



Malawi — Va-PoReg Country Report

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[formerly known as Nyasaland]

05/14/1891 Start Direct Rule Colonial Regime [of United Kingdom]: Malawi, formerly called Nyasaland¹ Districts Protectorate, was administered by the British South Africa Company, founded by Cecil Rhodes as a trade charter. Its eastern boundary was delineated by the highlands descending towards Lake Nyasa (Malawi) (McCracken 1986). On 05/14/1891 a British Protectorate was declared over the Nyasaland Districts. On 02/22/1893, the Nyasaland Protectorate was renamed the British Central African Protectorate, and it occupied the same area as present-day Malawi (The Geographer 1971).² The northern Ngoni kingdom accepted British sovereignty in 1904 and it was allowed to retain a wide span of powers denied to other Nyasa chiefs. Ngoni King Mbelwa was recognized as a paramount chief, the only one in the protectorate at that time (McCracken 1986).³ In 1907, the British Central Africa Protectorate became Nyasaland (Turner 2014a). In 1915, Mbelwa's powers were abolished, and he was deported to the Southern Province after refusing British orders (McCracken 1986). Likewise, challenges to colonial authority were met with coercion during British rule (McCracken 1986). From 09/03/1953 to 12/31/1963 Nyasaland was part of the Federation of Rhodesia and Nyasaland, a union that consisted of the self-governing colony of Southern Rhodesia and the two protectorates of Northern Rhodesia and Nyasaland. In this union, the two northern territories, Northern Rhodesia and Nyasaland, continued under British control of the Secretary of State for the Colonies (Rosberg 1956, Turner 2014a). In 1960, Malawi was granted greater autonomy within the Federation of Rhodesia and Nyasaland in form of responsible government.⁴ Based on our observations, no multiparty executive or legislative elections were held during this period, which aligns with the observations of LIED. Both LIED and V-Dem's PCLI classify political liberties as absent. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were absent.

08/15/1961 End Direct Rule Colonial Regime [of United Kingdom, Liberal Democracy]/Start Indirect Rule Colonial Regime [of United Kingdom, Liberal Democracy]: The 1961 elections were the first elections held under universal suffrage (LIED). The Malawi Congress Party (MCP) emerged victorious with 22 out of 28 seats in the parliament. During this time, Glyn Smallwood Jones served as Governor of Nyasaland from 04/10/1961, to 06/06/1964.⁵ The period of responsible government therefore still counts as colonial rule despite the grant of greater autonomy. Based on our observations, only multiparty legislative elections were held during this period, which aligns with the observations of LIED. Political liberties were absent according to LIED. V-Dem's PCLI classifies political liberties as not really present in 1961 and 1963 and as absent in 1962. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were moderate.

02/01/1963 End Indirect Rule Colonial Regime [of United Kingdom, Liberal Democracy]/Start (Monarchical) Non-Electoral Transitional Regime [semi-sovereign, external affairs under United Kingdom, Liberal Democracy]: After a constitutional conference in London in 1962, Nyasaland achieved internal self-government with Banda as Prime Minister in February 1963.⁶ The British Crown remained as the

ceremonial head of state. As early as in 1962 Banda made it in the Legislative Council „that he alone was responsible for making policy, which the ministers were to execute without debate or dissent. No criticism of Banda was permitted”.⁷ The Federation of Rhodesia and Nyasaland was dissolved on 01/01/1964. LIED identifies political liberties as absent, while V-Dem’s PCLI is classified by us as indicating that political liberties are not really present. For the relevant regime period, V-Dem’s JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem’s LCE is classified by us as indicating that legislative constraints on the executive were absent.

