



Forgotten by families

Anushka Virahsawmy



## CHAPTER 2

# Governance

## Articles 12-13



Joyce Banda appointed in April 2012 became the first female President in Malawi and in the SADC region. Photo: MacDonald Phiri

### KEY POINTS

- With a SGDI score of 45% based on women representation in Parliament and cabinet Malawi lags behind most other SADC countries, ranking eighth out of 15 Member States.
- Citizens were more generous with a CSC of 63% which is 18% more than the SGDI score. Female citizens were more critical and gave a score of 51% compared to a much higher 69% given by men.
- In April 2012, Malawi became the first country in the SADC region to have a female president, Joyce Banda, after the sudden death of the incumbent Bingu wa Mutharika.
- In 2009 Malawi witnessed the highest number of women candidates aspiring for parliamentary positions compared to all previous elections; numbers increased from 136 women contesting and 27 elected in 2004 to 237 women contesting and 43 elected in 2009.

- The representation of women in parliament is low 22%; in cabinet 23% which is far from the 50% target.
- The next national elections will take place in 2014 where it is anticipated that local government elections will take place together with national general elections.

Table 2.1: SGDI and CSC score for governance sector

	SGDI	CSC
Scores	32%	52%
Ranks	11	6

Although a low score, governance is one of only two areas where Malawi ranked in the top 10 on the SGDI. With a score of 45%, Malawi ranks eighth in the region.

However, the representation of women in parliament is only 22%. The last local government election held in year 2000 resulted in women receiving only 8% of the positions. Local government elections have been postponed several times in the past two years.

Citizens gave a more generous score of 63%, ranking the country five out of the 14 countries where citizen scorecards were collected. The higher score could have been a result of the

visible on-going 5050 campaign that brings together government and civil society. Women gave a score of only 51% while men gave a score of 69%.

## Background



Emma Kaliya, chair of the NGO Coordinating Network and Alliance focal point in Malawi, emphasising a point at the August 2011 re-launch of the 50/50 campaign in Harare, Zimbabwe. Photo: Trevor Davies

Achieving gender equality requires women's active participation and involvement in decision-making at all

levels, starting in the home and extending to the highest levels of government.<sup>1</sup> Elections are one opportunity to increase women's representation, raise issues of gender inequality and women's human rights, and to press for greater government accountability on gender sensitivity.<sup>2</sup>

Despite the fact that most countries had not come close to reaching the initial 1997 SADC Declaration on Gender and Development target of 30% representation of women in decision-making, Heads of State upped this target to 50% in the more binding 2008 Protocol on Gender and Development. The AU Protocol on Women's Rights also set a target of 50% women in decision making positions. Malawi subscribes to both instruments.

Malawi civil society has been working closely with the national gender machinery a 5050 campaign in a bid to increase women's representation in political decision making positions. The country was also represented by the Chairperson of the NGO Gender Coordinating Network, Emma Kaliya, at the regional re-launch of the 5050 campaign in Harare in August 2011 hosted by the Southern Africa Gender Protocol Alliance governance cluster led by the Women in Politics Support Unit (WiPSU).

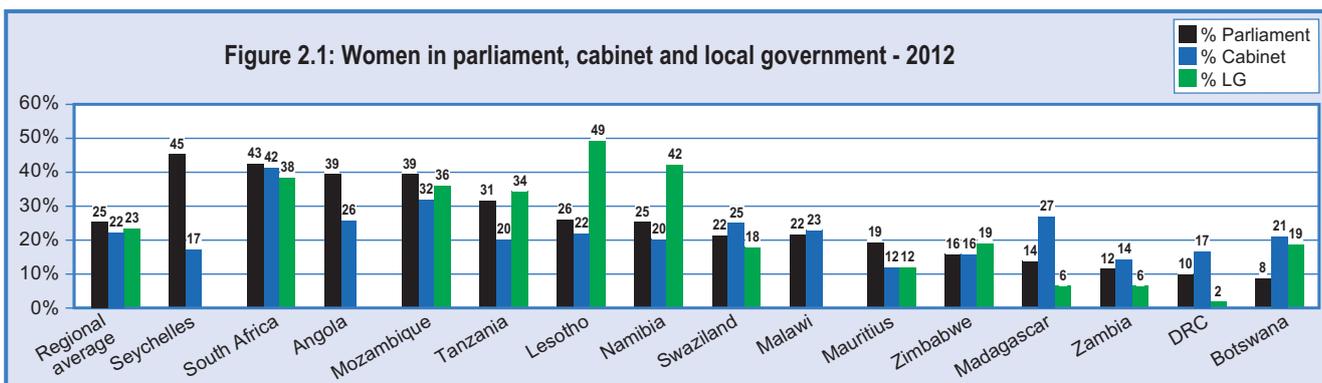
## Representation



*The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women, including the use of affirmative action measures as provided for in Article 5.*

