, their efforts have so far not produced significant changes because the structural constraints laid down in Parliament's relationship with the Executive are stacked against them. This makes it exceedingly difficult to make any headway. Short of a constitutional overhaul, which would involve the pruning of the powers of the Executive, Parliament seems doomed to play second fiddle in the foreseeable future.

A largely independent judiciary

The main function of the judiciary is to interpret the laws of the land and to adjudicate in legal disputes (Gloppen and Kanyongolo 2013). As such, it is the guardian of the integrity of Malawi's legal framework, not only the constitution (including its Bill of Rights) but subsidiary legislation as well. Judicial independence is critical for the

¹ The terms legislature, parliament and national assembly are used interchangeably.

judiciary to perform its horizontal accountability function in relation to both of the other two branches of government, especially the executive. It has long been asserted that the Malawi judiciary is relatively independent of the executive as exemplified by a number of rulings against the interest of the executive. According to VonDoepp (2005: 276), "... the overall pattern of judicial behaviour suggests that judiciaries in these countries [Malawi and Zambia] have neither behaved as government lapdogs nor served as very reliable allies." The debacle surrounding the attempts to remove the constitutional term limits and allow the incumbent president to stand for a third term is a case in point. In 2001, a High Court issued an injunction against the Speaker of the National Assembly to prevent the removal of seven opposition MPs from their seats, which would have paved the way for the two-thirds majority vote required to amend the constitution. In the same vein, a High Court judge declared unconstitutional Muluzi's ban on all civil society demonstrations regarding the third term issue. Later, in 2007, the Supreme Court of Appeal ruled against then President Mutharika that Section 65 of the Constitution must be implemented (Chimango 2012: 137). Likewise, when former President Mutharika died in office in April 2012 the scene was awash with manoeuvres to prevent Joyce Banda as the Vice-President from ascending to the presidency. However, the judiciary was steadfast in upholding the rule of law and supported Banda's legal right to the presidency (Dionne and Dulani 2012: 120–121). Similarly, in the aftermath of the 2014 elections when then President Joyce Banda declared the elections null and void and ordered a recount of ballot papers, the judiciary ruled that such an action was unconstitutional (Dulani and Dionne 2014: 221).

The general assessment of the judiciary as relatively independent of the executive still holds true (Ellett 2014). A recent survey places Malawi as number five among African nations that put trust in the courts of law with the high percentage of 71, and only 22 per cent of Malawian respondents perceive magistrates and judges to be corrupt (Logan 2017). However, the relative

lack of transparency and accountability in the process of judicial appointments remain causes for concern. When appointing judges the President does not need to state his/her reasons for his/her choice and is not required in law to justify why some lawyers are chosen over others. This appointment practice has led to concerns that, over time, the executive may pack the judiciary with sympathisers who may not act impartially. The limited financial autonomy of the judiciary also creates an avenue through which the executive can apply indirect pressure through promises of better funding or threats of budgetary cuts or delayed disbursements.²

Moreover, the uses (and abuses) of injunctions is an aspect of the judiciary's functioning that has a bearing on accountability. An injunction is an order by a court, which commands a particular person or institution to desist from a specified action or conduct. An injunction has the effect of law and any person or institution, to whom it is directed, is under legal obligation to obey it. Failure to comply with an injunction is tantamount to contempt of court for which the person in question is liable to imprisonment or payment of a fine (Gloppen and Kanyongolo 2013: 123). Injunctions and their obverse – stay orders – are in frequent use in Malawi's political life in order to halt the implementation of policies or actions, or to settle disputes. Some would say that many such instances are tantamount to abuse of the law when parties 'shop around' for sympathetic judges who would be willing to issue a particular injunction. Besides, it is not clear what substantive bases judges have for issuing injunctions or stay orders apart from the soundness of the arguments advanced by the parties concerned. The Speaker of Parliament claimed that his hands were tied in 2007 due to several injunctions as far as implementing Section 65 was concerned during the impasse between the executive and parliament (Chimango 2012). In general, Section 65 has been a bone of political and legal contention in the relationship between the executive and the legislature throughout the

2 Personal communication with Malawian legal expert.

period since the democratic opening, and continues to be so.³

The axiomatic, clear-cut dichotomisation of politics and law does not conform to reality in Malawi. In practice, law, politics, economic and social factors are inextricably linked. Apart from the uses of injunctions, there has been a tendency towards judicialisation and informalisation of politics. “Judicialisation of politics is a process by which courts appropriate the final authority to mediate and adjudicate political competition and conflicts by recasting them into legal forms and resolving them using legal tools and logics” (Kanyongolo 2016: 59). The courts have increasingly invoked ‘customary law’ as a legitimate source of law when passing judgements, despite the contested nature of this legal, largely unwritten source. Thus, an element of informality has entered Malawian jurisprudence.

In addition to the main accountability institutions above, Malawi has three institutions of restraint that perform ancillary accountability functions. They include NAO, the ACB, and the Office of the Ombudsman. They all report to parliament as the principal oversight institution vis-à-vis the executive. For details about their operations and constraints, see separate sections below.

Elections: regionalism and ‘big men’

Periodic elections are a key institution of vertical accountability in any democratic governance system. The Malawi Electoral Commission (MEC) is responsible for organising and administering all elections (presidential, parliamentary and local, as well as by-elections). Since the first multi-party elections in 1994, MEC has drawn severe criticism from the mass media, civil society, the donor community and other stakeholders. Successive elections have been documented in some detail in independent publications (Phiri

and Ross 1998; Ott *et al.* 2000; Khembo 2005; Ott and Kanyongolo 2010; Patel and Wahman 2015). It is noteworthy that in the 20-year period since the democratic opening until the latest elections in 2014, the proportion of registered voters in relation to voting age population has been consistently high (International IDEA 2017). This suggests that the electoral institution enjoys a high level of legitimacy, although voter turnout has declined to date since its 1999 all-time high. The high turnout has persisted despite recurring irregularities and distrust in MEC to administer the elections. Although it is difficult to disentangle the causes of the irregularities, two factors stand out: (a) political interference, and (b) the under-resourcing of MEC. The donor community must also share in the blame. It is an embarrassing fact that Malawi's burgeoning democracy is very dependent on external financing of its key democratic institution. All along, the donors have provided a large proportion of the cost of elections (Svåsand 2011b). While the costs were reduced in 2014, owing to the effective ‘take-over’ by the UN of the procurement of election materials, this intervention occurred at the expense of national sovereignty (Hajat and Tostensen 2015).

A critical issue that has arisen repeatedly are the pros and cons of the electoral system in current use. The first-past-the-post in single member constituencies is applied in both parliamentary and local elections. The same principle applies to presidential elections with the entire country as one constituency. With the exception of the 2009 presidential elections (Tsoka 2009), the head of state and government has not garnered more than roughly one-third of the vote, which calls into question his legitimacy as an elected leader. A counterfactual simulation of election results from the three elections in the 1994–2004 period revealed how electoral outcomes would have differed significantly had the electoral system been different (Bakken 2005). Bakken (2015) has recently contributed to the debate on electoral systems in Malawi by suggesting several options.

A special law commission recently reported on its review of Malawi's electoral laws (Malawi

3 Section 65 refers to the constitutional provision that the Speaker of Parliament may declare the seat vacant of an MP who has ‘crossed the floor’, i.e. defected from the party on whose ticket he/she was originally elected to join another party. In such cases, by-elections would be held whereby the incumbent MP would have to seek renewal of his/her mandate from the electorate.

Law Commission 2017). Among an array of recommendations, the proposal regarding the electoral system with respect to the presidency is particularly pertinent. It was proposed that the President be elected by a majority of more than 50 per cent of valid votes cast through direct, universal and equal suffrage. In the event no candidate would garner the majority proportion of the votes in the first poll, a run-off election would be held within 30 days between the two candidates only who had mustered the highest and second highest number of votes (Malawi Law Commission 2017: 60). This departure from the current system would require a constitutional amendment of section 80(2), which would take some time to enact. The justification for this amendment is twofold. First, an elected president with a numerical majority of votes behind him or her would enjoy greater legitimacy than with a mere plurality of supporting votes, i.e. the highest number of votes, though short of a majority. Second, the requirement of a majority of votes would militate against regionalism and ethnicity as political parties would be induced to adopt a wider national perspective and chart an electoral strategy beyond their current strongholds as evidenced in nearly all elections since 1994. It is conceivable that electoral alliances might emerge as part of a nation-wide pre-polling strategy. The main argument with some validity against such a system concerns the added cost of a run-off election, which, in view of past experiences, would be most likely. Malawi is already heavily dependent on donor support – financially and technically – to administer its elections.

Most civil society organisations (Mkandawire 2017a) and opposition parties support the proposed constitutional amendment (Chitsulo 2017b), while the incumbent party has emphasised the cost element as a hurdle. The DPP with its stronghold in the populous southern region would stand to lose the most if the proposal were accepted and enacted. It would also be a challenge for the opposition parties who would have to revise their strategies in pursuit of the required majority. It is uncertain whether the proposal, if accepted, would be enacted in time

for the 2019 elections. The legislative processes are lengthy, especially constitutional amendment processes (Chikoko 2017d). If the dominant faction within the DPP is against the proposed amendment for strategic reasons, there would be ample opportunity for stalling until it would be too late for the next elections.

Another major change of the electoral laws addresses the representation of women in Parliament, which declined in the 2014 elections as compared with 2009 (see discussion below). To remedy this situation the law commission proposed a novel, radical measure. It proposed reserved seats for women, altogether 28, one for each of the administrative districts in the country as constituencies. The total number of MPs would thus reach 221, as the other seats would be retained as at present (Malawi Law Commission 2017: 64–65).

The 'post-mortem' of the 2014 elections posed the pertinent question whether Malawi's democracy is maturing (Patel and Wahman 2015: 2–15). As the democratic record of the 2014 elections was mixed, the question could not be answered with an unequivocal 'yes' or 'no'. Democracy is a multidimensional concept. It is not a dichotomous concept whereby a country can be assigned to discrete categories as either democratic or autocratic. It is rather a question of degree. Democratisation is an on-going, incremental process towards a higher degree of democratic governance, or, alternatively, a relapse or retrogression into autocracy. A previous assessment of the process of democratisation was equivocal: not progressing much, not backsliding but perhaps stuck in transition (Svåsand 2011a). Similarly, in 2014, not all indicators pointed in the same direction. Malawi scored high on participation measured by a high turnout rate and similarly on competition expressed in the high number of candidates and parties. The judiciary asserted its role as the guardian of the rule of law and determined that MEC had to announce the election results within the statutory eight days after polling. The score was also high on civil and political freedoms essential to the freedom and fairness of elections, especially media freedom.

However, on the dimensions of vertical and horizontal accountability the scores remained low. Dulani (2016: 31) concurred with the mixed post-2014 record: "... Malawi's democracy is stuck in a period of transition, neither consolidating as a democracy nor regressing to the era of authoritarianism."

Similarly, on political equality in terms of gender, the 2014 elections retrogressed a decade close to the level of 2004. In the previous 2009 election, 22.3 per cent of the elected MPs were women. This figure dropped to 16.7 per cent in 2014, roughly the same as in 2004. Only 20 per cent of all registered parliamentary candidates were women. The re-election rate for female MPs was 15 per cent compared to 39 per cent for the opposite gender. After the 2009 elections, the proportion of women ministers was 23.8 per cent but following Peter Mutharika's cabinet reshuffle in 2015, the percentage dropped to 15 per cent (Amundsen and Kayuni 2016: 5–6). This decline in women representation in Malawian politics occurred despite the much-touted 50-50 campaign to support women candidates (Kayuni and Muriaas 2014; Dzimbiri 2016b; Kayuni 2016).

It is common to distinguish between descriptive, substantive and symbolic representation of women. *Descriptive* representation concerns the numbers and trends of women in elected bodies. The above figures reflect the situation on descriptive representation in Malawi at present. *Substantive* representation, on the other hand, pertains to the effect that women, once elected, have on policies, priorities and legislation. *Symbolic* representation denotes the impact the presence of women in elected bodies may have on voter perceptions and attitudes towards women in politics. While the legal framework for increasing women's descriptive representation is largely in place, a key element is missing in the conditions for party registration: a provision for gender parity or female quotas in party constitutions (Kanyongolo and Malunga 2016). With regard to substantive representation, Chiweza *et al.* (2016) claim that the women's caucus has been effective in advancing women-friendly policies and legislation. However, they qualify their statement

by saying that descriptive representation does not necessarily translate into substantive representation in terms of woman-friendly action. It is pertinent, moreover, to mention that in the current parliament a few women keep a high profile and may serve as role models for other women to enter politics, and thus contribute to the symbolic representation of women. While patriarchy remains a predominant social paradigm in Malawi, internal party affairs play a role to the same effect (Tiessen 2008); party politics is a male domain (Chikadza 2016). Malawi was ranked as number 20 of 54 African countries in terms of gender rights in 2015, with 62.1 points of 100 possible, slightly up 0.6 point in the last decade (Mo Ibrahim Foundation 2016).

Local government and traditional authorities

Below the central level, local institutions of governance play a significant part in public affairs. Mainly due to vacillating policies and shifting positions by successive incumbent regimes, the fluidity and blurred demarcations between the central and local levels of governance have persisted. Similarly, there is considerable lack of clarity between the authority and functions of institutions at the local level, principally between the modern state structures and traditional authorities (TAs).

Decentralisation entails the transfer or devolution of some decision-making and implementation of policies to lower echelons of the state. Its rationale is to move responsibilities closer to the citizens, presumably to enhance effectiveness and efficiency in accordance with the subsidiarity principle which dictates that decisions be taken as close as possible to where issues arise. The National Decentralisation Policy was adopted in 1998 with its attendant Local Government Act. It established District Councils composed of elected Councillors and incorporated all line ministry offices at the district level. Non-voting *ex officio* members include chiefs, MPs (after 2010) and representatives of interest groups. The District Commissioner (DC), appointed by the President, heads the secretariat of the Council.

Prior to the tripartite elections in 2014, no local elections had been held since 2000. The Councillors' term of service legally expired in 2005, after which they were left in limbo for nearly a decade pending the 2014 elections. The failure to hold new local elections five years after 2000 rendered the District Councils without a legitimate mandate and thus largely ineffectual, although some hobbled along haphazardly all the same. In 2010, Parliament amended the 1998 Local Government Act to grant MPs a seat in the District Councils with full voting rights. This caused confusion and fuelled tension between elected central level MPs and locally elected Councillors. Undue political interference has plagued the institutionalisation of the democratic decentralisation process to the effect that local autonomy has not materialised. The absence of appropriately elected Councillors have effectively resulted in the re-centralisation of political and administrative decision-making through the DCs (Chiweza 2013).

Parallel to the decentralised modern structures, traditional authorities wield considerable influence (Eggen 2011; Hussein and Muriaas 2013). The term traditional authority has three distinct meanings. First, it refers to the institution of chieftaincy in general, known as *Mafumu* in the Chichewa language, as distinct from *Boma*, which refers to government in general whether at local or central level. The institution of chieftaincy includes a hierarchy from the village headman to the paramount chief at the top. Second, a TA is synonymous with a chief, i.e. the person holding a specific position of trust and authority, particularly with regard to control of land as a critical resource. However, the recent passage of new legislation regulating land ownership reduced the chiefs' role in land matters (Chitsulo 2016a). This reform was hailed in some quarters but there is considerable resistance among the chiefs that could hinder or slow down its implementation. Originally, the position of chief was genuinely traditional in the sense that its authority derived historically from pre-colonial 'tribal' societies. In some cases, such embedded traditional authority lingers. However, today most

TAs *cum* chiefs are appointed by the President and can be considered civil servants, owing to the fact that they are on the government payroll. As such, chiefs have tended to be loyal to the incumbent government. Changing presidencies have to varying degrees wooed the chiefs as influential agents in local communities by inflating their number or raising their remuneration. Third, a TA is a geographical area over which a chief has authority. The ID cards of Malawians refer to the TA to which a citizen belongs.

The ambiguous roles and responsibilities of administrative and political decision-making, compounded by informality, has led to controversies surrounding accountability in the use of increasing resources handled at the local level, in some cases amounting to fraud. Financial reporting leaves a lot to be desired, notwithstanding internal and external auditing (Chiweza 2015). Some go as far as to argue that decentralisation has fuelled corruption in local assemblies when awarding contracts (Tambulasi and Kayuni 2007).

Political parties – mostly in name

Malawi's first-past-the-post electoral system in single member constituencies tends to induce elected MPs and councillors to be more orientated towards their constituencies/wards than towards the political parties on whose tickets they are elected. By contrast, a proportional representation (PR) electoral system, which is not (yet) in use in Malawi, puts greater emphasis on election manifestos and party loyalty. That is not to say that parties are without importance in Malawi (see Patel 2006 for an account of their historical evolution). Conceptually, political parties serve three main functions in a democracy: (a) articulation and aggregation of interests in the electorate and conveying them as alternative platforms to the voters; (b) nomination of candidates for elected office; and (c) forming the basis of government or opposition. Though performing these functions in some measure, most Malawian parties are little more than nominal, loose collectives of politicians and rank-and-file members, although no membership rosters are

kept. All parties are dominated by a strong (and wealthy) personality as the leader, who is also a major (or only) source of funding apart from state contributions for parties with at least 10 per cent electoral support. As far as funding is concerned, the Malawi Congress Party (MCP) is an exception due to its ownership from the Kamuzu era of properties from which revenue is generated. Generally, parties are reluctant to introduce membership fees because it evokes unpleasant memories of the pre-1994 era when MCP contributions were extracted from citizens akin to a tax.

