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# Mind the Deadweight Loss: In Search for an Acceptable Electoral System in Malawi's Nascent Democracy

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**Abstract:** There has been escalating debate amongst electoral stakeholders in Malawi agitating for change of the prevailing electoral laws to accommodate an electoral system that produces more legitimate candidates and outcomes – voted by the majority of electorate - especially at presidential election level. The aim of this paper was, therefore, to investigate and argue as to whether electoral system change is a solution in itself. The study advances the argument to the effect that before changing prevailing electoral systems (especially in a jurisdiction like Malawi where First-Past-the-Post is applied), greater caution should be taken since the extent to which a particular electoral system can be deemed and declared effective may vary from one democracy to another depending on varying societal factors. To illustrate the argument, the methodology used involved the analysis of Malawi's voting dynamics since 1994. The main variables of analysis and discussion included the seemingly-entrenched regional pattern of voting as well as observable voter apathy records during the previous elections. Based on the observed trends, a hypothetical case was constructed to depict likely outcomes and how such outcomes run the risk of not adding any value over and above the outcomes obtained by maintaining the current electoral system. A review of election results over the years was conducted in order to inform the discussion and conclusion of this paper. The result of the analysis has concluded that in the absence of a thoughtful roll-out strategy prior to adoption of an unfamiliar electoral system to most Malawians; and in the midst of low civic and voter education practices, voter apathy, politics of regionalism, among others, two round systems run the risk of producing sub-optimal outcomes that may not in any way present an upgrade or improve the legitimacy and acceptability of elected governments and/or candidates.

**Keywords:** Deadweight Loss, Two Round System, Malawi, Electoral Systems

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## 1. Introduction

The dawn of multiparty era in the final decade of the 20<sup>th</sup> century brought both excitement and relief to the majority of citizens in most countries in the southern part of Africa, including Malawi. Multiparty democracy represented a huge milestone and defined increased participation of people in policy and decision making through elected representation. This is opposed to a longer period of survival under dictatorial governments. To demonstrate this excitement and renewed hope, most inaugural referenda and general elections that characterised the transitional period were highly subscribed and voter turnouts in such elections were as overwhelming and encouraging as everyone could hope. However, two to three general elections down the line, the debate about voter apathy, electoral systems and their

implications on ushering in second best leaders into power ensued. Theories have been constructed explaining the observable decreases in number of people participating in elections, let alone the widening variances in number of registered voters against those who actually vote on the polling day. Explanations have tended to revolve around inadequate civic and voter education, people's dissatisfaction with the performance of elected governments and politicians in the preceding elections (whom the electorate feel they tend to serve their interests upon ascending to their offices at the expense of serving the general good of the voters). This has also extended to the existence of blurred lines in manifestos of political parties competing in elections to the extent that a voter can hardly distinguish the uniqueness in performance, no matter which political party attains power - the all politicians are the same 'tag'.

With the passage of time, an argument can be put forward that Malawi has failed to provide a panacea to the voter apathy challenge. Electoral management authorities have tried to step up civic and voter education efforts, while at the same time, various civil society and non-governmental organisations have taken their positions in mobilising people to vote when it matters most. Political debates, which were a rare sight during the hay days of multipartism, are organised prior to the elections to give platform to competing political parties and their torchbearers to market their manifestos/ideologies to the electorate. All these efforts, nevertheless, appear not to solve the voter apathy puzzle.

On a positive note, however, the number of political parties participating in elections seems to be growing. On paper, for the electorate, this state of affair should offer a wider pool from which to choose. Whether this has worked to improve the quality of electoral outcomes to the satisfaction of the voter is beyond the scope of this paper. However, what stands out clear for this paper is that the growing number of candidates, coupled with the increasing resentment by voters as a result of absence of distinction in performance of political parties when given a chance to form governments, has played a role in splitting voters among the "indifferent candidates" to the extent that the eventual winners of elections have tended to make it with a "minority" of voters behind them. The paper will explain the contextual meaning of minority governments later, as the discussion unfolds. It is on the basis of the emergence of the so-called "minority" governments that fresh debates and questions have been ignited as to whether it is time to reflect on electoral systems that are viewed as one of the determinants of the quality of the final electoral outcome, its acceptability by many and legitimacy of the governments so formed.

