


APPENDICES

APPENDIX I GOVERNMENT CHARTS

KEY TO SYMBOLS

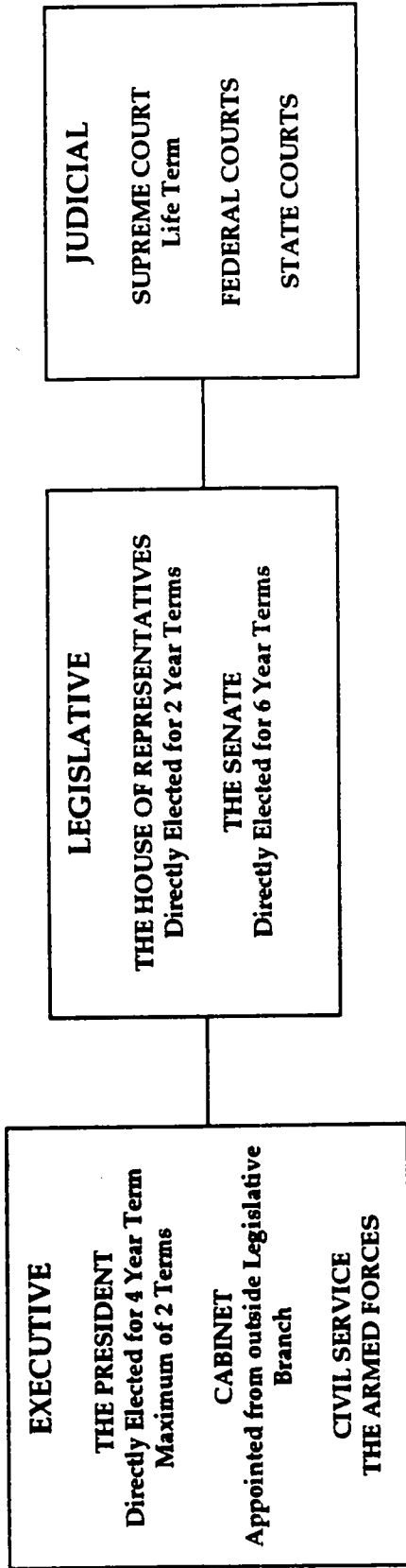
The symbols used in the following charts are meant to show differences in the separation of powers between branches of government.

 Indicates a high degree of separation

 Indicates a moderate degree of separation

 Indicates a low degree of separation

PRESIDENTIAL GOVERNMENT CHART
United States Model



NOTES

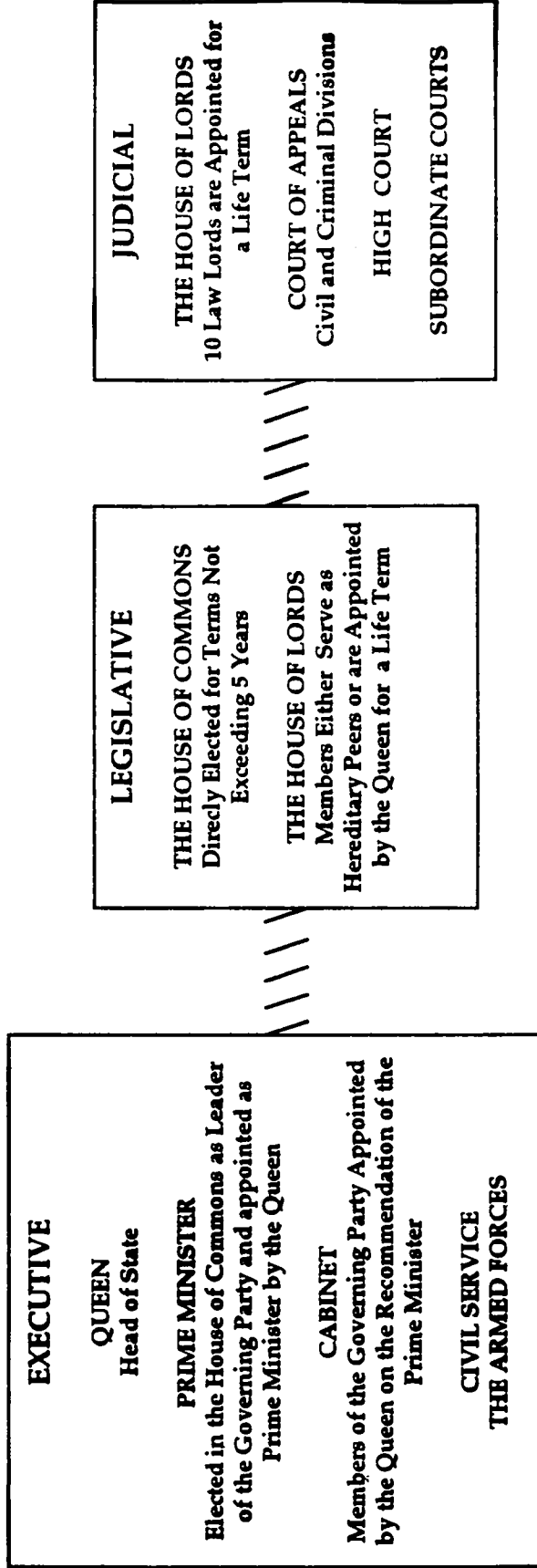
Members of the executive branch may not also be members of the legislative or judicial branches.

