

Building Up Malawi

By playing a key role as presidential adviser to his brother, Professor Peter Mutharika continues to serve his native country. by Rick Skwiot

In 1995, when Professor A. Peter Mutharika argued at the Republic of Malawi's constitutional convention for limiting presidential powers, he had no idea that his brother would hold that office within a decade. Now he laughs when asked whether he's changed his mind on those limitations since Bingu wa Mutharika was elected president of Malawi in May 2004. The president is serving a five-year term, in large part thanks to the help of his younger brother's advice and active campaigning.

"There should always be checks and balances and limited power to appoint by consent of parliament," says Mutharika. "But the president can use his authority to push through programs and has residual power. We do not feel constrained."

Mutharika uses the term "we" with some justification. He helped his brother—a former secretary general of the Common Market for Eastern and Southern Africa (COMESA) and a former Malawi minister of economic planning and development—found the United Party (UP) in 1999. As a third-party candidate, Bingu wa Mutharika made an unsuccessful presidential bid that same year. After the UP dissolved in 2001, both brothers rejoined the ruling United Democratic Front (UDF).

In August 2003 Mutharika was again at his brother's side at the UDF nominating convention. He returned to Malawi this past spring to act as strategic adviser on his brother's presidential run and to campaign in presidential and parliamentary elections.

and religions of more than 12 million people. "I was right there, giving advice along with others. You strive for balance, but some people inevitably had to be left out. Forming a cabinet is never a perfect, pretty thing."

Mutharika, who talks with his brother "very, very often," relishes his role as presidential adviser. "I see an opportunity not to dictate, but to influence—to talk to a head of state and make my case, mostly on foreign policy matters. It offers me a chance to help uplift my people and make a difference for my country."

A landlocked, subtropical nation roughly the size of Pennsylvania located in southern Africa just east of Zambia, Malawi is among the world's least-developed countries. It struggles with stiff health, economic, and political challenges.

Malawian life expectancy has dropped to 37.5 years due largely to HIV/AIDS, malaria, and a 10 percent infant mortality rate. Nearly a million people, or 8 percent of the adult population, are believed to have HIV/AIDS, a disease that kills some 85,000 Malawians annually.

The nation's annual per capita gross domestic product amounts to an estimated \$600. Reflecting the predominantly agricultural economy, nine out



Mary Burkus

Peter Mutharika brings international law expertise to Malawian government policy.

After the victory, Mutharika helped the president form a representative 19-member cabinet. The cabinet now is working to unify the country after a highly emotional and contentious campaign in which his brother won in a field of five other major presidential candidates by a 36 percent plurality. And the UDF party holds only 49 of 193 seats in the unicameral National Assembly.

"It was fascinating," Mutharika says of the politically sensitive job of building a government that accommodates the parties, regions, ethnic groups,

of 10 Malawians live in rural areas. The nation relies on significant economic assistance from the International Monetary Fund, the World Bank, and individual donor nations.

A former British protectorate of Nyasaland, the country faced three decades of corrupt, one-party rule under President Hastings Kamuzu Banda after gaining independence in 1964.

All of which means formidable challenges for the new president in promoting peace and security.

“Security comes not only from armaments, since most conflicts are internal,” says Mutharika. “Diseases and lack of opportunity cause global insecurity”—for which the new administration seeks global solutions.

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Mutharika advised his brother on his inaugural address and on his September 2004 speech to the United Nations General Assembly. In these addresses, the president urged debt cancellation for developing nations, a means for conflict resolution among African countries, and an international plan for sharing global prosperity.

“We are a small country and can’t directly influence the United States or

Russia or England, for example, but we can sensitize the developed countries to the needs of developing nations,” says Mutharika.

He himself became more aware of his country’s strife while traveling across Malawi on his brother’s behalf last spring: “During the campaign I had the opportunity to meet with people at the grassroots level. I saw poverty, desolation, powerlessness. I became sensitized to their needs.”

To help address these needs, the president has vowed to reduce unnecessary, runaway government spending and to put an end to corruption. In the latter effort he has been joined and supported by leaders of rival political parties.

One area of particular constitutional concern to Mutharika is the electoral process: “Managing elections in developing countries is always difficult. We strive for free and fair elections, though losers always think them unfair.”

To help improve the practice and perception of fairness, Malawi needs to upgrade its election technology, says Mutharika. “Malawi elections are done by manual count, with police presence at the polls. We do not have the sophistication of electronic voting. It took three days to count votes coming in from islands on Lake Malawi and from the remote backcountry regions,” he reports. “We would like to modernize this process, and, as we revise the constitution, we need to look toward electoral reform.”

Mutharika’s background and experience have prepared him for his work in his homeland. He received his LLB from London University, and his LLM and JSD degrees from Yale University.



AP/WideWorld Photos

Professor Mutharika’s brother, Bingu wa Mutharika, was elected president of Malawi in May 2004.

At Washington University he teaches *Contracts, International Law, International Investment, International Organizations, and International Transactions*. Mutharika also has taught at the University of Dar es Salaam in Tanzania, Haile Selassie University in Ethiopia, the United Nations Institute for Training and Research program for foreign service officers from Africa and Asia at Makerere University in Uganda, and Rutgers University in New Jersey. He also has served as an academic visitor at the London School of Economics. Additionally, he has served on numerous United Nations and international legal bodies, and presented papers throughout the world.

Mutharika looks forward to returning to Malawi to assist in revising the constitution that he earlier helped compose: “Being so close to the president gives me more opportunity to contribute and to help our people.” ♦