## 2. Electoral Systems

The study of voting or electoral systems is often associated with the discipline of political science. However, the topic is as important and central to other fields in social science other than political science as it extends to public sector economics (social choice theory) and mathematics. Ideally, a voting system should mirror the quality of the policy choice. The centrality of the concept to economics is due to its connection to allocative (in)efficiency and the final outcome and quality of public policy choices. Wikipedia defines an electoral system as an agreed set of rules to be followed "for a vote to be considered valid, and how votes are counted and aggregated to yield a final result. It is a method by which voters make a choice among choices, often in an election or on a policy referendum" [1]. According to some scholars, [2] and agreeably so, electoral or voting systems are important in three main aspects. Firstly, they are perceived to have an impact on eventual government effectiveness via the impact on the extent of fragmentation or coherence that may result. Secondly, conflicts can either be eased or exacerbated by electoral systems; and thirdly, electoral systems facilitate the systematic and orderly determination of outcomes of public

policy over and above "the behaviour and incentive structures of political actors" [2]. But the effects of such electoral systems are observed to be also dependent on existing institutions, at least according to studies and conclusions [3, 4].

Electoral systems fall into various categories. However, most scholars accord prominence to three main categories, with some variants derived therefrom. The three main families include majoritarian or plurality, proportional representation and mixed system [5]. Under plurality or majoritarian, the underlining principle is that the candidate with the most votes wins an election. However, a marked difference in the two lies in that, with regard to plurality, any candidate with the most votes wins regardless of the margin of the win or the proportion of votes cast against the winning candidate. But in majoritarian, attention is given to production of a candidate most acceptable by voters i.e. a 50% plus one vote acceptance threshold.

### 2.1. *Why the Fuss About Electoral Systems*

The debate about which voting system(s) is (are) superior has tended to revolve around, among other arguments, the effectiveness and legitimacy of governments. The whole thrust of democracy and superiority of democratic governments is derived from people's involvement in policy and decision making at various levels of government through election of representatives. More often, it is argued that the quality and acceptability of policies and legislation is dependent on the representativeness of electoral outcome which is in turn dependent on the electoral system used to determine the outcome. There has been a general bias towards plurality/majoritarian systems. Arguably, this is because there is usually one winner and preference. As such, proponents argue that the system tends to produce the popular winner as the latter tries their best to sell themselves as much as possible, as opposed to behaviours under proportional representation systems. This, it is argued, works to encourage political parties to maintain broader appeal hence discouraging possible existence or emergence of extremism [6]. Studies have been done across time and space to test the arguments for and against one family of electoral system as analysed against others [3, 7]. Empirically though, the outcomes of such studies have tended to produce inconclusive results.

Save for acceptability of the elected, mitigation and promotion of conflicts has also been advanced as one of the justifications for varying electoral systems. More specifically, proportional representation is billed as one such type that can aid to diffuse potential tensions and conflicts in a country where political inclinations are polarised by whatever cause - natural, manmade and whether the polarisation is real or perceived.

### 2.2. *Plurality System and the Malawi Experience*

Malawi is one of the countries located in the southern part of Africa. The country shares common features with almost

all the countries in the region, on average, with respect to the maturity, or lack of it, of the democratisation processes. The discussion of the Malawi experience with the plurality system will focus on the presidential election outcome rather than parliamentary and local government. In any case, reference will only be made to some interesting characteristics of the 2000 local government elections as a way of backing the thesis of this paper. Malawi has had a number of general elections since 1961. However, from then until the dawn of multiparty democracy in the early 1990s, the country has predominantly conducted parliamentary elections. Even with such elections, it has mostly been predominated by the Malawi Congress Party (MCP) to the extent that conducting election was a matter of formality as in most instances, the outcomes of the elections were always a known conclusion. The pre-1994 era does not, therefore, necessarily add any value to the discussion in this paper and will, hence, not be subjected to any further debate.

Malawi has hitherto conducted five general elections. First-past-the-post (FPTP), a variant of the plurality system, is followed to declare winners at presidential, parliamentary and local government levels. While there has not been any serious misgivings with the system at the latter two levels, the former has generated much resentment as highlighted in this paper. Most countries in Southern Africa use FPTP in one form or the other. These include Botswana, Lesotho, Madagascar, Seychelles, Tanzania, Zambia, and many others, though distinctions emerge in that some of the mentioned democracies are not presidentialist and others use a combination of more than one system.