The President is elected directly and cannot be dislodged by a vote of no confidence in the Legislature.

The House of Representatives and the Senate share equal responsibility for passing all laws and can operate independently of the executive branch, although the President traditionally provides leadership in the development of legislation.

The Presidential veto can be overridden by a two-thirds vote in both the House or Representatives and the Senate.

PARLIAMETARY GOVERNMENT CHART
Westminster Model



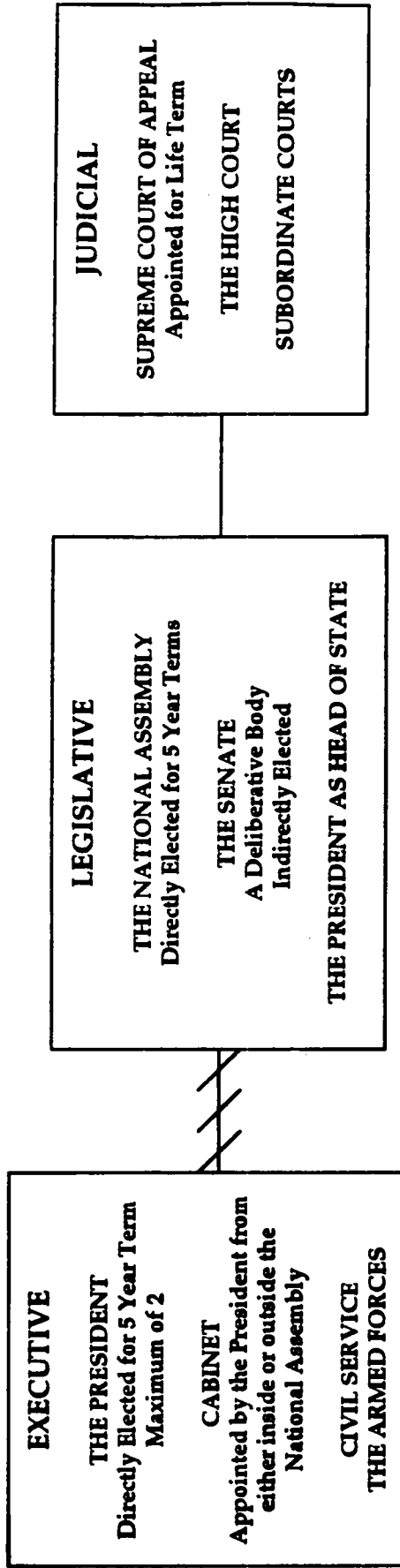
NOTES

Members of the Cabinet must also be members of the Governing Party in the House of Commons.

The Prime Minister is the leader of the Governing Party and may be removed by a vote of no confidence in the House of Commons.

The Lord Chancellor serves in all three branches. He is a Minister in the Cabinet, the Speaker of the House of Lords, and a Law Lord which is the highest position in the Judiciary.

MALAWI GOVERNMENT CHART



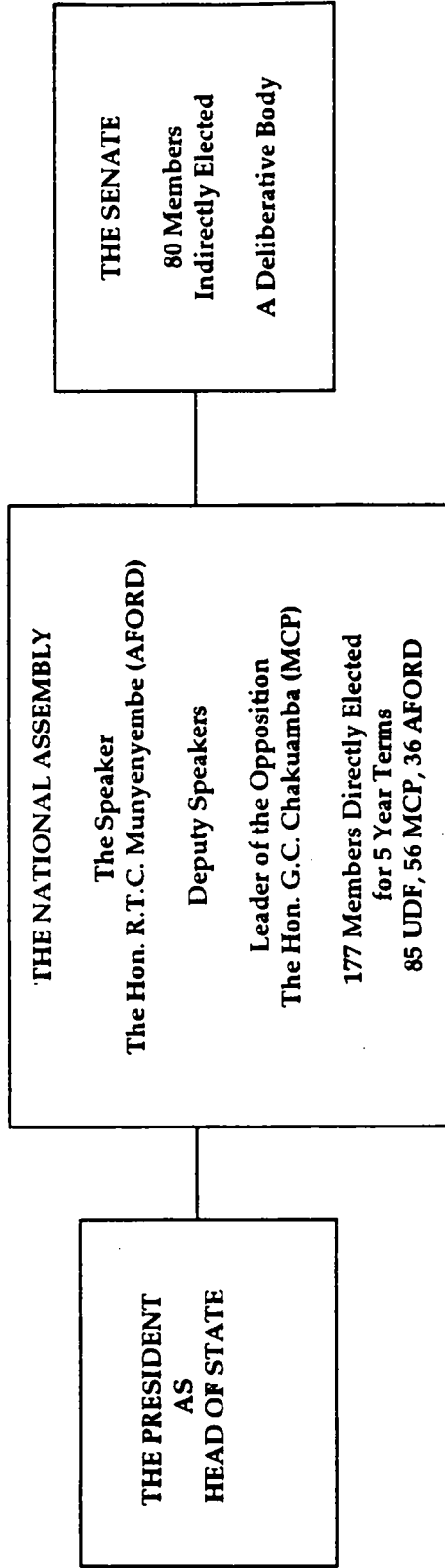
NOTES

The Senate and the Supreme Court of Appeal have not yet been created.