A Political Parties Bill was tabled in Parliament in late 2016 but has not been passed yet. Once enacted it will replace the existing Political Parties (Registration and Regulation) Act. An important part deals with party financing. Section 21 states that a political party that has secured more than ten per cent of the vote in parliamentary elections shall be entitled to funds provided by the state. Such funding is subject to the submission of audited accounts. Any political party is at liberty to raise funds from its members or any other source, inside or outside Malawi. However, no party will be eligible to receive funds from state-owned corporations, a provision designed to prevent undue advantage of incumbency. It is well known that incumbent parties have used state-owned corporations as 'cash cows' in the past to fund election campaigns.

The leadership dominance of parties makes Malawian politics very personalised as distinct from based on ideology, policies and issues (Svåsand 2015). Although most parties formulate manifestos ahead of elections, they are too general to discern clear ideological orientations (Mpesi 2011). The lack of ideological salience has led to 'programmatically homogeneous' as a striking feature of emerging parties in Africa (van de Walle 2003: 304) which still holds true. The manifestos contain all and sundry good things that an electorate might want, but they are devoid of prioritisation and guidance as to how the objectives could be achieved. Moreover, they do not seem to guide party policies and action after election (Chitsulo 2016b). Furthermore, the manifestos are written

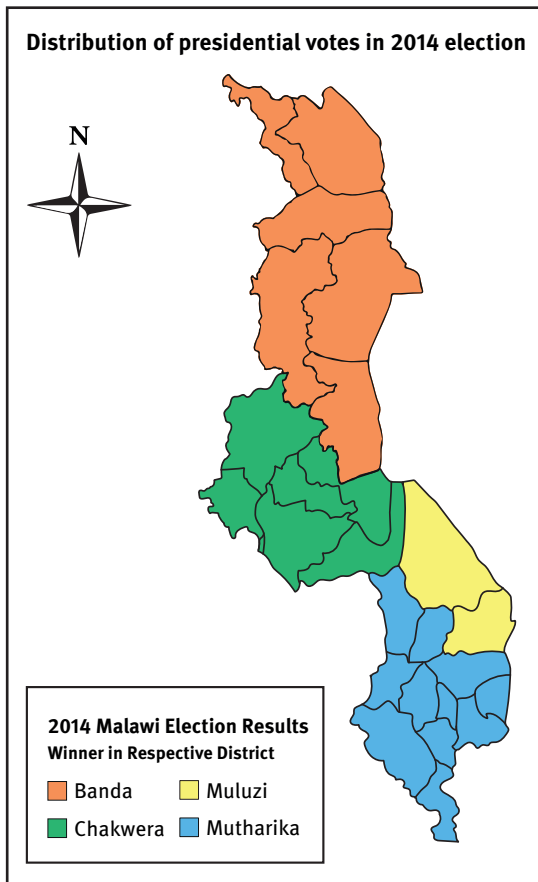
in English and printed in a limited number of copies. This makes them inaccessible to a large proportion of the electorate. Besides, they tend to be distributed late in the election campaigns. Rather than the manifestos being expressions of cleavages and bases of contestation, the parties appeal to various loyalties, predominantly regional and ethnic. Once in power, parties are expected to 'bring development' to their heartland of support. According to two keen observers (Tenthani and Chinsinga 2016: 40 and 55):

... all political parties in the country have failed to meaningfully play their role in spearheading fundamental and sustainable democratic and structural transformation (...) All parties that have come to power in Malawi have perpetuated clientelistic behaviour, forging settlements within which the political elites and those well connected to the political establishment have benefited at the expense of national development.

In the 2014 tripartite elections, four main parties vied for the presidency and seats in parliament and district councils (for an overview of the evolution of these parties, see Tenthani and Chinsinga 2016):

- Democratic Progressive Party (DPP) with Peter Mutharika as its presidential candidate, currently the incumbent party.
- United Democratic Front (UDF) with Atupele Muluzi as its presidential candidate, at present effectively in coalition with the DPP.
- Malawi Congress Party (MCP) with Lasarus Chakwera as its presidential candidate, currently the main opposition party.
- People's Party (PP) with former president Joyce Banda as its presidential candidate, currently an opposition party.

These four parties garnered 98.1 per cent of the presidential vote in the 2014 election (Patel and Wahman 2015: 274). However, there was a multitude of other small parties. Ahead of the 2014 elections, altogether 47 parties had regis-



tered (Svåsand 2015: 89). The high number of registered parties stems from three factors: (a) in terms of the Political Parties (Registration and Regulation) Act of 1993 the legal threshold for registering a party is very low: the signatures of 100 registered voters, a party constitution and a party manifesto are all what is needed, and no activity is needed to remain registered; (b) the ineffectiveness of section 65 of the Constitution does not prevent defections among MPs; and (c) the feeble ideological bases of parties do not act as barriers to defection (Svåsand 2014). Malawian parties are weakly institutionalised with poor organisational capacity within a weakly institutionalised party system (Rakner *et al.* 2007).

The voting patterns – excepting the 2009 elections – show a clear regional *cum* ethnic *cum* religious distribution of votes (see map from the 2014 elections which conforms more or less to the previous elections in 1994, 1999 and 2004). It is noteworthy, however, that due to the con-

trovercy surrounding candidate nominations, the number of independent candidates has been high. Many aspirants who fail to secure nomination by their party – fairly or due to the manipulation of the rules by the party leadership – decide to run as independents. In 2014, as many as 52 independents made it to the 193-member parliament. In other words, 27 per cent of all MPs were independent of any party at the beginning of the term, although many have returned to the fold later in the electoral cycle.

Most parties have poor internal organisation and structures with weak branches throughout the country and with only irregular election of officers. Between polling days the parties tend to be inactive; they come alive in the run-up to polling when candidate nomination is on the agenda and the campaign is heating up. The MCP is arguably the best organised party, largely due to its long history dating back to 1959 when it was formed and its prominence during the Kamuzu one-party era. However, the central region remains its main base. During Bingu's term of office, the DPP managed to establish a presence in all regions but the populous southern region is still its stronghold. At present, the erstwhile AFORD with its main support in the sparsely populated northern region has disintegrated and Joyce Banda's People's Party has to some degree filled the vacuum. The UDF's heartland remains the areas inhabited by the Muslim Yao along the lakeshore in the eastern and southern parts of the country.

It is normal that factions emerge within political parties between strands of thinking based on ideology or other criteria, or simply groupings jostling for positions to secure their interests, be they political or economic. Within the incumbent party, two such factions are discernible. Until recently, one revolved around the Leader of Government in Parliament, a senior Cabinet Minister, and a long-standing party stalwart. With his dismissal in early 2017, that faction suffered a hard blow. Another faction allegedly centres on the Vice-President, a youngish novice in Malawian politics with a background from the private sector (Mmana 2016b). The State Presi-

dent and leader of the incumbent DPP is apparently aware of the factionalism that emerged during his inordinately long sojourn in the USA in 2016 after his attendance at the United Nations General Assembly where he delivered a speech. His unexplained month-long absence spurred speculation and rumours that he had fallen ill and even that he was dead. Apparently, the prospect that the President might have been incapacitated or indeed passed away, induced internal party circles to prepare for his succession. The President in a public statement referred to 'Pharisees and Judas Iscariots' in the party (Mmana 2016b). The insecurity of the President in office seems to stem from his many years in diaspora before returning to Malawi to enter politics at the behest of his elder brother, Bingu. As a result, he does not really have a solid constituency and reliable support network internally in the country, unlike many of his competitors.⁴

The combination of a presidential system in which the presidency is the pivot around which politics revolves; a low threshold for the formation of parties; the lack of parties' clear ideological orientation; and highly personalised politics, all lead to instability of the party system (Svåsand 2014). These factors discourage party loyalty and encourage defections from the party on whose tickets politicians were elected. While this is not unique to Malawi (Conroy-Krutz and Lewis 2011; Goeke and Hartmann 2011) it is decidedly a prominent feature of Malawian political practice (Young 2014). The upshot of all the above factors is that the parties and the party system in Malawi are unstable, fragmented and hardly conducive to democratic consolidation.

Overall, Malawi was ranked number 17 of 54 African countries on the Mo Ibrahim African Governance Index in 2015, with 56.6 points of 100, up 1.1 point from 2006 (Mo Ibrahim Foundation 2016). In terms of safety and rule of law, Malawi was ranked 13th of 54 African countries in the same year, with a score of 62.2 points of 100 possible, down 5.6 points since 2006. In the

personal safety sub-category, Malawi ranked 28th of 54 African countries, with 49.6 points of 100 possible, down 13.5 points in the last decade, probably due to increasing crime. With regard to national security, Malawi ranked 6th of 54, with 95.1 points of 100 possible, slightly down 0.7 point since 2006, suggesting that the country is not in serious conflict with neighbouring countries. The accountability sub-category placed Malawi as number 34 of 54 African countries, with a score of 29.4 of 100, down 12.0 points since 2006, probably because of corruption. Although the credibility of these scores can be questioned, they nonetheless give a numerical expression worth noting.

Apart from the formal political institutions, a multitude of civil society organisations (CSOs) play a prominent role in the governance realm, acting largely as watchdogs on the government and as participants in the public debate on a range of issues. Organised and regulated in terms of the Non-governmental Organisations Act of 2000 under the umbrella of the Council for Non-Governmental Organisations in Malawi (CONGOMA), they form a mixed bag of entities. Some are mere extensions of foreign CSOs from whom they receive the bulk of their funding. Others are genuinely domestic even though they rely on foreign funding. While many lobby on policy issues, others engage in development activities at the grassroots, providing services in such sectors as education, health and water supply. Many perform admirably in their respective fields of activity and deserve commendation. There is no doubt that CSOs, whether domestic or not, exert some influence. Still, they are up against a formidable government that calls them 'stupid' when voicing criticism (Pondani 2017c). The 'stupidity' accusation provoked an array of ire reactions (Kasakula 2017).

A particular sub-category of CSOs are the faith-based organisations (FBOs). Malawi is a profoundly religious society with a multiplicity of faiths and denominations. They act separately and independently and as collectivities, i.e. through the Public Affairs Committee (PAC), the Malawi Council of Churches (MCC), and the Evangelical

4 Personal communication with politically savvy and insightful Malawian observers.

Association of Malawi (EAM). It is a truism that PAC and the Catholic bishops played a central role in paving the way for the democratic opening in the early 1990s. The same organisation, spanning all faiths and denominations in the country, continues to draw strength from its broad membership. It organises inclusive stakeholder conferences and issues statements (see e.g. PAC 2017a and 2017b). Apart from the role of FBO

umbrella organisations, they also act in their own right in advocacy work. They tend to act opportunistically when societal tension is running high, for example around elections but also when other issues are on the agenda such as the third term under Muluzi (Chunga and Tostensen 2017a). They are reputed to make some difference but also experience frustration when up against the powers that be (Chunga and Tostensen 2017b).

3. Public sector reform – yet again?

As an integral part of the executive arm of the government, an effective and efficient public sector is key to sustainable development because it provides an enabling environment with attendant capacity to implement adopted policies. The public sector comprises several key components, including the mainstream civil service comprising all ministries, departments and agencies; local government; constitutional bodies such as the Law Commission, the Ombudsman, etc., as well as parastatals (Dzimbiri 2016a).

Malawi has a very long history of public sector reform. Prior to the launch in February 2015 of the latest report on public sector reform, there had been 79 comparable attempts by successive administrations since independence in July 1964. Previous attempts had not produced the desired results, especially in the post-transition period, ostensibly owing to the lack of political will and a shared vision with a clear strategic direction, as well as lack of ownership of the reform process and the necessary capacity for implementation. Many of the previous reform attempts had been driven by the donor community in an effort to build state capability for implementation of policies whether home-grown or superimposed from outside. Thus, in the face of failure the donors had, in effect, wasted large sums of money. In their zealotry to build a legal-rational Weberian set-up in aid-recipient countries, the donors had engaged in *isomorphic mimicry*, i.e. carbon-copying institutional forms deemed successful elsewhere and transplanting them to another context (Pritchett *et al.* 2013: 2). By focusing on *form* rather than *function* stemming from the actual incentives of staff populating these institutions, the semblance of a capable civil service was created in the guise of ‘best practice’,

and serving as a justification for aid programmes. However, appearances have proved deceptive as dysfunctionality persisted. The donors’ mantra of asking ‘what works’ and ‘what does not work’ and ‘best practices’ without reference to context and history is as misguided as it is well intended. Without contextualisation and a sense of history, local buy-in of such mimicry is bound to fail. It must be recalled that it has taken many countries centuries, not decades, to build functional state apparatuses. However, from the vantage points of aid recipients, the mimicry works in a perverse sense: donors are attracted. For their part, donors can legitimise their aid flows in the eyes of their home constituencies (i.e. the taxpayers) with reference to ostensibly modern state apparatuses in the recipient countries. Persistent failure is allowed when the carbon-copy institutions are “... asked to perform task that are too complex and too burdensome, too soon and too often...” in what may be called *premature load bearing*. The illusion is thus created that policies and projects are being implemented as expected (Pritchett *et al.* 2013: 2 and 14–15).

Notwithstanding disappointing experiences in the past, a fresh initiative was taken towards reforming the public sector (Chinsinga and Sikweze 2017). A national consensus had emerged that the country’s public sector was dysfunctional and unable to drive development efforts. It was triggered by the *Cashgate* scandal that broke into the public domain in 2013. The *Cashgate* scandal exposed malfeasance of major proportions in the conduct of public finance management and spurred political parties ahead of the 2014 elections to include public sector reform in their manifestos. An *ad hoc* Public Sector Reform Commission (PSRC) was appointed under the

leadership of Vice President Saulos Chilima to identify the challenges and propose remedies. Its diagnosis was refreshingly candid: “The Malawi Public Service has persistently experienced poor and declining performance in the delivery of services as well as in the management of public agencies, a deterioration of work ethics, indiscipline and absenteeism and proliferation of fraud and corruption” (Government of Malawi 2015: 2).

The PSRC distinguished two sets of reform: (1) quick-win reforms and (2) strategic long-term reforms. These reforms are very comprehensive. For each proposed reform area, the PSRC provided a corresponding set of detailed recommendations. Mindful that the PSRC was successful at the process level, the report emphasised the critical importance of implementation (Government of Malawi 2015: 60). It is a tall order, indeed. Given the comprehensiveness of the reform agenda and the dismal historical reform record in this regard, its realism and feasibility can be questioned, even though the Malawian ownership of the proposals seem more encouraging this time around, especially the long-term strategic interventions. There are serious doubts as to whether the political commitment to the reform agenda is genuine enough and sustainable.

It is a widespread perception, including among development partners that the public reform agenda has been advanced in an attempt to woo the donors back into resuscitating direct budget support, which was suspended in the wake of *Cashgate*. In view of past efforts to reform the public service, the donors are sceptical as to whether success will be achieved this time around. A key donor representative expressed this scepticism openly and succinctly:

We want a reform movement that we can see and feel, not just hear about. One that is concerned with the outcome, not just the process; public financial management that demonstrates it is delivering sustained improvement in the security and effectiveness of Malawi’s finance. ... Unless there is a radical overhaul of thinking and delivery we will remain dealing with overwhelming symptoms and not their causes, focusing on emergency care rather than promoting

long-term health, wellbeing and economic transformation. ... We want this government to succeed with the reform agenda, but delivery is the name of the game. Success will be measured in plans, which translate into impact. It means a vision and plan that foster initiative and responsibility, weaning people of dependency and entitlement (Meki 2015).

Two years after the launch of the PSRC report the politicisation of the public service remains deeply entrenched (Dzimbiri 2016a). Quick-win items such as the passage of new or amended legislation have not been tabled in Parliament. The President has continued to appoint officers on the basis of political orientation or ethnic affiliation. Ironically, two members of the PSRC were appointed Chief Director for Public Sector Reforms and Chief Executive Officer (CEO) for the Electricity Supply Corporation of Malawi (ESCOM), respectively. The same practice is evident in the appointment of new board members for parastatals effective February 2017. No significant difference is discernible in the composition of these newly appointed boards compared to their predecessors. They are dominated by political sympathisers, traditional leaders and CSOs friendly to the government. What has transpired thus far demonstrates half-hearted commitment at best.

The public sector reform agenda has fallen prey to inter-party politics and succession politics within the DPP. The chairship of the PSRC raised the profile of the Vice President given the potential dividends from quick-win reforms. His leadership style and ability to provide strategic substance to the reform process were considered promising. The Vice President appeared to have created a viable roadmap for the implementation process and set up a system for monitoring, evaluating and reporting on progress. With his background from the private sector, he appeared a master of securing and showcasing quick gains. He featured widely in the newspapers as a doer and an achiever. A contrasting, cynical or conspiratorial view is that the Vice President was given a monumental task from which he were unlikely to escape unscathed. Consequently, it

was rumoured that his chances in the succession struggle within the DPP would diminish. However, apparently aware of the situation the President in a rally patted the Vice President on the shoulder and called him his son to dispel the rumours (Khunga 2017).

Whatever the intra-party succession effects, in terms of real reform implementation, the Vice President was expected to champion the agenda. However, he has been relieved of that responsibility, reportedly due to bold remarks he made to the effect that Malawians should stop glorifying mediocre leadership. Responsibility for implementing

the reform agenda has reverted to the Office of the President and Cabinet (OPC) and its Public Sector Reforms Management Office. This development does not augur well for the reform process. Against the backdrop of the reform agenda having been hatched from within Malawi – as opposed to superimposed by donors – with a high degree of legitimacy and consensus about the desirability of these reforms, the latest developments make the prospect of success dim. One of the dailies ran a front-page story claiming that the reforms were on a deathbed because the process allegedly lacks leadership (Chikoko 2017c).

4. Formal vs. informal institutions

Many African states feature both formal and informal institutions that co-exist, sometimes reinforcing each other and sometimes competing with each other. This section discusses the interaction of these two types of institution.

Malawi's governance system has all the trappings of a modern state, with a standard set of institutions. These institutions form the core of the liberal-democratic set-up, with reasonably well defined roles vis-à-vis each other, though sometimes ambiguous. They are expected to perform according to Weberian notions of legal-rational behaviour and to treat citizens equally and impartially. Thus, institutional behaviour would be predictable and transparent. If that situation were in fact the case, the structures and processes of government could justifiably have been characterised as institutionalised in a formal sense. However, there is often a wide discrepancy between the dictates of the fairly clear formal rules and the actual observed practices and outcomes.

