

**LEGACY OF ONE PARTY DICTATORSHIP:  
COLLECTIVE MEMORY AND CONTESTATION IN  
MALAWI 1994-2004**

By

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**CENTRE FOR AFRICAN STUDIES  
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## **ABSTRACT**

This thesis explores the significance of the use of historical memory in shaping the nature and dynamics of the democratic dispensation in Malawi, particularly in relation to the legacy of the authoritarian past. The memory of the one-party dictatorship was reactivated on numerous occasions to address contemporary political challenges. Focusing on the period during the second term of the first democratic government when there was a debate on whether or not to extend the terms of office of the president, the thesis investigates how people, individually or as groups, chose to deal with the heritage of the authoritarian past in a democratic era. The proposals to extend the presidential term limit ignited political debates in the contemporary period, that involved collective remembering of the past dictatorship, and political contestation over the shared past in order to create a vibrant democratic process. The thesis shows how the new political elites in democratic Malawi tended to utilise the collective memory of the past dictatorship to legitimise their rule, mobilize support and at times push through agendas that were detrimental to the young democracy. While civil society actors building on strong anti-dictatorship and anti-authoritarian sentiments, relied on the same collective memory to criticise the actions of the new elite and protest against undemocratic political moves. It is demonstrated that the memory of the atrocities and abuses of the one-party regime played a major role in influencing the masses and civil society to fight against any relapse to authoritarianism. The study ultimately demonstrates the importance of collective memory and its preservation in ensuring that lessons from the past contribute to a better present and future for the nation.

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# LEGACY OF ONE PARTY DICTATORSHIP: COLLECTIVE MEMORY AND CONTESTATION IN MALAWI 1994 -2004

## Introduction

After gaining independence Malawi went through a period of one party rule under Dr Hastings Banda from 1964 to 1994. His regime was characterised by rampant abuse of human rights perpetuated by Malawi Congress Party (MCP) ruling elites under one-party system of government. Political opponents were routinely intimidated, detained, tortured and killed and there was a general atmosphere of terror and fear.<sup>1</sup> From the early 1990's opposition to the regime started to grow spearheaded by concerned individuals and civil organisations and they all advocated for change from the one-party system to a multiparty system of government. These calls for change culminated in the national referendum in 1993 in which people voted for a multi-party system of politics. The struggle for a democratic system of government encouraged the use of memory by both opponents and proponents of democracy to amass support. Proponents of democracy were motivated by the desire to move away from the repressive politics practised in the past. In their campaign for change every opportunity was seized to remind the people of the atrocities of the past and how the system of government once changed will enable the rulers to become accountable unlike in the past. Opponents of political pluralism also used memory by reminding the people that any change of system of government would obliterate the gains made after independence and political pluralism would divide the nation and may lead to civil war. Collective memory became an indispensable part of the transition from dictatorship to democratic dispensation. This thesis addresses the legacy of the one-party dictatorship in Malawi and how this was used in the democratic process. It focuses on the way people, individually or as groups, chose to remember and commemorate the authoritarian past in the democratic dispensation, during the transition and during the rule of the first democratically elected president Bakili Muluzi.

Bakili Muluzi and his United Democratic Front party (UDF) emerged as the winners in the country's first multi-party general elections held in 1994. Bakili Muluzi ruled the country from 1994 to 2004. When he ascended in power Malawians hoped for a new breed of politics with a new democratic president and a new constitution which entrenched human rights and democratic principles to avoid going back to dark past. Muluzi made a lot of promises and assurances for a better Malawi sending the country into a frenzy of high expectations that the country was going to be transformed by the new leadership. However, the expectations and the hopes that people had in the new leadership did not last for long. Malawians who initially were euphoric with the change of government after three decades of dictatorship became disillusioned with the slow pace of change and declining living standards. The new leadership did little to fight corruption and adopted neo-liberal political and economic reforms that led to soaring levels of unemployment and high cost of living.<sup>2</sup> During President Muluzi's second term in office, the public grew more disappointed with the government as it failed to live up to the economic

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<sup>1</sup> Gretchen Bauer and Scott D. Taylor, *Politics in Southern Africa: Transition and transformation* (London: Lynne

<sup>2</sup> Wiseman Chirwa, 'Jailing the Voiceless: Ex-migrant workers and popular struggles in Malawi' *Nordic Journal of African Studies* vol.8, Issue 1 (1999) pp. 5-7

promises made prior to assuming office and also failed to combat growing tide of corruption within the ruling elite. Despite such weaknesses of the new government, during the second term the UDF officials launched a campaign for the incumbent to be allowed time in office beyond the two terms allowed by the constitution. This campaign alarmed the nation and created tensions in the political landscape. Numerous organisations of civil society, religious bodies and prominent citizens spoke out against tampering with the Constitution and once again collective memory was used in this fight. The memory of the totalitarian regime of Dr. Banda and the one-party system of politics and its evils was used to rally people to oppose any extension in the presidential terms of office as provided in the Constitution. In the democratic dispensation the memory of the one party dictatorship regime has been reactivated at numerous occasions to address contemporary political challenges. The revival of the memory of the past regime is more prominent in society when politicians' actions and decisions sometimes remind the population of the behaviours and political culture of the past regime.

This study will demonstrate the importance of collective memory and its preservation in ensuring that lessons from the past contribute to a better present and future for the nation. In Malawi collective memory led people to protest against any political actions or behaviour that showed or resembled the past system of authoritarianism. The thesis argues that collective memory provided material for popular mobilization against the rise of authoritarianism. It will show that the key to explaining the political opposition to the constitutional change in Malawi lies in the political dictatorship of the past and the use of collective memory to remind people of the consequences of an undemocratic system of government. It argues that the memory of the abuses and atrocities of the one-party regime influenced the masses and civil society to fight against any relapse to past dictatorship. The proposals for extension of terms of office reignited the memory of the past political experiences and the collective past was brought into the present. The people were determined to make political changes that the country went through irreversible and they had to ensure that democracy was safeguarded. This research focuses on the period after the first multi-party general elections held in 1994 in Malawi. It was during this period that the memory of the past dictatorship played a political role in the democratic dispensation in Malawi and that it had an effect on the entrenchment of democratisation. The research will also focus on the debates and protests which erupted over plans to extend the presidential term limit. The recollections of the past authoritarian regime enabled the people to fight against such plans.

### **Research Questions**

The thesis seeks to answer the following questions:

1. In what ways has the past been used politically to advance political strategies or contest political actions in the democratic dispensation?
2. How has the use of memory enhanced or undermined democracy?

### **Methodology**

The theoretical framework of the thesis will consist of theories of collective memory and it will be inter - disciplinary in nature mostly drawing from history and political science. Throughout the thesis, the emphasis will be on the usage of history or memory in building a democracy. The archive for this research comprised of selected newspaper accounts and press releases about protests and demonstrations for or against the third term. It also included reports, scholarly or literally texts on collective memory and transition in Malawi. Given the scope of this research, attention focused on news articles and press releases by various civil society actors that tackled the debate on the extension of term limits to the office of the president along with the mobilisation of the past and reinterpretation of collective memories of the experiences of the one party dictatorship. There were over forty-one newspaper articles about the third term and over fifteen press releases by different civil society organisations in support of or against the third term. This thesis selected ten newspaper articles and five press releases owing to the fact that these articles connected the protests against the third term to the past dictatorship. The thesis utilises a discourse analysis approach and demonstrates that during the debate on the extension of term limits to the office of the president various actors whether for or against utilised discursive practices to legitimate their position on the matter through the production of a narrative of the past that aligned with their stand.

## **CHAPTER OULINES**

Chapter one discusses prevailing theories and literature on collective memory and how these have been applied in the context of study on Malawi.

Chapter two will investigate the development of nationalism and mass political movements in Malawi during the colonial era up until the early 1960s. Then will examine the Malawi congress party's attempts upon attainment of independence at memorializing and representing the struggle for independence as a single homogenous movement spearheaded by Dr. Kamuzu Banda. These attempts by the post-colonial government required it to inscribe a particular kind of history and memory on the national landscape that tended to ostracise other political players that were instrumental in the fight for independence. This culminated in the creation of historical writings and historical memory that leaned towards placing emphasis on the centrality of the role Dr. Banda played in the struggle for independence while at times obliterating memories of the struggle that were not in tandem with the official narrative.

Chapter Three will examine the politics of Malawi historiography and memory after the transition to multi-party politics in the 1990's: The establishment of multi-party politics created a new impetus for the struggle for hegemony over memory and historiography. During the transition period the opposition parties attacked the Malawi congress party leaders, and their involvement in the atrocities committed during one-party rule of Dr Banda. There were numerous accusations and reactions during that period for those in opposition and those formerly in the one-party MCP. The period of transition from one party rule to democracy in Malawi meant that the society was challenged to evaluate its political beliefs and reconstruct the narratives of the past in line with the transformation taking place.

Chapter Four will examine the narrative construction of collective memory during the first ten years of the democratic rule in Malawi. It explores the reconstruction of historical narratives in light of the political transformation that took place. It chooses for its focus the narrative construction of an exceedingly controversial and contested proposal by the supporters of the first democratic regime to extend the terms of office of the president in power. It will demonstrate and highlight that the dictatorship past and the memories of the human rights abuses during the one party rule, became crucial in the fight against the extension of terms of office of the sitting president.

Chapter five will draw conclusions

# CHAPTER ONE: THEORIES AND LITERATURE REVIEW ON COLLECTIVE MEMORY

## 1.0 Introduction

At a broad theoretical level various scholars have debated the relationship between the present and the past. Initially the subject of memory was studied and analyzed by psychologists who traditionally focused on the individual's processes of memory formation, remembering and forgetting. However the publication of Maurice Halbwachs *Social Frameworks of Memory* provided a theory on collective memory. He argued that memory should be analyzed as a social process and individuals do not inhabit isolated worlds but live socially, commemorate the past and actively make sense of the world through processes of social communication. His views effectively transformed the theoretical discussion on collective memory. This chapter will examine the diverse ways in which scholars have approached the subject of collective memory. It will lay down the conceptual distinction between collective remembering and collective memories. The chapter will also review literature on the ways in which societies remember the past and particularly literature that deals with whether the passage of time transforms the way societies deal with the past. The chapter will also discuss how different societies have dealt with the contested memory of the past and how politics plays a crucial role to promote or suppress memories. Finally, it will connect this theoretical discussion to the way collective memory of the one-party dictatorship changed over time during the first ten years of democratic rule in Malawi and became a useful resource in contesting political maneuvers in the democratic dispensation.

## 1.1 Conceptual issues

Maurice Halbwachs argues that „memory is socially constructed and reconstructed over time and is intimately related to peoples sense of identity in the present context.“<sup>3</sup> He further argues that it is difficult for people to recollect whatever happened before in their lives outside the framework of social groups in which events occurred: “it is in society that people normally acquire their memories. It is also in society that they recall, recognize and localize their memories.”<sup>4</sup> According to Halbwachs when individuals recollect or remember events from the past they are helped or prompted on by others. „Individual memory can only be recalled in the social framework within which it is constructed.“<sup>5</sup> Individuals belong to many social groups and each conditions the way memory is activated. He argues that individuals recollect „past experiences always within the framework of social“ groups like „family, social class or religion“ and „the individual calls recollections to mind by relying on the frameworks of social memory.“<sup>6</sup> Those individual memories that cease to resonate over time within a certain group diminish and are eventually forgotten. Halbwachs explained that individual and collective memories both rely

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<sup>3</sup> Maurice Halbwachs, *On Collective memory* (Chicago: University of Chicago press, 1992) p.38

<sup>4</sup> ibid

<sup>5</sup> ibid

<sup>6</sup> Ibid,p.182

on social frameworks. While individuals depend on social groups to inform their personal memories collective memories rely on social frameworks to keep them alive.<sup>7</sup> Halbwachs argues that memory is constantly revised because of the circumstances in the present. He describes the feelings that arise in people when re-encountering a favourite childhood book and argues that when people look back to the past they do not come up with the same past that that they had originally perceived.<sup>8</sup>

However, Noa Gedi and Yigal Elam have critiqued Halbwachs theory by observing that he never really bothered to elaborate the theoretical foundations of his concept of collective memory although he assigned it such a major social function and he did not provide a clear definition of his theory.<sup>9</sup> Noa Gedi and Yigal Elam argue that Halbwachs does not provide a clear hypothesis that could offer insight on „the way collective memories are formed.“<sup>10</sup> „His argument“ to a certain extent offers a „literary description of how one recollects past experiences, always within the framework of a certain social group.“<sup>11</sup> They argue that Halbwachs description of the relation between personal and social memory, „which was his main argument against the psychological conception of memory, is completely blurred until they simply coincide and become two sides of the same coin.“<sup>12</sup> Furthermore they argue that it seems to them that „Halbwachs shunned the central problem raised by his main thesis at the very moment he had to face its theoretical consequences.“<sup>13</sup>

Although some scholars have disagreed with Halbwachs“ theory and its findings yet his arguments still guide collective memory studies.<sup>14</sup> Since the publication of his seminal work on collective memory in the 1980’s the field of collective memory „has been researched by many scholars in various academic disciplines.“<sup>15</sup> Mainly scholars have analyzed Halbwachs work and stretched the discussion on collective memory by examining the process of collective remembering at the levels of institutions and organizations, communities, generations, families and nations.<sup>16</sup> Some of these approaches will be analyzed particularly those that offer insight into this research. The resurgence of interest in collective memory took place in the 1980’s when both the public and academia became flooded by „references to social or collective memories.“<sup>17</sup> Barry Schwartz identifies three related „overlapping intellectual perspectives of multiculturalism,

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<sup>7</sup> Ibid, p.43

<sup>8</sup> Ibid, p46

<sup>9</sup> Noa Gedi and Yigal Elam, “Collective memory-What is it?” *History and Memory*, vol.8, no.1 (1996) p.35

<sup>10</sup> ibid

<sup>11</sup> Ibid.p.37

<sup>12</sup> ibid

<sup>13</sup> ibid

<sup>14</sup> Motti Neiger, Oren Meyers and Eyal Zandberg, “On media memory: Editors introduction” (eds) *On media memory: Collective memory in a new media age* pp1-26 (Palgrave Mcmillan,2011)p2-3

<sup>15</sup> ibid

<sup>16</sup> Patrick Devine Wright, “A theoretical overview of memory and conflict” in Ed Cairns and Michael D. Roe (ed) *The Role of Memory in Ethnic Conflict*, pp.9-34(New York: Palgrave McMillan, 2003) p.12