*It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation are put in place at all levels.*

Figure 2.1: Women in parliament, cabinet and local government - 2012



Source: 2012 SADC Gender Protocol Barometer.

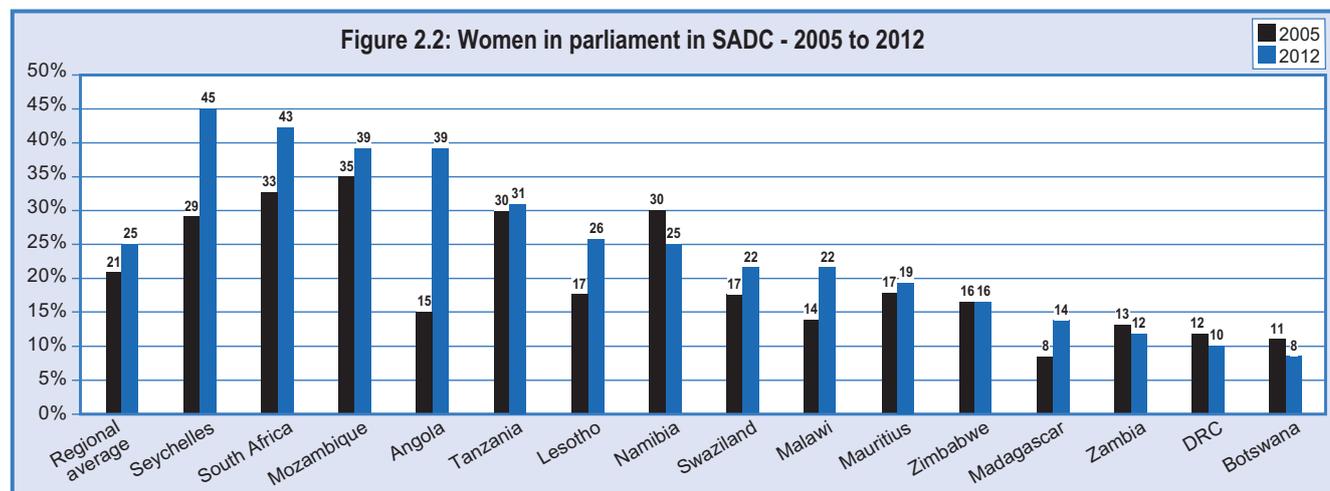
<sup>1</sup> 2011-2012 Progress of the world's women: In Pursuit of Justice, UN Women 2011.

<sup>2</sup> Ibid.

Figure 2.1 shows that Malawi continues to perform poorly in terms of women's representation in political decision-making positions. Women hold less than 30%

of the positions in cabinet and parliament. Table 2.2 gives a breakdown of women and men in parliament from each political party.

## Parliament



Source: 2012 SADC Gender Protocol Barometer.

Figure 2.2 shows that at 22% women's representation in parliament in Malawi increased by 8 percentage points in the last six years after the 2009 elections. The success could be attributed to the robust 5050 campaign lodged prior to the election. If the same trend continues the country could approach or surpass the 30% representation initial set by SADC in the 1997 SADC Declaration on Gender and Development.

Although at least ten countries in the region are yet to reach a 30% representation there has been a steady overall increase in the SADC region in terms of women's representation in parliament from 21% in 2005 to 25% in 2012.

**Table 2.2: Breakdown of women and men in parliament from each political party**

Political party	Women	Men	Total	% women	% men
Democratic Progressive Party (DPP)	38	122	150	19%	81%
Malawi Congress Party (3 defected to the ruling party) (MCP)	3	23	26	12%	88%
United Democratic Front	1	14	15	7%	93%
Alliance for Democracy (AFORD)	0	2	2	0%	100%
Malawi Forum for Unity and Development (MAFUNDE)	0	1	1	0%	100%
Maravi People's Party (MPP)	0	1	1	0%	100%
Independent (Defected to new party out of parliament)	1				100%
<b>National Totals</b>	<b>43</b>	<b>156</b>	<b>193</b>	<b>23%</b>	<b>77%</b>

Source: Malawi national Assembly, February 2011, Electoral Commission September 2011 and Local Media Reports September 2011.