### **2.3. The Agitation to Review the Electoral System**

The debate surrounding the appropriateness of electoral systems is not confined to young democracies of Southern Africa nor is it to Malawi. Even in mature democracies, such debates have become intense at some point. For instance, various commissions have been instituted in Britain to “consider and recommend any appropriate system or combination of systems... [as] ...an alternative to the present system” [6]. These commissions include, among others, the Independent Commission on the Voting System, also known as the Jenkins Commission constituted in 1997, which was instituted to consider the merits and demerits of the FPTP and other proportional representation systems including learning from the experiences of other jurisdictions such as Germany, Italy, France, Australia, among others. There was also the Independent Commission on Proportional Representation (ICPR), constituted with the mandate to collect and analyse data that may provide information necessitating a change of the voting system to be considered before the House of Commons. Other formal efforts to review the electoral systems in Britain also include the Power Inquiry of 2006 and the Electoral Reform Society’s Review of Voting Systems of 2007. This only demonstrates that debates about the appropriateness of the electoral systems are not akin to nascent democracies where multipartism can be said to be at the ‘experimental stage’, but is part and parcel of

democracies as dynamics keep on changing. It, therefore, comes with no surprise that the debate regarding the suitability of FPTP in determining winners in presidential elections in Malawi has arisen, after experiencing four general elections, post-1994.

After the 2014 tripartite elections in Malawi, a conference on electoral reforms was held. The conference was mainly convened to conduct a postmortem and possibly define strategies of insulating subsequent elections from numerous hiccups that characterised the 2014 tripartite elections. One of the key recommendations of stakeholders was the need to consider an alternative voting system from the current FPTP, likely in favour of a Two Round System [8, 9]. Electoral stakeholders’ views have skewed in favour of adopting the majoritarian system in the form of a Two Round System (TRS) variant. The chorus for change was further echoed by others as well [10] who argued, in the postmortem after the 2014 tripartite elections, that the FPTP has not benefited the electorate as originally envisioned. Three arguments were advanced: first, that experience with FPTP has exhibited high levels of wasted voters, and secondly, that the governments and presidents have been elected by a minority of voters. Thirdly, it was observed that FPTP has promoted regionalism in that with 25% of votes from the most populous region, a candidate might just need a few votes in the other regions to be declared winner of an election. However, the crucial question to be answered by proponents of the change is whether the majoritarian system will improve the outcomes and numerical acceptability of subsequent Governments as opposed to the status quo. Theoretically, the answer seems to be in affirmative, obvious and not worth questioning. But evidence on the ground may not be as obvious and conclusive as it may seem at face value. Adopting the majoritarian may be another experimental curve rather than a permanent solution to the current problem of the perceived “minority Governments” in Malawi.

## **3. Method**

The study method involves analysis of characteristics and patterns of voting outcomes that have emerged from a series of post-one party elections previously conducted in Malawi. A concept of deadweight loss is then used to locate and conceptualise the findings, discussions and propositions.

### **3.1. The Concept of Deadweight Loss**

Deadweight loss ordinarily represents the inability of the society to enjoy the maximum benefits [11]. The goal of any policy or strategy should be to maximise societal benefits and reduce wastages as much as possible. It is important to define that society, in the case of economics, is broadly defined to include two categories of producers and consumers. Deadweight loss is, therefore, the loss of total societal welfare attributable mainly to effects of policies that are not critically conceived. Most cited policy areas where deadweight loss originates include tax policies, subsidies, and externalities. The Economic Times particularly defines

deadweight loss as ‘the excess burden created due to loss of benefit to the participants in trade which are individuals as producers, consumers and government’ [12]. This loss is as a result of failure to achieve allocative efficiency. A simplified example can be a tax imposed on a particular item that resultantly raises the overall equilibrium price of the commodity. At the new price, the consumer pays more, the producer sells less, culminating into loss of trade. The loss does accrue neither to the producer nor the consumer, but represents an overall loss of societal benefit. In the same spirit, the paper borrows the concept to underline the thesis that a deadweight loss may occur if an alternative electoral system is adopted and ends up in producing a combination of the following outcomes:

- (a) the number of voters in the final ballot is reduced as compared to the prevailing system as a result of apathy; and
- (b) more resources (time, financial, human and otherwise) are spent in managing the elections under the new system. Conversely, adopting an alternative system represents a societal gain if outcome (b) holds but the voter turnout either remains materially unaffected or improves in the event of a second round.