04/28/1964 End (Monarchical) Non-Electoral Transitional Regime/Start (Monarchical) Electoral Autocracy: Regime Elections were held in Nyasaland on 04/28/1964, and the MCP won 50 out of 53 seats in the Legislative Council. Hastings Kamuzu Banda was appointed Prime Minister. Therefore, the regime during this period would be classified as an electoral regime. According to LIED only multiparty legislative elections were held during this period. For this year, LIED identifies political liberties as absent, while V-Dem’s PCLI is likewise classified by us as showing that political liberties are absent. We argue that this case was wrongly classified by LIED. For the relevant regime period, V-Dem’s JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem’s LCE is classified by us as indicating that legislative constraints on the executive were absent.

07/06/1964 End (Monarchical) Electoral Autocracy/Start (Monarchical) Personalist Autocracy [as independent country]: Nyasaland achieved independence on this date under the name Malawi with Hastings Banda as the first president who established a one-party dictatorship (Turner 2014a). The MCP had already consolidated a de facto one-party rule before independence, and Banda had established his personal control of the party as well. Opposition groups were intimidated from nominating candidates in the 1964 elections before independence. Shortly after independence a substantial faction of the party, including several members of Banda’s first cabinet, were dismissed or purged after proposing limits on Banda’s personal power, and others resigned and soon fled the country (Decalo 1998, Geddes/Wright/Frantz 2014: 77). According to LIED executive and legislative elections, which weren’t multiparty, were held during this period. Based on Polity5’s assessment, during this period, the executive operated with unlimited authority, facing no institutional checks on power. For the relevant regime period, V-Dem’s JCE is interpreted by us as indicating that judicial constraints on the executive were limited in 1964 and moderate from 1965-1966, while V-Dem’s LCE is classified by us as indicating that legislative constraints on the executive were moderate in 1964 and absent from 1965-1966.

07/06/1966 Continuation Personalist Autocracy (as a republic): On this date a new constitution was adopted, in which the country was declared the Republic of Malawi. (Turner 2014a). The duties of the British governor-general were stopped.⁸ The constitution also made the MCP the only political party legally, and not just de facto. Moreover, Banda was elected as president for a five-year term in a one-candidate election.⁹ Banda described his rule as follows: „Everything is my business. Everything. Anything I say is law...literally law”.¹⁰ In 1970, the MCP made Hastings Banda its president for life. In 1971 he was declared President for Life of Malawi. Besides that, he also held the official title „His Excellency the Life President of the Republic of Malaŵi, Ngwazi Dr Hastings Kamuzu Banda”. The title Ngwazi can be translated with conqueror or chief of chiefs. In addition, Banda’s reign was characterized by a comprehensive personality cult. For example, „Every business building was required to have an official picture of Banda hanging on the wall, and no poster, clock or picture could be higher than his picture.”¹¹ In 1992, President for Life Hastings Banda after increasing domestic and international pressure agreed to hold a referendum on whether to continue single-party rule or to hold multi-party elections. The referendum was held in 1993 and basically already ended the reign of Banda (Decalo 1998).¹² By AF, GWF, REIGN is classified as a personalist regime. HTW, MCM and LIED classify it as a one-party autocracy. According to our classification, the regime is a personalist autocracy, because Banda had a firm grip over the MCP from the very beginning, even before Nyasaland achieved independence. Although the MCP was the only legal party in Malawi, it was not an institution that could limit Banda’s power. There were no selection processes for the party leadership, no

decision-making powers or opportunities to vote Banda out of office. Furthermore, Banda was appointed president for life and he cultivated an extreme cult of personality. Based on our observations, executive and legislative elections, which weren't multiparty, were held during this period, which aligns with the observations of LIED. As classified by FH for this regime period, the country is scored from 11 to 14 as not free, which corresponds to our interpretation of not free. LIED identifies political liberties as absent, and V-Dem's PCLI is also classified by us as indicating that political liberties were absent for that period. Until 1992, based on Polity5's assessment, during this period, the executive operated with unlimited authority, facing no institutional checks on power. In 1993, the executive faced weak constraints, classified as Intermediate Category 1 between unlimited authority and slight limitations. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were moderate, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were absent.