Table 2.2 shows a breakdown of how many women and men are in parliament from each political party. It should be noted that numbers for political parties have changed because of some defections that have occurred during the last few months and a recent by-election that went to the ruling and opposition party Parliament gained one additional woman in October 2010 after a by-election. One DPP female and three MCP male parliamentarians left their parties to join the

newly formed People's Party and the ruling DPP respectively. Also all independent MPs have now joined the ruling party

### Local government

Local government structures are running without elected councillors. Local elections have been postponed to 2014.

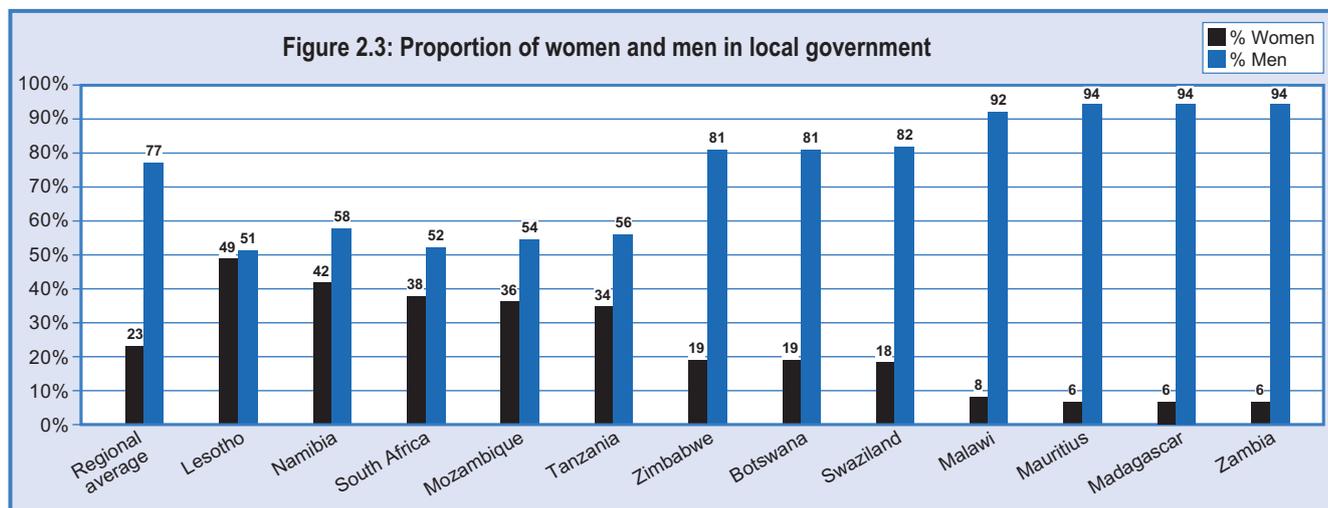
**Table 2.3: Women and men chief executive officers and district commissioners**

	No of women	No of men	Total	% women	% men
Chief Executive Officers	-	7	7	0%	100%
District Commissioners	1	25	28	4%	96%

Source: Ministry of Local Government and Rural Development, May 2011.

Table 2.3 shows that men occupy all the chief executive officer positions in the four city councils in Lilongwe, Blantyre, Zomba and Mzuzu. It also shows that there is only one woman district commissioner, representing a mere 4% against 96% for men. This trend is similar to the last local government elections in 2000.

Figure 2.3 gives a comparative analysis of women and men in local government across SADC. For Malawi the elections for the year 2000 were used as a reference point.