The National Assembly is responsible for passing all laws and can override both Presidential and Senate objections with a simple majority.

The President is included in Parliament but cannot be a member of the National Assembly or the Senate. He is directly elected for a five year term and can only be removed through impeachment.

MALAWI PARLIAMENT CHART



NOTES

The National Assembly is responsible for passing all laws and can override both Presidential and Senate objections with a simple majority.

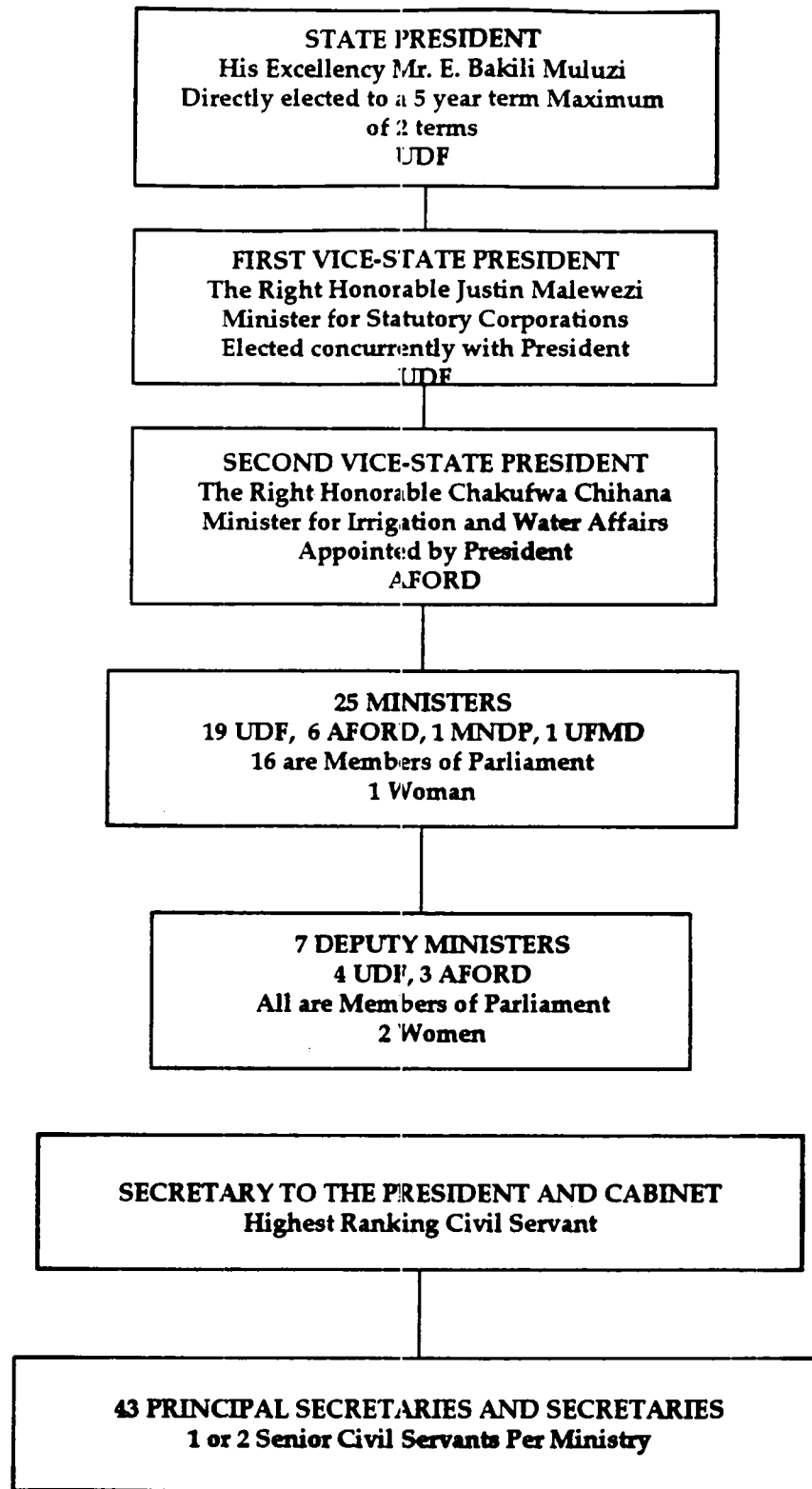
The President is included in Parliament but cannot be a member of the National Assembly or the Senate. He is directly elected for a five year term (maximum of 2) and cannot be dislodged by a vote of no confidence.