05/17/1994 End Personalist Autocracy/Start Electoral Democracy: On this date presidential and parliamentary elections were won by the opposition and a transfer of power took place (Decalo 1998, Geddes/Wright/Frantz 2014: 77).¹³ Bakili Malawi was elected President. Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. Additionally, the elections were competitive, according to LIED. V-Dem's CEI scores somewhat cleanliness during the entire time and the elections were free and fair following V-Dem's EF&FI. A constitution was officially promulgated in 1995 which granted democratic liberties such as freedom of speech and assembly.¹⁴ As per FH's classification for this regime period, the country receives a score of 5 as free, which we categorize as rather free. However, according to LIED political liberties were absent, whereas V-Dem's PCLI declares them somewhat present since 1995. The constitution designates the Malawi Electoral Commission (MEC) as the primary administrative body responsible for overseeing the electoral process (Rakner/Svåsand 2005). The 1994 constitution also promulgated universal suffrage.¹⁵ According to the Polity5 indicator, during this period, the executive faced substantial limitations on decision-making power. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were robust, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were robust in 1994 and comprehensive until 1999.

06/15/1999 End Electoral Democracy/Start Electoral Hybrid Regime: On this date, Malawi held general elections for both the presidency and parliament. While the 1994 elections had marked a democratic breakthrough, raising expectations of gradual consolidation through subsequent electoral cycles, the 1999 elections instead revealed a sharp reversal. Rather than becoming less contentious, the electoral process was marred by extensive irregularities, including biased media coverage, manipulation of voter registration, and credible allegations of fraud. These deficiencies fundamentally undermined the legitimacy of the elections and marked the end of the short-lived phase of electoral democracy. With this event, Malawi entered a new regime period that is best characterized as an electoral hybrid regime, in which elections continued to be held but were persistently compromised in terms of fairness and credibility (Rakner/Svåsand 2005). The ruling elite used the elections to consolidate its position through manipulation, administrative distortions, and the misuse of resources. The opposition accused the government of numerous irregularities, including manipulation of the media and the voter registration process as well as vote rigging (Lansford 2021: 1015). The management of the 2004 electoral process exhibited also such profound deficiencies that it did not qualify as fully democratic, placing it in the hybrid category. Firstly, voter registration faced issues such as irregularities and logistical challenges like shortages of forms, equipment, and transportation to registration centers. The registration period was frequently extended due to these problems. Importantly, these issues with registration were not exclusive to the 2004 elections; similar problems were observed in 1999. Additionally, mismanagement of the voters' roll further compromised the quality of the elections (Chirwa 2005). On 05/20/2014, Malawi held elections for president, parliament, and local councils. These elections were significant for many reasons, both in Africa and for Malawi itself. Despite some unfairness, they were very competitive, marking the nation's second peaceful transfer of power. Peter Mutharika, from the opposition, won, replacing Joyce Banda.

External assessments, notably from the European Union (EU) and the African Union (AU), generally affirmed the credibility of the final results for parliamentary and presidential races. However, deficiencies in electoral management underscored persistent challenges in ensuring a level playing field. Consequently, the elections engendered controversy, with Banda contesting the results, albeit unsuccessfully, in the high court (Patel/Wahman 2015). After general elections in 2019, opposition groups charged that there was widespread fraud and launched nationwide protests (Lansford 2021: 1016). The Constitutional Court subsequently annulled the presidential election results due to evidence of irregularities, and ordered fresh elections be held.¹⁶ Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. However, LIED confirms that competitive elections were held during the entire time. V-Dem's CEI scores ambiguous cleanliness until 2003. Between 2004 and 2008 not real cleanliness is given, before the outcomes returned to ambiguous again until 2018. In 2019, not really clean elections were held. According to V-Dem's EF&FI the overall election conditions were ambiguous until 2008. From 2009 to 2018 somewhat freedom and fairness for the elections were achieved. The 2019 elections scored ambiguous election conditions. As per FH, from 1999 onwards, the country is classified as partly free, fluctuating between 6 and 8 and thus moving between our categories rather free and rather not free category. In addition to that LIED outcomes regarding the political liberties were still absent. V-Dem's PCLI describes them as somewhat present until 2012. Since 2013 full political liberties are achieved. In 1999 and 2000, according to the Polity5 indicator, during this period, the executive faced substantial limitations on decision-making power. Between 2001 and 2002, based on Polity5's assessment, during this period, the executive's power was noticeably limited but not substantial, fitting Intermediate Category 2. In 2003, as per Polity5's classification, the executive's authority was significantly constrained by institutional checks during this time. Since 2004, based on Polity5's evaluation, during this period, the executive's power was limited to a degree between substantial constraints and parity with other institutions, fitting Intermediate Category 3. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were robust, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were comprehensive besides 2010-2013 where they were robust. AF, LIED, MCM, GWF and BR classify Malawi as a democracy as of 1994. HTW only between 1994 and 2000, after which it is classified as limited multiparty. We classify the period between 1999 and 2020 as an electoral hybrid regime. Elections were marked by considerable procedural and fairness issues, but these did not prevent the opposition from participating. Even peaceful power transfers were possible. Furthermore, the judicial branch exerted some independent control.