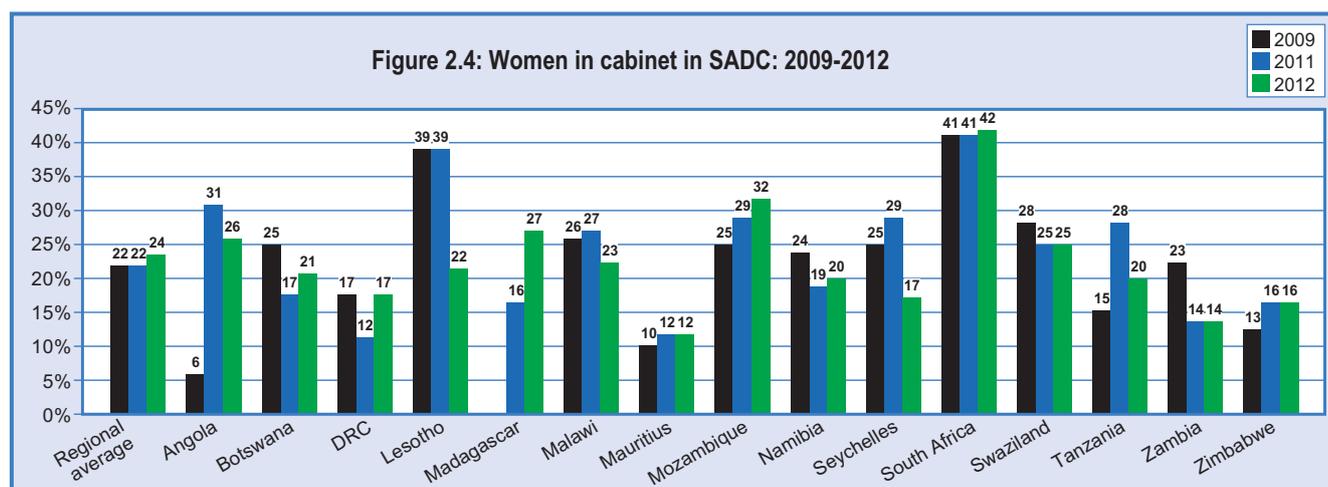


Source: 2012 SADC Gender Protocol barometer.

Figure 2.3 shows that women represent only 8% of local government representatives. However, Malawians have voted only once since 1994. The last local elections took place in year 2000. Government has announced that the next local elections will be held in 2014 together with the general elections, just a year before the SADC Gender Protocol deadline of 2015.

### Cabinet

Cabinet is one area in which Heads of State can make rapid progress towards achieving the 50% target because the president appoints the ministers.



Source: 2012 SADC Gender Protocol Barometer.

Figure 2.4 shows the number of women in cabinet has dropped 4% from 27% in 2011 to 23% in 2012. The figure may have since changed due to cabinet reshuffling according to available information. Some female ministers are heading ministries that are traditionally given to men, such as the Ministry of Industry and Trade Local Government and Rural Development.

In addition, the President appointed Dorothy Ngoma as the Safe Motherhood Coordinator to reduce maternal mortality and Hawa Ndilowe as the Deputy Chief Secretary in the Office of the President. In a short period of time President Banda has appointed women to high level Commissions, Boards and Committees. If this continues, female representation and participation in decision-making is expected to rise significantly.

### Gender and political parties

A number of political parties have quotas to ensure gender equality and increase women's representation

in their structures but this does not translate into action. Instead, there is a perception that women get positions within parties only to help the party gain support among women in communities.

During elections, both women and men have to register within the party whenever they want to stand as candidates. Most political parties do not favour women candidates for elections, especially in tightly contested constituencies.

The First Past The Post (FPTP) electoral system that is in place tends to put men at an advantage. Political parties will chose candidates that are likely to get them seats into parliament or the local council. A few parties put forward specific programmes to empower women. So far, only a few women take on decision-making positions within Malawi's political parties.

**Table 2.4: Gender in political party manifestos**

Party	Quota and nature/No.	Women specific projects (gender mainstreamed in manifestos)
DPP	Unclear but there are many projects.	The whole of chapter 13 of the DPP manifesto is dedicated to achieving gender balance. It flags specific projects to be implemented to achieve specific goals, for example, projects that: <ul style="list-style-type: none"> <li>• Recognise women as equal partners in development in every field of economic and political endeavor;</li> <li>• Establish a policy in development and business;</li> <li>• Identify and disseminate information on new opportunities for women to increase trade in Malawi;</li> <li>• Support NGOGCN and NABW to provide an enabling forum for female entrepreneurship in commodity trade;</li> <li>• Support women in gaining decision-making positions</li> <li>• Support the enactment of strong legislation to prevent GBV.</li> </ul>
MCP	30%	Yes, projects are in place, for example, projects that: <ul style="list-style-type: none"> <li>• Encourage the implementation of the 50-50 SADC Protocol;</li> <li>• Ensure women enjoy equal access to land status;</li> <li>• Supports NGOs that empower women;</li> <li>• Encourage women to participate in presidential, parliamentary and local elections;</li> <li>• Support the amendment of the Will and Inheritance Act in order to fully protect widows, widowers and orphans from having their property grabbed.</li> </ul>
AFORD	No	They have projects that: <ul style="list-style-type: none"> <li>• Intensify efforts and actions to redress the existing gender disparities;</li> <li>• Ensure more girls enroll and remain in schools;</li> <li>• Revise all oppressive practices, statutes and customary laws that perpetuate discrimination and present such for amendment and enactment.</li> </ul>
UDF	25%	No