<sup>17</sup> Jeffrey Olick and Joyce Robbins, “Social memory Studies: From collective memory to the historical sociology of Mnemonic Practices,” *Annual Review of Sociology*, vol.24, (1998) pp. 107

post-modernism and hegemony theories that emerged in the 1960's and 1970's „intellectual culture“ that gave rise to“ the „interest in the social construction of the past.“<sup>18</sup> Multiculturalism advocates branded history as a basis for the inscription of cultural domination in societies and questioned the dominant historical narratives on behalf of groups outside dominant narratives. Secondly, post-modernists questioned the theoretical foundations of „linear historicity, truth and identity, thereby raising interest in the relations linking history, memory and power.“<sup>19</sup> Thirdly, „hegemony theorists provided a class based account of politics of memory, highlighting memory contestation, popular memory and the instrumentalisation of the past.“<sup>20</sup> According to Barry Schwartz „not everyone conducting collective memory research identifies with these perspectives, many scholars reject them but all find themselves addressing issues these perspectives raise.“<sup>21</sup> This is due to the fact that these perspectives have come to dominate the „late twentieth century intellectual“ landscape and „they shape the terms in which collective memory is“ discussed.<sup>22</sup>

The term collective memory sometimes is referred to by other terms such as social memory collective remembrance, public memory and cultural memory „a practice that reflects the range of perspectives“ through which scholars have approached the discussion on the subject.<sup>23</sup> Dutceac Segesten identifies three important elements that would provide insight in understanding the concept of collective memory. Firstly for memory to be collective it must be „shared by a community or group,“ secondly „it is actively brought into the present through practices of commemoration and“ thirdly „it plays an important role in defining the way“ the „community sees itself“ in the present „and how it imagines itself in the future.“<sup>24</sup> These three characteristics the essay finds to be pertinent in understanding the dimensions that collective memory plays especially in post-authoritarian societies that have undergone transitions of one kind to another like the transition that happened in Malawi. Political activity in post-authoritarian societies mostly centers around what lessons should be learned from the past. People's experiences of the present in such situations depend on their „knowledge of the past and“ that knowledge serves „to legitimate a present social order.“<sup>25</sup> Collective memories do not only exist in people's minds but can be denoted or observed through various memory practices and usage in society.<sup>26</sup> „There are many ways of remembering the past“ and different societies have found „numerous ways of

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<sup>18</sup> Barry Schwartz, „Introduction: The Expanding past,“ *Qualitative sociology*, 9 (3) (1996) p.277

<sup>19</sup> Jeffrey Olick and Joyce Robbins, „Social memory Studies: From collective memory to the historical sociology of Mnemonic Practices,“ *Annual Review of Sociology*, vol.24, (1998)p108

<sup>20</sup> *ibid*

<sup>21</sup> Barry Schwartz, Introduction: The Expanding past,p.277

<sup>22</sup> *ibid*

<sup>23</sup> James Wetsch and Henry Roediger III Collective memory: conceptual foundations and theoretical approaches, *memory*, 16:3, (2008) p.319

<sup>24</sup> Anamaria D. Segesten, Collective memory between reconciliation and contestation in Europe after 1989, found at <http://www.ecprnet.eu/MyECPR/proposals/reykjavik/uploads/papers/1907.pdf>

<sup>25</sup> Paul Connerton, *How Societies Remember* (Cambridge: Cambridge university press, 1989) p.3

<sup>26</sup> Wulf Kansteiner, A methodological critique of collective memory studies p.183

utilizing memory for national ends.<sup>27</sup> For instance, Alexander Wilde who studied the effects of collective memory in Chile after transition to democracy argues that at the end of the dictatorship the country was characterized as a nation of enemies because it remained „haunted by“ the „divided memories“ of its „history“ of dictatorship.<sup>28</sup> „Symbols of the divided memories were „given public“ expressions „by events, official ceremonies, national holidays, discovery of remains of disappeared persons,“ trials of officials „of the dictatorship“ and all these reminded the country of „the unforgotten past.“<sup>29</sup>

It is vital to distinguish two important conceptual terms that are central to the study of memory. These two conceptual terms are collective memory and collective remembering.<sup>30</sup> According to James Wertsch and Henry Roediger collective memory is a static base „of knowledge shared by a culture of individuals“ while „collective remembering involves the repeated reconstruction of the past, a process that is often quite contentious“.<sup>31</sup> From this conceptual distinction collective remembering „is more like a space of contestation than a body of knowledge, a space in which local groups engage in an ongoing struggle against elites and state authorities to control the understanding of the past.“<sup>32</sup> „The sites of contestation over collective remembering include family discussions, museums, monuments and memorials, history textbooks and national holidays.“<sup>33</sup> For instance in 2010 after 16 years of democratic dispensation the Malawi government declared 14 May as a public holiday to celebrate the life of the first president Dr. Hastings Kamuzu Banda. But that declaration has not gone down well with some sections of society who still contest whether it was necessary to celebrate the life of a man who was a dictator whose regime inflicted a lot of misery and hardship in people“s life during thirty years of his rule.<sup>34</sup>

Furthermore, it is also important to differentiate between collective memory and history. Understanding the difference between these two terms is necessary for memory studies because it helps to clarify the contested and loaded topics about collective memory.<sup>35</sup> The publication of Pierre Nora“s „Between History and Memory“ helped to clarify the distinction between history

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<sup>27</sup> Heidi Grunebaum-Ralph and Oren Stier, 'The Question (of) Remains: Remembering Shoah, Forgetting reconciliation' in James Cochrane, John de Gruchy and Stephen Martin (eds) *Facing the Truth: South African faith communities and the truth and Rencociliation commission* (Cape Town: David Phillip publishers, 1999) p. 146

<sup>28</sup> Alexander Wilde, 'Irruptions of memory: Expressive politics in Chile's Transition to Democracy,' *Journal of Latin American studies*, vol.31, (1999) p.475

<sup>29</sup> *ibid*

<sup>30</sup> Paul Connerton, *How societies remember*, p.3

<sup>31</sup> James Wertsch and Henry Roediger III *Collective memory: conceptual foundations and theoretical approaches*, *memory*, 16:3, (2008) p.319

<sup>32</sup> *ibid*

<sup>33</sup> *ibid*

<sup>34</sup> Bright Malopa, *Remembering Malawi's first President Kamuzu Banda*, <http://www.nyasatimes.com/2013/05/14/remembering-malawi-first-president-kamuzu-banda-malopa/>

<sup>35</sup> James V. Wertsch, *Beyond the Archival model of Memory and the Affordances and constraints of narratives“* *Culture and Psychology*, vol. 17, 1, (2011) p.25

and collective remembering.<sup>36</sup> Pierre Nora and other French historians investigated why the French revolution no longer symbolized the climax of French political identity. Their study sought to find out why French sites of memory gradually developed new significance in French society that obscured the revolution. For Nora imagining France's future required discovering where and how France had previously been represented in the nation's collective mentality. This meant going through the commemorative monuments, shrines, national histories, civic manuals and history textbooks, public archives and museums.<sup>37</sup> Nora argues that these monuments are sites of memory because they were no longer real environments of memory. According to him history had diminished and destroyed living memory because of the need to organize the sites of memory into representations of the nation.<sup>38</sup> Nora also argued that „the need to commemorate or catalogue the past emerged during moments of historical disruption.<sup>39</sup> Social groups „return to the past“ during periods of rapture, when history changes course.<sup>40</sup> This paper find this to be critical for understanding the function of memory within the Malawian context because the popular struggle against the third term emerged when society noticed that political elites were bent on changing the course of history. The popular protests against the third term erupted suddenly on Malawi's national consciousness because the call for a third term by political elites evoked associations in people's consciousness „with symbols, figures, or ways of life associated with a political past that was still present in the lived experience of a major part of the population.“<sup>41</sup>

Nora argues that history is always a reconstruction of what once was, while memory is our eternal link to the past, present and future.<sup>42</sup> Dutceac Segesten on the other hand argues that contemporary debates about „history and collective remembering are often viewed not just as different, but in basic conflict.“<sup>43</sup> History seeks to reconstruct the past and offer an „accurate account of the past, even if it means giving up favoured and self-serving narratives.“<sup>44</sup> In contrast collective remembering encompasses a particular kind of identity development for the individuals or groups involved and remembering the past entails constructing desirable images of what „kind of people“ or groups are „and hence resistant to change even in the face of contradicting evidence.“<sup>45</sup> „In collective remembering the past is tied interpretatively to the present and if necessary part of an account of the past may be deleted or distorted in the service

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<sup>36</sup> Pierre Nora, *Between Memory and History: Les Lieux de Memoire, Representations, No.26, special issue: Memory and Counter-Memory* (Spring,1989) pp.7-24

<sup>37</sup> P. Hutton, *History as an art of memory* (Hannover, NH: Uni.press New Engl, 1993) p.178

<sup>38</sup> Pierre Nora, *Between Memory and History*, p.8

<sup>39</sup> *ibid*

<sup>40</sup> *ibid*

<sup>41</sup> Alexander Wilde, *Irruptions of memory*, p.475

<sup>42</sup> Pierre Nora, *Between Memory and History*, p.9

<sup>43</sup> Anamaria D. Segesten, *Collective memory between reconciliation and contestation in Europe after 1989*, found at <http://www.ecprnet.eu/MyECPR/proposals/reykjavik/uploads/papers/1907.pdf>

<sup>44</sup> *ibid*

<sup>45</sup> James Wetsch and Henry Roediger III *Collective memory: conceptual foundations and theoretical approaches, memory*, 16:3, (2008) p.319

of present needs.<sup>46</sup> The „past is not simply received by the present, the present is haunted by the past and the past is modeled, invented, reinvented and reconstructed by the present.“<sup>47</sup> „Historians however routinely warn against practices of inventing, reinventing and reconstructing the past in the service of the present but this is precisely what is encouraged indeed celebrated in the case of collective remembering.“<sup>48</sup>

## 1.2 Recalling the past

Collective memory is the reconstruction of the past that „is actively brought into the present through acts of commemoration.“<sup>49</sup> However the passage of time reshapes memory and as people become distant from the date of the event itself some memories remain, other memories are revised and others are simply forgotten.<sup>50</sup> Therefore Individuals or groups begin to „view from multiple perspectives events they originally could see only from one perspective“ and this could have implications on how individual or groups interpret or represent events of the past.<sup>51</sup> For instance, with the passage of time major historical events like the holocaust began to be viewed from multiple perspectives that rendered it difficult to reach a consensus on its representation.<sup>52</sup> Different kinds of narratives and representation of the holocaust emerged because people tended to interpret it differently. The difference emanated from the fact that there are individuals with particular lived experiences like „survivors of the holocaust, survivors of the war and their contemporaries.“<sup>53</sup> These survivors“ views and perceptions of the holocaust are at times in conflict with individuals who did not directly have the lived experience of the holocaust like „succeeding generations of the groups of survivors for whom the holocaust is a learned experience.“<sup>54</sup> Because of these divergent experiences the memory of the holocaust poses the problem of limits of historical representation. Scholars have debated memory and history in the context of the holocaust with some focusing on the nature and impact it had on societies and arguing that „with a passage of time moral lessons acquire ever greater universal significance and so justify increased focus on the past.“<sup>55</sup> Patrick Hutton argues that the memory of the holocaust poses challenges to historical representation because for many victims as well as perpetrators, the „memories of the Nazi atrocities were often too troubling to contemplate and so were repressed or forgotten.“<sup>56</sup> As a result it took time for the full scale of atrocities to be known and that

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<sup>46</sup> ibid

<sup>47</sup> Anamaria D. Segesten, Collective memory between reconciliation and contestation in Europe after 1989, found at <http://www.ecprnet.eu/MyECPR/proposals/reykjavik/uploads/papers/1907.pdf>

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Michael Schudson, Dynamics of distortion in collective memory, in Daniel L. Schacter (ed) *Memory distortion: How minds, Brains and societies reconstruct the past* (Massachusetts: Harvard university press, 1995) p.349

<sup>51</sup> ibid

<sup>52</sup> Olick and Robbins, Social memory Studies, p.119

<sup>53</sup> Susan Crane, Writing the Individual back into collective memory, *American Historical Review*, (1997) p.1378

<sup>54</sup> ibid

<sup>55</sup> ibid

<sup>56</sup> Patrick Hutton, Recent Scholarship on memory and history, *The history teacher*, vol.33, no.4 (2000) p.539

created room for some „revisionist“ scholars to claim that the atrocities of the holocaust were vastly exaggerated.<sup>57</sup>

The holocaust is not the only event challenging society's ability to remember. Wherever there have been large scale atrocities where citizens died in wars or at the hands of their own governments there have been challenges remembering such events. Such kind of atrocities affect the way societies relate with the past and various strategies are employed either to ensure that people remember or forget what happened. For societies to be able to remember such atrocities individuals must be encouraged to explain what they went through, „experiences must be named, and words must be found to describe in detail what happened.“<sup>58</sup> However, sometimes political objectives or inclinations do not allow for certain memories to be recovered or let alone be known and this creates problems for how societies remember the past. Particularly in societies that are just emerging from traumatic events or „great social and political upheavals what is collectively forgotten is as significant as what is held up as worthy of collective remembrance.“<sup>59</sup> As a consequence sometimes collective memories of atrocities committed on a large scale especially at the level of nations have been „repressed deliberately with psychological impunity.“<sup>60</sup> For instance, Rwanda after going through genocide in which over 800000 people died, the country went through what some scholars have termed failed memory whereby the government of the post-genocide period encouraged people to forget what happened and forgetting was employed by the general population as a strategy to cope with their daily lives.<sup>61</sup> This shows that politics is at the center of how societies remember the past and „if there are limits to what is being remembered, such can be traced along the political or cultural paths.“<sup>62</sup> The emergence of debates about the meaning of negative pasts in any society that has undergone traumatic experiences has to do more with political interests and opportunities than the persistence of trauma in the collective conscious.<sup>63</sup> On the other hand, going through traumatic experience can exert the pressure on people to repress their memories as a way of coping with the trauma. Verne Harris writing about South African experience of struggle against the apartheid government argues that for „anti-apartheid activists forgetting was an important element in anti-apartheid struggles.“ „They had to forget those dimensions of struggle too painful

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<sup>57</sup>ibid

<sup>58</sup> Ibid.p.25

<sup>59</sup> Heidi Grunebaum, *Memorialising the past: Everyday life in South Africa after the truth and Reconciliation Commission* (New Brunswick, New Jersey: Transaction Publishers, 2011) p.12

<sup>60</sup> Wulf Kansteiner, A methodological critique of collective memory studies p.186

<sup>61</sup> Tamara Hinan, To Remember or To Forget? Collective memory and reconciliation in Guatemala and Rwanda, *TOTEM: the university of western Ontarion Journal of Anthropology*, vol.18, issue 1(2010)p.16

<sup>62</sup> Anamaria D. Segesten, Collective memory between reconciliation and contestation in Europe after 1989, found at <http://www.ecprnet.eu/MyECPR/proposals/reykjavik/uploads/papers/1907.pdf>

<sup>63</sup> Wulf Kansteiner, A methodological critique of collective memory studies p.187

to remember, forget the half-truths and lies of the apartheid government.”<sup>64</sup> All these processes have implications on the way societies deal with the past.