**3.2. Two Round System (TRS) Versus Regional Pattern of Voting**

The results of the first multiparty elections in 1994 and 1999, exhibited the emergence of a clear three-party pattern in both the distribution of parliamentary seats and the presidential vote. The three top candidates participating in the 1994 President vote, namely, Bakili Muluzi of United Democratic Front (from the Southern Region), Kamuzu Banda of Malawi Congress Party (Central Region) and Chakufwa Chihana of Alliance for Democracy (Northern Region) got the majority of votes in the same regional order. According to Malawi Electoral Commission [13], in the parliamentary poll, the Alliance for Democracy got a total of 36 votes, out of which 33 were in the northern region, only three seats in the central region and none in the south. The United Democratic Front accumulated 85 parliamentary seats, out of which 73 were in the southern region, 12 in the central region and none in the north. Finally, the Malawi Congress Party secured 61 seats, distributed as 56 in the central region, five in the southern region and none in the northern region of the country. The subsequent general elections in 1999 and 2004 depicted the same pattern, with the minor phenomenon worth pointing out in that the Alliance for Democracy lost some ground in the northern region and lost its widely enjoyed dominance. But again, a closer analysis of the loss of control of the northern region vote by Alliance for Democracy shows that it was caused by its leader’s flirting with a predominantly southern region based United Democratic Front. The two parties went into an alliance and most supporters of the Alliance for Democracy were not happy with the arrangement. This sudden withdrawal of support further strengthens, rather than weakening the regionalism thesis.

The voting pattern as aligned to the region of origin of the

candidate has implication on the effectiveness of the majoritarian system. Experience with the past presidential elections has demonstrated that it is possible to obtain a majority winner - over 50% of votes with the current FPTP, much as it is also not possible. Except for the 1999 and 2009 presidential votes whereby the eventual winner got a convincing 52% and 66.17% of the total vote respectively, previous and subsequent results either side of the two have resulted in presidential aspirants amassing less than 50% of the vote (47% in 1994, 36% in 2004 and 35% in 2014). The unconvincing three cases are what have given rise to debates about the minority governments and hence subsequent debates about altering the electoral system in favour of a more majoritarian one. Taking the five elections as the denominator, it can be concluded that the current FPTP has performed well in two out of those five attempts. Whether this performance is bad enough to warrant discarding the FPTP is neither here nor there. Tables 1 and 2 below demonstrates the two extreme outcomes under the FPTP.

**Table 1.** Clear winner with FPTP, also satisfies the majoritarian condition 19 May 2009 Presidential Election Results for Malawi.

Candidate (Party) [Coalition]	Number of Votes	% of Votes
Bingu wa Mutharika (DPP)	2,963,820	66.17%
John Tembo (MCP) [MCP-UDF]	1,365,672	30.49%
Kamuzu Chibambo (PETRA)	35,358	0.79%
Stanley Masauli (RP)	33,982	0.76%
Loveness Gondwe (NARC)	32,432	0.72%
James Nyondo	27,460	0.61%
Dindi Gowa Nyasulu (AFORD)	20,150	0.45%

Source: TRIPOD, African Elections Database [17].

**Table 2.** Clear winner with FPTP, does not satisfy majoritarian condition 20 May 2004 Presidential Election Results for Malawi.

Registered Voters	5,752,028
Total Votes (Voter Turnout):	3,413,565 (59.3%)
Invalid/Blank Votes:	89,764
Total Valid Votes:	3,323,801

Candidate (Party) [Coalition]	Number of Votes	% of Votes
Bingu wa Mutharika (UDF)	1,195,586	35.97%
John Tembo (MCP)	937,965	28.22%
Gwanda Chakuamba (RP) [Mgwirizano Coalition]	836,118	25.16%
Brown Mpinganjira (NDA)	286,320	8.61%
Justin Malewezi	67,812	2.04%

Source: TRIPOD, African Elections Database.