Source: Party Manifestos 2009-2014.

Table 2.4 shows that the DPP and MCP mainstreamed gender in their manifestos and commit to women-specific projects, while AFORD does not. The Malawi Congress Party (MCP), according to its manifesto, commits itself to ensure that women hold at least 30% of decision-making positions in government (Global Database of Quotes for Women 2006). This did not translate into gains for women in the last National Assembly Election in 2009; the party performed poorly

and saw its representation fall from 57 seats in 2004 to 27 in 2009. Of those, only three seats, or 11%, were won by women.

In its party Constitution, the United Democratic Front (UDF) set a quota of 25%



Justice Anastazia Msosa: Chairperson of Malawi Electoral Commission.

Photo: Courtesy from NGOGCN

seats for women in the National Assembly. However, the party fared worse than the MCP, winning only 17 seats in 2009, compared to the 49 seats it won in 2004. Women won only 6% of the seats. The Democratic Progressive Party (DPP), formed in February 2005, won 113 seats in the 2009 election, of which 27% were won by women.

### Gender in electoral processes

There has been heated debates, especially among CSOs and politicians, on the use of the First Past The Post (FPTP) electoral system, with some arguing strongly in favour of combining FPTP and Proportional Representation (PR). The FPTP tends not to favour women's participation.

Quotas have not been used successfully; parties are not fully committed to them. There are no legislated quotas. Ironically the pre-1994 one-party system of government had a legislated quota for women. This might help to explain why quotas are perceived negatively.

The lobbying for a change in the electoral system is gaining momentum. On International Women's Day, which was commemorated in Malawi on 17th March, the NGOGCN used its platform to ask the government for a quota system or proportional representation to increase women's representation in parliament. There is renewed hope that now that there is a female president, the system could change.

The Electoral Commission (EC) in Malawi is charged with managing elections at the national level and ensuring that the body promotes gender equality. The EC has eight commissioners: three are women (38%), one of whom acts as chair, and four are men. A fourth woman left to take up a diplomatic post. At management level, there is only one woman (8%) compared to 11 men.

During the 2009 elections, with support from the Development Assistance Group on Gender (DAGG), the EC mainstreamed gender issues into the Election Voter

and Civic Education Strategy. The Development Assistance Group on Gender is made up of the NGOGCN, development partners and the Ministry of Gender, Children and Community Development.

In preparation for the 2014 elections, the EC and Law Commission, coordinated by the Ministry of Gender in partnership with other stakeholders, are reviewing the electoral laws, including the Local Government Elections (LGE) Act and The Parliamentary and Presidential Elections (PPE) Act.

### Gender and voters

The EC conducted a massive voter registration and education exercise in 2008. They found that 5,030,949 citizens were registered to vote in the country's elections but did not disaggregate the information by sex.

The EC objectives included:

- To increase knowledge, awareness, skills and attitudes about electoral processes and procedures, as well as how to make informed choices;
- To encourage public participation in electoral processes;
- To promote participation of vulnerable groups such as rural communities, women, youth, people with disabilities and those infected and affected by HIV and AIDS;
- To educate about attitudes and behaviour conducive to the peaceful and smooth running of elections;
- To build electorate confidence and trust in electoral processes.