Furthermore, there are various factors that can have an effect on collective memories in society. These include the media that disseminate and preserve memories in societies as well as the time that elapses from the moment the event is memorized to its becoming public.<sup>65</sup> The nature of the regime is another crucial factor since in autocratic and totalitarian regimes collective memory is largely shaped and formed by the regime for the population.<sup>66</sup> The media in such regimes are restricted and censored in order to promote the general collective memory favoured by the authorities and that includes made up and filtered versions of the past as well as other experiences that are grafted into a formal narrative.<sup>67</sup> For instance Verne Harris points out that the apartheid state machinery was working towards sanitizing memory in its bureaucracy by deliberately destroying any evidence of state brutality. The apartheid government in this regard created many ways of erasing memory in order to achieve the exercise of power. „It routinely erased public records to keep certain processes secret“ and used intimidation of critics and harassment of opposition voices, censoring media.<sup>68</sup> The apartheid state utilized the tools of forgetfulness further during the period of transfer of power from 1991 to 1994. The state sanitized „its memory resources to keep information out of the hands of future democratic governments.“<sup>69</sup> The propensity to ensure forgetfulness about the past is very evident even in Malawi society where towards the end of Dr. Banda regime there were systematic manipulation of memory through destruction of evidence that could have implicated some officers of the one party state.<sup>70</sup>

However, „with regime collapse, there ensues a flow into the public sphere of these repressed social memories that, by bringing their version of the past into the open, contribute to the erosion of the authoritative memory of the dominant culture.“<sup>71</sup> For instance it was only after the attainment of democracy in South Africa that society attempted to recover or to remember the past through the Truth and Reconciliation Commission which provided the forum where people could speak out and bring out the past. „Truth commissions can help“ post authoritarian „countries to engage in the moral catharsis needed to heal and reconcile fractured societies.“<sup>72</sup>

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<sup>64</sup> Verne Harris Contesting remembering and forgetting: The archive of South Africa’s truth and reconciliation commission, *Innovation*, no.24 (2002) p.1

<sup>65</sup> Doron Mendels (ed) *On memory: An interdisciplinary Approach* (Oxford: Peter Lang, 2007) p.11

<sup>66</sup> Ibid.

<sup>67</sup> Ibid

<sup>68</sup> Verne Harris, *Contesting remembering and forgetting* p.2

<sup>69</sup> Ibid. p.2

<sup>70</sup> Jan Kees van Donge, ‘The Mwanza Trial as a search for usable Malawian political past,’ *African Affairs*, vol. 97, no 386 (Jan, 1998) p.93

<sup>71</sup> Anamaria D. Segesten, *Collective memory between reconciliation and contestation in Europe after 1989*, found at <http://www.ecprnet.eu/MyECPR/proposals/reykjavik/uploads/papers/1907.pdf>

<sup>72</sup> Lavinia Stan, ‘Truth Commissions in Post-communism: the overlooked solution?’ *The Open political Science Journal*, vol. 2, (2009) p.1

They provide the medium through which „victims“ of atrocities or their survivors get „closure by finding the reasons why their families were targeted and oppressors can be offered forgiveness and re-integration into community.“<sup>73</sup> In order for the repressed memories to come in the open the media in such situations become „crucial for the creation, preservation, enhancement and destruction of public memory.“<sup>74</sup> The media in democracies and open societies actually influence the impact public memory has on society and the length of time it stays within the public sphere before it becomes inscribed in historiography.<sup>75</sup> Democratization allows for the emergence of previously repressed memories and inclusion of all kinds of memories to the extent that different types of collective memories circulate in society pertaining to the same past. According to Doron Mendes the use of the term collective memory becomes quite problematic in democracies because of the plurality of memories. He argues that he prefers to speak of „fragments of memory“ that have their own life in segments of society alongside some collective aspects of memory in the entire citizen body of the state at different times.<sup>76</sup>

In democratic dispensations individuals or groups tend to have different memories of their past and groups may „use images of the past and struggles over history as vehicles for establishing power or perversely lack of power.“<sup>77</sup> Noticing the „ways in which images of the past are products of contestation has led“ some scholars to „emphasize that the past is produced in the present and is malleable.“<sup>78</sup> People experience their „present world in a context which is causally connected with past events and objects.“<sup>79</sup> Remembering the past requires reconstructing significant events to suit present conditions, views and needs of those who remember. In Malawi the use of the collective memories of atrocious experiences of the historical and political past at times posed a challenge to the young democracy. More often when the recollections of the past were done by the ruling elites especially in their public rallies they were driven more by the desire for personal political survival.<sup>80</sup> Some of the politicians collectively or individually brought back into the public realm the atrocities of the one party dictatorship and used them as justifications that they should be allowed in power so that society should not revert back into the political chaos of the past dictatorship. However such political maneuvers only raised political contestation in society because the citizens led by the civil society reflected on the same past and memories of the same atrocities but contested such political moves. The way the political elites chose to remember the past dictatorship was different from the way the people perceived it. While the political elite wanted to use the past dictatorship to legitimize their rule and win support for their actions. The people used the same collective memories of the one party dictatorship to push against any ideas

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<sup>73</sup> *ibid*

<sup>74</sup> *Ibid*.p.11

<sup>75</sup> *Ibid*.

<sup>76</sup> Doron Mendes, *On memory: An interdisciplinary Approach*, p.11

<sup>77</sup> Olick and Robbins, *Social memory Studies*, p.127

<sup>78</sup> *Ibid*. p128

<sup>79</sup> Paul Connerton, *How societies Remember* (Cambridge: Cambridge university press, 1989) p.2

<sup>80</sup> Michael Bratton and Nicolas Van de Walle, *Neo-patrimonial regimes and political transitions in Africa*, *World Politics*, vol. 46, no.4, (July, 1994) p.462

of extensions of power in the newly attained democracy so that the country should not revert back to the old system of politics where leaders stayed in power forever. A close examination of the third term debate in Malawi offers insight into the difference between collective memory and collective remembering. The political elite chose to remember the past dictatorship in a totally different way from the way the society perceived it and that meant political battle waged over collective memory in Malawi politics and society.

Collective memory also plays a functional role in societies in that communities or nations mark or celebrate the past in the present for different purposes, sometimes to define their identity and at times to advance community or national goals.<sup>81</sup> This becomes particularly relevant where a new era is „born in need of retelling the story of its origins.“<sup>82</sup> According to Wang in the course of any society’s development collective memory has been essential in „creation of communities from a small unit such as a family to an entire nation“ and the „social practices of collective remembering allow the members of a community to preserve a conception of their past.“<sup>83</sup> The preservation of the communities shared past enables the people to construct a shared identity which may entail „an active constructive process that may contribute to memory distortions.“<sup>84</sup> Wang further argues that collective memory can serve „directive function“ in a community or society „whereby a community can call upon and make present its past in order to achieve its potential and secure its continuation.“<sup>85</sup> „Societies can learn from past mistakes by avoiding the same dangers happening again and use the failed past to inform and provide incentive for future actions.“<sup>86</sup> This is particularly very useful in societies where there is new pluralisation of memory especially in societies which are coming out of regimes that imposed „strict control over the public circulation of memories.“<sup>87</sup>

The „directive function of collective memory“ may also „be reflected in the instructional usage of the past where senior members of a community use the shared past to“ socialize „their young and“ in the process „ensure social cohesion and“ intellectual continuity of the community.<sup>88</sup> But also the shared past can be used to challenge certain hegemonies and enable collective action. Frederick Harris studied how „shared memories of significant historical events that affected black Americans influenced black activism during the civil rights movement.“<sup>89</sup> He argues that „in families where elders shared stories of resistance to racial domination, younger family

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<sup>81</sup> Dutceac Segesten, Collective memory between reconciliation and contestation in Europe after 1989, found at <https://lup.lub.lu.se/search/publication/2302925>

<sup>82</sup> ibid

<sup>83</sup> Qi Wang, On the cultural constitution of collective memory, *Memory*, 16:3, (2008)p.307

<sup>84</sup> ibid

<sup>85</sup> ibid

<sup>86</sup> ibid

<sup>87</sup> Anamaria D. Segesten, Collective memory between reconciliation and contestation in Europe after 1989, found at <http://www.ecprnet.eu/MyECPR/proposals/reykjavik/uploads/papers/1907.pdf>

<sup>88</sup> Ibid.

<sup>89</sup> Fredrick C. Harris, 'It Takes a tragedy to Arouse them: Collective Memory and collective action during the civil rights movement,' *Social movement studies*, vol.5, (2006) p.22

members were more likely to join the fight against racism.<sup>90</sup> By sharing their stories to younger generations they ensured that „narratives of resistance provided a historical framework for activists in their struggle against white supremacy.”<sup>91</sup> The memories that elders shared with younger generations provided „civil rights movement actors with historical references that connected past grievances with present struggles.”<sup>92</sup> In this way it was not memories as such that directly influenced „collective action over time but rather the meanings that aggrieved groups” attached „to those memories that determined their capacity to assist potential challengers in their quest to make sense of new situations.”<sup>93</sup> Because „through collective memory members of mnemonic communities come to remember things that they never personally experienced and” they „identify with collective pasts.”<sup>94</sup> This connects with my study because the thesis will investigate ways in which collective memory of the past changed over time during the first ten years of democratic rule in Malawi. And will also examine how different groups used the past for present purposes and how the past was useful resource to contest the present political landscape and useful for expressing the interests of the society at large on the direction their country should take.

According to Harutyun Marutyun „regardless of its ideological climate every society requires a sense of continuity with the past and its enduring memories maintain this continuity. If beliefs about the past failed to outlive changes in society then society”s unity and continuity would be undermined.”<sup>95</sup> Collective memory undergoes basic revisions as new values and social structures replaces the old and as „each generation modifies beliefs presented by previous generations: there remains an assemblage of old beliefs coexisting with the new, including old beliefs about the past itself.”<sup>96</sup> Barbara Misztal argues that in the post-cold war world all societies especially those that have recently gone through difficult heroic or simply confusing periods are involved in a deep search for truth about the past. According to Misztal „the notion of collective memory refers both to a past that is commonly shared and a past that is collectively commemorated.”<sup>97</sup> Collective memory „not only reflects the past but also shapes present reality by providing people with” understanding and symbolic frameworks that enable them to make sense of their world. The „past is frequently used as mirror” in which people search for explanations and remedies to their present challenges.<sup>98</sup> Deriving from this framework I argue that when one looks closely at the popular protests or struggles against corruption and third term during the Bakili Muluzi era in Malawi one sees an account of

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<sup>90</sup> *ibid*

<sup>91</sup> *ibid*

<sup>92</sup> *ibid*

<sup>93</sup> *ibid*. p.23

<sup>94</sup> Cecelia Harris, Helen Paterson and Richard Kemp, Collaborative recall and collective memory: What happens when we remember together? *Memory*, 16:3, (2008) p.214

<sup>95</sup> Harutyun Marutyun, 'The memory Management Issue,' *21<sup>st</sup> Century*, No.1 (2007) p.98

<sup>96</sup> *ibid*.p.100

<sup>97</sup> Barbara a Misztal, Theories of Social remembering, p.8

<sup>98</sup> *ibid*, p13.

people who saw the proposal for third term as a „mirror“ of the reincarnation of the authoritarian past. The protests and debates showed not only how the public understood the past but how that collective past should be remembered and contribute to shaping of the new democracy. The use of collective memory and political contestation over the past shaped the reality of the present and ensured that people understood that the political past had to be properly dealt with in the democratic dispensation to avoid undesirable repercussions for the present and the future of the country.

## CHAPTER TWO: CREATION AND USE OF HISTORICAL MEMORY UNDER ONE-PARTY RULE

### 2.0 Introduction

For a period spanning over a quarter of a century from 1964 to 1994, Malawians lived in country which did not have distinct boundaries of state and ruling party. The citizens were expected to be loyal to the leadership of the country and could not voice their concerns on the activities of party without incurring the wrath of the state. For many Malawians the one-party state mirrored colonial times and was characterised by fear and alienation from those in political power. The one-party regime of Dr. Banda entrenched oppression of the population and also influenced negatively the way the people related with state institutions and its leaders. During Dr. Banda's rule history was mobilised by the regime for many purposes, including justifying its form of rule and discrediting or suppressing social memory of earlier forms of African resistance to the colonial government. In the process the only memory that counted was the role that Dr Banda played in fighting for independence to the exclusion of all others. The post-independence regime also appropriated elements of culture in exerting its hegemony. The regime was systematically elevating some cultures closely linked with the leading figures in power over others and this created disquiet among the groups that were ostracised. In order to ensure that the objectives of the one party regime were fulfilled and the party gained some legitimacy for its actions, the party embarked on creating its own memory of the struggle for independence. As a result the one-party regime created strategies for historical writing and cultural production that were very selective and biased towards elevating the role Dr. Banda played in the fight for independence.

Indeed, nations need memories and there is need to create a memory of the state in order to ensure that the citizens have a particular understanding of their shared history. However the creation of the memory will differ and will particularly depend on what significant messages the state or ruling elite want to entrench in society. The state has the capacity to impose the form of historical memory it wants because it possesses not only the institutionalised means for promoting a particular understanding of the past, but also the legally sanctioned means for punishing those who disagree with its views.<sup>99</sup> Governments "especially authoritarian ones rely on creating „a history which legitimates their accession to power or perhaps even their very existence."<sup>100</sup> „In turn this results in fragmented, divisive and contested memories."<sup>101</sup> The contestation emerges because the excluded groups may want to assert themselves into the national framework or even challenge officially inscribed histories and the state in response to such contestation resorts to the use of violence in order to ensure that its version of history is entrenched. This chapter will trace the political history of Malawi under the one party rule and will highlight how collective memory has been used at different times in the development of the nation.

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<sup>99</sup> Eric Davies, *Memories of the state: Politics, history and Collective identity in Modern Iraq* (California: University of California press, 2004)p.5

<sup>100</sup> Jan Kees van Donge, 'The Mwanza Trial as search for usable Malawian political past,' *African Affairs*, vol.97, no.386 (1998) p.91

<sup>101</sup> *ibid*

## 2.1 Pre-Independence Politics in Malawi Up To 1964

Malawi became a British protectorate in 1891 and in the early period of colonial rule not much is known about African political activity. African political activity emerged in the second decade of the twentieth century. When political activity started during this period it was mainly spearheaded by some educated Africans who were not satisfied with the treatment of Africans under the colonial rule.<sup>102</sup> These individuals had either been trained by missionaries in the country or had opportunity to receive education from outside the country. A good example of the early activists against colonial rule was John Chilembwe who led a revolt in 1915 against colonial white farmers who mistreated Africans on their farms.

Apart from the militancy organised by radical individuals like Chilembwe, other educated Africans from 1912 formed Native Associations that would speak for African interests to the colonial government. The native associations were conservative pressure groups lobbying for the interests of ordinary Malawians in the colonial situation. „At that level they did not aim for self-government or independence but rather wanted the colonial government to improve the welfare of Africans in the colonial state.“<sup>103</sup> The first native association to be established was the North Nyasa native association which was formed in 1912. This was followed by formation of similar groups in other areas such as the West Nyasa native association in 1914, the Mombera native association in 1920, the southern province native association in 1923, the central province native association in 1927 and the Chiradzulu district association in 1929. These associations tried to advance the social, economic and political interests of the indigenous population. They also spearheaded collaboration between Malawians of all ethnicities and religions in fighting for general improvement in the welfare of the natives.