An institution denotes a set or a pattern of relatively stable social relations underpinned by norms, expectations, and processes. Within this pattern, interaction is iterative over time and governed by formalised, written rules and agreements *as well as* informal, tacit understandings about acceptable behaviour (though sometimes bordering on the unacceptable). When the formal and informal rules reinforce each other, they contribute to consolidating and solidifying the institution. In other words, the informal rules complement the formal ones in producing a high degree of congruence. Conversely, if formality and informality pull in different directions, scope is created for instability and unpredictability. In such a scenario, the informal rules displace

or compete with the formal standards: there is incongruence between formality and informality (Helmke and Levitsky 2006). Depending on the mix of formality and informality the internal dynamics of these institutions are poorly understood, especially by outsiders, be they local stakeholders or international agents. Working within them is capricious and exceedingly difficult.

The government, civil society and private sector organisations are institutionalised when their behaviour is routinised and predictable. The hallmark of institutionalisation is above all predictability, which is preferable to arbitrariness. However, institutionalisation is not inherently beneficial; reprehensible practices can also be institutionalised, e.g. routinely bribing police officers or harmful cultural practices such as child marriages. Institutionalisation must be assessed *both* by the outcomes *and* the processes leading to those outcomes. Moreover, when the formal underpinnings of institutions – i.e. public, transparent, known unambiguous rules and procedures – are 'contaminated' by informal practices based on patronage in response to a plethora of ethnic, regional, religious, personal or other loyalties, the routinised and predictable behaviour may be in jeopardy. Such 'contamination' is commonly observed in Malawi due to the prevailing political culture characterised by neopatrimonialism.

A case in point is the budget process that in a somewhat dated study (though still valid) was characterised as a theatre that masks the realities because informal processes undermine the formal institutions at all stages from formulation to implementation (Rakner *et al.* 2004). As a result, the budget is overambitious and does not reflect set priorities. During implementation,

the formal rules and regulations are easily circumvented, thus allowing powerful stakeholders to distort the budget in their favour. Owing to their weak capacity, the institutions of restraint and oversight are sidelined and unable to perform their tasks effectively. A key institutional relationship in the governance system is that between the executive and legislative branches of government. The latter is an oversight institution tasked to check the former and hold it to account.

A major reason why formal mechanisms are largely ineffective in Malawi is the singularly presidential political system. The legacy of the one-party era under Kamuzu Banda lingers, expressed in his four cornerstones of society: obedience, discipline, loyalty and unity (van Donge 1998; Lwanda 2009; Power 2010). Mapanje (2002) refers to the ‘orality of dictatorship’ that afforded deniability and impunity to the perpetrators of atrocities during the autocratic period. That orality lingers in informal decision-making processes in contemporary Malawi and undermines accountability because the post-1994 legal system insists upon documentation and hard evidence. Ironically, in an informal culture characterised by orality, the law itself has become an impediment to holding leaders to account. In the same vein, implicit (and sometimes explicit) threats of ostracisation or milder forms of disciplining are employed to coerce opposition MPs into silence or MPs belonging to the incumbent party into toeing the party line. Instead of facilitating open policy debate in a democratic spirit, the principal purpose of the party caucus is to ensure party discipline. Since MPs are generally preoccupied with their re-election they would be disinclined, therefore, to oppose the party whip and leadership lest they lose support come the next nomination and election. The result is subjugation. However, there are a few notable exceptions of MPs with civil courage to speak their mind without fear or favour.

Another informal factor that ‘contaminates’ the formal institutional set-up is the prevailing political culture among the electorate, which comprises three elements: (a) the cognitive (what citizens know about the political system and

how it works); (b) the attitudinal (what feelings citizens have and what judgements they make about the political system); and (c) the behavioural (how citizens behave within the political system).

Defining political culture

Political culture may be defined as a population’s predominant beliefs, attitudes, values, ideals, sentiments, knowledge and evaluations about the political system of their polity, as well as the role of the self in that system. Political culture thus constitutes an informal extension of the rules of the political game beyond those formalised in the structures of government, the constitution, legislation, and subsidiary regulations. While not discounting the importance of formal institutional factors, in most democratising African states there is currently a wide discrepancy between formal structures and rules, on the one hand, and actual political practice, on the other.

Based on these elements, three types of political culture may be distinguished (Almond and Verba 1965):

1. *Parochial Political Culture*. Citizens make no distinction between their macro-political and social orientations; patron-client relationships predominate. This culture predominates in so-called traditional societies.
2. *Subject Political Culture*. Citizens are orientated towards the outputs of the political system, but they do not see themselves as active participants. Many developing countries have variants of political cultures resembling this type.
3. *Participant Political Culture*. Citizens tend to be orientated to the system as a whole, and to both the political and administrative structures and processes. They also tend to take an activist stance. This type epitomises democracy.

Most developing countries do not have one homogeneous political culture; there are multiple political sub-cultures. Consequently, most countries exhibit a mix of all the above political cultures even though one of them may predominate. In present-day Malawi, the predominant political culture in the general population can best be characterised as parochial-subject with an emerging dash of a participant element. This means that most citizens are preoccupied with the output of the political system, e.g. the tangible benefits accruing to them, and rather less about the process producing those benefits, and how they themselves can participate in that process. In recent years, there has been a tendency towards greater participation. Even so, people remain overall docile and subservient to authority.

In contrast to the political culture of ordinary citizens, the political elite has its own shared (un)ethical norms and standards, even if they are non-democratic and deviate from the formal rules of the political game. This particular political culture reflects the ways in which *real* politics is conducted and results from a political settlement – a common tacit or explicit understanding among the political elite that their mutual interests are best served by not ‘rocking the boat’ but rather acquiescing in a particular form of state. Such a political settlement comprises a rough distribution of power and resources, combined with a ‘social contract’ with the population that provides some social services to appease the electorate and sustain a modicum social conciliation that links state and society (Pospisil and Rocha Menocal 2017). It is a moot point whether such a political settlement is in place in Malawi. However, Cammack (2017: 662–663) argues that a political settlement has indeed been negotiated in Malawi. She claims it has survived several tests since 1994 through critical junctures and created a workable though less-than-democratic governance arrangement, albeit without a policy environment conducive to national economic development. She asserts that with the knowledge of the informal norms or the real rules of the political game that the political settlement embodies, the behaviour of the ruling elite can be

anticipated (Cammack 2017: 673). The examples mentioned to support her claim are questionable, although seemingly convincing with the benefit of hindsight. Still, it is doubtful that the observed outcomes were actually anticipated by analysts at the time. Rather, the volatility and capriciousness of political practices are likely to prevail.

The attributes of the elite’s political culture include patronage, clientelism, opportunism, impunity, corruption and centralised authoritarianism in the executive. These attributes have contributed to dubbing Malawi as a democracy of chameleons (Englund 2002). Since there are few opportunities for making money in Malawi’s private sector outside politics, the state becomes the magnet that attracts aspirants to enter politics in order to seek wealth rather than to serve the electorate. It is therefore a pressing concern to be close to the ‘big man’ (the gender exception is Joyce Banda) in charge of the incumbent political party (and its coalition partners) or the party most likely to win the powerful presidency come the next election. Jostling for positions close to shifting political constellations breeds opportunism devoid of principles grounded in ideology or policy. Loyalty to the point of grovelling to the top man and his ilk becomes the hallmark of the elite’s political culture and effectively replaces ideology. That is the main reason why politicians defect from their original party to join another one and back again if expedient. Political defections are the order of the day – with or without pecuniary inducements – to create new constellations or secure the existing ones. Alliances are subjective, based on family and ethnic relations, common village and school backgrounds, business dealings, or common religious identities. Often these identities concur to produce a particularly strong unity of purpose (Cammack 2017: 664). This mode of operation produces a fuzzy political practice, though with some elements of stability.

The mass defections from the DPP after the demise of Bingu and the ascendancy of Joyce Banda and her new party, the PP, underscore the strength of gravity towards the patronage of the presidency and the personalisation of polit-

ical parties to the detriment of institutionalisation (Dionne and Dulani 2012: 135). The 2014 elections produced a hung parliament in which the DPP garnered only 50 seats without a secure majority in the 193-seat Parliament. Independent candidates won an unprecedented 52 seats. The remaining seats were divided between the three main opposition parties and a few smaller ones. The MCP garnered 48 seats, former President Joyce Banda's PP won 26 seats, and the UDF secured 14 seats (Dulani and Dionne 2014: 222). Although independents are not deemed to have crossed the floor, legally speaking, some of them later shed their independent status and joined the incumbent party or opposition parties. The upshot of these shifts in party loyalty was that the DPP parliamentary group increased from 50 to 58 currently (still short of majority), the MCP group grew from 48 to 54 seats, the PP lost one seat and slipped to 25 seats, while the UDF remained with the same strength. The large number of independents shrunk from 52 to 38 in the process (Kadzakumanja 2016). These manoeuvres illustrate that politicians are opportunistic in conformity with the prevailing political elite culture when drifting towards the perceived locus of power and sources of wealth. In derogatory language, they are dubbed 'political nomads'. Such 'nomadic' behaviour does not only disrespect the voters, it also demonstrates the capriciousness of the political landscape.

Written documents such as the Constitution, laws, adopted policies and regulations may set the formal agenda and create a semblance of a developmental thrust catering for the international community and an ill-informed citizenry. However, these formalities – no matter how stringently formulated – are often contravened in favour of personalised and irregular agendas. This generates unpredictability rather than strategic thinking in favour of steadfast development (Cammack 2010). Arguably, this neopatrimonial political culture is the main impediment to Malawi's development, not institutional reform and the adoption of better policies. The prevailing political culture governs the politics of

implementation and prevents the intentions of well-formulated policies to come to fruition.

There is much anecdotal evidence to support the assertion that Malawi's political culture is hierarchical and authoritarian: leaders issue orders and directives and the rank and file obey or are cowed into silence, regardless of the professional merit of such orders. This applies across most sectors of society. The prevailing political culture sacrifices professionalism on the altar of hierarchical thinking and submission to authority, largely a legacy of the Kamuzu era. Participatory professionalism is not encouraged but negatively sanctioned. Innovative ideas are often brushed aside with quips like "*Kodi mwabwera liti*" ('This is how we do things here') (Munthali 2015). To the extent a subject political culture – perhaps blended with remnants of parochialism – persists in the population at large and informs various institutions, including civil society and the private sector, it would translate into a lack of professionalism in the civil service, and a dearth of deliberative democracy and open debate on policy issues in the public arena.

The faith in authority is manifested in popular culture and performances at official functions, where panegyric songs are sung in praise of leaders. In a country where biblical imagery is common in political rhetoric, Kamuzu Banda was portrayed as the biblical Moses who rescued the Israelites from Egypt and led them into the promised land. The popular musician Lucius Banda sang the praise of Bakili Muluzi. Bingu wa Mutharika was depicted as *Mose wa Lero* (Moses of today) on large billboards ahead of the 2009 elections. These manifestations of political praise suggest that the political elite does not only apply coercive power but also derive consent by controlling people's mind-sets at the grassroots (Chimwaza 2016). While cultural expressions such as music may be used to criticise the powers that be and to raise the awareness of citizens (Chirambo 2002), singing and dancing to laud politicians persist as the norm (Chirwa 2001; Gilman 2001). The Speaker of the National Assembly said recently that continued praise-singing and handclapping for leaders in the face of challenges

do not promote accountability (Mwale 2016). In the same vein of praise for the great leader, Malawians seem to be waiting for the proverbial 'redeemer' to lead them out of their current predicament, yet he or she remains elusive.

It would appear that the parochial/subject elements of the blended political culture take precedence over the participant feature. However, active participation has become an increasingly important ingredient over time, however slowly, especially among the younger generation who has no recollection of the pre-1994 era. In other words, there is a discernible trend towards a participant political culture although the parochial/subject elements seem resilient. There is an urban-rural distinction as well. Participation tends to be more salient in urban centres, while parochial/subject political cultures are a more pronounced rural phenomenon. The importance of ethnicity and regionalism as a basis of political mobilisation suggests that parochial identities remain strong (Voice of Micah 2009; Ferree and Horowitz 2010). One would expect, therefore, that decentralisation and local government would be affected adversely by pervasive patrimonialism in local communities.

The extent to which the parochial and subject orientations of the political culture are evident, they may be said to 'contaminate' the ostensibly democratic nature of formal institutions. They form the basis of chains of hierarchical patron-client relationships, which are anathema to legal-rational Weberian precepts and provide fertile ground for patronage, nepotism, favouritism and corruption. It has been argued that in African states there are 'two publics': a civic public and a primordial public (Ekeh 1975). In the former, which is a modern or colonial construct,

individuals gain materially but give only grudgingly. The latter, on the other hand, is rooted in traditional society and its perceived 'good' citizens are expected to contribute lavishly materially and ask for nothing in return, except compassion. The interaction of these two publics blurs the Weberian distinction between the private and the public. Educated individuals – i.e. the current political and economic elites – who operate in the civic public have not yet shed their allegiance to the primordial public. Hence, they are members of both and torn between them. The unwritten logic of the interaction is that it is legitimate to rob the civic public in order to strengthen the primordial public. As a result, the Weberian ethos of benevolent institutionalisation, predictability and transparency tends to be undermined.

It should be pointed out, however, that at the higher echelons of the civil service the legal-rational Weberian precepts and ethos appear to be taking root, albeit very slowly and unevenly. For instance, systems of macro-economic management have been greatly improved in recent years, discounting corrupt behaviour as exemplified by various 'gates'. On the other hand, inappropriate political interference does occur – but mostly in the implementation process of policies, which thus distorts and modifies the original legal-rational decisions. Greater attention to the politics of policy implementation is warranted.

Political cultures are not identifiable, tangible actors or stakeholders. Rather, they are informal institutions or mind-sets that pervade all formal institutions and actors in some measure. As such, they take on great importance and should be taken into account when charting strategies and designing interventions for better governance and pro-poor development.

5. A crisis-ridden economy

This section offers an account of the evolution of Malawi's economy in the period 1994–2014, and its current economic performance without structural transformation. It also recounts the historical evolution of policies adopted since independence in 1964 to provide a backdrop to the present situation.

Malawi adopted managed liberalism at independence, which changed somewhat with the introduction of structural adjustment in the early 1980s following economic crises induced by two oil shocks in the 1970s. The government did not have a coherent social policy and expenditure on social services was low (Tsoka 2008). To support the poor, price controls and input subsidies were instituted but later systematically erased due to structural adjustment. By 1994, there was no official protection of the poor (World Bank 2007).

The new UDF government launched the Policy Framework for Poverty Alleviation Programme in 1995, followed by *Vision 2020* in 1998. The latter charted a long-term development perspective with the aim to transform the economy from import dependency to export orientation. However, no implementation framework was put in place. In an attempt to access resources from the Heavily Indebted Poor Country (HIPC) initiative, the government developed the Malawi Poverty Reduction Strategy Paper for the period 2001–2005. Thus, during the 1996–2004 period, Malawi did not have a thought-out development strategy. The policy environment was in a flux and economic performance unpredictable, which led some commentators to dub the period a lost decade (Muula and Chanika 2005).

In the wake of the 2004 election, the defecation from the UDF by Bingu wa Mutharika

and the formation of the DPP, the government developed the Malawi Growth and Development Strategy 2006–2010 (MGDS I) to guide development planning, followed by its sequel, the Malawi Growth and Development Strategy 2011–2016 (MGDS II) (Government of Malawi 2012a). However, the implementation of MGDS II was compromised by macro-economic challenges, including scarcity of foreign exchange owing to an overvalued currency and power disruptions, which, in turn, led to fuel and raw material scarcity. Following the demise of President Mutharika in April 2012 and the ascent to incumbency by the PP under Joyce Banda, a three-year Economic Recovery Plan (ERP) was developed to restore macro-economic stability. This involved a massive devaluation of the Kwacha (46 per cent) coupled by its floatation and an automatic fuel pricing mechanism. The ERP ran up to 2014 when the PP was defeated in the election by the DPP, which reverted to MGDS II.

A draft version of the MGDS III is circulating (Malawi Government 2017a). Although still a draft, its contents give significant pointers as far as government policies and priorities are concerned. It builds on its predecessors and purports to prioritise more strictly on fewer development challenges. Towards that end, it identifies six key priority areas (KPA): (i) Agriculture and Food Security; (ii) Irrigation and Water Development; (iii) Transport Infrastructure Development; (iv) Energy Generation and Supply; (v) Integrated Rural Development; and (vi) Prevention and Management of Nutrition Disorders, HIV and AIDS. To each of the KPAs are attached flagship projects. The draft MGDS III concedes that coordination in planning has been lacking previously and led to inconsistencies, largely

due to the politicisation of the planning process whereby political parties have brought their pet populist projects to the table in order to garner votes at the expense of a national vision (Malawi Government 2017: 25).

As far as agriculture is concerned, the MGDS III points out the climate change risks to crop production and the need to adapt to reduce vulnerability. Yet, the strategy is purportedly based on the totally unrealistic assumption of favourable weather and climate (Malawi Government 2017: 12). With regard to energy, it is astounding that solar energy is barely mentioned while most attention is devoted to hydro- and coal-based electricity. It seems odd that instead of prioritising solar energy as a clean, renewable form, a polluting coal-fired electricity-generating project is planned to produce 300MW and to be fed into the national grid. Funding is expected to be forthcoming from the governments of Malawi and China (Malawi Government 2017: 82). A major implementation challenge is funding of the flagship projects. It is also questionable whether many of the key assumptions underpinning the strategy are realistic: a macro-economic environment conducive to accelerated growth; prudent management of fiscal and monetary policies; and good governance entrenched in institutions to avoid wastage of scarce resources.