**3.3. Two Round System in the Midst of Voter Apathy: Malawi’s Experience with Re-runs**

In Malawi, there is overwhelming evidence that the likelihood of experiencing voter apathy is high when elections are held back to back as opposed to holding them in the scheduled five-year spacing. The foregoing statement has been observed to hold true during all parliamentary and local government bye-elections that have taken place during the inter-general election period. These bye-elections mostly take place as a result of deaths of the incumbents. It seems people are not prepared to queue for voting before the end of the

term of those elected during elections. Explanations for the state of affairs remain blurred hitherto. The assertion of voter apathy cannot be explained any better if we analysed the climax that happened during the 2000 local government elections.

In 1999, Malawians had just gone for a general election to elect the president and members of the National Assembly. Local government elections were scheduled slightly over a year later i.e. 19<sup>th</sup> November, 2000. However, only 14.2% of over 5.2 million people registered turned up for the poll. In their reports, election observers argued that the lacklustre turnout was due to low key voter education. The Malawi Electoral Commission also shared the same view and hypothesised that voter education preceding the elections was ineffective to the extent that most voters did not know what to do [14]. An extreme case happened in at one of the polling centres in the northern region where only one voter turned up out of over 4000 registered voters!

While the statistics presented above may be viewed as history and parried away as this was merely a local government election, broader policy lessons need to be drawn. Two issues come out handy: the low turnout may imply that people did not see any sense to vote again after just a space of one year. It may be due to varying reasons ranging from the observable and perceived non-performance of winning candidates in the preceding elections. If that was the case, then they could not see any meaning why local government representatives can perform to their expectations when the President and MPs have failed to change their fortunes. Secondly, the observation of low voter education can be believed. However, why has the voter turnout been low in subsequent bye elections conducted thereafter despite improved civic and voter education? Is the issue about spacing of the elections? These are fundamental questions that need to be addressed before migrating to the new electoral system. If the answer to the latter question is in affirmative, what should be the expected turnout in the event of a run-off under the Two Round System? If the turn-out happens to follow the historical trends with re-runs and bye-elections as summarised, will the new electoral system practically solve the challenge at hand – where presidents are elected by a minority of voters? If the argument is about diffusing regionalism in voting patterns, to what extent do we get assurances that with a TRS, the regional lines will be erased? Does it imply that those voters whose candidates have been eliminated in the second round will be compelled to votes for the remaining two candidates and forget the regional lines or they will abstain altogether?

#### 4. Results and Discussion

This section outlines the results as inferred from various electoral outcomes using data that was available. The discussion is then linked to the concept of deadweight loss to build the final outcome that is likely to come out.

The concept of deadweight loss associated with the field of economics was brought in to demonstrate unintended costs

that are likely to accrue to society as a result of inefficiencies in the allocation of resources. It is highly acceptable that democracy comes at a cost, but where the cost does not add any value, inefficiency is bred. For the Malawi scenario, this thesis stems from two main viewpoints: Firstly, it has been demonstrated in Malawi that conducting elections back-to-back breeds voter apathy. Lukewarm participation of voters in 2000 local government elections is a case in point. While a total of 93.76% of registered voters actually voted in the 1999 parliamentary and presidential elections, only as low as 14.2% of registered voters were subsequently able to participate in the local government elections that took place a year later [15].

In addition, there has been reported frustration for people to vote on account of the experienced poor performance of elected representatives. The EISA Research Report specifically recounts that 40% of respondents of voting age interviewed in one of the parliamentary constituencies in Blantyre indicated lack of interest to vote, just after two democratic elections of 1994 and 2009. The report mentions that “the potential voters cited several reasons [for lack of interest to vote in the 2004 elections] of not wanting to vote but a major reason was disillusionment with their Members of Parliament, political parties and electoral process” [16]. This is one of the reasons why it was felt that instead of conducting local government elections, Malawi should opt for tripartite elections where representatives at all the three tiers of government should be elected on one and the same polling day [15]. The fundamental question is then, how does this affect the change in electoral system from FPTP to TRS? Here, the argument can be appreciated in a scenario where a run-off has been triggered occasioned by lack of a clear winner in the first round. For argument’s sake, hypothetically assume that 5 million people participated in the first round. Three presidential candidates participated in this hypothetical election. Also further assume that there were no null and void votes. The results of the election are as follows: Candidate A amasses: 2, 300, 000 votes (46%), candidate B gets 1,600,000 (32%), candidate C accumulates 1,000,000 votes (22%). From the result of the hypothetical election, it is apparent that there is no clear winner as none of the candidates has garnered the majority of votes to be declared winner as per the dictates of the Two Round System. The second run-off entails eliminating candidate C, with only the top two candidates participating.