The native associations were dominated by educated Africans who were working in the colonial civil service. In 1944 the various native associations merged to form the Nyasaland African congress (NAC) thereby establishing the first political party in the history of Malawi.<sup>104</sup> This merge was triggered by desire of the Africans to have a unified voice when dealing with the colonial government. The elite educated Africans were not only lobbying for their interests but „attempted from an early stage to relate their concerns to the grievances experienced by other Africans.“<sup>105</sup> The NAC initially set out to simply fight for better conditions for Africans within the colonial political and economic framework.<sup>106</sup> This early resolve by the NAC was in keeping with the principles of the native associations that emphasised dialogue and non-violent approach in dealing with the colonial government.

However this initial political stand of the NAC changed in the early 1950's when the colonial administration imposed a new constitutional order in which Nyasaland was to be part of a federation with Southern and Northern Rhodesia. The NAC became more radical in its

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<sup>102</sup> T.L. Maliyankono and F.E. Kanyongolo (eds) *When Political parties clash* (Dar-es-salaam: Tema Publishers, 2003) p.237

<sup>103</sup> *Ibid*, p.238

<sup>104</sup> John McCracken, *A history of Malawi: 1859-1966* (Rochester: Boydell and Brewer, 2012) p.304

<sup>105</sup> *ibid*

<sup>106</sup> Maliyankono and Kanyongolo, *When Political parties Clash*, p.238

confrontation with the colonial administration.<sup>107</sup> The focus of the nationalists now changed towards fighting for independence and self-rule for Africans. The change of focus coincided with the joining of congress by a group of young men including Kanyama Chiume, Orton Chirwa, Henry Chipembere, Augustine Bwanausi, Yatuta Chisiza and Dunduzu Chisiza. Most of these young men were recent graduates from universities across the world and to a great extent took over the NAC leadership.<sup>108</sup> The young men were very militant in their approach to politics and wanted to fast track the road to self-rule. However, at this time, politics in Malawi was not „a single movement with a single aim in view.“<sup>109</sup> There were numerous tensions and divisions within the nationalist movement ranging from regional, ethnic, generational and occupational.<sup>110</sup> Despite this fact the young politicians“ militancy led the NAC to successfully become a powerful and popular nationalist movement. However, they were not effective in uniting different constituencies within the movement. Henry Chipembere and Kanyama Chiume among the young politicians recognised that they needed an older person to lead the congress if they were to be successful in the fight against colonial rule.<sup>111</sup> They realised that although „youthful enthusiasm powered the drive to attract new members, and particularly the young, it was not enough to convince conservative elements in the villages. Neither could it close the gap between moderates and radicals within the party itself.“<sup>112</sup> Therefore they wanted the party to be led by someone with the „poise and political experience“ to champion the course of independence.<sup>113</sup>

The man they had earmarked for the role was Dr. Banda, a Malawian who had left the country to study in the United States and at that time was living and practising medicine in the United Kingdom. Dr. Banda was preferred because he had remained in touch with the people of Malawi and was frequently mailing letters and financial contributions to the NAC leaders. Dr. Banda only agreed to return to Nyasaland on condition that he would be made the president of congress and will be given a free rein in managing the party.<sup>114</sup> When he returned in 1958 he immediately went on a countrywide tour where he addressed the masses on the grievances with the colonial regime. The young politicians who were instrumental to his return took decisive steps to ensure that he was known in the country. Chipembere, Chiume and others introduced him to chiefs and local party leaders and scheduled his political rallies and provided logistical support to his travels.<sup>115</sup>

However the return of Dr Banda did not immediately address the tensions within the congress. Some leaders were not satisfied with his political strategies and the slow pace at which the movement was engaging with the colonial government. They had anticipated that his return

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<sup>107</sup> ibid

<sup>108</sup> Lisa Gilman, *The Dance of Politics: Gender performance and Democratisation in Malawi* (Philadelphia: Temple university press, 2009) p.28

<sup>109</sup> John McCracken, *A history of Malawi*, p.305

<sup>110</sup> ibid

<sup>111</sup> Colin Baker, *Chipembere: The missing years* (Zomba: Kachere series, 2006) p.15

<sup>112</sup> Joey Power, *Political Culture and Nationalism in Malawi: Building Kwacha* (Rochester: University of Rochester press, 2010) p.126

<sup>113</sup> ibid

<sup>114</sup> Colin Baker, *Chipembere: the missing years*, p.15

<sup>115</sup> Joey Power, *Political culture and nationalism*, p.134

would immediately galvanise the congress to take action to compel the federal government to grant self-rule to Nyasaland within a short period. There were also disagreements with his leadership style and the manner he treated the young colleagues. However in the interests of unity in the movement these issues were shelved to be addressed later when the country had gained independence. In 1959 a series of public meetings were held by Chipembere which were followed by lawlessness by the crowds that left the meetings. The lawlessness and escalating violence and disorder displeased the colonial officials who declared a state of emergency on 3<sup>rd</sup> March 1959.<sup>116</sup> The state of emergency resulted in massive detentions of the leaders of NAC and the organisation itself was outlawed in the country.

While most of the NAC leaders were in detention Orton Chirwa and Aleke Banda formed a new organisation the Malawi congress party (MCP) that replaced the now banned NAC.<sup>117</sup> They immediately started campaigning and enrolling new members. But the two founders of the new organisation held interim positions while waiting for the release of other leaders of congress. When Dr. Banda was released from detention in April 1960 he assumed the presidency of MCP. Although Dr. Banda was released earlier than most of leaders of NAC he did not immediately fight for the release of the other key leaders who were still in detention like Chipembere and the Chisiza brothers.<sup>118</sup> These politicians had to wait for their freedom for much longer. Meanwhile Dr. Banda upon assuming presidency of MCP „began to shape a party machine, thereby consolidating his political power base.“<sup>119</sup> By the time the young leaders were released from prison to join the new party, it was not the same institution like the old NAC. The new organisation had grown around cultivating the message that „Kamuzu was the one and only leader, who would destroy federation and set the people free.“<sup>120</sup>

## **2.2 One-party rule and memory creation under Dr Banda’s hegemony up to 1992**

The MCP under Banda succeeded in fighting the federation and Congress won elections in 1961 that paved the way for negotiations for self-rule. Eventually the country attained independence in 1964. By the time the country attained independence „it had become painfully clear to the young leadership of the independence movement that they had helped a new „gerontocratic“ ruler to power.“<sup>121</sup> During the period between 1960 and 1964 when Malawi became independent the nationalist politicians had cultivated an image of Banda as a father figure requiring respect and honour. Going through some of the correspondences between the politicians and their leader one notices numerous narratives of praise and gratitude expressed to the leader.<sup>122</sup> This was perpetuated because the nationalist movement in the struggle for independence wanted to have a unified movement rallying behind one leader. However, this was achieved at the cost of basic

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<sup>116</sup> Colin Baker, *Chipembere: the missing years* p.23

<sup>117</sup> Andrew C Ross, *Colonialism to Cabinet Crisis: A political history of Malawi* ( Zomba: CLAIM, 2009) p.206

<sup>118</sup> *ibid*

<sup>119</sup> Joey Power, *Political culture and nationalism* p.135

<sup>120</sup> *ibid*

<sup>121</sup> Rijk Van Dijk, *Pentecostalism, Gerontocratic rule and Democratization in Malawi: The changing position of the young in political culture* (New York: St Martin’s press, 1999) p.171

<sup>122</sup> H. K. Banda Archive, 1950-1999. 26 October 1962. (Correspondence, Dr. H. K. Banda Correspondence, 1932-1997, Chipembere, Masauko)

democratic tenets within the movement and Dr. Banda seized the opportunity to develop a political organisation that centred on him and characterised by hero worship and intimidation of potential critics.<sup>123</sup>

The single minded drive for independence and political intolerance of opposing views masked the divisions and tensions within the congress. However immediately after the attainment of independence there was no need to continue with the „false unity“ that propelled the fight for independence. The leadership of the nationalist movement which had then assumed the reins of power was struggling to maintain a balance of power between various contending forces in the movement. This precarious balance of forces within the leadership finally broke down two months after attainment of independence during what has been termed as the cabinet crisis of 1964.<sup>124</sup>

The cabinet crisis emerged out of disagreements between Dr Banda and his youthful ministers on a number of policy issues. Among the contentious issues was Dr. Banda’s adoption of Skinner report which recommended lower salaries for African civil servants as compared to European counterparts. There were also differences in foreign policy objectives and the proposed introduction of three penny fee at public hospitals which many ministers did not support.<sup>125</sup> In the aftermath of the Cabinet Crisis the resistance the young party-leaders and ministers were mounting against Banda's rule was violently crushed.<sup>126</sup> The cabinet crisis led to the establishment of Dr. Banda’s political hegemony and strengthened political intolerance of any opposition to the regime. It also eventually led to the disbandment of the civil society organisations and any autonomous social organisations in the country<sup>127</sup>.

After the cabinet crisis of 1964, Malawi congress party regime successfully constructed a historical narrative that dominated public discourse for nearly 30 years due to the regime’s control of communication as well as the political and institutional state. In fact, during the whole period of Dr. Banda’s rule there developed an extreme form of politics of memory and historiography. The essence of the collective memory championed by the Banda regime was to indoctrinate people with a specific understanding of the past that excluded all other leaders that had fallen out with Dr. Banda but only glorified and celebrated his achievements. In the process the image of Banda developed as a dominant national myth and became a powerful tool, shaping and disseminating particular kind of national consciousness and mobilising the masses to support the one party regime. At the same time the regime used violence against those who dared challenge the official version of memory. By placing Banda at the centre of the struggle for independence it ensured that the post-independence heroism they cultivated eventually developed into a personality cult for Banda.

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<sup>123</sup> Kings Phiri and Kenneth Ross “from totalitarianism to democracy in Malawi” in KM Phiri and K Ross (eds) *Democratisation in Malawi : A stock taking*, pp.9-20 (Zomba: CLAIM, 1998) p10

<sup>124</sup> Mapopa Chipeta, ‘Political process, Civil society and the state’ in Guy Mhone (ed) *Malawi at the crossroads: the post-colonial political economy*, pp.34 -49 (Harare: SAPES BOOKS, 1992) p. 38

<sup>125</sup> Vera Chirwa, *Fearless fighter: An Autobiography* (London: Zed Books, 2007) p.63

<sup>126</sup> ibid

<sup>127</sup> ibid

Following the cabinet crisis Dr. Banda also developed an authoritarian political culture that was characterized by centralized authority structures whereby all executive authority was concentrated in the office of the president.<sup>128</sup> The political significance of the 1964 cabinet crisis was its affirmation of one party rule. From then onwards the ruling elite tried to enforce unity among various contending forces and created the illusion of collective identity. His regime also created laws and institutions that ensured that his hegemony was fully entrenched. Among the oppressive laws that were enacted included the preservation of public security Act, which empowered the minister for security to detain a person without a trial for periods of his discretion. Secondly, the forfeiture Act which empowered the minister to impound any property of anyone suspected or believed to engage in economic or political sabotage. These laws were used to harass and oppress anyone suspected of being in opposition to one-party government. In addition to these laws the Banda regime created two national youth organizations the paramilitary Malawi Young Pioneers (MYP) and the political wing of the ruling party, the League of Malawi Youth. Members of these youth bodies pledged their loyalty and allegiance on oath to Dr Banda Himself.<sup>129</sup> These two youth organisations more than any other had „notorious task of safeguarding discipline and obedience.“<sup>130</sup> They frequently used „physical violence“ to compel people to tow the party line or against any person suspected of resisting Dr. Banda’s rule.<sup>131</sup> All those people suspected of being critics of the regime were ruthlessly dealt with and Dr. Banda even boasted in his speeches that his enemies would end up as meat for crocodiles.<sup>132</sup>

Banda also appropriated elements of the Chewa culture to legitimize his authority. Wiseman Chijere Chirwa states:

He capitalized on the Chewa traditional concepts of *nkhoswe* and *mbumba*. In the matrilineal Chewa culture, the *nkhoswe* is a guardian of the family, usually a maternal uncle or eldest brother in the family. The *mbumba* is a sorority group of sisters and their daughters, living in their maternal village under their *nkhoswe*. Capitalizing on these Chewa traditional concepts Banda became 'Nkhoswe Number One' for all the country's women regardless of their cultural differences. Through such cultural manipulations, Banda was able to use women to advance his political control over the Malawian society.<sup>133</sup>

According to Van Dyk as Banda placed himself above the traditional authority hierarchy, similarly local party leaders also placed themselves above traditional local rulers. He states:

These local party chairmen had an instrument at their disposal which the local traditional authorities simply lacked: the local branches of the MYP and the League of Malawi Youth. At the local level both youth bodies developed into the most deeply feared instruments of control and

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<sup>128</sup> Kings Phiri and Kenneth Ross, 'From totalitarianism to democracy in Malawi' in KM Phiri and K. Ross (ed) *Democratisation in Malawi: A stock taking pp9-20* (Zomba: CLAIM, 1998)p. 11

<sup>129</sup> *ibid*

<sup>130</sup> Harri Englund, "Introduction. The culture of Chameleon politics" in Harri Englund (ed) *A Democracy of Chameleons: politics and culture in the New Malawi* (Stockholm: Elanders Gotab, 2002) p.13

<sup>131</sup> *ibid*

<sup>132</sup> Vera Chirwa, *fearless fighter: An Autobiography* p.85

<sup>133</sup> Wiseman Chijere Chirwa, 'Dancing towards Dictatorship: Political songs and popular culture in Malawi,' *Nordic Journal of African Studies*, 10, 1 (2001) p.11

coercion. The youth groups and their related secret bodies had become so effective that by the end of 1980s Malawi had turned into one of the most supervised countries in Africa. State power was represented in almost every corner of society through an intricate network of informants, training camps, teachers, roadblocks and Checkpoints which was almost beyond imagination in its effectiveness for such a country, one of the ten poorest in the world.<sup>134</sup>

Besides appropriating elements of culture to entrench its rule the one party regime also embarked on systemic policies of rewriting history by inscribing the victory over British colonial rule solely on Dr. Banda. In the process all other nationalists were excluded in the narrative of the struggle for independence. This was done in spite of the fact that the fight against colonial rule started much earlier and Dr. Banda was just invited to lead a movement that had already made significant advances.<sup>135</sup> Reuben Chirambo aptly states:

The struggle against colonial rule, the attainment of independence, the political and socio-economic development of the country were regarded as Dr Banda's personal achievements, and not the achievements of the Malawian people as a nation. There was very little reference to the collective spirit. Most of the times Banda referred to the fight against colonial rule as a personal fight.<sup>136</sup>

There were also numerous art songs and dances that were made in order to encourage a reconceptualization of Malawi history so that Dr Banda should feature prominently on the country's historical landscape and obliterate all other significant actors from public memory. Wiseman Chijere Chirwa states:

From the early 1970s Dr Banda and the MCP used the medium of popular art forms (dances, songs, and poetic recitals)... Members of the Women's League were instructed, if not forced, to compose and sing songs that praised Banda for his heroism, his "wise and dynamic" leadership, for "destroying the stupid federation" of the Rhodesias and Nyasaland, "redeeming the country from the bondage of colonialism", and "developing it beyond recognition."<sup>137</sup>