Malawi's economy has been characterised by erratic growth, generally in tandem with rainfall patterns. From the lowest negative growth rate of 10 per cent in 1994, the economy registered its highest growth rate of 17 per cent in 1995, both of which due to capricious rainfall. The next catastrophic performance followed poor weather conditions in 2001, when the negative growth rate slumped to 5 per cent. On average, the Malawi economy grew slower (3 per cent) than the sub-Saharan African economy (4 per cent) between 1994 and 2004 and above the regional level between 2005 and 2014 (6 per cent as compared to 5 per cent). The economic performance under the UDF government was characterised by deterioration, especially between 1995 and 2001. The above figures reflect nominal growth rates. The picture looks somewhat different

when adjusted for high population growth. In the 1990s, the real GDP per capita growth rate averaged 1.79 per cent. During the following decade, it averaged 1.52 per cent, while so far in the 2010s it has averaged 0.94 per cent (Addison *et al.* 2017: 6).

The structure of the economy has not changed appreciably since 1994. It remains dominated by agriculture and services. The share of manufacturing in the Gross Domestic Product (GDP) has continued to decline from 14 per cent during the 1994–2002 period to 9 per cent during the 2002–2014 period. There has been a share increase in financial and professional services (banking, insurance and other professional services).⁵ A sector analysis of the latter period (2002–2014) shows that the share of agriculture and natural resources sector in GDP has steadily declined from 39 to 30 per cent over the period. On the other hand, most of the main sub-sectors have increased their respective shares somewhat. Structural transformation denotes the process whereby low-income countries, in which agriculture absorbs most labour and generate most economic output, become middle-income and eventually high-income societies characterised by a relatively smaller but more productive agricultural sector. Enhanced productivity, which has not occurred in Malawi, is the key to transformation. Several structural factors common to most African economies are also relevant to Malawi. First, *land* is a key productive asset but the quality of the soils is degrading. Second, *water* is becoming an increasingly serious constraint, in particular if irrigation is considered, which certainly is a priority in Malawi. Third, *weak human resources* act as a brake on productivity growth. Fourth, the *institutional and physical infrastructure* remains weak. Fifth, risk exposure is high, especially in the face of climate change. Sixth, feckless and erratic governance and capture by politics continue to be an important impediment

5 Comparison of the two time periods has been difficult because there was a change in the classification of the sectors as from 2002. Prominent sectors such as services and government services do not appear at all.

Table 1: Poverty rates and Gini Coefficients, 2005 and 2011

	Poverty rate (%)		Gini Coefficient	
	2005	2011	2005	2011
Malawi	52.4	50.1	0.390	0.452
Urban	25.4	17.3	0.484	0.491
Rural	55.9	56.6	0.339	0.375
South Rural	64.4	63.3	0.345	0.379
Centre Rural	46.7	48.7	0.322	0.369
North Rural	56.3	59.9	0.336	0.344

Source: National Statistical Office (2012a)

to planning and prioritisation in resource allocation (Barrett *et al.* 2017).

The performance of the external sector has been dismal. Export earnings have never covered imports of goods and services. Malawi has been a net importer since 1994 and the trade balance consistently negative. The worst year was 2008 when imports increased from 33 to 39 per cent of GDP and exports stagnated at 23 per cent of GDP, resulting in a trade deficit of 17 per cent of GDP. Similarly, the country experienced a large trade deficit in 2012 as import growth outstripped export growth by a wide margin. However, improvements were noted after the PP government took over in 2012, with a steady increase in exports and a decline in imports. By 2014, the trade balance stood at a negative 5 per cent of GDP.

Malawi's external debt was unsustainable before the debt relief under the HIPC II initiative in 2006. In the twelve-year period before the relief, the external debt/GDP ratio was above 100 per cent eight times, and as high as 177 per cent in 1994. After the debt relief, the ratio was reduced to 22 per cent and steadily declined to 15 per cent of GDP in 2011. The decline in the external debt ratio in the period 2009–2011 was also due to the withdrawal of donor aid, while the steady increase thereafter was a result of thawing relations with donors after the PP took over in 2012. In contrast to the external debt stock, domestic debt rose steadily throughout the entire period from 1994 to 2014. In the period 2007–

2011, the domestic debt stock was higher than the external debt stock. This steady increase in domestic debt is largely a reflection of the country's challenges in revenue generation stemming from a narrow revenue base. Tax revenue collection has remained very weak over the years, hovering between 13 and 16 per cent of GDP during the period 2009–2015.

The above macro-economic indicators have adversely affected the welfare of the population. The steadily rising prices coupled with sticky commodity prices have eroded wages and salaries and reduced the purchasing power of people with modest earnings. Even the impressive nominal growth rates in the period 2005–2011, exceptional due to massive subsidies, seems not to have made much difference in reducing poverty and inequality. According to the Malawi Poverty and Vulnerability Assessment, the poverty rate declined insignificantly from 54 per cent in 1998 to 52 per cent in 2005 and to 51 per cent in 2011 (Government of Malawi and World Bank 2007; National Statistical Office 2012a). Consumption inequality remained stable with a Gini coefficient of 0.39 in the period 2005–2011 but worsened to 0.45 in 2011. Table 1 shows that poverty is worst in rural areas and in the Southern region, and inequality is highest in urban areas.

There are no available data on land and income inequality. However, it is widely known that land inequality is greatest in the Southern region where large estates are coterminous with smallholdings and landless masses. Income inequality is gener-

ally worse than consumption inequality. According to the World Development Indicators, the Gini coefficient for income inequality was 0.66 in 1990, 0.40 in 2004 and 0.46 in 2010.

Current state of Malawi's crisis economy

The country has recently faced two successive adverse weather events that resulted in droughts and floods. This pushed the country into a state of humanitarian emergency. The June 2016 Malawi Vulnerability Assessment found that over 6.5 million (nearly 40 per cent of the population) would require food assistance in the 2016/2017 season (Government of Malawi and Malawi Vulnerability Assessment Committee 2016). Maize requirements were estimated at 768,687 metric tons, up from 233,000 metric tons in the 2015/2016 season. These high figures followed declines in agricultural production by 30 per cent in the 2014/2015 and by 15 per cent in the 2015/2016 growing seasons, respectively. The adverse weather conditions in 2015/16 dragged down the 2016 economic growth to 2.5 per cent, below the 3.1 per cent population growth (World Bank 2016b). Given that economic growth stems from sectors in which the majority of the population do not participate, i.e. outside the agricultural sector, the negative impact is likely to be borne disproportionately by the poor.

The food assistance requirements also put pressure on the 2016/2017 budget as the government was compelled to relax its tight fiscal stance to allow for emergency purchases of maize and related expenses. These emergency outlays compounded the budgetary pressures stemming from radically reduced budget support from donors, and increased servicing of mostly short-term domestic debt. Furthermore, in 2016 the government agreed to adjust salaries of several groups of public servants, thus aggravating the fiscal deficit. Given a reluctant donor community, budgetary pressure will induce the authorities to increase domestic borrowing. The situation is exacerbated by continued revelations of corruption by civil servants and senior politicians, and persistent financial mismanagement (see separate section on corruption).

Inflation did not feature prominently in the economic crisis facing the country in 2016 and early 2017. This is abnormal considering that about 40 per cent of the population was assumed to require food assistance for several months because they did not harvest enough for their own consumption. Food insecurity would normally cause food prices to rise steadily and peak in the first months of the year (i.e. January to March). Inflation did indeed start an upward trend. However, the upward trend was interrupted such that by August 2016 the prices started declining. It is likely that the trend will continue because of the availability of maize and other grains in the markets, and because the food insecure households are provided with food aid which commenced as early as August 2016 in some parts of the country. The availability of food in the markets come from local traders, not from the Agricultural Development and Marketing Corporation (ADMARC), which currently plays a pivotal role in food emergencies. Traders who had stockpiled maize over two years realised that with massive food assistance, their maize could not be sold at a profit unless released early (National Statistical Office 2017).

It has also turned out that the prices ADMARC paid for maize in the 2016/17 season was too high and did not consider the effects of the maize stockpiled by local traders and informal imports from Mozambique (Gwede and Kamula 2017). ADMARC's selling maize price is much higher than the prevailing maize prices from local traders. The result is that ADMARC, even in the 'lean season', was paradoxically not selling its stocks of maize. Maize prices did not rise as the maize crop was maturing in parts of the country and local traders were still selling their stocks of maize. While this was good news for consumers, it was adding pressure on the government since ADMARC as a parastatal has used public resources to purchase the highly priced maize imports in the expectation that it would repay as maize was sold internally in the country.

Lending rates in Malawi are very high, hovering between 38 and 40 per cent. They result primarily from macro-economic factors, par-

ticularly high rates of inflation. Since mid-2012, Malawi's rate of inflation has been persistently high, reaching on average 23–25 per cent annually. This situation has not changed appreciably despite the recent adjustment of the base rate by 300 points on 25 November 2016 (Tradingeconomics 2017). High lending rates restrict private sector access to finance and affect economic growth adversely. Furthermore, persistently high rates of inflation increase economic uncertainties and the banks' credit risk, even though inflation lowers the real cost of borrowing. In general, though, private investment continues to be constrained due to high real lending rates, notwithstanding high inflation. Uncertainty makes it difficult for the private sector to strategise and plan. To this must be added that Malawian banks have a high level of exposure to the public sector, which not only crowds out the private sector but also exerts upward pressure on lending rates. Frequent power and water supply outages and the instability of the exchange rate have also undermined investor confidence. The value of the Kwacha is likely to continue to depreciate relative to major currencies for some time to come, as long as Malawi's rate of inflation remains high (World Bank 2016b). Malawi is ranked fourth from the bottom (134th out of 138 countries) in the Competitiveness Index according to the 2016/2017 edition of the Global Competitiveness Report. Nevertheless, foreign direct investment in Malawi increased by USD 812.59 million in 2015 (Tradingeconomics 2017). It is not clear whether aid flows have increased in the recent past but the World Bank (2016b) reports that donor support has been waning. Grand corruption is likely to exacerbate the prospects for investors.

Addressing the current economic crisis

Since 2014, there have been concerted efforts to control public expenditure and inflation through tight fiscal and monetary policies, despite economic pressures to the contrary. It would appear that with the resumption of budget support by some donors and the indication by the IMF that the country is 'back on track', Malawi's economic prospects are much better. However,

the 2017/2018 budget speech emphasises that financial resources remain scarce and warns that despite an economic rebound Malawi does not have enough resources to spend. With repayment of debts and the need for expenditure across the board, the budget speech underscores that the country's preoccupation will be very prudent management of meagre resources (Government of Malawi 2017b).

Even so, the government has continued to implement the largely government-supported Farm Inputs Subsidy Programme (FISP) designed to enhance the income and food security of smallholders. The government has also continued to support the implementation of the largely donor-funded Malawi Social Cash Transfer Programme (MSCTP) to reduce poverty and break the poverty cycle by building human capital in the targeted households. While the coverage of FISP has been reduced in recent years, there has been some increase in the coverage of the MSCTP. However, FISP consumed a substantial amount of resources (2 per cent of GDP in 2014/15) while the MSCTP consumed less than 0.5 per cent of GDP. Continued implementation of FISP, albeit at a reduced level, in its current format defies logic because it undermines the required prudent public expenditure stance. Again, the failure by the government to expand the MSCTP gives the impression that the rhetoric of poverty reduction and human capital development remains mere hot air. Evaluations of FISP show that the programme is not well suited to achieving its objectives (World Bank 2016b). By contrast, evaluations of the MSCTP show that it makes a big difference (Covarrubias *et al.* 2012; Angeles *et al.* 2016). The same level of investment may have increased impact given a good mix and proper targeting. FISP needs radical reform so that it addresses smallholder demands holistically and shifts part of the FISP subsidy to the MSCTP to boost food security among perennially food-deficient households in line with the findings of evaluations.

The 2016/2017 growing season recorded a generally good harvest in most parts of the country owing to favourable weather conditions.

Large parts of the country saw bumper crops while flooding in other parts had the opposite effect. After harvesting, there is a surplus of maize in the country, which is good news for the government. Still, it is a mixed blessing. While it is a blessing for food-insecure households who stand to benefit from low maize prices, to surplus maize producers the bumper harvest is a curse because they are unlikely to fetch the prices needed to provide them with a decent return on labour and other inputs (Kumwembe 2017). Due to imports in early 2017, ADMARC did not buy maize at all from farmers who had surplus to sell, or did so at below break-even prices (Phiri 2017; Pondani 2017). The ban on exports to Tanzania and Mozambique put surplus farmers in a bind (Chitsulo 2017c).

The latest edition of the World Bank's *Malawi Economic Monitor* (2017) points out some improvements in macro-economic indicators. The inflation rate is declining and the Kwacha is stabilising. The projected growth rate for 2017 is 4.4 per cent, up from 2.5 in 2016. On the strength of these indicators and other factors, the World Bank claims that the Malawi economy is set for recovery, with the caveat, though, that recovery over the next few years is predicated on improved macro-economic conditions and factors favourable to the agricultural sector, including weather conditions. The realism of that proviso is doubtful. It is no wonder that the agricultural sector would perform better in the 2016/2017 growing season compared to its poor performance in the two preceding years due to adverse weather conditions. However, the projected rebound of economic growth can hardly be characterised as recovery. Potential investors remain sceptical of the purported recovery signs. The adverse conditions experienced throughout 2016 largely remain. Electricity outages disrupt production and increase the cost of business activities. High interest and inflation rates erode returns on private investments. The slow pace of settlement of government arrears affects private sector liquidity. Finally, efforts towards fiscal consolidation by the public sector affect business activity adversely, with the government reduc-

ing discretionary public spending and deferring capital investment. Therefore, much of the private sector continues to assume a 'wait and see' approach, deferring activity until expectations for a real recovery in 2017 become manifest through actual and sustained increased demand for goods and services (World Bank 2017: 24).

Accepting the scepticism of the private sector, a more apt description of Malawi's economy is given in the very same report (World Bank 2017: 24 para. 57):

Malawi's economy has become stuck in a vicious cycle characterised by large fiscal deficits, excessive borrowing, and high inflation and interest rates. In turn, these factors depress investment and growth, which then lead to weak revenue collection performance, which has further exacerbated fiscal pressures.

The next section about the private sector provides additional details as far as the business climate is concerned, which warrants the above quotation.

An ailing private sector

Malawi's private sector comprises several sub-sectors that are different in size and nature. A multitude of smallholders derives a living from arable, rain-fed agriculture, producing mainly for subsistence but also marketing cash crops. They make up 82–85 per cent of the population. Apart from smallholder agriculture, there are some large estates in tobacco, tea, and sugar production.

Tobacco – often dubbed the 'green gold' of the country – plays a major part in the economy, accounting for about 10 per cent of GDP. It has long been Malawi's largest foreign exchange earner, hovering around 60 per cent. It is estimated that 20,000 smallholders are involved in tobacco cultivation (Chirwa 2011). The country is one of the ten largest tobacco producers in the world. However, worldwide anti-smoking campaigns and volatile prices (Mhango 2016) cast doubt on the future sustainability of this sub-sector. Furthermore, the industry is associated with severe challenges regarding labour conditions, especially child labour (Tørres 2000), and envi-

ronmental destruction resulting from the use of fuelwood in the curing process.

Tea is another important sub-sector in which large commercial estates account for 93 per cent of production, with the remainder grown by 6,500–8,000 smallholders. Most of the estates – located in Mulanje and Thyolo districts as the principal tea-growing areas – are owned by foreign companies. Ownership of these commercial estates is concentrated in 11 companies. All tea estates are members of the Tea Association of Malawi Limited. After Kenya as the top producer, Malawi is the second largest tea producer in Africa with about a 10 per cent share of African tea. The United Kingdom and South Africa are the main export markets. Although it is far beyond the scope of this report, the tea sub-sector is facing multiple challenges, including price volatility, social conditions for workers, especially children (Eldring 2003), and adverse environmental effects (Malawi Centre for Advice, Research and Education on Rights 2007).

Sugar production is largely in the hands of one multinational company: Illovo Sugar Ltd., which runs a large sugar cane plantation and a processing plant at Nchalo in Chikwawa district, comprising more than 20,000 hectares. Together with Illovo's plantation in Dwangwa (13,300 hectares) on the lakeshore, total direct employment stands at 11,500 people (including seasonal and non-permanent workers). Indirect and induced employment and other impacts in the communities are considerable. The labour laws of Malawi appear to be respected and the workers are remunerated above the minimum wage. Illovo is the single largest taxpayer in Malawi and is listed on the Malawi Stock Exchange (Kakota and Tostensen 2016).

Mining has been touted as a sub-sector with potential. The country boasts deposits of uranium, heavy mineral sands, strontianite, rare earth minerals, phosphate, bauxite, gypsum, vermiculite, precious and semi-precious stones, limestone, dimension stone, silica sand, sulphides and coal (Government of Malawi 2013). The mining sub-sector contribution to GDP rose from 3 to 10 per cent after the opening of the

Kayelekera Uranium Mine in 2009. However, after the suspension of uranium production two years later, the mining share in GDP plummeted. A major concern when awarding concessions to foreign mining companies is the terms and conditions imposed regarding regulation of operations, labour relations, and taxation in terms of the norms laid down in the Extractive Industries Transparency Initiative (Neumann and Kumwenda 2016).

The direct contribution of the tourism sub-sector to GDP was 3.4 per cent in 2015. Direct contribution refers to the total spending on travel and tourism by residents and non-residents for business and leisure purposes, as well as government spending linked to visitors, such as cultural (e.g. museums) or recreational (e.g. national parks) investments. If one adds indirect and induced spending, the total contribution to GDP increased to 7.2 per cent in 2015. The main tourist attractions are Lake Malawi, mountains such as the Zomba Plateau and Mulanje Mountain as well as the country's national parks: e.g. Nyika National Park, Kasungu National Park, and Liwonde National Park. The tourism sector is labour-intensive and in 2015 it supported 2.8 per cent of all employment in the country (World Travel & Tourism Council 2016). The tourism sub-sector has great potential but its realisation is dependent on major investment to improve the quality of tourism products and to diversify the range of products, including eco-tourism. Competition for foreign investors is tough from neighbouring countries such as Zambia, Tanzania, South Africa and Kenya (Magombo and Rogerson 2012). Foreign tourists have become choosy and blasé, which Malawi has to take into account when trying to attract that market segment.