Ministers and Deputy Ministers may be selected from either inside or outside the National Assembly.

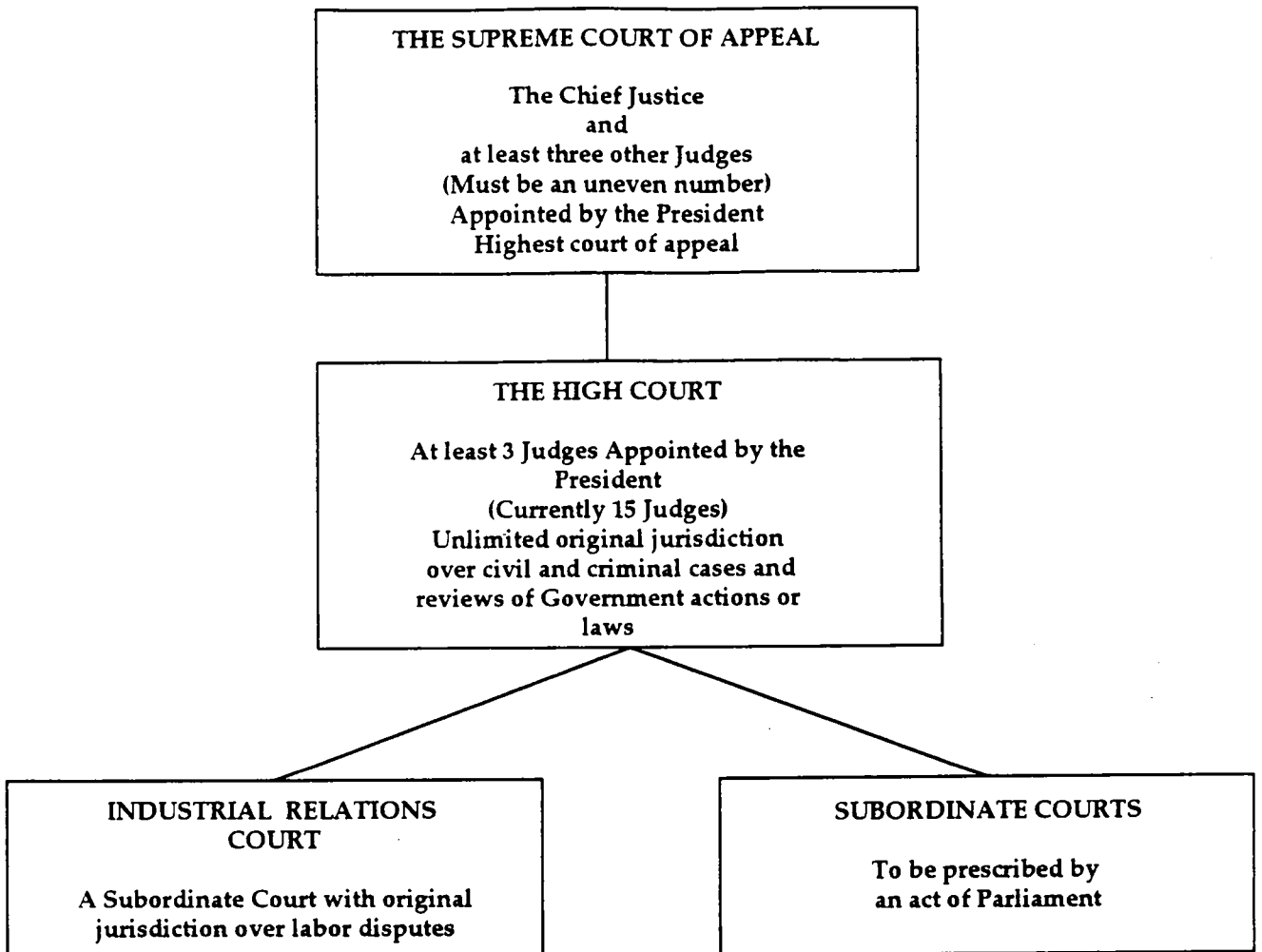
The Senate, which has not yet been created, includes:

- o Members elected by each District Council
- o Chiefs elected by a caucus of chiefs in each District
- o 32 Other Senators nominated by the Nominations Committee and representing interest groups in Malawi shall be elected by a 2/3rds majority of the Senate.
- o The Nominations Committee shall endeavor to ensure that the Senate is proportionately representative of the various groups in Malawi and that half of its members be women.

MALAWI EXECUTIVE CHART



MALAWI JUDICIARY CHART



NOTES

The Supreme Court of Appeal has not yet been created.

No court can be higher than the Supreme Court of Appeal or the High Court

The Chief Justice is The Honorable Richard Banda who is currently serving on the High Court.