The significance of the praise singing by different groups during the Banda era was that they were inscribing a particular memory and history of a country that was invariably associated with the activities of Dr. Banda. The history of the country was infused with that of the leader and this remained in the consciousness of the population. The praise songs of Kamuzu distinguished him in terms of politics and culture, marking him as an extra ordinary politician whose bravery alone led to independence and self-rule. According to Anneke Joubert, "memory through oral art represents actively collective experiences. What is memorable to remember in a particular community and how it will be remembered will be extracted from the performed lifestyles and

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<sup>134</sup> Rijk Van Dijk, "Pentecostalism, Gerontocratic rule and Democratization in Malawi: The changing position of the young in political culture" p.171

<sup>135</sup> Reuben Makayiko Chirambo, "A monument to a tyrant or reconstructed nationalist memories of the father and founder of the Malawi nation, Dr. H. Kamuzu Banda," *Africa Today*, vol.56, no.4, (2010) p.14

<sup>136</sup> *Ibid* p.14

<sup>137</sup> Wiseman Chijere Chirwa, *Dancing towards Dictatorship: Political songs and popular culture in Malawi*, , *Nordic Journal of African Studies*, 10, 1 (2001) p.4

this serves as a vehicle in the preservation of the past”<sup>138</sup> In the process all these songs and performances played an important role in the formation of national self-consciousness during Dr. Banda regime. Since the songs were performed at official functions they became means of storing and ordering the collective memories of the people and the nation. Eric Davies distinguishes between socially defined historical memory that represents society’s understanding of the past and develops outside of the state from state sponsored memory which is used by hegemonic and counterhegemonic elites.<sup>139</sup> He suggests that state sponsored historical memory is much more instrumental than socially defined historical memory and is mobilised by both states and oppositional forces in their efforts to impose ideological hegemony and influence the distribution of power in society.<sup>140</sup> In the same way the information transmitted through the performances and official history during one party regime was used to demonstrate the president's power and dominance over the country and ultimately served the „reproduction of artificial history of Banda.“<sup>141</sup>

### 2.3 Conclusion

This chapter has shown that the nature of politics in Malawi after attainment of independence was very lopsided in favour of the ruling elite who had abandoned the ideals that people had fought for during the struggle for independence. The ruling elite after the attainment of independence created a political atmosphere that was very oppressive. Many decisions of far reaching consequences on the nation were made by those in power without considering the views of the citizens who were only forced to bear the burden of their weight through force or coercion. The one- party state in Malawi was very active in initiating processes that led to the creation of dominant historical narratives of the regime that left no room for alternative narratives or interpretations of the past. The appropriation of memory under the one-party rule was designed to narrate a single story of the regime’s power and ignored certain aspects of national history that were not in tandem with the one-party regimes philosophy of nation building. Many of prominent Malawian politicians who were involved in the struggle for independence and played pivotal roles in the anti-colonial mass movements were left out of the history of the struggle and mostly ignored throughout the history of the one-party regime. This deliberate disavowal of the political past was accompanied with repression of any dissenting voices to the narrative of supremacy of Kamuzu Banda. The construction of the post-independence national discourse was mostly based on the heroism of Banda. However such a discursive construction was done at a cost of many lives who expressed dissent to the absolute political power of Banda, endured victimisation through detention without trial for many years, and was based on repression of the significant part of population.

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<sup>138</sup> Anneke Joubert, ‘History by word of mouth: Thinking past and present through oral memory’ in Mamadou Diawara, Bernard Lategan, Jorn Rusen (eds) *Historical Memory in Africa: Dealing with the past, reaching for the future in an intercultural context*, pp.27-52 (New York: Berghan Books, 2010) p.29

<sup>139</sup> Eric Davies, *Memories of the state: politics, History and collective Identity in Modern Iraq* (California: University of California press, 2004) p.4

<sup>140</sup> Ibid, p.5

<sup>141</sup> Harri Englund, ‘Between God and Kamuzu: The transition to multi-party politics in central Malawi’ in Richard Werbner and Terence Ranger (eds) *Post-Colonial Identities in Africa* (London: Zed Books, 1996) p.111



## CHAPTER THREE: THE TRANSITION TO MULTI-PARTY POLITICS

### 3.0 Introduction

The political history of Malawi went through a transformation in the early 1990's after 30 years of one-party rule. From early 1992 there was increased internal and external pressure on the one-party regime to allow political freedoms in the country. The ruling elite reluctantly acceded to these demands and Dr. Banda called for a national referendum for the people to determine whether they wanted plural politics or remain under one-party rule. The referendum occurred in June 1993 and people voted for multi-party politics. The period before and after the referendum created a new impetus for the people to understand their history. During the transition period the opposition pressure groups criticised the Malawi congress party leaders for their involvement in the atrocities committed during 30 years of one-party rule. There were numerous contestations over memory between those in opposition and those formerly in the one-party MCP. This chapter examines the political transition from one-party rule to multi-party politics and narrative construction of collective memory during the years of the transition. It also examines the reconstruction and contestation over collective memory and historical narratives in light of the political transformation.

### 3.1 The Road to Multi-party Politics

Towards the early 1990's Malawians were growing increasingly concerned with the way they were being governed and they wanted change in the system of government. At this time the MCP had fully consolidated its rule and an underground movement towards multi-party politics started in the late 1980's. There were several factors that facilitated the process of democratic transition in Malawi. Underground movements started circulating anonymous letters that revealed secret dealings of the one party regime; the church played a crucial role by adding its voice to concerns; some individuals spoke out against the regime and ultimately external pressure also significantly influenced the process.

Firstly, some concerned citizens unhappy with the one party political system started underground political movements. Some of these were writing open letters and distributing them at night in public places, markets, churches and other areas. "The letters were exposing Banda's corrupt government, the brutality of MCP and that of kadzamura-Tembo. The letters were the first signs that the people were speaking out and calling for multi-party democracy."<sup>142</sup> One such open letter circulated underground on the eve of martyrs day (3<sup>rd</sup> march, 1992) urging Malawians to consider the deaths of various political figures who died while on political duties.<sup>143</sup> Up to this time martyrs day had been commemorating the deaths of people who died in 1959 state of emergency and in part remembered some prominent nationalist of the past like John Chilembwe. Although the storyline had been carefully twisted so that Kamuzu Banda loomed large even in the stories of the heroes like Chilembwe. Every year there was a radio play on national radio on martyrs day that highlighted events surrounding the Chilembwe uprising but towards the end of

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<sup>142</sup> Jack Mapanje, *And the crocodiles are Hungry at night* (Oxford: Ayebia clark publishing, 2011) p.404

<sup>143</sup> Steve and Moira Chimombo, *The culture of Democracy: Language, Literature, the arts and politics in Malawi, 1992-1994* (Zomba: Wasi publications, 1996) p.25

play words were inserted that implied that Chilembwe was encouraging Malawians not to lose heart because there would one day be a son of Malawi that would liberate them from colonial rule. The open letter revolt was so devastating that Banda, his inner circle and their security officers were taken by surprise.

Secondly, the Catholic Church also played a significant role during the transition compelling Banda to recognise the need for change of system of politics. The church actually took a bold step on 8<sup>th</sup> March 1992 that triggered the domestic opposition to the one party regime. The bishops of the church issued a pastoral letter that was distributed and read in all the catholic churches in the country. The pastoral letter condemned the regime's severe censorship of mass media, violation of academic freedom, and denounced numerous detentions of Malawians. The bishops' letter called for social and political reforms, asserting that it was „not disloyal for Malawians to ask questions about matters that concern them.“<sup>144</sup> The „letter was the first public criticism of the regime policies“ in a very long time and the „bishops were detained and questioned for eight hours“ before being released.<sup>145</sup>

The pastoral letter when it was released brought to light peoples reservations about the regime that had been expressed privately for a long time. It „undermined the government“s position amongst a significant proportion of the population because“ 16000 copies were produced and the reading of the pastoral letter in various churches was to an audience of „at least 1.5 million Catholics.“<sup>146</sup> In order to combat the further circulations of the pastoral letter the „government promptly declared it seditious and threatened to imprison those found in possession of it.“<sup>147</sup>

The pastoral letter and its critical message opened an opportunity for Malawians to express their views to the one-party regime. Following the release of the pastoral letter there were a series of events that showed defiance to the one-party regime and awakened the society to possibility of change. Notably, the students of the University of Malawi encouraged by the bold step taken by the bishops made public demonstrations in their support and later chanted demands for change to political pluralism. From March 20 to March 23, some exiled opposition advocates met in Zambia, meeting as the United Front for Multiparty Democracy. Following the conference, Chakufwa Chihana returned to Malawi from Zambia and on his return he addressed a press conference at the airport where he called for a referendum on one-party state.<sup>148</sup> He was subsequently arrested after making a speech. In May there were a series of industrial strikes which resulted in riots and widespread looting of shops owned or connected to Kamuzu Banda. These events were unprecedented in the history of one-party rule and signalled that people were willing to move on from the repressive system of governance.

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<sup>144</sup> Stephen Brown, „Born Again politicians hijacked our revolution: Re assessing Malawi's transition to democracy,“ *Canadian Journal of African Studies*, vol.38, no 3 (2004) p.707

<sup>145</sup> *ibid*

<sup>146</sup> Jonathan Newell, a moment of truth, p.246

<sup>147</sup> Jonathan Newell, „A moment of truth“: The Church and political change in Malawi, 1992, *The Journal of Modern African studies*, vol.33, no,2 (1995) p.246

<sup>148</sup> Jan Kees van Donge, Kamuzu's legacy: The Democratisation of Malawi or searching for the rules of the game in African politics, *African Affairs*, vol.94, no.375 (1995) p.230

Malawian exiles also intensified campaigns against Dr. Banda's regime and together with the internal discontent piled pressure on Banda's regime. International donors responded to the events by refusing further economic assistance until human rights were respected and political liberalisation was initiated. The western donors had previously been supporting the Banda regime for years due to its strong stance against communism.<sup>149</sup>

Following donor pressure in the form of suspension of aid in May 1992 and increasing domestic political unrest president Banda softened his stand on some political issues. He called for a referendum to ask the population whether they wanted a continuation of a single party state or introduction of multi-party democracy.<sup>150</sup> The referendum occurred the following year in June 1993 and an overwhelming 63 percent of the population voted for change of system of politics. Following the referendum results political parties were legalised and Banda remained in power on interim capacity while the country geared for the first multi-party general elections that occurred in May 2004.

### **3.2 Use of Historical Memory during the Transition to Multi-Party Politics in Malawi**

The transition period was a challenging time because the nation was at intersections; the repressed memories of the past were coming to light while at the same time the old practises of the one-party regime simultaneously existed. The transition to multi-party politics enabled the public to question some of the official narratives spearheaded by the one-party regime and new narratives conveying memory of the past were created to „legitimise the emergence of new socio-political order.“<sup>151</sup> The new independent media and emerging political parties brought into the public domain memories of victims of political detentions and political atrocities. On the one hand, the politicians in support of change of system of politics used the one-party regime's atrocities against citizens and the memory of numerous human rights abuses to convince people that once system of government was changed that would not happen again. On the other hand, the one-party ruling elite in their campaigns challenged the people not to vote for change because the one-party regime had transformed the country economically and there was peace under the leadership of Dr. Banda.

As discussed in the previous chapter the one-party regime through its policies systematically denied or destroyed any alternative explanations to the development of the country, and most politicians or individuals who dared to challenge the official narratives were brutally killed or detained for many years. The only narratives that were allowed were those that celebrated the hegemony of Dr. Banda. Given such a history, new histories and collective memories were necessary in the new political landscape to tell the other side of the story, to uncover repressed histories and preserve narratives of the past that were not recorded in official records and to counter biased interpretations disseminated through the existing political landscape.<sup>152</sup>

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<sup>149</sup> Ibid, p.32

<sup>150</sup> Jane Harrigan, *From Dictatorship to democracy: economic policy in Malawi 1964-2000* (Hampshire: Ashgate publishing, 2001) p.289

<sup>151</sup> Sabine Marschall, *Landscape of memory: Commemorating monuments, memorials and public statutory in post-apartheid South Africa* (London: Brill, 2010) p.41

<sup>152</sup> Sabine Marschal, *Landscape of memory*, p.3

The one party political regime prevented citizens to participate fully in politics and consequently alternative political visions of the country could not be heard. As Jack Mapanje states:

Banda, his inner circle and the entire MCP had taught the country, particularly the politicians, to hate multiparty politics and hunt down political opponents. They had taught the people to treat political and other rebels, dissidents and radicals as outcasts, or as the dregs of society, not as its useful and necessary members that other countries would gladly embrace. Politicians had got used to considering anyone in opposition as an enemy who must be eliminated.<sup>153</sup>

During the campaign for referendum the MCP officials consistently told the people that multi-party politics would bring divisions and war in the country. They asserted that the best way forward would be for the electorate to retain the MCP and the one-party system of government in power because there was discipline and peace during the one-party rule. While for the politicians campaigning for change to multi-party politics challenged such assertions of MCP officials by bringing back into public consciousness the memory of other nationalist leaders who were post-independence political victims of one-party rule.<sup>154</sup> The opposition discredited the common rhetoric of the one-party rule that Dr. Banda was the father and founder of the Malawi nation by arguing that John Chilembwe who led a rebellion in 1915 was the real father and founder of Malawi nation.<sup>155</sup>

During the political transition the political history of the MCP became a major topic in Malawian society. People who were free for the first time in their political life to discuss political issues were obviously searching for alternative explanations to the atrocities of Dr. Banda.<sup>156</sup> Collective memories became instrumental in offering alternative viewpoints and justifying the need for replacing the one-party regime. Kenneth Ross writes:

A popular song during the campaign period, *Kuno Kwathu ku Malawi*, suggested that just as Chilembwe had fought against the oppression of the colonialists so he would have fought against the oppression of Banda and the MCP.<sup>157</sup>

The transition was occurring within a context of contested collective memory particularly when one considers that the MCP at this time was still in power and was fighting hard to remain in power. The use of other figures of the past other than Kamuzu was to demystify Dr. Banda's narrative that placed him at the centre of the struggle for independence. The new politicians also were demystifying the political rhetoric that Banda was life president by challenging his centrality in the nation's history. During the transition to multi-party politics the centrality of Dr

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<sup>153</sup> Jack Mapanje, "Afterword: The orality of dictatorship: In defense of my country," in Harri Englund (ed) *A Democracy of Chameleons: politics and culture in the New Malawi pp.178-187* (Stockholm: Elanders Gotab, 2002) p.179

<sup>154</sup> John Lloyd Chipembere Lwanda, *Promises, Power, Politics and Poverty: Democratic transition in Malawi 1961-1999* (Glasgow: Dudu Nsomba publications, 1997) p.84

<sup>155</sup> Kenneth Ross, *The Transformation of power in Malawi 1992-1995: The Role of the Christian churches*, *The Ecumenical review*, vol. 48, issue 1, (1996) p.45

<sup>156</sup> Jan Kees van Donge, *Mwanza trial as a search for usable Malawian past* p. 95

<sup>157</sup> Kenneth Ross, *The transformation of power in Malawi*, p.45

Banda's role in the fight for independence and as father and founder of the nation was challenged by counter memory narratives.