The remainder of the private sector is limited in Malawi, consisting of mostly small and medium-sized enterprises in services, trade and agro-processing. The manufacturing share in GDP declined steadily from 20 per cent in 1992 to 9.2 per cent in 2014 (Government of Malawi 2016b). The Malawi Confederation of Chambers of Commerce and Industry (MCCCI),

an umbrella organisation of private businesses, is a key player in the private sector. Every year the MCCI compiles a Business Climate Survey Report whose 2016 edition paints a dismal picture of the situation across all private sector activities. Of the sampled enterprises, more than half were operating at only 50–70 per cent of capacity in 2015. The respondents perceived that six factors were the main impediments to doing business: (i) high cost of finance; (ii) high cost and unreliability of telecommunication services; (iii) costly and erratic electricity supply; (iv) unstable economic and regulatory policies; (v) poor exchange rate policy; and (vi) costly and erratic water supply (Malawi Confederation of Chambers of Commerce and Industry 2016: 13).

The high cost of borrowing at nominal interest rates hovering between 38 and 40 per cent continues to hamper business. Notwithstanding the recent decision by the Reserve Bank of Malawi to lower its policy rate from 27 to 24 per cent, the lending rates are likely to remain prohibitive in the near future. Apparently, the high inflation rate makes loan servicing easier but the increasing cost of importation of inputs largely cancels out the benefits. Similarly, high charges for telecommunication services and unstable networks constrain business. Of the utilities, frequent and unpredictable electricity outages (euphemistically termed load shedding) have a devastating effect on business operations and are a main contributor to low capacity utilisation (Kandiero 2016b). While projected electricity demand is expected to increase from 463 MW in 2015 to 749 MW in 2020, installed capacity is currently only 361 MW. Until recently, ESCOM enjoyed a monopoly of both generation and distribution of electricity. This parastatal is widely perceived to be inefficient (Symon 2016a) and riddled with corruption. Its poor performance stems partly from its alleged close links at any point in time with the incumbent party, which finds it expedient to exploit ESCOM's financial resources to fund election campaigns (Mmana 2016c). While it is acknowledged that the electricity shortfall is partly to blame on low water levels in the Shire River where nearly all power

stations are located, there is also a serious maintenance lag that reduces capacity (Kandiero 2016a). Stakeholders are impatient and demand high-level political action in the energy sector (Mkandawire 2017b). The present crisis in the energy sector is acute and might have political repercussions beyond the economy.

A short-term respite might be found in the Malawi-Mozambique interconnector (Malikwa 2016a; Kasunda 2016), but expansion of in-country installed capacity is mandatory. The unbundling in January 2017 of the ESCOM monopoly led to the formation of the Electricity Generation Company (EGENCO), tasked to generate electricity while ESCOM would retain responsibility for transmitting and distributing electricity to customers. Gradually, independent private sector power producers and distributors might be allowed into the sector. Such a development holds great potential for investors provided a favourable investment climate is in place. The existing taxation regime is probably manageable from a private investor's point of view but better incentives would no doubt have a facilitating effect.⁶ Increased competition between players in the energy sector is expected to enhance efficiency and increase capacity. Although hydro-power generation today is concentrated on the Shire River, there is a large untapped potential for small-scale hydro-power stations with capacity below 10 MW each, spread around the country (Taulo *et al.* 2015). A functioning energy sector is critical for the development of Malawi's economy across all sectors, not only for productive activities but also for households throughout the country. A positive knock-on effect would be a broader revenue base to help finance the implementation of existing government policies.

Looking beyond the hydro-power sub-sector, solar energy presents an attractive option (Gamula *et al.* 2013). Solar energy has considerable potential in a country receiving 2,100–3,000 hours of sunshine per year. The cost of solar panels has dropped dramatically in recent

⁶ Personal communication with non-Malawian energy expert who participated in the recent 2016 investment forum.

years to make this source of energy affordable. Its applications are multiple, ranging from water heating, lighting, pumping, and telecommunications repeater stations to refrigeration (Taulo *et al.* 2015). Solar power could feed into the existing distribution grid but could just as well be used off-grid in communities (Kafere 2017). It should be borne in mind that about 90 per cent of Malawians use wood fuel or charcoal as energy sources, accounting for 88 per cent of the country's total energy consumption (Gamula *et al.* 2013). In turn, wider use of solar energy at the grassroots would contribute to environmental conservation and the prevention of deforestation. Independent, private initiatives have been taken to harness off-grid solar energy at the community level (Chavula 2017) and private companies have expressed interest (Chitsulo 2017). Elsewhere, off-grid solar power has proved helpful in disaster situations when nation-wide grids have been ravished (Khan 2017).

Continued unpredictability of the policy environment poses a great risk for long-term investment and planning. This risk is accompanied by the slow implementation of relevant policy actions and reforms as articulated in the country's development strategies such as the Malawi Growth and Development Strategy II (now superseded) and various sector-specific policies. The budget and policies lack credibility and a sustainable implementation framework.

Volatile exchange rates coupled with poor strategies to generate adequate foreign exchange are a serious challenge to businesses. After a massive devaluation following the demise of Bingu in 2012 and a further depreciation of 33 per cent between July and December 2015, the Kwacha continued to depreciate to an average of MWK 715 against the US dollar in September 2016. Depreciation means higher cost of imports for a net importer like Malawi. On the other hand, a devalued Kwacha would normally mean better export prospects because Malawi-produced commodities with low import content would become less expensive abroad. The problem, however, is that Malawi's export base is so narrow that the opportunities for taking advantage of the deval-

ued Kwacha have been limited. The domestic market is also small.

Similar to energy provision, water supply is a critical utility. Frequent interruptions of water supply continue to stifle business growth. Despite a hike in water tariffs between 15 and 45 per cent in September 2016 by the Regional Water Boards, the reliability of water supply has not improved but rather deteriorated in some cases. This has forced some businesses to invest in alternative reservoirs, which has added to overall costs. The Water Boards claim that the erratic water supply is due to electricity load shedding which is affecting water pumping and booster stations.

Despite an array of well-crafted policies and strategies, Malawi still lacks a clear implementable roadmap towards industrialisation. The economic growth trends remain at best unstable or stagnant per capita when population growth is taken into account. The macro-economic environment remains not conducive to private sector development, due to poor prioritisation of interventions and the implementation of counterproductive macro-economic policies. The MCCCCI survey underscores that operational inefficiencies in most utility institutions continue to be a challenge. Utility services such as electricity and water are very inefficient and tend to increase the costs of doing business because enterprises are compelled to install alternative systems of their own. Moreover, service delivery is below par in most public institutions affecting business such as the Directorate of Road Traffic and Safety Service, the Malawi Revenue Authority (MRA) and the Customs Department where fraudulent activities continue to mushroom. Notwithstanding the current operational inefficiencies and policy frameworks that are not conducive to industrial growth, the uptake of research and development by enterprises remains low. Industrial development needs innovation, research and technology. Public investments in this area is key, albeit low at present (Malawi Confederation of Chambers of Commerce and Industry 2016: 29).

The Malawian private sector, with the exception of key export commodities such as tobacco,

tea and sugar, has not been successful in breaking into export markets because it is not competitive enough. The Africa Competitiveness Report 2015 (World Economic Forum 2015) ranked Malawi 132nd out of the 144 countries surveyed globally, with extremely low rankings for infrastructure (131st), macro-economic environment (144th), health and primary education (123rd), higher education and training (132th), technological readiness (135th), and market size (123rd). These rankings depict Malawi as one of the most difficult business environments in the world. Key challenges cited in the 2015 Malawi Doing Business Survey included bottlenecks encountered in starting a business (ranked 157th), access to electricity (ranked 181th), getting credit (ranked 151th), trading across borders (ranked 170th), enforcing contracts (ranked 154th), and resolving insolvency (ranked 166th).

While Malawi's National Industrial Policy (Government of Malawi 2016b) acknowledges some of the challenges to which the MCCI survey drew attention, it identifies a number of

export clusters that offer opportunities in line with the National Export Strategy (Government of Malawi 2012b). These clusters include oil-seeds products, sugar and sugarcane products, as well as beverages, agro-processing, plastics and packaging in the manufacturing sub-sector. The ambitions of the industrial and export policies, however, face unfavourable odds in view of Malawi's poor competitiveness rating.

Owing to its weak competitiveness abroad and a limited domestic market, Malawi's private sector is excessively orientated towards the opportunities for procurement of services and goods that the public sector offers. This situation lends itself to unhealthy relationships, which encourage collusion between private interests and civil servants who are inclined to flout procurement rules through processes that are not transparent. Irregular procurement of fertiliser and transport services in the FISP programme is but one egregious example (Holden and Tostensen 2011; World Bank *et al.* 2011); the recent *Maizegate* is another (Parliament of Malawi 2017).

6. Vulnerability to climate change

With its predominantly agrarian economy, Malawi is extremely vulnerable to climate change and weather variability (Government of Malawi 2010; Wood and Moriniere 2013). The manifestations of climate change include rising temperatures, highly variable precipitation and strong winds, which may result in calamities such as floods, droughts or dry spells and destruction of infrastructure, compounded by outbreaks of diseases (cholera and malaria) and pests (armyworm). Counteracting these natural and human-made phenomena requires comprehensive adaptation measures to ameliorate the adverse effects on the economy at large, and on households at the grassroots. Climate-related disasters can wipe out previous gains and reverse positive trends.

Maize, mostly grown under rain-fed conditions, is the main food staple in Malawi. Regularly occurring droughts have significantly compromised maize production throughout the country, resulting in food shortages that occur at variable intervals. In some parts of the country, flooding has ravaged maize fields. The projected climate change impacts on maize will very likely lead to decreased productivity and yields (Wood and Moriniere 2013). Yet, the Malawi government introduced FISP in 2005, which provide seeds and fertilisers at highly subsidised prices, and target poor beneficiaries (Chinsinga 2012). In the first five growing seasons, under auspicious weather conditions, apparent success was achieved with bumper harvests in many parts of the country, which ensured food security and even maize export on occasion. During its continued existence to date, however modified, FISP has served to reinforce the monoculture of maize, which is a crop that requires relatively

much moisture and is therefore ill suited in the face of climate change. Cumulatively MWK 289 billion has been spent on the FISP programme over its 11-year existence (Mfungwe 2017) but that figure is disputed because it does not take account of the dramatic depreciation of the Kwacha in 2012 (Carr 2017). Whatever the correct expenditure figure, there is no doubt that it has been massive. The prioritisation of FISP has crowded out other badly needed public investment in extension services, agricultural research, rural roads and infrastructure. The FISP policy is questioned on many grounds. Its financial sustainability is doubtful and the implementation of the policy has been marred by massive corruption in procurement and distribution (World Bank *et al.* 2011). Its environmental and agronomic sustainability is also dubious (Holden and Tostensen 2011).

In defiance of harsh criticism from many quarters on its doubtful sustainability, the FISP programme has been retained, albeit pruned somewhat and reorganised yet facing persistent problems (Symon 2016b; Kadzakumanja 2017; Mmana 2017). Its retention has two main sources. Malawians love their *nsima*, the maize porridge that is their daily staple dish; maize serve many cultural functions as well (Mzamu 2012). Indeed, food security is often equated with maize security. Hence, the FISP programme has been immensely popular, especially among the poorer sections of the population. From a long-term climate-change adaptation perspective, however, food production needs to be diversified to include alternative crops such as cassava, sweet potatoes, sorghum, millet, cowpeas, pigeon peas, and soybeans. However, dietary preferences change only slowly and, so far, Malawians seem disinclined

to shift to other crops as their main staple. In addition to crop diversification, increasing use of conservation agriculture techniques and dry season irrigation are sensible adaptive responses.

After an initial successful FISP stint of five years, most observers agree that the resounding electoral victory in 2009 for Bingu wa Mutharika and his party, the DPP, which garnered two-thirds of the vote, could be attributed largely to the food security that the FISP programme apparently had produced (Brazys *et al.* 2015; Dionne and Horowitz 2016). Politicians of whatever hue appreciate the popularity of FISP and are therefore averse to scrapping it unless forced to do so. Recent years have seen climate change-induced disasters in many parts of the country with devastating effects on households and economic growth rates. Nevertheless, only slowly are responsible politicians acknowledging that the FISP programme may not be the *panacea* for food security it once appeared to be (Malekezo 2017). In an editorial, a main daily called for the discontinuation of FISP altogether (*Daily Times* 2017). However, when sound professional judgement is at variance with short-term political expediency the latter takes precedence over the former. Again an example of the primacy of politics. Since the availability of maize is equated with food security, maize has become a political crop. Essentially, the politics of Malawi is the politics of maize production and distribution (Chinsinga 2012).

Pending a change in dietary preferences and crop diversification, the Department of Climate Change and Meteorological Services (DCCMS) is engaged in designing and implementing climate change adaptation strategies (Government of Malawi 2016c). The DCCMS is co-producing with line ministries climate services targeting a variety of stakeholders from decision-makers at the district level to citizens at the grassroots.

These climate services are communicated as advisories, for example regarding crop choice in view of the seasonal forecast, precautions to be taken to prevent outbreak of diseases, and measures to counteract and ameliorate the effects of calamities such as floods, droughts and strong winds. Although a communication system has been established for climate services, formidable coordination challenges remain due to unclear mandates and institutional rivalries (Masangano *et al.* 2016), as well as resource constraints. Still, there is no doubt that an effective adaptation strategy will contribute to reducing the adverse effects of climate change. The critical importance of weather conditions in Malawi's economy can hardly be overestimated. The weather does not only affect agriculture, it has ramifications across sectors. The power outages that have plagued Malawi for many years are to a large extent attributable to the low water flow in the Shire River where most hydro-electric power stations are located. The disastrous effects of floods and drought in 2015 and 2016 have not only slowed down the economic growth rate but also wreaked havoc with households that have lost crops, livestock, dwellings and other property. Domestic revenue and donor support that would otherwise have supported development efforts have been diverted to emergency operations. Ahead of the 2017 lean season before harvesting, it was estimated that close to seven million Malawians were facing starvation due to adverse weather conditions. As it were, with the benefit of hindsight, that estimate overstated the severity of the situation. Nevertheless, whatever the varying circumstances from one growing season to another resulting from fluctuating weather conditions, meteorological and climate services represent not only critical technical expertise but take on far-reaching political overtones.

7. Endemic corruption

Despite the professed commitment to curbing corruption by successive governments since the democratic opening in 1994, this scourge remains endemic in Malawi (Chinsinga *et al.* 2010; Nawaz 2012). Akin to the characterisation of politicians as chameleons, civil servants also exhibit an ability to change colour in an opportunistic fashion in order to help themselves from public coffers (Dzimbiri 2016a). While bound by formal rules, they bend or circumvent those rules according to informal logics that defy the legal-rational ethos of a Weberian bureaucracy (Anders 2002).

Notwithstanding zero-tolerance slogans and the launch of the National Anti-Corruption Strategy in 2008, corruption ranges from petty bribery that citizens encounter regularly in their daily lives, to grand corruption such as the *Cashgate* scandal (Matonga 2016), as well as patronage and nepotism. Nearly four-fifths of respondents in a 2010 survey saw corruption as a major constraint on development (Chinsinga *et al.* 2010). The National Integrity System (NIS), comprising multiple institutions, has been described as weak (Transparency International 2013). The main institutional pillars of the NIS include the ACB, NAO, and the Office of the Ombudsman.

The ACB, a statutory body established in terms of the Corrupt Practices Act of 1995, is designated as the *avant-garde* institution in the struggle against corruption. It is semi-autonomous and reports to Parliament with a mandate to investigate cases of corrupt behaviour, prosecute, and engage in preventive activities and public education. While the ACB is legally independent, in a system of governance characterised by executive dominance, its operations are constrained. The ACB director is appointed by the

President, subject to confirmation by the Public Appointments Committee of Parliament, but the position does not enjoy security of tenure (Nawaz 2012). There is a widespread public perception that the directorship is a political position that undermines the impartial and professional conduct of the Bureau. The ACB is also hampered by lack of resources, although the ACB is not worse off than most other government departments (Nawaz 2012; Tostensen *et al.* 2012). Dependence on external donors is pronounced, though. The vacancy rate tends to be high; turnover and retention of staff are challenging. The most constraining factor is political interference whereby investigations of complex, high-profile cases are stalled for years and sometimes end up inconclusive without ensuing prosecution (Nawaz 2012; Transparency International 2013). Petty corruption cases are easier to handle and lead to faster completion. It is not reasonable to count all cases as equal in terms of statistics. Even so, no distinction is made between cases based on salience criteria. On the face of it, therefore, the ratio of completed investigations to prosecutions may appear satisfactory as recorded in annual reports.

The Corrupt Practices Act gives the ACB prosecutorial powers subject to consent within 30 days by the Director of Public Prosecutions, which is part of the Executive. However, political interference could take forms other than denied consent, such as informal pressure and even threats. Notwithstanding political elements, the consent required from the DPP before prosecution can start also depends on legitimate considerations such as (a) the quality of the evidence adduced; (b) the prosecution skills of the Bureau; (c) the danger of civil liability suits; and (d) the risk of a low conviction rate. Lack

of forensic skills has a negative effect on performance and make the DPP hesitate to give consent to prosecute on account of the quality of the investigations. Political interference is exceedingly difficult to substantiate with hard evidence. Nonetheless, the public perception is widespread and deep-seated that the ACB is not independent of the executive arm of government. There is little confidence in the government's anti-corruption strategy (Chinsinga *et al.* 2010).