**Table 2.5: Key voting data in last election**

	2004	2009
Total number of people who voted	3,205,863	4,600,757
Total % that turned out to vote	61.6	78.4
Total number of null and void votes	86,218	328,071
% of null and void votes	2.7	7.1

Source: <http://www.mec.org.mw>

**Table 2.6: Candidates fielded at national level**

PARTY	LAST TWO ELECTIONS				MOST RECENT ELECTIONS			
	M	F	Total	%W	M	F	Total	%W
DPP			-		141	52	193	27%
MCP					112	22	134	16%
UDF					139	32	171	19%
AFORD					25	4	29	14%
TOTAL					417	110	527	21%

Source: Report on Parliamentary and Presidential Elections - May 2009.

## Candidates

Table 2.5 shows that, apart from having a female presidential candidate, Malawi witnessed the highest number of women candidates aspiring for parliamentary positions compared to all previous elections. 110 (21%) women were elected out of the 537 candidates.

## Conduct of the polls



Honorable Ephraim Kayembe one of the Members of Parliament championing gender equality in parliament of Malawi. Has been working on issues of recognising unpaid care work. Speaking at the Gender Justice and Local Government Summit 2011, Johannesburg. March 2011.

*Photo: Trevor Davies*

Malawi experienced peaceful elections in 2009; there were no reports of serious incidents of voter intimidation.

Moreover, the EC set up a Media Monitoring Unit (MMU) to ensure that all contesting parties had equal access to the media. The Commission had no particular policy on ensuring equal access to the media by women and men candidates, especially public media.

The last Local Government Elections (LGE) were held in 2000. The LGE were originally scheduled for 2010 but parliament amended the PPE Act to allow the president to set a date for the Local Government Elections instead of the previous arrangement where LGE were automatically held a year after the Presidential and Parliamentary Elections.

In 2010 the EC announced that the LGE would be conducted on 20th April 2011. However, the President of the Republic of Malawi suspended the Malawi Electoral Commission (MEC) on 3rd December 2010 on account of the alleged misappropriation of MK1.4 billion equivalent to US\$4,645,000. The Commission was reinstated on 1st April 2011 after a forensic audit and with no explanation on the outcome of the investigation. Consequently, Local Government Elections will only be held in 2014, together with the Presidential and Parliamentary Elections

## Presidential

The presidential election race presented a few firsts for the country, with many women expressing interest in the process. Loveness Gondwe, leader of the breakaway Rainbow Coalition party, stood as the only female presidential candidate against six men. Unfortunately, she announced her candidacy late when other candidates had already made significant progress in their campaigns.

**Table 2.7: Votes for presidential candidates**

CANDIDATE	NATIONAL
Bingu wa Mutharika (DPP)	2,946,103
Kamuzu Chiwambo (PETRA)	35,167
Stanley Masauli (RP)	33,887
Loveness Gondwe (NARC)	32,160
Dindi Gowa Nyasulu (AFORD)	20,151
James Mbowe Nyondo [Independent]	27,328
John Zenus Ungapake Tembo (MCP)	1,370,044
<b>Total</b>	<b>4,464,840</b>

Source: Report on Parliamentary and Presidential Elections - May 2009.

Table 2.6 shows that Loveness Gondwe came fourth, with President Bingu Wa Mutharika the clear winner. In a first for the country, he nominated a woman, Joyce Banda, as his running mate when he presented his papers to the electoral commission on 6th February 2008.

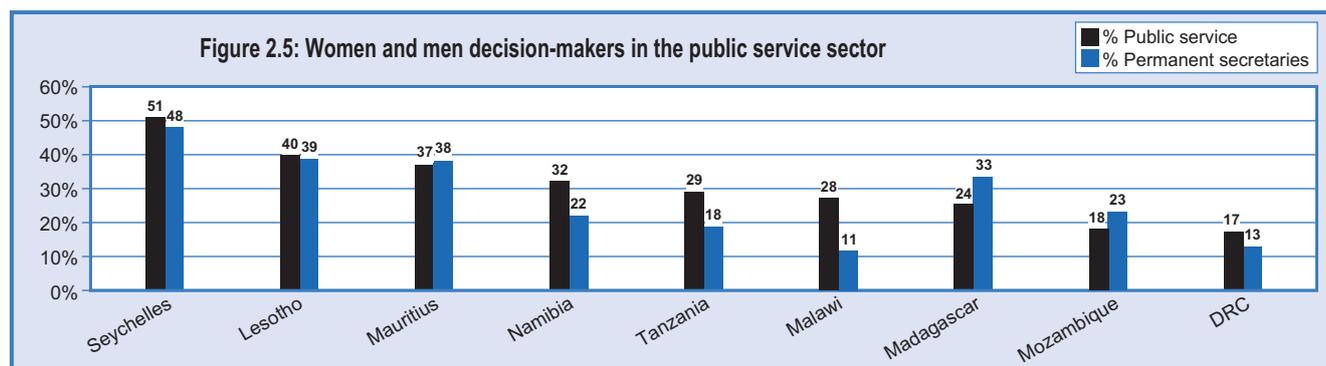
Banda's nomination took the country by surprise as the President was widely expected to name former Minister of Finance Goodall Gondwe as his running mate. Joyce Banda remained the country's Vice President until the 7th of April 2012 when she was sworn in as Malawi's first female president following the death of President