Mainly the pressure groups, Alliance for Democracy (AFORD) and the United Democratic Front (UDF) politicians focused on undermining the dominant myths and accounts that reified Banda. They focused on highlighting the roles that other Malawian nationalists played in the struggle for freedom but were excluded in the official narratives after Dr. Banda took over the reins of power. The politicians for change also relied on exposing the human rights violations committed under Banda's rule. The mysterious deaths of prominent politicians in accidents were brought to light to discredit Banda's hegemony.

However Dr Banda and his cohorts countered some of the claims made by the pressure groups and also pointed out to history of the origins of the one party state. Dr. Banda in one of his speeches pointed out that "The one party system came about because the MCP won all the seats during the elections which were held in 1964. It was the people who through the ballot box decided that the government should be a one-party state...I did not decree that the country should have one party no. I did not impose it on the people...In short, Malawi as a one-party state evolved naturally out of the circumstances and conditions in the country. No one decreed a one party state."<sup>158</sup> This quote captures the essence of Dr. Banda's justification for the imposition of one-party rule in Malawi. By attributing the emergence of the one party state to the elections of 1964 he was only focusing on one version of the story. For the election results did not preclude the existence of other parties, nor did they mean no alternative to the party in power. The ruthless suppression of opposition and opposing views were decisions made by the regime which did not allow other possible interpretation of the Malawian history other than the one Dr. Banda insisted on.

During the period between the referendum and the multi-party general elections when political parties were actively campaigning, there was also substantial use of the past to discredit other parties in numerous campaign speeches. AFORD politicians particularly seized the opportunity to remind the electorate that the UDF was MCP team B since most of its leaders were former MCP stalwarts. Even when the political transition was successful the new government continued to remind the people of the atrocities of the Malawi congress party which was then in opposition. After the first democratic government came to power the use of the collective memories of atrocious experiences of the historical and political past continued. The pressure groups that later developed into political parties after the referendum were so concerned with removing Dr. Banda and one-party dictatorship from power. As a result even after the United Democratic Front took over the reins of power in 1994 the party in government appeared to have not developed long term strategies for how to act after the end of one-party regime. As such the UDF rather than look to the future, after the MCP was defeated in general elections of 1994, the new political elite tended to look to the past to provide justification for their rule. For instance Reuben Chirambo writes:

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<sup>158</sup> Kamuzu Banda speech on 23<sup>rd</sup> April 1992, reported in the Daily Times Friday April 24, 1992

President Muluzi constantly referred to the MCP as *chipani chankhanza* (brutal party), a party of doom, or a dying party, decadent and dilapidated. In other words, the MCP will never change, and Malawians should never forget what this party stood for in the past thirty years or so. The imagery of perpetual terror, brutality and destruction, lies and despotism is sustained by UDF functionaries who use words with such negative connotations.<sup>159</sup>

The UDF regime tended to highlight the atrocities of the one-party regime in order to mask socio-political and economic uncertainties prevailing in society and also used the past regime failings as a means of explaining current state of affairs. However the challenge with such assertions was that the MCP was then in opposition and did not have a direct bearing on the socio-economic environment. On the accusations of atrocities in the past the MCP was defensive and tended to highlight the role of certain UDF politicians who were instrumental in the past regime. For instance, Aleke Banda who was vice president of UDF at the time was singled out as having initiated and carried out the arming of the MYP. He was the secretary general of MCP and by virtue of his position he was in charge of everyday affairs of MYP.<sup>160</sup> The MCP was presenting itself as a reformed party since most of the members who had previously served it had now defected to the UDF and therefore it was clean.

Reuben Chirambo argues that Muluzi and other leaders of the UDF used the past largely to distract the attention of the public from their own failures in government. By insisting on the undemocratic behaviour of the MCP in the past, they were trying to create an impression that they were democratic while MCP was not reformed and people should be careful with the party. By repeatedly referring to the atrocities of the MCP in their public meetings the new elite wanted to keep “MCP away from the possibilities of coming back to power. The past atrocities were used to suggest that the MCP will never change. This assures the UDF of remaining in power.”<sup>161</sup> As such the recollections of the past were made by the ruling elites in their public rallies not necessarily to address past wrongs but simply driven more by the desire for personal political survival.<sup>162</sup>

### 3.3 Conclusion

This chapter has discussed the political transition that occurred from 1992 and how it led to enormous renegotiation of collective memories. The past was increasingly used by politicians on both sides to justify the need for change or continuity with the old regime. On the one hand those who championed for continuation of one-party regime emphasised the importance of keeping the traditions of the nation as spearheaded by Kamuzu. They argued that changing system of government and embracing political plurality in the country would compromise the stability the

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<sup>159</sup> Edrinne Kayambazinthu and Fulata Moyo, ‘Hate Speech in the new Malawi’ in Harri Englund (ed) *A Democracy of Chameleons: politics and culture in the New Malawi* pp.87-102 (Stockholm: Elanders Gotab, 2002) p.94

<sup>160</sup> Reuben Makayiko Chirambo, “Politics in the cartoon in Malawi: The Democrat cartoons” in Kings M. Phiri and Kenneth R. Ross (eds) *Democratisation in Malawi: A stocktaking* pp. 195-216 (Blantyre: CLAIM, 1998) p.205

<sup>161</sup> Reuben Makayiko Chirambo, “Mzimu wa Soldier”: Contemporary popular music and politics in Malawi’ in Harri Englund (ed) *Democracy of Chameleons: Politics and culture in the new Malawi* (Uppsala: Nordic African Institute, 2002) p.109

<sup>162</sup> Michael Bratton and Nicolas Van de Walle, Neo-patrimonial regimes and political transitions in Africa, *World Politics*, vol. 46, no.4, (July, 1994) p.462

nation enjoyed under one-party rule and the nation would lose touch with the four cornerstones of one-party rule namely, unity, loyalty obedience and discipline. They further pointed to the numerous demonstrations and strikes that had occurred since the release of the pastoral letter as indicators of worse things to come with political pluralism. On the other hand, proponents of change used the same past to highlight contradictions of one-party rule by making public numerous secret and hidden dealings of the one-party state. They challenged the people to remember the atrocities and frustrating memories of the one-party regime and get rid of any fantasy of absolute power and embrace the democratic culture. They focused on the political distortions that were perpetuated by the ruling elite, and challenged that multi-party politics would enable leaders to be accountable to the people unlike what was happening under one-party rule. These political uses of the past intensified throughout the transition period and continued after the general elections of 1994.



## **CHAPTER FOUR: THE STRUGGLE OVER THE THIRD TERM, HISTORY, COLLECTIVE MEMORY AND CONTESTATION IN MALAWI**

### **4.0 Introduction**

This chapter will demonstrate how civil society and other social actors in Malawi's democratic transition utilized historical narratives and memory in the fight against emerging dictatorial tendencies in the new democracy. It argues that though the country had gone through relatively peaceful transition from one-party dictatorship rule to multi-party system of governance there were lingering behavioural tendencies of the old regime in the new dispensation. Evidence of the lingering tendencies of the dictatorial rule were in state efforts to control access to information by monopolising the only public broadcasting station, intimidation of opponents and other repressive behaviours that were carried over from the past. The ultimate example of the dictatorial tendencies however was the attempt by the ruling United Democratic Front (UDF) to amend the constitution to extend presidential term limits. The constitution provides for two- five year term limits which the first democratically elected president was about to finish. During his second term, UDF began to lobby members of parliament to change the constitution so that a sitting president could be allowed to have unlimited terms of office. This was similar to what the former president, Kamuzu Banda had done when he declared himself life president and ruled for 30 years under a one--party system of government in which the Malawi people suffered different atrocities and human rights abuses. Although the proposal was strongly criticised and unpopular among the population, the UDF government used all possible manoeuvres to influence Members of Parliament including the main opposition party to support the bid. A motion for amendment of the constitution was introduced in parliament and voted on. It was however defeated because it did not obtain the required two third majority in order for it to pass. The UDF government unfazed by the setback changed and started advocating for third term for the sitting president. The struggle against the amendment of presidential term limit was fought using different strategies and it brought a lot of Malawians together as they refused to be taken back to the dark years under Kamuzu Banda. The consequences of having a president rule for too long were constantly used against the bid which was abandoned in the long run. This chapter will focus on examining the dynamics of the struggle against the extension of presidential term of office in Malawi's contemporary history. It will particularly focus on the different processes through which collective memory was produced, deployed and conveyed in the contemporary political situation to challenge any attempts of tinkering with the constitution. Newspaper articles and common knowledge from participating in the struggle will be the main source of information of the events during this period.

### **4.1 The Origins of the Term Limits to the office of president**

The democratic constitution of Malawi emerged from consultative meetings between politicians, civil society and clergy during the period of transition from 1993-1995 and culminated with the

holding of a constitutional conference which adopted the new constitution in February 1995.<sup>163</sup> Having come out of 30 years of dictatorial rule where the constitution was amended to accommodate the life presidency of Kamuzu Banda and his one party rule, the delegates sought strong safeguards against this. Presidential term limits of office, human rights, separation of powers between the three branches of government were some of the safe guards entrenched in the new constitution.<sup>164</sup> The framers of the new constitution agreed on introducing limited terms for the president and prescribed in the new constitution a maximum of two consecutive five year terms.

#### **4.2 The Campaign for Extension of Term Limits to the office of the president**

The first term of Bakili Muluzi, the first democratically elected president under the democratic dispensation from 1994 to 1999 went relatively smoothly. It was during the course of Muluzi's second term that some politicians within his party started proposing that the constitution should be amended to allow the president run for office for a third term. The ruling UDF officials surprised many people when they began declaring that Dr Bakili Muluzi will be the presidential candidate for the party in the 2004 elections. Such pronouncements raised concern to many Malawians because they were contradictory to the constitution which stipulated the number of terms that a president could serve. Different people felt that a constitutional amendment on presidential term limit was tantamount to raping the constitution.<sup>165</sup> However the UDF officials continued to publicly declare the candidature of Dr Bakili Muluzi despite being fully aware that Muluzi was serving his constitutional second and final term of office. One senior UDF official at a public rally stated "that the UDF does not follow rules written in books but does what the people want."<sup>166</sup> These utterances by the UDF officials prompted a national debate on the merits and demerits of amending the constitution. At the centre of the third term debate was the amendment of the section 83 (3) of the constitution. The stated section reads as follows:

The President, the First Vice-President and the Second Vice President may serve in their respective capacities a maximum of two consecutive terms, but when a person is elected or appointed to fill a vacancy in the office of President or Vice- President, the period between that election or appointment and the next election of a President shall not be regarded as a term.<sup>167</sup>

Gradually the UDF's public pronouncements about Muluzi's candidature increased with many senior party officials coming in the open to support that he should stand for third term in office. A number of civil society organisations including the Civil Liberties Committee (CILIC), Public Affairs Committee (PAC), the Catholic clergy and opposition politicians expressed concerns and

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<sup>163</sup> Jande Banda, 'The constitutional Change Debate of 1993-1995' in Kings Phiri and Kenneth Ross (eds) *Democratisation In Malawi: A stock taking* (Zomba: Kachere series, 1998) p.321

<sup>164</sup> Fidelis Edge Kanyongolo, 'The Limits Of Liberal Democratic constitutionalism in Malawi' in Kings Phiri and Kenneth Ross (eds) *Democratisation In Malawi: A stock taking* (Zomba: Kachere series, 1998) p.364-365

<sup>165</sup> Andrew Chimpololo, BJ accuses Muluzi of seeking Life presidency, *The Daily Times*, 6 september, 2002

<sup>166</sup> Christopher Jimu, Malawi President 'Must Speak Out' on third term, *The Chronicle* 23 April 2002

<sup>167</sup> The Malawi constitution,

reservations on such proposals. Some wanted the president to rein in on his party stalwarts to stop them from making such statements or even that he should declare in the open that he will not seek an extension of the term of office. Dan Msowoya spokesman for AFORD noted:

While we know that the third term issue is a non-starter and against the law we demand the president to openly declare his stand. Silence becomes a lie when the truth is not spoken out. He should not indirectly push the third term issue because it will backfire badly in him. People are tired of the UDF hypocrisy.<sup>168</sup>

Dan Msowoya's sentiments echoed the opinion of many opposing the third term as Muluzi's silence meant that he had no problems with the proposal for extension of office. Furthermore, the public announcements by UDF officials in the executive of the party left people wondering as to why the members are taking it for granted that their views are the same as those of every citizen of the country. The proposal to extend the limit of office of the president was seen by many as the reincarnation of the Kamuzu Banda dictatorship regime. Memories of the repressive regime came alive as the debate on term limits unfolded. The National Democratic Alliance leader Brown Mpinganjira accused Bakili Muluzi of seeking life presidency he stated that "the president was imposing himself on the people."<sup>169</sup> Reacting to Mpinganjira the UDF publicity secretary at the time Ken Lipenga vehemently denied that the change had anything to do with Muluzi. He observed that Muluzi had up to that point made no statement about whether he was willing to stand again or not. He said „it is the people who want him to rule for another term and there are a large number of people who want the constitution amended.<sup>170</sup> But arguing that the people wanted the extension of office was just a facade by the ruling party and a convenient way of creating legitimacy for their actions. A closer look at who was actually behind the proposal for extension of term limits and who were speaking on behalf of the ordinary people were the elite in society, the chiefs, members of parliament and some senior party officials.