As distinct from investigation and prosecution, prevention of corrupt practices is a main function of the ACB but this area of activity is under-resourced and under-staffed. Prevention requires patience; making a dent in the corruption problem is a long haul, not a quick-fix affair. Towards raising awareness, the ACB has been instrumental in setting up Institutional Integrity Committees (IICs) in public institutions to elaborate institution-specific action plans and tangible deliverables such as codes of conduct. Implementation has been slow and the IICs remain dependent on ACB support.

As a preventive measure, Parliament passed the Public Officers (Declaration of Assets, Liabilities and Business Interests) Act in 2013. Its purpose is to prevent public officers to use their positions for personal enrichment or to enrich others improperly. In term of this act, every public officer is required to declare their assets to the Directorate of Assets Declaration. Yet, 16 months after their election, 28 lawmakers had not yet declared their assets as required by the law that they themselves had enacted (Kamtambe 2016). A senior cabinet minister even admitted that he lied about his assets (Mmana 2016a). By the end of July 2017, less than half the public officers required to declare their assets had actually complied (Kamtambe 2017; Thom 2017a).

The Office of the Auditor-General was established under the Constitution, with an attendant National Audit Office (NAO). Its mandate and functions were elaborated further in the Public Audit Act of 2003. NAO faces challenges similar to those of the ACB. It is nominally independent but it does not control its own budget. In budget discussions, NAO is treated as a regular govern-

ment department rather than a special accountability and oversight institution whose budget should be protected. Similarly, considered a regular government department, NAO does not have authority to hire and fire personnel. Without control of its own budget and authority to hire and fire, NAO suffers from severe capacity gaps in terms of all staff categories and their attendant skills. The vacancy rate in 2010 was 43 per cent (Tostensen and Johnsen 2013).

The Constitution provides that NAO shall report to the National Assembly *through* the Ministry of Finance even though the Ministry is itself an auditee of NAO. Hence, a serious conflict of interest arises. Furthermore, this constitutional provision is inconsistent with the Public Audit Act, which stipulates that the Auditor-General shall forward to the President and the Speaker of the National Assembly reports regarding audits and reviews undertaken. In other words, the Act stipulates that the reports shall be submitted *simultaneously* to the Executive and the National Assembly (Tostensen and Johnsen 2013). Until recently, NAO's activities were centred on simple financial auditing but has increasingly moved towards a broader performance auditing portfolio that aims to assess the achievements of the auditees relative to their mandates, not only the legality of their accounts. The performance of NAO itself has no doubt improved in the past three years but its lack of independence remains a thorny issue. Unless the enhancement of NAO's independence of the Executive is addressed, NAO's performance as an institution of oversight and restraint will continue to be hamstrung.

The third institution of restraint that is also engaged in anti-corruption activities is the Office of the Ombudsman (Andreassen and Oftedal 2007), which was set up in terms of the Constitution to deal predominantly with maladministration in the civil service. The Ombudsman Act of 1996 further elaborated its mandate, which includes receiving and investigating complaints of alleged maladministration, including corrupt behaviour, by any public institution, conducting systemic investigations, and determining appropriate remedies. Based on its investigations, the

Ombudsman issues determinations with legal force. Non-compliance with its determinations is common, even though failure to implement determinations is tantamount to contempt of court. The Ombudsman has no authority to prosecute and must refer matters to the Director of Public Prosecutions or to the ACB in cases of suspected corruption (Office of the Ombudsman 2015).

The Ombudsman reports directly to the Legal Affairs Committee of Parliament. The fact that MPs often refer to reports by the Ombudsman to underpin arguments when holding the Executive to account suggests some influence (Patel 2009). About 90 per cent of the cases/complaints handled by the Ombudsman are labour-related with a backlog of cases that needs clearing. Malawi has an Industrial Relations Court dedicated to labour and industrial relations issues. The division of responsibility between these two institutions is discretionary. According to the Ombudsman's repositioning agenda, future emphasis will be put on concerns about maladministration in the civil service. The Ombudsman is treated fairly by the Ministry of Finance when submitting budget proposals for consideration before integration

in the state budget for tabling in Parliament. However, among the oversight institutions the Ombudsman is accorded lowest priority.⁷

On the face of it, Malawi's legal anti-corruption framework and the attendant institutions seem strong and appropriate but there is a wide gap between the institutional set-up, the letter of the law and actual enforcement. The operational constraints that impede the anti-corruption agencies, mainly due to executive dominance, mean that no significant progress has been made in combating this affliction. The Corruption Perception Index 2016 ranks Malawi as number 120 of 176 countries, with a score of 31 of a possible 100 where the latter indicates a corruption-free society (Transparency International 2017a). It is also claimed that inequality drives corruption (Transparency International 2017b). In general, Malawians perceive corruption to be widespread (Afrobarometer 2017). The mass media are replete with references to corruption – petty and grand variants alike (a few recent examples: Chikoko and Chimjeka 2016; Mpaka 2016; Phiri 2016; Chimjeka 2016).

7 Personal communication with representative of the Office of the Ombudsman.

8. Human rights – slow and uneven progress

Malawi has acceded to all major international and regional conventions on human rights: (a) the International Covenant on Civil and Political Rights (ICCPR); (b) the International Covenant on Economic, Social and Cultural Rights (ICESCR); (c) the Convention on the Rights of the Child (CRC); (d) the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); (e) the Convention on the Rights of People with Disabilities (CRPD); and (g) the African Charter on Human and People's Rights (ACHPR). As a signatory to these instruments, Malawi is legally obligated as a duty-bearer to abide by their precepts. Many of the obligations are enshrined in Malawi's Constitution as a Bill of Rights, while others have been legislated and specified in acts of Parliament. Malawi was ranked 11th among 54 African countries by the Mo Ibrahim African Governance Index in the participation and human rights sub-category, with a score of 65.8 points in 2015, up 5.8 points since 2006 (Mo Ibrahim Foundation 2016).

Apart from reporting to the treaty bodies for each of the above conventions, under the Universal Periodic Review (UPR) process Malawi is required to prepare a state party report to the Human Rights Council to document how its obligations are being fulfilled. The latest report in the second reporting cycle from 2015 recounts the actions by the government to implement the conventions, including the establishment of institutions towards that end (Human Rights Council 2015a). Established under the 1994 Constitution the key in-country institution of oversight and restraint in the human rights field is the Malawi Human Rights Commission (MHRC), with a broad mandate to promote and protect human rights and to investigate violations. Its functions,

responsibilities, mode of operation, finance and administration are further regulated by the Human Rights Commission Act of 1998 (Patel 2009).⁸ The MHRC enjoys A-status accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights – according to the so-called Paris principles. Acquired A-status means a modicum of autonomy vis-à-vis the government to facilitate independent assessments of government action or inaction in the human rights realm. The autonomy was demonstrated recently when the MHRC criticised the President for being selective in decisions to prosecute suspects of corruption (Kapakule 2017). Cases in point are suspects in the *Cashgate* scandal where the Director of Public Prosecution is delaying the prosecution of 33 cases (Chikoko 2017a).

The 2015 UPR state party report specifies the institutional and legal human rights framework that has been put in place, subject to derogation in a state of emergency. It lists a number of enacted laws – as well as bills pending enactment – and policy actions taken to respect, protect, fulfil and promote human rights as stipulated in the human rights instruments. Most significantly, the following laws had all been passed at the time of report submission: the Child Care, Protection and Justice Act of 2010; the Deceased Estates (Wills, Inheritance and Protection) Act of 2011; the Disability Act of 2012; the Gender Equality Act of 2013. In 2015, two additional laws were enacted: the Trafficking in Persons Act, and the Marriage, Divorce and Family Relations Act. Recently, the removal of the constitutional

⁸ Personal communication with representative of the Malawi Human Rights Commission.

provision that allowed children aged 15–18 to marry with parental consent aligned the Constitution with the Marriage, Divorce and Family Relations Act, which sets 18 as the minimum age for marriage (Smaak 2017). All these legal provisions bear substantially on gender equality, child rights and the rights of other vulnerable groups. The Gender Equality Act prohibits ‘harmful practices’ defined as social, cultural or religious traditions that, on account of gender or marital status, may undermine the dignity or liberty of any person, or result in physical, sexual, or emotional harm. The state party report concedes that there have been delays in reporting to the various treaty bodies but commits to clearing the backlog.

Malawi’s state party report was deliberated upon by the Human Rights Council in May 2015 (Human Rights Council 2015b). In the ensuing dialogue, Malawi was commended for taking action in a number of areas, including legislation pertaining to human rights. However, criticism and recommendations for follow-up were also made. In response, the Malawi delegation noted the concerns and promised to consider action to accommodate the recommendations that had not already been implemented, and committed to taking further steps where relevant and needed. Regarding certain issues that generate controversy in Malawi – notably the rights of LGBTIQ⁹ sexual minorities, the liberalisation of the abortion laws and the abolition of the death penalty – Malawi said it would provide responses in due course. The next report for the third UPR cycle will reveal what has been done to follow up.

The rights of sexual minorities have been a topic of heated debate in Malawi. In general, the attitudes of ordinary Malawians are negative to sexual minorities and same-sex marriage (Dulani *et al.* 2016: 12). The faith-based organisations (FBOs) have been at the forefront of popular opinion in this regard, with reference to sacred texts such as the Bible and the Quran, which characterise homosexuality as ‘unnatural’, some-

times even claiming that such practices have been imported into Africa where homosexuality was non-existent previously. A report estimated that men having sexual intercourse with men constitute 1.84 per cent of the male population and in the interest of HIV and AIDS prevention the government appears to take a pragmatic approach (Khunga 2015). The relevant legislation remains the Penal Code which prohibits ‘carnal knowledge against the order of nature’, attempts to commit ‘carnal knowledge against the order of nature’, and acts of ‘gross indecency’ which carries a maximum prison sentence of 14 years. A male couple who held a public traditional engagement ceremony in 2009 were each sentenced to the maximum term of 14 years imprisonment in 2010 but were later pardoned. People who are open about their sexual orientation continue to be harassed and assaulted. It should be added that there is a vibrant mass media debate on this contentious issue through regular columns written by representatives of the LGBTIQ community and debaters holding opposing views (Ligomeka 2017).

Public debate is also lively, passionate and emotive on the liberalisation of legislation regarding abortion – among medical practitioners and lawyers (Pathera 2016; Chinele 2016), legislators (Chavula 2016), civil society (especially FBOs) (Chimjeka 2016b; Kasakula 2016), and the general public (Jimu 2016) alike. Again, FBOs are particularly active and articulate in their pro-life stance. On 6 December 2016, the Episcopal Conference of Malawi (ECM) and the Evangelical Association of Malawi (EAM) organised a nationwide protest against the Termination of Pregnancy Bill tabled in Parliament. The opponents of this bill see it as tantamount to decriminalising abortion and a direct attack on the family institution and life itself. The demonstrators presented a petition to Parliament with an appeal to reject the bill, which has not yet been debated by Parliament (Chitsulo *et al.* 2016; Gunya 2016). The proponents of liberalisation, on the other hand, argue that up to 70,000 women aged 15–44 abort their pregnancies by unsafe means every year, of whom 31,000 are treated for com-

9 The acronym refers to Lesbian, Gay, Bisexual, Transsexual, Intersexual and Queer.

plications afterwards in Malawian health facilities (Chinele 2016).

The death penalty remains on the statute books in Malawi. Crimes punishable by death include murder, rape, burglary and robbery not resulting in death, as well as treason. As at May 2014, there were 29 prisoners on death row but no executions have been carried out since 1992. In other words, there have been no executions since the democratic opening (Cornell Center on the Death Penalty Worldwide 2014). However, after the bestial murders and dismembering of people with albinism, calls have been made recently for death sentencing and executions.

While the international human rights regime is considered indivisible and interdependent, it is common to distinguish, as broad categories, between civil and political rights, on the one hand, and economic, social and cultural rights, on the other. It is a widespread perception that with regard to the former, Malawi has made great strides since the demise of Bingu wa Mutharika in 2012. This is particularly evident as far as freedom of expression is concerned. The days of journalist arrests and physical attacks are gone, and so are court cases on trumped up charges against journalists. The passage of the Access to Information Act (ATI) by Parliament in late 2016 (Ponje 2016; Chunga and Mzungu 2016) and the assent by the President was a milestone in the media landscape. Several versions of the bill had been pending before Parliament for 12 years before enactment. Apart from providing access to information, the ATI law assigns to the MHRC the task of overseeing the implementation of the act. It also provides protection for ‘whistle blowers’ who divulge information about inappropriate withholding of information or other actions in breach of the law.

The diversity of media outlets has increased. The print media remain largely the same, and the circulation of printed dailies has not increased much and remains limited in reach. The state-controlled Malawi Broadcasting Corporation (MBC) is no longer the dominant broadcaster through radio and television. The electronic media (community and nationwide FM radio stations and

TV channels) have proliferated. In addition to the diversity of outlets, the substance of information conveyed is very different from what it was only five years ago. It is astounding to read columnists and editorials today expressing opinions in blunt language when criticising politicians and exposing malpractices in the civil service.

However, there are still laws on the statute books stemming from the colonial era that the government could use if it wanted to. Tactics actually applied at present against the media is economic in nature. Discontinuation of government advertising is one. Demands for settlement of tax arrears at short notice is another. Recently, the *Times Group* received a large claim from the MRA to clear its tax arrears, which are real enough, not bogus. It is not uncommon for companies to accumulate tax arrears, however. In fact, the *Times Group* was in negotiations with the MRA over a payment plan when the tax demand was slammed on it. The perception is that the *Times Group* was targeted by the MRA because it had investigated the so-called *Maizegate* and embarrassed government officials who were culprits in the scandal. In other words, the *Times Group* was singled out in a discriminatory fashion as many other companies were left alone. The government apparently wanted to gag the *Times Group* but an injunction was obtained to the effect that operations could continue.¹⁰ *Maizegate* is the popular dubbing of a fraudulent scheme involving the breach of procurement rules and other irregularities in the purchase of maize from Zambia to alleviate the impending food crisis in the country (Parliament of Malawi 2017). Owing to the findings of presidential and parliamentary commissions of inquiry, the Minister of Agriculture, who was also the Leader of the House and a stalwart of the incumbent DPP, was dismissed from his position and investigated by the ACB (Chiumia 2017; Chikoko 2017b).

The print media are rather free under the Communications Act in terms of which the

¹⁰ Personal communication with Malawian expert on media freedom and the media landscape in the country.

Malawi Communications Regulatory Authority (MACRA) is charged with issuing licences to radio and TV stations. Recently a fine was imposed on Zodiak for alleged unbalanced airing of reports involving an opposition politician who sharply criticised the President (Malikwa 2016b). The accusation of unbalanced reporting was unjustified because the opposition politician interviewed was responding to previous statements by the President. Although the fine was a mere USD 1,250, it sent a signal that the government is monitoring the media scene.

There appears to be no harassment any longer of community radios of which there might be as many as 50 throughout the country. The problem is rather their dependence on donors to pay for utilities (water and electricity) and equipment. They are normally registered as civil society organisations (CSOs) or trusts and thus regulated by law. The media have an important awareness-raising function in the population. Therefore, there is reason for cautious optimism to the effect that in an incremental fashion the public is likely to demand accountability from their leaders (MPs, councillors and CSO representatives) in the future. The media provide a citizens' voice and play an empowerment role (Englund 2011), slowly creating a new mood. The government seems more apprehensive of the citizens than of the donors.

The quality of journalism has improved, e.g. through MBC training sessions, not least with regard to investigative reporting. Currently, training occurs at universities, e.g. at the Department of Journalism and Media Studies at the Polytechnic, and at dedicated training institutions such as the Malawi Institute of Journalism. There are capacity constraints, and competition is increasing between various media for the best journalists, with payment as an additional constraint when hiring staff and retaining good journalists.

While the situation has greatly improved with regard to civil and political rights, the same does not apply to economic, social and cultural rights, even if the picture is not all bleak. Improvements are discernible in the provision of health services and education in particular.

Notwithstanding quality shortfalls in service provision, there has been significant improvements in a number of health indicators. The figures below stem from the Malawi Demographic and Health Survey (MDHS) 2015–2016 (Government of Malawi 2016a). Infant and child mortality rates are basic indicators of a country's socio-economic situation and quality of life. There has been a steady decline in under-five mortality rates from 234 deaths per 1,000 live births during the five years immediately preceding the 1992 MDHS, to 133 deaths per 1,000 live births in the five years prior to the 2004 MDHS, to reach 64 deaths per 1,000 live births in the most recent five-year period. Immunisation of children against six common vaccine-preventable diseases – tuberculosis, diphtheria, whooping cough, tetanus, polio, and measles – is crucial for reducing infant and child mortality. As many as 76 per cent of children aged 12–23 months received all basic vaccinations. Acute respiratory infection, fever, and dehydration from diarrhoea are important contributing causes of childhood morbidity and mortality. Treatment from a health facility was sought for 71 per cent of children with acute respiratory infection symptoms, 59 per cent of those with a fever, and 58 per cent of children with diarrhoea.

With regard to nutrition, three parameters are used: (i) low height-for-age, reflecting malnutrition and disease in early childhood (stunting); (ii) low weight-for-height, reflecting acute starvation and/or severe disease (wasting); and (iii) low weight-for-age, a composite index of weight-for-height and height-for-age. About 37 per cent of children under five are considered to be short for their age or stunted, and 11 per cent are severely stunted. After being stable in the first six months of life, the prevalence of stunting increases steadily with age from seven months through the first two years of life before declining slightly in the first and fourth year. Children age 36–47 months have the highest proportion of severe stunting (16 per cent). Stunting is slightly higher among male children (39 per cent) than among female children (35 per cent), and greater among children in rural areas (39 per cent) than urban areas

(25 per cent). Three per cent of children suffer from wasting. With regard to the weight-for-age indicator, the results show that 12 per cent of children are underweight and three per cent are severely underweight. Interestingly, the proportion of children who are underweight decreases with increasing levels of the mother's education and with increasing wealth quintiles.