APPENDIX II
PARTICIPANT BIOGRAPHIES

INTERNATIONAL PARTICIPANTS

The Honourable James Shannon

The Honourable James Shannon is a former Congressman from Massachusetts who was elected into office in the post Watergate era. In 1984, he ran for the United States Senate, but lost in the Democratic primary to the eventual winner, Senator John Kerry. Mr. Shannon went on to become the Massachusetts state Attorney General in 1986.

Ms. Claire M. Sylvia

Ms. Sylvia has served as the Assistant Legal Counsel in the United States Senate since 1989. She served as law clerk to Judge Mariana R. Pfaelzer from 1987 to 1988 when she accepted a position as an attorney at Hall & Phillips. She is a graduate of Harvard Law School, and was admitted to the California Bar in 1988.

Mr. Thomas P. Mondani

Mr. Mondani has been involved in Connecticut state politics for almost thirty years. From 1966 to 1972 he served in the state's legislature: two terms as a Representative and one term as a Senator. As Executive Director of the Connecticut Education Association (1971 to 1994), Mr. Mondani has worked with both the statehouse and the governor's office concerning his state's education policy, and in 1991 he was appointed to the Board of Governors for Higher Education by Governor Lowell Weicker. In addition to the ongoing posts listed above, Mr. Mondani is currently working as a consultant to the Connecticut state legislature. Mr. Mondani graduated from the University of Connecticut in 1956 and received his masters in education in 1962.

The Honourable Francois Froment-Meurice

Mr. Froment-Meurice is a French politician and academic with extensive experience in the French Assemblée Nationale and the European Parliament. He served as the leader of the Union du Centre parliamentary group in the French Parliament in 1988 and 1989. He has also held the position of National Secretary of the Centre des Démocrates Sociaux, and served as an advisor to Prime Minister Raymond Barre from 1977 to 1981. Since 1992, he has served as a Deputy in the European Parliament with the European Popular Party. Mr. Froment-Meurice participated in an NDI conference in Russia in July 1994.

The Honourable Joao de Menezes Ferreira

Mr. Ferreira has been a member of the Portuguese parliament since 1991. A lawyer by profession, he was a legal advisor to the Portuguese Permanent Representation to the European Community from 1986 to 1991. He was a negotiator for Portuguese Accession to the EEC, and the head of the delegation that drafted the Treaty of Accession and the European Single Act in 1985. He has lectured and written extensively in the field of international and community law. Ferreira, who grew up in France, served with NDI as an election observer in Albania in January 1992 and participated in a parliamentary conference in Romania in October 1993.

Mr. Firoz Cachalia

Mr. Cachalia has a long history of participation in South Africa's liberation struggle. He was a member of the United Democratic Front, and served on the Constitutional Committee at the CODESA negotiations. He later served on the Drafting Committee at the Multi-party Negotiating Forum. Mr. Cachalia is currently an ANC member of the Provincial Legislature of Pretoria-Witwatersrand-Vereeniging (PWV). He is an ANC Deputy Whip and Chairman of the Public Participation Standing Committee. He is also the PWV representative to the ANC's National Constitutional Commission. Mr. Cachalia received his law degree from the University of Witwatersrand and is in the process of completing a Masters of Law at the University of Michigan in the United States.

MALAWIAN PARTICIPANTS

The Right Honourable J.C. Malewezi

The Right Honourable J.C. Malewezi was born on December 23, 1944 in Ntchisi. He has served as the Governor of the Reserve Bank of Malawi, and during the recent elections was the UDF's main political and economic strategist. He was elected Vice President in conjunction with President Muluzi. He received his B.A. from Columbia University (New York) in 1967, and his Certificate in Education Projects and Programs from the Economic Development Institute (Washington D.C.) in 1978.

The Honourable R.T.C. Munyenembe

The Honourable R.T.C. Munyenembe was born on January 1, 1936. He received his University Certificate for Teachers of Deaf in Manchester England in 1966 and his Technician Certificate in Audiometrician in London in 1967. He worked as a Primary Teacher from 1961 to 1965, and as a special teacher to the deaf from 1967 to 1971. He was elected to Parliament in 1971 and has served as the Minister for Information and Broadcasting, the Minister of Community Development and Social Welfare, the Minister of Education, and the Minister of Health. He was elected to represent the Chitipa Wenya district as an Alliance for Democracy (AFORD) candidate in 1994 and was elected Speaker of the National Assembly on June 30, 1994.

The Honourable Richard Banda

The Honourable Justice Richard Banda was born in November 1937. In 1966, he qualified as a Barrister-at-Law at Grays Inn (London). Between 1966 and 1970, Justice Banda served as a Legal Aid Advocate, a State Advocate, a Traditional Courts Commissioner, and a Senior Resident Magistrate. In February 1970, he was appointed Director of Public Prosecutions and acted as Solicitor General. In 1972, he was appointed Attorney General and Secretary for Justice and was later named Malawi's first Senior Counsel. In 1980, Justice Banda was appointed to the Supreme Court of Malawi and the High Court of Malawi and was appointed Chief Justice of Malawi in January 1992.