### **4.3 Opposition to the Extension of the Term Limits**

The most prominent opposition to the extension of the terms of office of the president came from religious bodies, civil society organisations and some members of the opposition parties in Parliament. Their stand against the open term was vociferous aimed at ensuring that the multi-party system of government was entrenched and protected. They mainly reasoned that the constitutional provision on limited terms for presidency was an important legislation and provides insurance against a repetition of the abuses of power that took place under the Banda regime. They further maintained that the provision ensures accountability and curbs the risk of abuse of power by those who overstay in position of leadership. For instance, the civil liberties committee (CILIC) issued a press release in which they stated that "in relation to the proposed extension of the current limit on the term of office of the president, it is worth recalling the sad

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<sup>168</sup> Christopher Jimu, Malawi President 'Must Speak Out' on third term, *The Chronicle* 23 April 2002

<sup>169</sup> Andrew Chimpololo, BJ accuses Muluzi of seeking life Presidency, *Daily Times*, 6 September, 2002

<sup>170</sup> *ibid*

history of the erosion of human rights and the absence of accountability during the reign of the one party government. It is worth noting that the current constitution imposed on the term of office was intended to prevent the abuses of power that Malawians experienced under life presidency of Dr. Banda.”<sup>171</sup> It was of great concern that the president’s party officials in making their declarations for term extension expressed sentiments similar to Kamuzu Banda era where politicians believed that only one man had the capacity to rule the country. Such sentiments in the past led to the life presidency and ensuing autocratic rule hence it was vital that such lingering ideas should be nipped before they affect the new dispensation. This is clearly observed in one of the statements issued by the catholic clergy of Mzuzu Diocese which in part states:

For a country that quickly slipped into dictatorship when a first attempt for democratic government was lost following independence in 1964, extension of the tenure of the presidency once again would be very detrimental to the democratic process in the country...we are opposed to the amendment to prevent the tendency towards despotism that comes with long stay in power.<sup>172</sup>

The Government and supporters of the extension of terms on the other hand responded to the those opposing the amendment of the constitution by arguing that the UDF is a democratic party and that it will allow Members of Parliament who are legitimate voices of the people to express their views in parliament by voting on the proposal to amend the constitution. Secondly, that their proposal for open terms was not limiting other people from contesting against Muluzi therefore likening the open term proposal to Dr. Banda era was incorrect. Thirdly, they challenged that there were numerous institutions that were set up under the democratic constitution like the office of the Ombudsman, the Human Rights Commission and the Law Commission to check any abuse of executive powers and the UDF government had allowed such institutions to exist in the country. Fourthly, they argued that the opposition and other actors opposed to the extension of term limits failed to understand the progress the country had made under the leadership of Dr Bakili Muluzi. The political transition that the country had achieved during Muluzi’s rule was considered to be enormous and required Muluzi to continue in office to complete some unfinished business. They cited such reasons as the incumbent president was very good and therefore his term of office should be extended to allow many Malawians benefit from his goodwill. That there were many development projects he had initiated that required him to continue to be in office to oversee their successful completion and that there was no suitable successor to replace him in Malawi.<sup>173</sup>

However those opposing the constitutional change still warned the UDF not to turn their leadership problem into a national issue. National Democratic alliance (NDA) leader said “this is typically a UDF problem. If the party is failing to attract young blood and if it has not prepared

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<sup>171</sup> Press release by Civil Liberties committee on the Third term issue, 6<sup>th</sup> April, 2002, reported in *Daily times*, 18<sup>th</sup> April 2002.

<sup>172</sup> Press statement from the catholic clergy of Mzuzu Diocese, *The Nation*, 24 September, 2002

<sup>173</sup> Adamson Muula and Emmie Chanika, *Malawi’s lost decade 1994-2004* (Balaka: Montfort Media)

anyone in the past eight years, then what would happen if Muluzi dropped dead today.”<sup>174</sup> He went further to state “when government programmes are attributed to a single person in the country, it is a sign of bad leadership.”<sup>175</sup> Commenting on the same issue six civil society organisations issued a statement which in part stated that:

Those advocating for third term argue that the incumbent must continue in office because there is no suitable person to replace him. Unfortunately this argument is used by every despot to perpetuate himself in office. Malawians will recall that the same argument was used to justify MCP’s insistence to remain the only legal political party in the country. It was strenuously argued then that there was no person around who could succeed the former head of state and that Malawi could not survive without him. But as we have all lived to see, Dr Banda went and yet Malawi is still there for better or worse.<sup>176</sup>

#### **4.4 The Failed attempt of the Open term bill in parliament**

In spite of the strong opposition to the constitutional change, on 4<sup>th</sup> July 2002 a private members bill was introduced in parliament for the amendment of the constitution to remove the limitation imposed by section 83 (3) of the Malawi constitution on the number of terms a sitting president can serve.<sup>177</sup> The motion under consideration in parliament was to remove the restriction on presidential terms from two consecutive five year terms to an open term bill whereby a president could stand for office as long as he wanted. The parliamentary debate on the motion was very heated, the UDF controlled 95 of parliament’s 192 seats and the party needed additional support of at least 33 opposition members of Parliament (MP’s) to obtain a two thirds majority of 128 required for any constitutional amendment to be effected. The UDF prior to the debate in parliament had managed to rope in some members from the opposition parties, in fact the amendment motion in parliament was introduced by a member of the opposition AFORD. When the amendment motion was put to a vote 125 members voted for change while 59 voted against and five abstained. Thus the motion was defeated because the yes votes did not reach the required number of 128 to effect the change to the constitution. In the aftermath of the vote in parliament Muluzi publicly accepted the outcome of the vote in parliament. He said that he held no grudges against those who opposed his third term and called for forgiveness and reconciliation. "Those that have succeeded in the present debate should as well accept the fact that they should reconcile their position with those that held opposite views so that everyone is taken on board," Muluzi added that there would be no "vengeance against the people who spoke against or made negative remarks on me."<sup>178</sup>

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<sup>174</sup> Mabvuto Banda, Party problem not national: Opposition say it is total madness to bring back the third term Bill, *The Daily Times*, 23 July 2002

<sup>175</sup> *ibid*

<sup>176</sup> Press release by women’s lobby, Malawi Watch, Forum for national Dialogue, commission for democracy and development, *Daily Times*, Friday, June 7, 2002.

<sup>177</sup> Adamson Muula and Emmie Chanika, *Malawi’s Lost Decade 1994-2004* (Balaka: Monfort Media, 2008)

<sup>178</sup> ‘President defeated in Malawi third term bid’ *The Chronicle*, 5 July, 2002

#### 4.5 Plans for Third Term Bill

Although Muluzi had appeared to have accepted defeat on the matter in the public speech the manoeuvring for extension of office did not stop. By September the same year government justice minister announced that the government will table the third term bill. He said „the bill would come into the chamber again because a good number of Malawian society would like the constitution to be amended to allow a serving president three consecutive terms.“<sup>179</sup> The religious and civil society organisations again continued to fight against the tabling of third term bill through press releases and media. The church and civil society continued to argue that politicians should adhere to principles of the democratic constitution. For instance, the Catholic clergy of Lilongwe Diocese issued a statement which made the following observation:

The Government is bringing a bill seeking to extend the presidential tenure of office to three terms as gazetted on 6<sup>th</sup> September, 2002. This bill is essentially the same as the open Terms Bill that was defeated on Thursday, 4<sup>th</sup> July, 2002 on the grounds that it was against democratic principles and contradicted the spirit of the constitutional conference that endorsed the 1995 republican constitution. This shows lack of respect to the wishes of Malawian People that was demonstrated in the national assembly and from the acceptance by the state president.<sup>180</sup>

There were two occasions when rumours were rife in the country that the government wanted to table the third term bill. The first occasion was during the month of December, 2002 when the government announced an emergency sitting of parliament to discuss the emergency Drought Recovery plan Loan. That sitting of parliament ended without the Third term issue being debated but civil society, churches and opposition parties continued to speak out against the amendments of the constitution and against president Muluzi silent advocacy for the bill during presidential rallies.<sup>181</sup> Although the third term issue seemed to have died down after the December sitting of parliament it resurfaced again at the end of January 2003 when government suddenly announced that parliament would reconvene for an emergency sitting on the 27<sup>th</sup> of January 2003 to debate on the bill.<sup>182</sup> The government announcement brought confusion and tension in the country. Several protest rallies and demonstrations against the third term bill were organised by the church, civil society and opposition political parties. During such rallies and demonstrations people were repeatedly reminded about the atrocities of the one-party regime and that constitutional change would entail going back to the old days. The government noting the increased opposition against the tabling of the bill deferred vote on the bill and shelved it completely. Finally, President Muluzi appointed Bingu wa Mutharika to be the presidential

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<sup>179</sup> Denis Mzembe, 'Government to table Third Term Bill: Proposes Referendum in Future' *The Nation*, 10 September, 2002

<sup>180</sup> Press Release of the Association of Diocesan Clergy of Lilongwe Diocese of the Catholic Church, *Malawi News*, 26<sup>th</sup> October, 2002

<sup>181</sup> Press review December 2002-January 2003, Centre for social concern, found at <http://webcache.googleusercontent.com/search?q=cache:http://mafrome.org/kanengo.htm>

<sup>182</sup> *ibid*

candidate for the UDF in the 2004 elections and that marked the end of the party's campaign for the extension of presidential term limits.

#### **4.6 The use of Media during the debate on extension of Term Limits to the office of president**

The Government channelled all its campaign for extension of constitutional terms of office through the national public media and for a long time did not allow opposing voices to be heard. The public media institutions were everyday broadcasting declarations by different chiefs, prominent citizens and others who were in favour of amending section 83 (3) of the constitution to allow president Bakili Muluzi to rule the country forever.<sup>183</sup> However civil society called for the opening of public airwaves so that citizens can hear arguments from both sides and make informed choices.<sup>184</sup> The government's action on the media again was reminiscent of the Dr Banda era when the government monopolised the public broadcaster and the regimes newspapers to support everything the government did. Of course that was justifiable due to the nature of the one party authoritarian regime. However the emergence of the same trends of public media control in the multi-party era of politics showed that „the mentality of a single partyism was strong, especially among those at the top.“<sup>185</sup> Religious leaders both protestant and catholic stated that they were united in the fight against amendments, just as they had been in the early 1990's in the fight against the dictatorial leadership of lifetime president of Dr. Banda.<sup>186</sup>

The attempt to allow extension of limits to the office of the president dominated political life during Muluzi's second term. The civil society and major opposition political parties relied on private radios and independent press to mobilise the general population to express their views for or against the extension. Ordinary citizen's attitude shifted dramatically with the third term debate, for it seemed to have brought to life memories long since buried under the weight of euphoria of the new dispensation. Time and again many conversations focused on the dictatorial regime of the past and the transition period and what would be the implications of changing the constitution. When ordinary citizens did speak out on phone-in programmes on radios and letters to newspaper editors they generally opposed any plans to tamper with the constitution of the country. The ordinary citizens that supported the proposal were in minority and those that expressed support for the change of constitution „could be identified as those benefitting from the status quo.“<sup>187</sup> There were numerous activities that happened at the time that involved collaboration between Malawians of all ethnicities, religions and various backgrounds. The religious institutions organised open air protest rallies and prayers where they invited people

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<sup>183</sup> 'Malawian Churches, NGO's stand firm Against 3<sup>rd</sup> Term' *The Chronicle*, 27 may 2002

<sup>184</sup> Press Release from the Civil Liberties Committee on the Issue of Dr. Muluzi's Third Term, 6<sup>th</sup> April, 2002.

<sup>185</sup> What goes around comes around: single party governance in a multi-party state editorial *Nyasa times* 29 March 2012

<sup>186</sup> *ibid*

<sup>187</sup> Rachel Ellet, *Emerging Judicial Power in transitional Democracies, Malawi, Tanzania and Uganda* (Proquest, 2008)p.277

from various religious background to assemble at designated places once in a while to pray against the enactment of the third term. Various civil society organisations organised demonstrations against the third term, public debates and other civil society leaders openly spoke out against the proposed changes to the constitution often putting their lives at risk. The activists contested the ideas of extending term limits because such initiatives lead to oppressive domination of people and their voices echoed concerns and deep feelings of many Malawians. In fact during the transition period when Malawians were denouncing the Dr. Banda oppressive style of leadership one of the catch phrases for the multi-party advocates was that democratic system of governance was an opportunity not only to remove the oppressive one party rule of Dr, Banda but also remove the oppressive laws and institutions that developed during his thirty year rule. The adoption of democracy would enable the country to develop new rules and institutional arrangements to replace the old ones that were practised on principles of coercive control. And the new arrangement will enable people who previously did not enjoy their rights to be able to have their freedoms including respect for human rights, accountability and other democratic tenets.

#### **4.7 Political intolerance and Erosion of civil liberties during the extension of term limits debate**

During the course of the events on the open and third term debate the country went through very difficult periods of violence, political intolerance and intimidation reminiscent of the dictatorship era. In order to ensure that the UDF gained leverage on the people and successfully pushed through their proposals the party increasingly adopted coercive methods. Some of the decisions made by the government as well as some actions by the ruling party made it difficult to distinguish that the political system had changed. Harri Englund observed:

A troubling continuity between the autocratic era and the current pluralism is the way in which youths are involved in politics. In Banda's Malawi, the Malawi Young Pioneers and the MCP Youth League had the notorious task of safeguarding discipline and obedience, often resorting to physical violence if there was any reason to suspect dissidence. In the new Malawi, the UDF's youth wing, confidently referring to itself as "Young Democrats", has been implicated in acts that have been anything but democratic. Public statements that can be interpreted as criticism of Muluzi's government have too often led to violent incidents.<sup>188</sup>

The UDF leadership seemed to be convinced that whatever change they proposed the ordinary citizens were going to support it anyway and had to ensure that they pushed through their proposal even with violence or intimidation if necessary. The party recruited youths (young democrats) to intimidate opposition leaders, journalists or the clergy who spoke against the proposed third term in office. Binton Kutsaira an MP for Lilongwe Msinja North and Malawi congress party regional secretary at the time said "the UDF has unleashed a reign of terror in Lilongwe, MCP's stronghold using the young democrats and National intelligence Bureau agents

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<sup>188</sup> Harri Englund,

against the opponents of the third term Bill.”<sup>189</sup> All the MCP MP’s especially those who voted against the open terms bill are living in fear. We are always being followed by the young democrats and NIB.<sup>190</sup>

Besides, at the height of the debate president Muluzi banned all demonstrations for and against the third term on the grounds that they posed a threat to public order. The civil society and religious groups, challenged the legitimacy of the president’s directive and viewed the decision as a threat to democracy, and a repeat of the dictatorial era when the president’s word was law. They argued that the president had no power to make or change law, but by issuing a ban on demonstrations he was acting as a true dictator who amassed power beyond what was ascribed to him in the constitution. They subsequently applied for an injunction against Muluzi’s threat to stop demonstrations over the third term issue. This ban on demonstrations was lifted by the High Court, which correctly ruled that it was a violation of the constitutional right to demonstrate peacefully. In his ruling justice Mwaungulu stated: "If there was indeed the likelihood of violence between groups holding different opinions on the third term issue, as feared by the president, lawful demonstrations should be carried out peacefully and lawfully with adequate security from police,"<sup>191</sup>

#### **4.8 Recalling the past dictatorship in the debate for extension of terms of office of the president**

The constant reference to the past dictatorship in the fight against the third term shows clearly that the past mattered and proves that it was important for the new democracy to confront any tendencies by the new elite towards planting seeds of authoritarianism in a democratic dispensation. Most importantly the past was actively brought into the present especially during prayer meetings, protest rallies and demonstrations organised by religious and civil society organisations. There were constant references to the dictatorship past and evoking of the traumatic past to challenge the new regime’s proposal on term extensions. Such reference to the past played an important role in defining the nation in the democratic dispensation and also enabled the people to fashion the desired nature of leadership they wanted in the present and future nation. The demise of Dr Banda regime in 1994 meant not only the end of an autocratic and repressive political and ideological regime, but also had serious implications on the political landscape of the country. It signalled the end of the political culture of fear and intolerance to opposing view and also the end of one party politics where rulers stayed in power forever without being accountable to the people for their actions. The new freedoms in the constitution like freedom of expression allowed a more open environment where citizens were free to discuss their leader’s action and the direction that the country should take. The nation had chosen to do away with any form of totalitarianism however the extension of term limits would have made the

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<sup>189</sup> Bright Sonani, UDF increases pressure on the opposition MP’s, *Malawi News*, October 12, 2002