In an ideal situation, C’s voters have been given a chance to declare their second preferences during a run-off, and obviously, there should not be any worry. But if the aspect of voter turnout is factored into the equation, the outcome of the run-off is deprived of the quality expected of it. Assume 4,000,000 voters (instead of the initial 5,000,000) turn up for the run-off, 2,100, 000 of them vote for candidate A (52.5%) and 1,900,000 (47.5%) vote for candidate B, the final outcome is an obvious win by candidate A. However, the final outcome shows that the winning candidate has in fact made it with less number of votes than it was in the first round. Paradoxically, a second run-off implies arguably close

to doubling of the election budget, yet the eventual winner gets 42% of actual voters (2,100,000 of 5,000,000) in the first round where citizens expressed their first preferences. The 42% thus achieved is less than the original 46% that candidate A earned at the initial time of asking. The second part of my thesis is linked to regional pattern of voting which is so much visible in Malawi as demonstrated earlier. Assume candidates A and C come from the most populous southern region of Malawi and candidate B comes from the central region. If voting remains determined by the region of origin of the candidate rather than objective criteria, there are two options that are likely to be pursued by those who voted for candidate C: they will either abstain from voting during the second run off as their candidate is no longer on the ballot or they would opt for the lesser evil: voting for candidate A who comes from the same region as their initial candidate. The implication here is that the final outcome remains unchanged.

What comes out clear in the two scenarios demonstrated above is that scarce resources have been spent, the benefits have accrued to none, and the quality of the outcome has deteriorated as in the first scenario, or has worsened in the second scenario. The unaccounted for benefits that accrue to nobody represents the deadweight loss of the majoritarian system of voting. A minority government is formed just as in the FPTP era because the final percentage of votes that enables the eventual winner form a government is no better than in the first instance.

It is appreciated that the underlying argument is that the majority is considered in the context of actual voters. As such, the majoritarian will tend to produce a candidate that has the support of the 'absolute majority of the actual voters'. This is the very thinking that this paper is against. Where there are potential signs of the existence of a marked dropout or a large variance between voters in the first round and its subsequent run-off, it is a danger warning sign in itself and the underlying reasons for the apathy should properly be understood. Failure to apply due diligence runs counter to the ideals of changing the electoral system from plurality to majoritarian. The number of people that actually vote in the first round of the ballot truly reflects those that were willing to vote and that number should ideally form the denominator for the run-off victor. It is the conviction of this paper that unless we are assured that the number of voters in the run-off will not be materially different from that involved in the initial vote, the agitated change from FPTP to majoritarian system of voting may not be meaningful in democracies where regionalism is evident and voter apathy is worrisome.

## 5. Conclusion

This paper has attempted to argue that much as there is general agitation to change electoral systems in most young democracies including Malawi, the change is not a solution in itself as it can bring with it more unintended costs than anticipated. This is not to imply that a majoritarian electoral system is no way to go. Rather, the paper recommends that more ground work should precede the shift as negative societal

inherent voter behaviours need to be dismantled. Potential voters need to be liberated from the shackles of voting along regional lines, intensive civic education on the superiority of Two Round Systems to the FPTP needs to be mounted. Otherwise, the initial stages of changing the electoral system might breed more confusion from the voters as they struggle to understand the goings-on. Parameters for the success of any chosen electoral system need to be developed. Whether we are interested with the majority of people who vote or we care about the overall participation of the electorate in an election. Only if our parameters include the latter aspect and presents an improvement to the status quo would we say electoral system change is a project worthy pursuing in our set up. Otherwise, deadweight loss as a result of increased resources for electoral management as a result of TRS, alongside sub-optimal outcomes will still prevail as the benefits of increased electoral process expenses accrue to none.

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