06/23/2020 End Electoral Hybrid Regime/Start Electoral Democracy: On this date, presidential elections were held, after the constitutional court had annulled the results of the 2019 polling. In addition, the parliament legislated various reforms, most notably changing the electoral system from a simple majoritarian or first-past-the-post system to a two-round system where the winner must receive over 50 percent of the votes (International IDEA/Electoral Commissions Forum of SADC Countries 2020). The elections in 2021 were described as both free and fair by observers and marked the first instance since the transition to democracy in 1994 where an opposition party defeated an incumbent.¹⁷ Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. LIED affirms that competitive elections were held since 2020. According to V-Dem's CEI the elections are somewhat clean. Moreover, the overall election conditions are considered as free and fair by V-Dem's EF&FI. Civil liberties and constitutional rights are largely respected, however, discrimination against minority groups and corruption pose an ongoing problem.¹⁸ Per FH, for this regime period, the country scores between 6 and 7, categorized as partly free, which we interpret as rather free. According to LIED political liberties were still absent, however, V-Dem's PCLI indicates full political liberties since 2020. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were robust in 2020 and 2022 and comprehensive in 2021 and 2023, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were comprehensive.

Electoral Democracy as of 07/01/2025 continued.

Additional Sources (Donge 1995, Forster 2000, Svåsand 2011)

Notes

- ¹ <https://en.wikipedia.org/wiki/Nyasaland>
- ² https://en.wikipedia.org/wiki/British_Central_Africa_Protectorate
- ³ https://en.wikipedia.org/wiki/British_Central_Africa_Protectorate
- ⁴ https://en.wikipedia.org/wiki/Women%27s_suffrage
- ⁵ <https://uca.edu/politicalscience/dadm-project/sub-saharan-africa-region/british-nyasaland-1907-1964/>
- ⁶ <https://en.wikipedia.org/wiki/Nyasaland>
- ⁷ https://en.wikipedia.org/wiki/1964_Malawi_cabinet_crisis
- ⁸ https://en.wikipedia.org/wiki/Queen_of_Malawi
- ⁹ https://en.wikipedia.org/wiki/Hastings_Banda
- ¹⁰ https://en.wikipedia.org/wiki/Hastings_Banda#
- ¹¹ https://www.newworldencyclopedia.org/entry/Hastings_Banda#President_of_Malawi
- ¹² <http://africanelections.tripod.com/mw.html>
- ¹³ <http://africanelections.tripod.com/mw.html>
- ¹⁴ <https://www.britannica.com/place/Malawi/Government-and-society>
- ¹⁵ https://www.constituteproject.org/constitution/Malawi_1999
- ¹⁶ https://en.wikipedia.org/wiki/2019_Malawian_general_election
- ¹⁷ <https://freedomhouse.org/country/malawi/freedom-world/2022>
- ¹⁸ <https://freedomhouse.org/country/malawi/freedom-world/2023>

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