Mr. Louis Chimango, M.P.

Mr. Chimango was born on October 21, 1943. He entered Parliament in 1978 and has served in several prominent positions with the Malawi Congress Party (MCP). He most recently served as the Minister of Finance. In the recent elections, he won his election in the Lilongwe Mpenu district, and is currently serving as a member of the Parliamentary Constitution Committee. He is trained as a lawyer, and was previously a Senior Lecturer at Chancellor College of the University of Malawi.

Mr. Arthur G. Makhalira, M.P.

Mr. Makhalira was born on June 19, 1948. He was a Legal Practitioner before running for Parliament with the United Democratic Front (UDF). He currently serves as a member of the Parliamentary Constitution Committee.

Mr. Roosevelt Gondwe

Mr. Gondwe was born on October 7, 1955. He received his LLB in Malawi and his LLM (Public Law) in London. He also received a Certificate in Legislative Drafting in London and a Certificate in Parliamentary Practices and Procedures in New Zealand. He has worked as a Legal Aid Advocate and Principal State Advocate in the Ministry of Justice, and served as the Commissioner for Lands. He is currently the Clerk of Parliament, and has served as the Chairman of the Association of Clerks in Commonwealth Africa.

APPENDIX III
SEMINAR PARTICIPANTS

MEMBERS OF PARLIAMENT (excluding Ministers)

1.	Mr. C.C. Banda, M.P.	AFORD
2.	Mrs. M.M. Banda, M.P.	AFORD
3.	Rev. P. Banda, M.P.	AFORD
4.	Mr. S.K. Banda, M.P.	AFORD
5.	Mr. D.P. Bangala, M.P.	UDF
6.	Mr. S.A.M. Billiati, M.P.	UDF
7.	Mr. H.D. Bobo, M.P.	UDF
8.	Mr. B.K. Bonongwe, M.P.	UDF
9.	Mr. G.J. Bundaunda Phiri, M.P.	MCP
10.	Mrs. L.M. Chagwamnjira, M.P.	MCP
11.	Mr. K.Z. Chakhwantha, M.P.	MCP
12.	Hon. G. Chakuamba, M.P.	Leader of the Opposition
13.	Mr. D. Chamayere Phiri, M.P.	AFORD
14.	Mr. L.C. Chaziya, M.P.	MCP
15.	Mr. P. Chibwana, M.P.	MCP
16.	Mr. G.A. Chidamgwela Nkhungulu, M.P.	MCP
17.	Mr. D.J. Chikhawo, M.P.	MCP
18.	Mr. L.J. Chimango, M.P.	MCP
19.	Mr. A.M. Chimphamba, M.P.	MCP
20.	Mr. A.S. Chimphanje Phiri, M.P.	MCP
21.	Mr. D.G. Chimutu Nkhoma, M.P.	MCP
22.	Mr. D.F. Chinduta, M.P.	MCP
23.	Mr. V.G. Chinere, M.P.	MCP
24.	Mr. M.C. Chipala, M.P.	UDF
25.	Mr. B.R. Chisale, M.P.	UDF
26.	Mr. E.J. Chisiano, M.P.	UDF
27.	Mr. L.B. Chithodwe Nkhoma, M.P.	MCP
28.	Mr. L.P. Chiundira, M.P.	MCP
29.	Mr. I.S. Chiutsi, M.P.	UDF
30.	Mr. W.M. Chomo, M.P.	AFORD
31.	Mr. M.N. Dokotala, M.P.	MCP
32.	Mr. O.E. Essau Phiri, M.P.	UDF
33.	Mr. R.L. Gondwe	Clerk of Parliament
34.	Mr. P. Gwalidi Mbewe, M.P.	MCP
35.	Mr. F.C. Kachala, M.P.	UDF
36.	Mr. N.J. Kachingwe, M.P.	UDF
37.	Mr. R.G.C. Kadango, M.P.	UDF
38.	Mr. J.C. Kadzakumanja, M.P.	UDF
39.	Mr. W.D. Kadzongwe, M.P.	MCP
40.	Mr. J.F.E. Kafunsa, M.P.	UDF
41.	Miss C.T. Kainja, M.P.	MCP
42.	Mr. M. Kalele, M.P.	UDF
43.	Rev. W.H.J. Kalenga, M.P.	UDF
43.	Mr. B.A. Kalinda Phiri, M.P.	MCP
44.	Mr. K.A.D. Kalolo, M.P.	MCP