Professor Bingu Wa Mutharika. The late president's confidence in Joyce Banda signalled that attitudes towards women are changing.

President Joyce Banda is the first female president in the SADC region. She had even been expelled from the

ruling party in December 2010 for allegedly forming parallel party structures contrary to the Democratic Progressive Party's (DPP) constitution. Constitutionally, she remained the Vice President of Malawi. She later formed her own party named the People's Party.

## The Public Service



Source: 2012 SADC Gender Protocol Barometer.

Women are still far off reaching gender parity in public office. Figure 2.5 shows that women only make up 28% of those in public service and 11% of permanent secretaries in Malawi. Malawi compares poorly with

Seychelles, where there is almost gender parity, and to Lesotho, Botswana, Mauritius and Namibia where female representation in these posts is over 30%.

## Participation



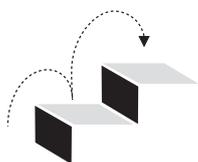
*The Protocol provides for state parties to ensure that, by 2015, at least 50% of decision-making positions in the public and private sectors are held by women, including the use of affirmative action measures as provided for in Article 5.*

*It further provides for member states to ensure that all legislative and other measures are accompanied by public awareness campaigns which demonstrate the vital link between the equal representation and participation of women and men in decision making positions, democracy, good governance and citizen participation are put in place at all levels.*

Table 2.8: Enhancing participation of women in public life

Measure of participation	Score /10	Explanation
Leadership and gender sensitivity training or mentorship.	5	Several interventions now target women, an improvement from the previous years.
Support structures for women in decision-making.	5	The momentum of the 50:50 campaign has slackened in the past year. The campaign needs to be revitalised to prepare for the tripartite elections expected in 2014.
Establishment and strengthening of structures to enhance gender mainstreaming.	8	The strengthening of structures and systems to enhance gender mainstreaming will support the existing initiatives. Also notable is the progressive work towards institutionalising the sector working group which has potential to systematically help in gender mainstreaming.
Changing discriminatory attitudes and norms of structures and procedures.	5	Attitude change is being achieved slowly.
Inclusion of men in gender related activities including community mobilisation.	7	Efforts to change people's attitudes are slowly gaining ground but Malawi has a long way to go. Men are still not involved in caregiving. However, through MEGEN, men's involvement in efforts to curb GBV is promising and gaining ground.

Source: Reference group on the Malawi Barometer - 2011/2012.



## Next steps

Malawi has a huge opportunity to make progress in women's representation in all levels of governance in the presidential, parliamentary and local elections scheduled for 2014. There is a long way to go, but already there are encouraging signs of progress. A female president, the only one in the SADC region, is a major boost.

- **Reinvigorating the 50:50 campaign:** A robust campaign is needed to prepare for the 2014 elections. For example, gender activists need to lobby for a change in the electoral system and for the adoption of special measures to increase female participation in politics. Parties need to become more aware of gender issues.
- **Encouraging new approaches to empowerment:** The training needs to be holistic and as well as gender analysis skills, it should include assertiveness skills, leadership training and communication skills. Also important is the use of the Internet, accessing the mainstream media and integrating gender issues into political campaigns. While there is a place for empowerment strategies that specifically target women decision-makers, it is also important to design strategies that include the 'new' men in politics.
- **Research, monitoring and evaluation are key:** Research, advocacy and lobbying by the women's movement is important.

- **The media is a key partner:** Gender, elections and media training show that the media has a key role to play in changing mind-sets and promoting female candidates.



Many women still confined to the burden of care in the home and communities and have less opportunities to occupy decision-making positions - Malawi, October 2011. Photo: Colleen Lowe Morna