Notwithstanding these notable statistical improvements, the right to health cannot be said to be fulfilled in Malawi. Health facilities for children and adults alike are grossly inadequate and shortages of essential drugs persist (Pondani 2017). Life expectancy at birth was 53.7 years for men and 56.6 years for women in 2014. The overall high HIV prevalence rate of 8.8 per cent – 14.6 per cent in urban areas and 7.4 per cent in rural areas – and the resultant deaths in AIDS has acted as a brake on life expectancy improvement.

The right to food and nutrition that impacts greatly on health indicators, is jeopardised by intermittent weather-related calamities such as droughts and floods. Periodic and fluctuating food deficits affect children in particular as measured by stunting and wasting indices but adults are also affected. One-third of the population is food insecure, with disrupted eating patterns and reduced food intake. The incidence of food insecurity is markedly higher in rural areas (34 per cent) compared to urban areas (23 per cent), among female-headed households (38 per cent) compared to male-headed households (31 per cent) and in the southern region of the country (36 per cent) compared to the northern (29.9 per cent) and central (29.5 per cent) regions. The disparity in levels of food insecurity among districts is particularly pronounced. In the lower Shire Valley districts of Nsanje and Chikwawa, 78 and 75 per cent of the population, respectively, were considered food insecure, compared to 14 per cent in Machinga district (De Schutter 2014: 5). An estimated 6.5–7 million Malawians were facing food shortages during the 2017 lean season according to the Malawi Vulnerability Assessment Committee (MVAC), although the figures were contested (Kasakura 2017; Chitsulo 2017a) and evidently overstated.

With regard to the right to education, the net primary school enrolment rate stood at 86.7 per cent in 2014 with insignificant difference between the genders. Due to the low transition rate from primary to secondary school, the net enrolment rate at secondary level dropped to 10.8 per cent in 2014 (National Statistical Office 2015). The proportion of literate persons aged 15 and above stood at 71.8 per cent in 2014, with a significant difference between women (64.0 per cent) and men (80.5 per cent).

In general, the low level of fulfilment of economic and social rights is related above all to Malawi's low level of development and the high incidence of poverty. In the low human development category, Malawi is given a score of 0.445 in terms of the Human Development Index (UNDP 2016: 14). The national poverty rate is 50.7 per cent indicating that about half the population is poor. There has been a slight decrease in the poverty rate by 2 per cent from 52.4 per cent as reported in 2004/2005. One-quarter of the population is ultra-poor, meaning that one in every four people lives in dire poverty to the extent that the minimum standard for the recommended daily food requirement is unaffordable. There is variation across regions in terms of poverty rates. While the Southern region has the highest poverty rate (63 per cent), the Northern region has the second highest proportion of poor people (60 per cent), and the Central region the lowest proportion (49 per cent). The regional rates mask wide differences between urban and rural areas. About 17 per cent of the population in urban areas live in poverty compared to 57 per cent of the rural poor population. (National Statistical Office 2012a: 204–205). The main causes of poverty include land shortage, limited off-farm employment and credit, illiteracy, ill health, and rapid population growth.

Calculating poverty rates has long been surrounded by controversy. Pauw *et al.* (2016), using a methodology that differs from that of the National Statistical Office, found that overall poverty in Malawi declined significantly by 7.3 per cent during the 2005–2011 period, largely on account of FISP. The Centre for Social Concern compiles every month a basic needs bas-

ket, which includes food and essential non-food items (but excluding educational costs) for six urban areas (Lilongwe, Zomba, Blantyre, Mzuzu, Karonga and Mangochi). The cost of the total basic needs basket for six people in January 2017 ranged from MWK 205,579 in Blantyre to MWK 154,361 in Karonga, and averaged MWK 183,411 for all six areas (Centre for Social Concern 2017). These cost figures are far above the official poverty rates. Even so, the government appears to accept this method of calculation as reflecting accurate real costs (M'bwana 2010). Whatever the methodology applied, the fact remains that poverty is pervasive and represents a wholesale denial of human rights.

One of the main government interventions to alleviate poverty was the FISP programme,

which contributed to comparatively high rates of nominal economic growth during the period 2005–2011. However, despite the apparent success of FISP, the decline in the poverty headcount was marginal in this period. This goes to show that high economic growth rates do not necessarily lead to poverty reduction. In other words, the so-called 'trickling down' effect does not seem to materialise (Stockholm Statement 2016). While economic growth is a necessary precondition for poverty reduction, it is not an adequate one. A balanced mix of complementary policy interventions is needed to address poverty and inequality, and a host of other social concerns. Only then will the Malawi government as a duty-bearer be able to meet its legal human rights obligations.

9. Demographic trends

Malawi's population grew rapidly from 4 million in 1966 to 13.3 million at the time of the 2008 census. The 1998–2008 intercensal annual growth rate was 2.8 per cent. The population is distributed unevenly across the regions. In 2008, about 45 per cent of the total population lived in the Southern region. The corresponding figures for the Central and the Northern regions were 42 per cent and 13 per cent, respectively (National Statistical Office 2009). The average birth rate is 5.7 children per woman, down from 6.0 in 2004. The birth rate varies between urban and rural areas: 4.0 children per woman in urban areas as opposed to 6.1 in rural areas. With persistently high fertility rates, albeit declining slowly, projections indicate that the population is set to increase to 26.1 million by 2030 (National Statistical Office 1999, 2011 and 2012b); the planned 2018 census will provide updated information. The age structure is youthful with nearly half the population below the age of 15. This means that even if the fertility rate were to decline dramatically in the near future, the built-in growth momentum in the age structure remains strong as the young reach reproductive age. This built-in momentum is reinforced by the extremely youthful age structure among the poorest 20 per cent of the population and the correlation of poverty with high fertility. Low education levels also correlate with high fertility.

Early marriage is common in Malawi (MacNeish 2016). Among young women aged 20–24 about half were married by the age of 18. By delaying marriage, young women are likely to bear fewer children and to continue their education. More than 20 per cent of adolescent girls

had begun childbearing by the age of 17, i.e. while they were still children. The median age at first birth for all women aged 25–49 was 18.9 in 2010 (National Statistical Office 2011). Young motherhood is more common in rural than in urban areas. More than 25 per cent of adolescent boys had had sexual intercourse before the age of 15; the comparable percentage among adolescent girls was 19. Not only do these practices have a bearing on fertility rates, they also affect adversely education and health indicators. Early childbearing is a major health concern, e.g. risk of obstetric fistula.

The high population growth rate is worrisome. It puts heavy pressure on already stretched resources, be it land and forests, education, health, utilities (electricity and water) and a host of other services. It is astounding, therefore, that so little public debate centres on the challenge of reducing population growth through various forms of contraception. It is perhaps surprising, therefore, that nearly all men and women are aware of some family planning method. About 60 per cent of married women use some kind of contraceptive method, of which injectables, implants and sterilisation are most common. The use of contraceptives has increased considerably since 1992 (National Statistical Office 2016: 17–18). The FBOs with a nationwide constituency tend to take a pro-life stance and are adamant in their anti-abortion stance (Gunya 2016; Chitsulo *et al.* 2016). With the notable exception of the Vice-President who recently called upon couples to have fewer children (Mzungu 2016), few politicians venture to say anything at all on the subject, although their number is increasing. The newly appointed

minister of health recently called for a collective approach to addressing the population boom and to embarking on a family planning programme (Nyale 2017). Surveys suggest that the desired number of children by both men and

women is four, although lower for women with more than secondary education than for women with no education (National Statistical Office 2011). Still, the average fertility rate is above the preferred level.

10. Social conditions stemming largely from poverty

Social conditions are above all determined by pervasive poverty, and the narrow revenue base of the state that constrains its ability to provide essential social services. The dwindling inflow of foreign aid in the wake of corruption scandals to supplement state budgets, aggravates the situation. The consequences have been addressed elsewhere in this report and do not warrant repetition. Other factors that influence social conditions are cultural traditions, superstitions and attitudes in the population. These are at the centre of attention in this section.

Political and religious leaders as well as civil society representatives condemn in unison certain reprehensible cultural practices that seem resilient. They are most prevalent in the Southern region but also practiced elsewhere in the country. In vernacular language, some of them are dubbed *kupita kufa*, *fisi*, *kusasa fumbi*, *kulowa kufa*, and *chimwanamayi*. Public attention to these practices emerged after the arrest in July 2016 of a person in Nsanje charged with defiling a large number of minors as part of the initiation rite known as *fisi*, to which he confessed (Tayanjah-Phiri 2016). He is the example of a man who specialises in these ‘services’ and moves from village to village to perform them against a fee. *Kusasa fumbi* is also part of an initiation rite to mark the transition from girlhood to womanhood after the first menstruation. *Kupita kufa* or *kulowa kufa* refer to widow inheritance, i.e. when a husband dies his widow is ‘inherited’ by his brother. The practice of *chimwanamayi* means spouse swapping. The *fisi* ritual is an egregious form of child abuse and a blatant violation of the right of the child. It may also lead to premature pregnancies. All these practices, which

involve sexual intercourse, are likely to aggravate the spread of sexually transmitted diseases (STDs), including HIV and AIDS. Unrelated to such cultural practices, girls are often victims of defilement, typically by people they trust such as uncles, stepfathers, fathers, neighbours, and teachers (Twea 2016). As a result, they risk STD infection, severe physical health problems and psychological trauma, possibly infertility, and potentially premature pregnancy.

In ethnic groups not practicing widow inheritance, the plight of widows is nevertheless dire. Widowhood in Malawi means ‘social death’ and falling into poverty. It goes beyond the loss of a husband as a breadwinner. It also robs a widow of her social status as a married woman. All of a sudden, widows are relegated to the margin of society where they suffer extreme discrimination and stigma. Often they are victims of ‘property grabbing’ by relations of the deceased husband (Chiweza 2008; Kantande 2016).

Though not a practice embedded in culture, gender-based violence is pervasive in Malawi. Reportedly, 40 per cent of Malawian women experience violence. One in every five girls is abused sexually before reaching the age of 18, and every other girl is physically abused before turning 18 years of age. This abuse is passed on from one generation to the next. Some 44 per cent of men and 22 per cent of women who had been abused before the age of 18 were likely to abuse their intimate partners. This occurs in defiance of legislation such as the Prevention of Domestic Violence Act; the laws are not respected nor enforced (Munthali 2016).

Among some Malawians, there is an entrenched belief that the body parts of people

with albinism may bring wealth, luck or political success. In some parts of the world, body parts of people with albinism are valued in witchcraft. Reportedly, body parts may fetch high prices, ranging from USD 2,000 for a limb to USD 75,000 for an entire corpse. The Association of Persons with Albinism in Malawi recorded 50 attacks between December 2014 and March 2016, of which 11 resulted in death, two-thirds of them women and children (Voice of Micah 2016). These heinous killings provoked the President to issue a statement condemning the attacks and urging the police to arrest the perpetrators and bring them to justice, and to protect those at risk.

Resulting from a combination of widespread attitudes and shortage of funding, Malawi's prisons are in a sad state. The country has signed a host of conventions and guidelines that specifically address the rights of arrested persons, remandees and convicts, such as the Standard Minimum Rules for the Treatment of Prisoners, and the Declaration against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Malawian state is legally obligated to respect these conventions and to provide financial and other resources required to maintain a criminal justice system to that end. However, the Malawian state is not performing its role as the primary duty-bearer (Sibale *et al.* 2014). The prisons are extremely congested, as exemplified by Maula Prison in Lilongwe that was built for 800 prisoners but holds three times that number. The food provided is poor and inadequate, and sanitation is appalling. This leads to medical problems such as tuberculosis, scabies, cholera and diarrhoea (Jackson 2016). A recent report by the Inspectorate of Prisons

revealed that bribery is rampant in the prisons, that inmates are abused, and that corruption is common (Chikoko 2016). The prison conditions reflect the attitudes of wardens and the general public towards convicted offenders, and the lack of resources allocated to the prison service. It is a widespread attitude among Malawians that the state should not 'waste' resources on criminals. In other words, the criminal justice system is based largely on motivations of punishment as a form of revenge. The alternative mode of thinking is rehabilitation of inmates and their reintroduction into society as law-abiding citizens after having served their sentence. The latter approach would mean emphasis on education and skill formation to equip released convicts with the wherewithal to manage the transition to a free existence.

In Malawi, petty crime is driven mainly by poverty. Without income from own business or formal employment, people resort to criminal activities such as theft and robbery. In some cases, they may escalate into violence and the death of victims and perpetrators. Although the crime rate is comparatively low in Malawi, it is rising and has become a serious concern, particularly in high-density residential areas in the cities. Theft of crops at harvest time is common in rural areas. The police appear not to take such petty crimes seriously, either because of meagre resources to investigate or because major crimes (see section on corruption) are accorded priority. Consequently, vigilante groups have taken the law into their own hands and hunted down perpetrators. It is not uncommon to read in newspapers about 'mob justice' when defenceless suspects have been beaten to death, or hacked to death by machetes and/or 'necklaced' and set ablaze with a tyre around their neck.

11. Latent and manifest conflicts

It is an axiom that Malawi has enjoyed peace since independence in 1964. The country projects itself as *the warm heart of Africa* and a peaceful island in a region of turmoil. While largely justified, these statements warrant qualification. During Kamuzu Banda's rule, any sign of opposition was countered without mercy. Elements perceived to be subversive were either detained without trial or disappeared mysteriously. Stories abound about the disappearance of critics who allegedly had been fed to crocodiles in the Shire River (Mapanje 2002: 183). With similar effect, the Young Pioneers of the MCP were used as a paramilitary instrument of intimidation (Mapanje 2002: 180; McCracken 2012: 454). Whatever the credibility of such stories in circulation, they do suggest that the tolerance of criticism was very limited. The overall purpose of these forms of repression was to nip in the bud any oppositional elements before they got a chance to gain momentum and pose a threat to the regime. This is not to say that the repressive practices of the pre-1994 regime have prevailed but their legacy lingers to some extent in the psyche of politicians, activists and citizens.

The fact that Malawi has been relatively peaceful does not mean that it lacks conflict potential. It must be inserted, though, that not all conflict is to be shunned; a society without conflict is a dead society. There are constructive and destructive conflicts. While the former has the potential of innovation and generation of new thinking, the latter is likely to escalate into violence with destructive effects. Malawian society contains both types of conflict, and is also affected by spill-over from conflicts beyond its borders.

Contemporary Malawi is characterised by a multitude of intersecting cleavages (Kayambazin-

thu 2013), most of which have political import, although they are unlikely to breed violence. One such type of cleavage is electoral in nature and manifested in the distribution of votes by regional and ethnic identities, which tend to be coterminous (Dulani and Dionne 2014). Whether these cleavages are benevolent is a moot point as there has been a number of violent incidents throughout electoral cycles in the post-1994 era (Phiri and Ross 1998; Ott *et al.* 2000; Ott and Kan-yongolo 2010; Patel and Wahman 2015). On the other hand, these cleavages are possible to contain given institutional structures put in place to dampen antagonism, ensure mediation and to arrive at compromise. Mindful of the risk of electoral violence, Multiparty Liaison Committees have been established at the district level, comprising representatives of government, political parties, and civil society, as well as the Malawi Electoral Commission (MEC). The purpose of these committees is to defuse tension and prevent escalation into violence. It should be recalled, however, that any election is based on (peaceful) contestation between alternative platforms within a context of social, economic and political cleavages. That is the essence of democracy.

In a profoundly religious society such as Malawi, religion also forms cleavages of political significance, though not confined to the political arena. Malawi is predominantly Christian (83 per cent) with a sizeable Muslim minority (13 per cent). FBOs engage actively in advocacy in the political realm, although normally not in partisan politics (Chunga and Tostensen 2017a). Still, some parties are associated with religion, such as the UDF whose supporters are perceived to be overwhelmingly Muslim. Religious affiliation has on occasion escalated into violence beyond

electoral adherence to particular parties. In June 1999, after the announcement of the election results several mosques were burned or demolished in the Northern Region (Milazi 1999). The Catholic Church condemned such religious fanaticism but the government remained passive. This incident showed how religious and political cleavages intersect. Similarly, religious tension has long characterised Mangochi District, inhabited predominantly by Muslims (80 per cent) but with a significant Christian minority (20 per cent). Ethnic identities are largely coterminous with religion and tend to reinforce religious cleavages, i.e. the Muslims are mainly Yao and *vice versa*, while the Christians hail from other ethnic groups. In other words, religion and ethnicity intersect. In turn, these identities play out in the partisan landscape with Muslims supporting the UDF. Significantly, FBOs have taken the initiative to mediate and ease tension through inter-faith dialogue (Turnbull 2009). In the absence of a government machinery to manage civil conflict, several FBOs, especially the inter-faith and inter-denominational Public Affairs Committee (PAC), often take initiatives to mediate and settle conflicts. While available to adjudicate in conflicts, i.e. apportioning blame and determining compensations or actions to be taken, the judiciary does not really mediate with a view to arriving at a legitimate compromise with which the parties can live.