<sup>190</sup> *ibid*

<sup>191</sup> Malawi: Judiciary and Muluzi Clash over third term found at: <http://www.irinnews.org/report/32269/malawi-judiciary-and-muluzi-clash-over-third-term>

country retrogress to authoritarianism. It would be fair to say that attempts to amend the constitution only managed to bring to light the underlying fear of the people of a relapse to dictatorship. At this juncture the country was „haunted by the memories of a dictatorship.“<sup>192</sup> Fighting against the third term was not just to limit the political elite from imposing themselves on the people but also created a space in which various groups engaged in an ongoing struggle against the elite and state authorities to ensure a correct understanding of the past atrocious dictatorship existed among general population. The links between memory and democracy proved to be very essential in the fight against the implementation of the third term and the debates ultimately influenced the rejection of the extension of the terms of office. Barbara Misztal has noted as follows:

Memory, understood as a set of complex practices, contributes to our self-awareness and allows us to assess our potentialities and limits. Without reflection on memory and the checking of past records of institutions and public activities, we would have no warnings against potential dangers to democratic structures and less awareness of the repertoire of remedies.<sup>193</sup>

The third term debate became a site of contestation whereby the past had to be constantly reconstructed in order to aid the understanding of the people of the implications of the proposal by the ruling elite to the contemporary democratic norms and principles. The proposal for extension of the presidential term limits reignited the memory of the political past that many were unwilling to entangle themselves in. The memory of the past evoked in the process was the lived experience of the 30 years of dictatorial rule. For instance, Malawi Human rights consultative committee (MHRCC) statement categorically stated:

One of the principles of democracy is that people holding public office should be accountable and that power be checked at all levels. Any continued stay in the office of the presidency will mean that we are reverting to one party system of government which Malawians rejected in 1993.<sup>194</sup>

What a statement like this did was to further provoke the people to remember the lived experience of the dictatorial past. Not all the people who participated in the opposition to the third term actually lived life under Dr. Banda regime. Some might have lived under the regime but were too young to comprehend at the time what actually happened during one party rule. But the protests against the extension of office were joined by university students and other youth across the country. Through protests, demonstrations and numerous statements there was a transmission of knowledge of the past regime to the young people who may not have fully appreciated the implications of the change of the constitution. The statements and demonstrations served to highlight the difficulties the people had passed through under the

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<sup>192</sup> Alexander Wilde, *Irruptions of Memories: Expressive politics in Chiles Transition to Democracy*, *Journal of Latin American studies*, vol.31, (1999) p.475

<sup>193</sup> Barbara Misztal, *Memory and Democracy*, *American Behavioural Scientist*, vol.48 (2005) p.1328

<sup>194</sup> Dave Mangani, "Third Term Worries MHRCC," *Daily Times*, may 8, 2002

dictatorship regime but also initiated the young ones of the horrors of the past dictatorship. As noted by Kenneth Ross „The memory of terrible mistakes made during the one-party period and the definitive experience of correction in 1992-94 gave the church a sense of being custodian of democratic values and a duty to invoke the never again spirit.“<sup>195</sup> In this way collective memory inspired and mobilized the people to fight against the third term because attempts to change the constitution were offering imperfect democratisation that „left enough discrepancy to allow evaluation of the present.“<sup>196</sup> The civil society wanted the parliamentarians to have a sober look at the political situation in Malawi by pointing out social and political problems that the change of the constitution would entail. They effectively highlighted political abuses of the past and appealed to members of the parliament to reflect on this past and ensure that what happened in the 30 years of tyranny should not be repeated in the democratic dispensation.<sup>197</sup> It was important for Malawians to understand what happened in the past for them to make informed choices about the extension of terms of office of the president. But it was also made clear that choosing to extend term limits meant the same as sliding back to the authoritarianism. Extension of the terms of office signified a reversal of all the gains made over the years in the nascent democracy. Daniel Vencovsky provides a useful take on the dangers of extending official terms of office:

Term limits offer a periodic guarantee of personal change, and thus enhance the possibility of change of party in government. This is significant, as power alternation is an important feature of a democratic polity. Prolonged time in office allows for greater centralisation and personalisation of power, and deeper entrenchment of informal patronage networks. Prolonged tenure also creates an accountability deficit that allows for an increase in corruption. It has also been suggested that power alternation is important for the consolidation of democracy.<sup>198</sup>

With the extension of terms debate at its height in 2001-2002 the fight over historical narratives became even more pronounced. The meaning of the past and memories of the past dictatorship served as platforms on which the third or open term proposals were engaged. It was ironic that the UDF (a party that had fought so hard during the transition from dictatorship for freedom of choice in electing leaders) would turn around the wheels of change and unashamedly propagate the inevitability of having one person ruling forever. It was difficult for many Malawians to understand why the ruling party officials would insist on changing the constitution only eight years after the dissolution of the one party state. However, an explanation for that would be that the long duration of the dictatorship made institutionalisation of democratic principles difficult. After thirty years of Dr. Banda rule several politicians in the new democratic dispensation had known nothing else other than the dictatorial rule. Most of the politicians in the new dispensation had served the dictatorial regime in public service, media or mainstream party politics. The one party regime required absolute loyalty to the president from anyone who participated in public

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<sup>195</sup> Kenneth Ross, „Worrisome Trends: The Voice of The Churches in Malawi’s third term Debate” *African Affairs*, 103 (2004) P.99

<sup>196</sup> Barbara Mitszal, *Memory and Democracy*, p.1329

<sup>197</sup> Kenneth Ross, *Worrisome Trends*, p.98

<sup>198</sup> D Vencovsky ‘Presidential Term Limits in Africa’, *Conflict Trends*, Issue 2, 2007, p.16

life and those who were suspected of dissent to the president were severely dealt with by the regime.<sup>199</sup> When the UDF took over the leadership of the country in 1994, the presidency „was an office which was still profoundly shaped by the years of dictatorship.“<sup>200</sup> And the „fact that many leading politicians in the “new” Malawi also held prominent positions in Banda’s one-party state seemingly helped to nurture continuities in political behaviour.“<sup>201</sup> Perhaps that familiarity with the old regime enabled them to rationalise the extension of the term limits as normal loyalty to the presidency. In this way one would argue that even the proponents of the third term debate were influenced by the historical past. Bruce Baker succinctly provides the context for such manoeuvres by ruling elites when he states: “alongside the new democratic values there is still a latent conservatism that regards the incumbent as the best choice the country has.”<sup>202</sup> Indeed one of the reasons the UDF had put forward for the party’s desire to have Muluzi’s rule continue was that there was no suitable replacement for Muluzi. UDF deputy regional governor said:

There was nobody in the party who can replace Muluzi. We have not identified anybody who can succeed Muluzi. As a party we don’t even see anybody to replace Muluzi and our candidate in 2004 is Dr Bakili Muluzi, whether one likes it or not.<sup>203</sup>

Therein lies the problem, the parties policy and practices regarding democratic change of leadership within the party was precluded. Nobody would have dared to contest against Muluzi within the party because there would not have been given the opportunity. The preclusion of competition for top leadership within the party displays legacy of authoritarian past. The essence of one party rule was having one leader who stayed in power forever and all other politicians had to compete against each other to please him.<sup>204</sup> For any democratic elections to be meaningful the selection process of ruling elite has to be democratically fair.<sup>205</sup> A fair selection process may provide guarantee that democratically elected leaders will rule by democratic and constitutional principles in the time period between elections.<sup>206</sup> What emerges from these manoeuvres for the extension of presidential term limit is that the ruling elite within the democratic dispensation were comfortable with the political processes associated with the past dictatorship. While those opposing the extension wanted that historical knowledge and memory of one-party dictatorship to be central in determining the future politics of the democratic dispensation and also ensure that the political transformation was permanent.

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<sup>199</sup> Gretchen Bauer and Scott D. Taylor, *Politics in Southern Africa: Transition and transformation*, p.29

<sup>200</sup> Kings Phiri and Kenneth Ross, ‘From Totalitarianism to Democracy in Malawi’ in Kings Phiri and Kenneth Ross (eds) *Democratisation In Malawi: A stock taking* (Zomba: Kachere series, 1998) p.12

<sup>201</sup> Harri Englund, Introduction, p.18

<sup>202</sup> Bruce Baker, *Outstaying Ones Welcome: The Presidential third term debate in Africa*, contemporary politics, 8:4 (2002) p.287

<sup>203</sup> Anthony Kasunda, *UDF will split if third Term flops*, The Daily Times, 2002

<sup>204</sup> Reuben Mayamiko Chirambo, “protesting politics of death and darkness in Malawi” *Journal of Folklore Research*, 38 (2001) p.219

<sup>205</sup> Wolfgang Merkel, *Embedded and effective democracies*, *Democratisation*, 11:5 (2010) p37

<sup>206</sup> *ibid*

Although the UDF instigators of the extension of terms knew the terrible history of the past dictatorship, when faced with the more immediate and temporal political survival, that knowledge was not a decisive factor in determining the future of the country. In their pursuit of the third or open term of office they conveniently forgot to reflect on the past dictatorship. They were eager to provide justification for extending the term limits although their reasons were flawed. They were not about democracy or furthering the spirit of multi-party politics but were part of a drive to continue with the political traditions of the past. Particularly bewildering was that the manoeuvres for third term were not necessary addressing shortfalls in the new democratic set up. They were not clarifying any ambiguity in the law or rectifying an existing problem with the democratic law but were just tampering with the democratic principles of the new dispensation. The fact that the party had the courage to bring such proposal in the open let alone champion it signalled a very big problem in the whole political landscape. The relentless desire to hold on to power just as in the one party political system. This was well summed up by one Member of Parliament a Mr Ian Mkandawire who declared: "It is only a dog that can eat what it has vomited."<sup>207</sup> He went further to compare the open term bill debate on 4th of July, 2002 to the 1971 situation where a member of parliament moved a motion that paved the way for the crowning of Dr Banda as the life president of the country.<sup>208</sup> Silence about this past and attempts by the UDF to dismiss and disconnect their proposals for extension office from what happened in the one-party political system were deliberate proof that the regime understood the power of historical memory.

#### **4.9 Conclusion**

This chapter has demonstrated that without recalling the dictatorship past there could not have been success in fighting the extension of the terms of office of the president. Remembering the atrocities of the previous regime offered insight into meaning of the constitutional change in the present democratic dispensation. In this regard it was not the memories as such that directly influenced the protest against the term extensions but rather the meaning that aggrieved groups attached to those memories that determined their capacity to fight against the term extensions. The memories of the past regime offered historical justification for fighting against the third term because the implication of being silent while the ruling elite were propagating the change would have meant acceding to hegemonic leadership. In this way shared memories of the dictatorship influenced anti third term activism. This is in line with observations made by Frederick Harris that shared memories of significant historical events influence collective action and activism over time.<sup>209</sup> Constitutional amendment would have altered the essence of democracy and significantly changed the nature and practise of the new democratic dispensation. Changing the constitution would have been very detrimental in a young democracy emerging from an

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<sup>207</sup> Joseph Ganthu, 'Dictatorship Defeated', *The Chronicle*, 7 July, 2002.

<sup>208</sup> *ibid*

<sup>209</sup> Frederick Harris, 'It takes a tragedy to arouse them: Collective memory and collective action during the civil rights movement,' *Social Movements*, vol.5 (2006) p.22

authoritarian past to recover fully and entrench democratic norms and respect for the rule of law. The laws or the constitution would have become meaningless had the ruling party succeeded in its endeavour because it would have opened up an unprecedented situation in the political history of the country.

## CHAPTER FIVE: CONCLUSION

Collective memory not only reflects the past but also shapes present reality by providing people with understanding and symbolic frameworks that enable them to make sense of their world. The past is frequently used as mirror in which people search for explanations and remedies to their present challenges.<sup>210</sup> It is through collective remembering that the past is tied interpretatively to the present. This process is contentious as different groups draw different understanding and interpretation to past events and may even delete or distort the past to serve present needs. The political changes that occurred in Malawi brought about new meaning and historical understanding to the past. The thesis has focused on examining the various ways that the authoritarian past in Malawi was mobilised and contested by various actors within the democratic dispensation. It has demonstrated that recalling the past in order to address the challenges that came with political pluralism was very pivotal in entrenching the democratisation process.

The politicisation of memory during the democratic dispensation revealed tensions and contestations about the various ways of understanding and remembering the past in the country. The history of dictatorship rule, and the memory of oppression, political victimisation, censorship, detentions without trial, lives on in the public consciousness and influences political life in the democratic era. At different times during the democratic era various actors mobilised the memories of the past dictatorship to advance or contest political agendas in the political landscape. The political elite in recalling the past manipulated collective memory to advance their objectives and legitimise their claims. This was particularly noticeable during the proposal for extension of the terms of the office of the president. The politicians engaged in a deliberate process of dissociation of their proposal for third term from the past dictatorship and wanted the people to focus on importance of changing the constitution without reflecting on the effect of prolonged stay in power as it happened under one-party regime. However, civil society and other political actors challenged such political manoeuvres by recalling the same past and ensuring that citizens remember the consequences of the one-party regime and prolonged stay in power.

The political contestations over the proposal for extension of terms of the office of the president were about respecting the rule of law. The civil society particularly encouraged people to reflect on the past and raise their voice against any undemocratic political strategies. The evils of the past were highlighted and similarities of past trends towards such rule in the present were brought to light. This helped in mobilising opposition to the proposal to extend presidential term of office. The protests and debates showed not only how the public understood the past but how that collective past should be remembered and contribute to shaping of the new democracy. The fear of returning to the past political misrule resulted into the successful fight against the change of the constitution and thereby promoted and consolidated democracy. As a consequence, the

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<sup>210</sup> Barbara a Misztal, *Theories of Social remembering*, p13.

thesis advances that history of the dictatorship past was used to promote democratic values in society.

Finally, this thesis has also demonstrated how social or political change in Malawi at various stages was accompanied by a new interpretation of collective memory. Beginning with the transition from colonial rule to independent nation the thesis has discussed how the political leadership through collective remembering developed a distinct collective memory that aligned with its ideology. The one party regime retrieved and reconstructed from the past a particular set of historical memories. The nationalist heroes in the struggle for independence were side lined and only those memories that were associated with the post-independent leaders were celebrated. Similarly during the transition from one-party rule to multi-party politics in the 1990's there were also contestations about the past and new memories of the repressive one-party regime were emphasised. These were memories that were previously repressed by the one party regime and the new memories were addressing the needs of a democratic era with political pluralism. These changes support the argument by Halbwachs that individuals or societies reconstruct various recollections of the past to suit the present.<sup>211</sup> During the dictatorship era representation of the past was to serve political manipulation by those in power. Since collective memories change as political power or social environment changes the transition to multi-party politics in Malawi meant that new memories of the past came to light due to the changing political environment. The memory of the Malawian political past influenced the way the people viewed their government and political leaders in the new political dispensation. Change in the political context affected the way the people related with their rulers and mostly the popular perception was to safeguard the democratic gains.

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<sup>211</sup>Maurice Halbwachs, *On Collective memory* (Chicago: University of Chicago press, 1992) p.192

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