45.	Mr. G.D. Kalomba, M.P.	MCP
46.	Mr. O.F. Kamala, M.P.	MCP
47.	Mr. W.J. Kamangeni Banda, M.P.	MCP
48.	Mr. M.E. Kambewa Chisale, M.P.	MCP
49.	Mr. F.M. Kangaude, M.P.	MCP
50.	Mr. R.G. Kamlangila, M.P.	UDF
51.	Mr. R.R. Kansichi Banda, M.P.	MCP
52.	Hon. Mrs. L.L.L. Kapanda Phiri, MP	MCP, Second Deputy Speaker
53.	Mr. G.L. Kapolo, M.P.	UDF
54.	Mr. E.C. Katola Phiri, M.P.	MCP
55.	Mr. P.F. Katsanga, M.P.	UDF
56.	Mr. B.H. Kawonga, M.P.	AFORD
57.	Mr. L. Kayera, M.P.	MCP
58.	Mr. S.A. Khamfula, M.P.	MCP
59.	Mr. B. Khamisa, M.P.	UDF
60.	Mr. B.J. Khamisa, M.P.	UDF
61.	Mr. O.K. Khembo, M.P.	MCP
62.	Mr. N.P.W. Khonje, M.P.	UDF
63.	Mr. W.E. Kufeyani, M.P.	MCP
64.	Mr. J.P. Kubwalo, M.P.	UDF
65.	Mr. F.L. Kumwenda	AFORD
66.	Mr. N.C. Kumwenda, M.P.	AFORD
67.	Mr. L.M. Kungwezo Banda, M.P.	MCP
68.	Mr. F.N. Kunje, M.P.	UDF
69.	Mr. F.B.S. Kwacha, M.P.	UDF
70.	Mr. E.F. Kwanjana, M.P.	MCP
71.	Mr. Y.A. Lambat, M.P.	UDF
72.	Rev. Dr. F.D.K. Lemani, M.P.	UDF
73.	Hon. Mrs. L.A. Lossa, M.P.	UDF, Deputy Minister of Health
74.	Mr. G.M. Lowe, M.P.	MCP
75.	Mr. A.Z. Lufeyo Kanyatula, M.P.	MCP
76.	Mr. J.K. Luwe	AFORD
77.	Mr. K.L. Magalasi Phiri, M.P.	UDF
78.	Mr. H.D. Mailosi, M.P.	UDF
79.	Mrs. M.P. Maimba, M.P.	MCP
80.	Mr. B.B.C. Majoni, M.P.	MCP
81.	Mr. W.L. Makata, M.P.	UDF
82.	Mr. N.K. Makawa, M.P.	UDF
83.	Mr. A.G. Makhalira, M.P.	UDF
84.	Mr. G.H. Makhole, M.P.	UDF
85.	Mr. R.J. Makuwila, M.P.	UDF
86.	Mr. C.D. Makuwira, M.P.	UDF
87.	Mr. K.S. Makwangwala, M.P.	UDF
88.	Mr. J.S. Malango, M.P.	UDF
89.	Mr. T. Maloya, M.P.	UDF
90.	Mr. P.M. Mamele, M.P.	UDF
91.	Mr. J.K. Mankhwazi, M.P.	MCP
92.	Mr. J.A. Manyozo, M.P.	UDF
93.	Mr. M. Maseko, M.P.	MCP
94.	Mr. C.B.M. Masiyamphoka, M.P.	MCP
95.	Mr. L.T.C. Masiye, M.P.	MCP
96.	Mr. D.B. Mataka, M.P.	UDF
97.	Mr. J.S. Matapila Banda, M.P.	MCP