The sources of conflict are multiple. Regionalism, ethnicity and religion are no doubt important cleavages in Malawi (Ferree and Horowitz 2010). Class or disparities (income, assets and land) are also potential sources of conflict. They may be latent at present but with the potential to become manifest unless addressed. Pervasive and persistent poverty is the manifestation of a structural conflict between the haves and the have-nots. Poverty is commonly measured in absolute terms by means of money-metric methods. Globally, poverty is determined in terms of consumption. If a person's monetised consumption falls below a certain level, typically the World Bank dollar-a-day benchmark, that person is considered poor. Individual countries have adopted

their own benchmarks that may differ from that of the World Bank. This is not the place to discuss in detail the measurement of poverty and its many facets. It is sufficient to say that roughly half of Malawi's population is considered poor, even if the percentage may fluctuate depending on definitions and developments over time. That fact is in itself a source of serious concern, even if it has not given rise to civil strife because Malawians are a peace-loving people whose docile outlook make them averse to taking to the streets with banners. Even so, anger about living conditions in poverty, corruption, unemployment and mismanagement did lead to a nationwide protest on 20 July 2011, which erupted into violence. Although exceptional, that event might repeat itself because dissatisfaction continues to simmer under the surface. There is no way of knowing when the patience of Malawian citizens will run out. Chimango (2012: 123) claims that the tension during the impasse between the Executive and the Legislature in 2006/2007 could easily have led to violence in Malawi on the scale experienced in Kenya in the aftermath of its 2007 elections that resulted in the loss of some 1,100 lives and about 350,000 displaced persons (Tostensen 2009). For the time being, it seems that frustrations among the large number of youth who are unemployed and idle lead to rising crime rather than organised rebellious activity. The great positive potential embodied in a young population remains untapped (see section on demography).

The high level of absolute poverty is a palpable source of conflict. It receives much attention in the public debate, mostly as an expression of compassion rather than the latent simmering of conflict that may become manifest and erupt one day. While not discounting absolute poverty as a conflict-generating phenomenon, relative poverty, i.e. inequality, probably exacerbates the effects of absolute poverty. Inequality manifests itself across a range of dimensions. Economic inequality is extreme and increasing. The share of total consumption by the top 10 per cent of the population was 46 per cent in 2004/2005 and increased to 53 per cent in 2011. By com-

parison, the bottom 40 per cent of the population accounted for merely 15 per cent of total consumption in 2004/2005 and declined to 13 per cent in 2011. The consumption by the top 10 per cent was 22 times higher than that of the bottom 10 per cent in 2004 and increased to 34 times by 2011 (the figures in this section derive from Oxfam 2015). Measured statistically, the Gini co-efficient of per capita consumption increased from 0.390 in 2004 to 0.452 in 2011.¹¹

In a predominantly agrarian economy where access to land is critical, land inequality is central. In 2011, the land Gini co-efficient was 0.523, larger than that for consumption at 0.450. It is significant, however, that the land Gini co-efficient decreased from 0.6023 in 2004/2005 to 0.523 in 2011, although admittedly remaining high. Wealth inequality (tangible assets such as radio, TV, furniture, fridge, bicycle, vehicle, etc.), on the other hand, increased from 0.431 in 2004 to 0.564 in 2011.

Inequalities are also pronounced in the social sectors such as education and health. Concentration indices of school enrolment (i.e. showing the concentration of the rich within each educational level) showed in 2011 a minimal bias in favour of the rich at the primary level, meaning that the poor also enjoy access to primary education (disregarding its poor quality). The bias in favour of the rich increases at the secondary level and at the tertiary level the extreme dominance of the rich is abundantly clear. Health services are nominally free in Malawi. However, owing to persistent shortages of essential drugs and staff, the services provided are sub-standard, regardless of the brave efforts of medical personnel. Access to more expensive, private facilities is not an option open to the poor. Moreover, the density of health facilities is lower in the rural area where the majority of the poor live. The educational and health inequalities, in turn, tend to reinforce consumption inequality and keep the poor trapped in poverty. Conversely, adequate

income/consumption and educational prowess create the wherewithal for citizens to empower themselves politically. Informed citizens with some means at their disposal are able to take part in public debate and to hold political leaders to account. Coupled with free mass media, an informed citizenry contributes to underpinning the democratic process.

The conflict potential in Malawi stems predominantly from domestic sources such as those described above. However, apart from domestic cleavages, whether they fuel violence or not, Malawi is affected by upheavals in neighbouring countries. In the 1970s, during Mozambique's liberation struggle from Portuguese colonialism, Malawi provided sanctuary for a large number of refugees. After Mozambique's declaration of independence in 1975, many of the refugees were repatriated. However, violent conflict between the Mozambican government and rebels has persisted on and off and recently re-emerged. This resulted in a large-scale influx of refugees in 2015 and 2016, perhaps as many as 10,000 newcomers. Malawi already hosts some 25,000 refugees, mostly from the Great Lakes region and the Horn of Africa (UNHCR 2016).

In addition to adverse spill-over from strife internal to neighbours, a dispute with Tanzania over the northern part of Lake Malawi remains unresolved. Tanzania has released a new map over what it calls Lake Nyasa where the international border is drawn in the middle of the lake, not along the shoreline of Tanzania. Malawi claims ownership of the entire northern part of the lake and bases its claim on the treaty that the colonial powers Germany and Britain signed on 1 July 1890 (Voice of Micah 2017). For its part, Tanzania invokes the 1982 UN Convention on the Law of the Sea, which stipulates that the boundary between states separated by water should be drawn in the middle of the relevant water body (Mkandawire 2016). While this dispute has long-standing historical antecedents, it has emerged as a conflict issue from time to time. It is likely that the prospects of oil and gas discoveries underneath the lake have made the dispute acute, especially after Malawi awarded a pros-

¹¹ The Gini co-efficient is a statistical measure of inequality. The numerical figure 1 reflects total inequality and 0 total equality. The higher the Gini co-efficient the greater the inequality.

pecting licence to a British company, Surestream Petroleum Ltd., covering an area of 20,000 km² on Lake Malawi (Surestream Petroleum 2015). Previous mediation attempts by former president of Mozambique, Joaquim Chissano, have come to naught. Malawi considers the publication of the map a provocation and is particularly disappointed that Tanzania's new president, John Magufuli, is pursuing this line. Malawi has formally protested to the international community, i.e. the United Nations (UN), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the African Union (AU), and the Southern African Development Community (SADC). Malawi is a member of these global, pan-African and regional organisations. Apart from contributing small contingents of troops to peace-keeping operations, AU and SADC membership affects Malawi's political economy only marginally.

The dispute over the lake has ramifications beyond the short-term economic expediency of

the two countries. Environmental issues are at stake. In an age when the world is poised to phase out fossil fuels to reduce emissions of greenhouse gases with a view to mitigating climate change, the search for oil and gas in the eighth largest freshwater lake in Africa is questionable. Moreover, the risk of polluting the lake is high, thus jeopardising this pristine source of fresh water whose demand is bound to increase in years to come. Moreover, Lake Malawi National Park in the southern part of the lake was awarded World Heritage status in 1984 for its universal value as the home to over 1,000 endemic cichlid fish. The lake is also Malawi's premier tourist attraction and a source of livelihood for many people who depend on it for fishing, transport and potable water (Etter-Phoya 2016). Oil and gas exploration and possible extraction in the northern part of the lake will inevitably lead to pollution that could adversely affect the entire lake. It remains to be seen how the dispute will be resolved but it is unlikely to escalate from altercation into military action.

12. Policy implications and entry points

This concluding section will attempt to draw some policy implications from the above political economy analysis that paints a truly bleak picture, regardless of positive developments on some indicators. Even so, it appears that the donor community and other stakeholders, including large sections of the population as reflected in the mass media and the new social media, are broadly agreed that the discouraging diagnosis corresponds more or less to reality, notwithstanding nuances (Afrobarometer 2017). They subscribe to the diagnosis that provides a long, cynical catalogue of problems facing Malawi.¹² The country finds itself in a deep economic and political crisis, the roadmap out of which is indeed hard to chart.

It must be inserted that the People's Republic of China has emerged as a new donor of some significance (albeit still small) since 2005 when Malawi's diplomatic relations with Taiwan were severed and shifted to mainland China, whose mode of operation differs from that of conventional donors. The aid relationship is based on mutual benefit, non-interference, and is business-like, albeit not transparent. The sector foci are infrastructure, agriculture, health and education. Aid is typically project-based. Landmark projects of high visibility include the construction of new Parliament buildings in Lilongwe; the Malawi University of Science and Technology (MUST) in Thyolo; the construction of the Bingu National Stadium in Lilongwe; the construction of the Karonga-Chitipa road stretch of 100 km; the Golden Peacock Hotel complex in Lilongwe; and the Bingu International Conference Centre

in Lilongwe. More projects are in the pipeline. Funding is grant-based for some projects but mostly based on concessional loans. The challenge of long-term maintenance of infrastructures will arise some years into the future (Banik 2016). A case in point is the Karonga-Chitipa road that only four years after its completion is in a sad state of dilapidation (Kalimira 2017). The Chinese aid model is considered complementary or alternative to that of conventional donors, largely because China does not impose conditions and seems lenient with regard to corruption. Extensive use of Chinese labour by Chinese contractors and the massive importation of cheap consumer goods produced in China that outcompetes Malawian commodities has caused widespread resentment among the population who complain of poor quality products.

If the political elite – politicians and senior civil servants alike – are essentially rent-seekers, it appears exceedingly difficult to find entry points for donors and others to change the existing formal and informal rules of the political game in a direction that might set the country on a development path. Does this mean that Malawi should be considered a total write-off and induce the donors to depart altogether? Withdrawal or discontinuation of aid might be an option. However, that would leave ordinary Malawians in the lurch because of their misfortune to have incompetent and corrupt leaders. To exercise that option would hardly be ethically defensible.

It must be acknowledged that the donors play a major role in Malawian society at present. Apart from being donors in their own right, the World Bank and the International Monetary Fund (IMF) exercise influence beyond their sheer volume of funding by assessing on a continuous

12 Personal communication with representatives of a cross-section of donors in Lilongwe, a range of Malawian academics and activists, plus extensive own research in Malawi and direct observation since 2003.

basis whether Malawi is ‘on track’ or not, relative to key parameters. Their ‘stamp of approval’ or the opposite sends signals to the entire donor community and is generally heeded.

The sheer inflow of aid money, in whatever form, is in itself intrusive whichever way one looks at it. Likewise, withdrawal or exit would have the obverse effect. To the extent donors determine where the money is channelled according to their own policies and interests, it is an intrusion, and could and does cause distortions. However, the donor community presumably needs to observe the precepts of the Paris Declaration on Aid Effectiveness, adopted in 2005 and signed by nearly all donors – multilateral and bilateral alike – and the overwhelming majority of recipient countries. Although many claim that the Paris Declaration is effectively dead, no ‘death certificate’ has been issued. Formally, it remains valid. Two key Paris principles are particularly relevant in this context: *ownership* of development processes by recipient governments, and *alignment* of donor procedures with country systems. Given the PEA of Malawi as provided in this report, it appears impossible to apply those principles by the donor community in Malawi in the current circumstances. Their application pre-supposes a high degree of trust in the government of Malawi as it functions currently. In the circumstances, that is clearly not the case. The question then arises whether the donors could justify what may be termed ‘reasonable intrusion’ in the interest of poor Malawians who suffer, not because of their own wrongdoings but rather because they have bad leaders.¹³ Such a stance would admittedly disregard the said principles though with a view to assisting the people of Malawi as distinct from its government.

This PEA depicts a discouraging situation created by a range of spoilers as main agents in society. However, it is difficult to pinpoint who those spoilers are. Rather than clearly identifiable interest groups or agents who pursue consistent pol-

icies, the spoilers form a diffuse and amorphous elite of ever shifting internal constellations in line with changing political winds. They are little more than rent-seekers – by hook or by crook – and certainly not agents or drivers of positive change. They are bent on preserving the indeterminate status quo in constant flux from which they benefit to the detriment of meaningful development and at the expense of the mass of ordinary, poor Malawians at the grassroots who suffer hardship in their daily lives. These spoilers represent the oft-cited ‘lack of political will’ towards transformation. They have no incentives whatsoever to change the political game, reflecting the political settlement referred to above. An analysis of drivers of change and development in Malawi was undertaken in 2006 (Booth *et al.* 2006). It projected three future scenarios. First, a baseline scenario as a projection of developments since 1994 into the future, characterised by policy inconsistency and muddling through. Second, an optimistic scenario based on the implementation of the best policy mix produced by the civil service. Third, a meltdown scenario based on the performance since 1994 with catastrophic consequences.

A decade hence, the intervening years since 2006 have produced a situation that resembles the baseline scenario as depicted in the present PEA. The optimistic scenario seems a pipe dream because it requires policy consistency; long-term vision; strong leadership; prioritisation between objectives and resources; and improved performance by the civil service. None of the above applies in the circumstances. Malawi seems closer to the meltdown scenario but is perhaps not quite there yet.

Are there no drivers of positive change? Sadly, in the current situation they are few and far between. To the extent they exist, they are facing a formidable political elite of rent-seekers with a ‘big chief’ at the helm surrounded by cronies and sycophants. To be sure, there are identifiable interest groups, such as the MCCCCI, the Farmers’ Union of Malawi (FUM), and the National Smallholder Farmers Association of Malawi (NASFAM) that engage in lobbying (Thomas and Hrebenar 2008). Similarly, CSOs also try to

13 The Netherlands Ministry of Foreign Affairs coined the term ‘reasonable intrusion’ in 2007 when it undertook a series of Strategic Governance and Corruption Assessments (SGACA), comparable to the present PEA endeavour.

exert influence, especially FBOs who are deeply rooted in society. However, they are constrained and seem weak, except in certain critical junctures. A long-term, incremental hope for change arguably lies in the role of the mass media, which have carved out a niche for themselves that may gradually enlighten the voters at the grassroots and induce them to hold their leaders to account. Therefore, sustained support for media freedom is paramount.

There might be individual role models that could serve as inspiration for politicians, civil society activists and ordinary citizens. Admittedly, there are a handful of MPs who appear to act independently with civil courage, most of them in opposition at present. The question is pertinent, however, whether their behaviour would change if their parties were to join an incumbent government coalition and conform to the ways of the establishment. Most observers seem to agree that role models in civil society are either ignored or tolerated as minor irritants. Alternatively, in cases where CSO leaders start to mobilise and are perceived to pose a real threat to the establishment, they are likely to be co-opted into the fold of the powers that be (there are several such examples), or frustrated, harassed and undermined to such an extent that they eventually abandon their endeavour.

Are there entry points for donors given the prevailing political economy? Yes, there are! However, the donor community must take a realistic, long-term approach to the development challenges facing Malawi and be prepared for a long-haul commitment rather than short-term *ad hoc* project-based responses. Instead of being cocksure about solutions, more humility is warranted, coupled with a willingness to compromise and support concerted efforts. The need for such a posture is underscored by the recent outburst by the President against the donor community (Thom 2017b). Generally, political economy analysis should be emphasised as a planning and programming tool (Booth *et al.* 2006). The donors are also well advised to cultivate relations with Malawians who are knowledgeable about the political and economic life of their country

while triangulating information to counteract biased advice.

In addition to a flexible long-term commitment, the donors should take the Paris Declaration's harmonisation principle seriously. Donor harmonisation refers not only to concerted policy approaches but also to joint funding arrangements, i.e. pooling of resources. This is necessary for making a dent in the fundamental problems facing Malawi as suggested below that cry out for priority. They will require a massive effort, which is probably beyond the means of one or a couple of donors.

Discarding the exit option in a realisation that it would unfairly penalise innocent poor Malawians, two options, not necessarily mutually exclusive, suggest themselves:

- (1) Continued, patient engagement directly with selected government institutions and CSOs, particularly in health and education, and with a sprinkle across other sectors. Capacity-building efforts in education and health are never wasted, despite their Sisyphian nature due to brain drain. Donors across the board apply this approach at present and have made some progress as evidenced in several indicators as noted above. This approach addresses central economic and social human rights and is feasible in defiance of the otherwise non-conducive environment.
- (2) Notwithstanding the hurdles of the current political-economic environment, it would probably be feasible to engage meaningfully in two sectors critical to the growth of the economy: (a) irrigated agriculture and (b) solar energy.
 - (a) There is no escaping that agriculture is the mainstay of Malawi's economy. However, in order to raise agricultural productivity and increase yields for food security and marketing of produce, including for export, irrigation is mandatory. Plans have long existed for such an endeavour but the resources for a massive drive have been lacking, and are still lacking. Mul-

tiple donors should pool their resources in conjunction with the government and embark on such a venture, while all along paying due attention to hydrological constraints and the need for recycling of water resources. Although Norway does not have a comparative advantage in tropical agriculture, by joining forces financially with other donors who have such expertise, a significant difference could be made.

- (b) Anyone who has lived in Malawi for any length of time is very well aware of the disruptive effect of power cuts. They are not only a nuisance for households, excepting those who can afford diesel-driven generators, they affect all sectors of the economy adversely. Apart from hydro-electric power generation, solar energy appears an obvious solution to the energy crisis in a country with nearly 3,000 hours of sunshine per year. With dramatically falling prices of solar panels and associated equipment, solar energy is probably economically feasible. Whether through large-scale solar parks feeding into the national electricity distribution grid or off-grid solutions at community level, solar energy has great potential. The positive ramification would be considerable

in expanding the revenue base of the state. The cost of failing to embark on such a programme is very high indeed.

Apart from the purely professional rationale of this two-sector approach, an added advantage is that the political elite would probably buy into it. Not only would Malawi as a society benefit but the rent-seeking elite would also see its interests furthered by such interventions rather than by thwarting them. There are risks, of course, mainly corruption. The rent-seekers would no doubt see opportunities for skimming off a percentage of contracts. However, to minimise wastage safeguards could be built into contracts, combined with a vigilant donor community to contain corrupt behaviour.

A PEA like the present one, covering all sectors across the board, is by necessity rather general. Its purpose is merely to provide a backdrop and context to donor interventions. It cannot give operational advice about the specific design of interventions. Nor was that required by the ToR. The above suggestions about interventions, however designed, in irrigated agriculture and solar energy stem from the PEA and cry out for attention. It is the task of the Ministry of Foreign Affairs and the Lilongwe Embassy in conjunction with relevant experts to work out the specific modalities ahead.

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Norwegian Institute of International Affairs
C.J. Hambros plass 2D
PO Box 8159 Dep. NO-0033 Oslo, Norway
www.nupi.no | info@nupi.no