98.	Mr. M.B. Matengula, M.P.	MCP
99.	Mr. W.D. Mauwa, M.P.	UDF
100.	Mr. A.A. Mbaya, M.P.	UDF
101.	Mr. M.M. Mbeya Mwale, M.P.	MCP
102.	Mr. A.A. Mdala, M.P.	UDF
103.	Mr. M.A.K. Mgolomba, M.P.	AFORD
104.	Mr. N.W. Mjojo, M.P.	UDF
105.	Mr. F.V.M. Mkandawire, M.P.	AFORD
106.	Mr. O.I. Mkandawire, M.P.	AFORD
107.	Mr. D.H.J. Mlomo, M.P.	MCP
108.	Mr. D.H. Mlozi Banda, M.P.	MCP
109.	Mr. J.L. Mlungama, M.P.	MCP
110.	Mr. T.J.M. Mnesa, M.P.	UDF
111.	Mr. M.K. Moyo, M.P.	AFORD
112.	Mr. J.M.A. Msekawanthu, M.P.	AFORD
113.	Mr. W.K.C. Msiska, M.P.	AFORD
114.	Mr. S.S. Msosa, M.P.	UDF
115.	Mr. W.H.M. Msuku, M.P.	AFORD
116.	Mr. M.P. Msusa, M.P.	UDF
117.	Mr. B. Mtonga, M.P.	AFORD
118.	Mr. M.H.C. Mughogho, M.P.	AFORD
119.	Hon. R.T.C. Munyenembe	Speaker of Parliament
120.	Mr. U.B. Mussa, M.P.	UDF
121.	Mr. E.W. Musyani, M.P.	AFORD
122.	Mr. G.R.K.L. Mwamondwe, M.P.	AFORD
123.	Mr. E. Namangale, M.P.	UDF
124.	Mr. M.N. Ndhlovu, M.P.	AFORD
125.	Mr. M.H.M. Ngoma, M.P.	AFORD
126.	Mr. G.B. Njala, M.P.	UDF
127.	Mr. Nkhungulu, M.P.	MCP
128.	Mr. F.G. Nowa, M.P.	UDF
129.	Dr. H.M. Ntaba, M.P.	MCP
130.	Mr. G.K. Nyirenda, M.P.	AFORD
131.	Mrs. L.E. Patel, M.P.	UDF
132.	Mr. C.S. Phangaphanga, M.P.	UDF
133.	Mr. S.D.K. Phumisa, M.P.	UDF
134.	Mr. A.K.M. Pillane, M.P.	UDF
135.	Mr. T.Y. Rauchi, M.P.	UDF
136.	Mr. A.C. Sabola, M.P.	MCP
137.	Mr. C.W. Salima, M.P.	AFORD
138.	Mr. R.J. Sembereka, M.P.	UDF
139.	Mr. A.L. Shawa, M.P.	AFORD
140.	Mr. S.J. Sitsi Nkhoma, M.P.	MCP
141.	Mr. E.R. Sosola Nkhoma, M.P.	MCP
142.	Mrs. A. Sumani, M.P.	UDF
143.	Mr. A. Taulo, M.P.	UDF
144.	Mr. W. Tayub, M.P.	UDF
145.	Mr. C.B. Thete, M.P.	UDF
146.	Mr. G. Viola, M.P.	UDF
147.	Mr. D.S. Zaipa, M.P.	MCP
148.	Mr. G.E. Zulu, M.P.	AFORD

The workshops also discussed different methods of communicating with the public. Mr. Arthur Makhallira suggested that the country should be flooded with copies or summaries of the constitution. Dr. Vera Chirwa along with several other participants suggested that radio broadcasts would provide the perfect means of reaching a lot of people in little time. Ms. Edna Chipofya also suggested that radio presentations could target different audiences at different times.

The Speaker of Parliament, the Honourable R.T.C. Munyenembe, questioned how they could pay for radio time. The Honourable Francois Froment-Meurice recommended that the government should pass legislation requiring the radio station to provide free air time for constitutional debate and education. He explained that in France, the government would pass such legislation to require the public broadcast of important national political debates.

Many participants felt that the Government, Parliament and the NGOs should work together to produce educational materials and disseminate them to people in the rural areas. Mr. Mhone suggested that the Electoral Commission could provide assistance in such an effort. He stated that: "Groups like the Electoral Commission have a lot of experience and knowledge in areas such as civic education, distribution of materials to different parts of the country and working with NGOs. The Electoral Commission provided a lot of civic education during the election in only three months so a lot can be done in a short amount of time." Mr. Mhone argued that these groups have not been utilized in the constitutional review process and he went on to argue that the issue of resources is a poor excuse. "If we can afford to have a Second Vice President why can't we afford to properly consult the public. The resources are there, the will is lacking." Ms. Claire Sylvia suggested that Parliament needed to construct a plan and then draw on the expertise of groups such as the Electoral Commission and NGOs when designing civic consultation programs.

All three workshops concluded that the role of public participation in national political debates is very important and that assistance is required to facilitate this process. Participants thought that it was necessary for Parliament and the NGOs to work together to better plan for ways to consult the public. It was agreed that use of the radio provided the best means to reach a wide audience and Mr. Mordicai Msisha suggested that government advertising revenue could be used as an incentive to encourage the coverage of constitutional issues in the press. Mr. Arthur Makhallira also encouraged the Speaker to take up the issue of air time with Malawi Broadcasting Corporation (MBC) as soon as possible, and urged Members of Parliament to participate in the civic education process.

Workshop Recommendations

The workshops on Public Participation in the Constitutional Review presented the following recommendations:

- o Effective public participation in the constitutional review process is essential to ensure that the Constitution is understood by the public and seen as legitimate by the people of Malawi.
- o Parliament's Constitution Committee, NGOs and outside experts should work together to produce educational materials and gather public input on the constitution.
- o A summary of the Constitution should be produced in the necessary languages and distributed as soon as possible.
- o There should be better coordination with civic organizations, and these groups should be consulted in preparation for Parliament's Constitutional Conference in February.
- o All forms of the media should be used to educate the public and to gather suggestions for the National Conference. Special emphasis should be placed on the use of the radio and the need for more creative messages on the radio.
- o A strategy should be developed for targeting different groups through different means of communication.
- o There should be a Day of National Consultation when Members of Parliament and NGO representatives hold village meetings and make radio presentations.
- o Members should look at the experience of the electoral commission which succeeded in educating the population about the election in a short period of time.
- o NGOs and other groups should be supported to participate in the Constitutional Conference in February.

o Parliament should plan for the involvement of the public in all national political debates.



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