



SALO Malawi Brief

Post-election Environment in Malawi

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Background

The Southern African Liaison Office (SALO), in partnership with the Open Society Initiative for Southern Africa (OSISA), held a multi-stakeholder dialogue on the political developments in Malawi before the election of the 23rd of June. This was a re-run of the presidential election held in May 2019 and has been heralded as an historic event as it was the second overturned election in Africa (the first being in Kenya). In Malawi, the judiciary overturned the results of the election due to fraudulent processes. This brief aims to provide an update of the events in Malawi since the election.¹ This brief aims to provide an update of the events in Malawi since the election.

The outcome of the election saw a landslide victory for Lazarus Chakwera over his opposition runner, previous president of Malawi, Peter Mutharika. Chakwera is the leader of the opposition Malawi Congress Party (MCP), who received 59% of the vote.² He has stated that those who opposed him in the election have nothing to fear and that his policy of inclusivity would build a new Malawi, one in which he is the president of the whole country and not just a single government faction. Further, Mr Chakwera also heads the nine-party coalition alliance, the Tonse Alliance.³

Despite allegations by the losing party and the previous Malawian President, Peter Mutharika, head of the Democratic Progressive Party (DPP), that there had been voting irregularities during the elections, this has been dismissed. The electoral commission and local observers declared the elections as largely free and fair. No international observers were present due to the COVID-19 pandemic.⁴ Further, the election results were accepted by civil society in Malawi and have garnered confidence from the Human Rights Defenders Coalition, a prominent human rights organisation.⁵

The reaction from the region

Opposition leaders across Southern Africa celebrated Chakwera's win as an opposition party. Nelson Chamisa, opposition leader in Zimbabwe, Haikande Hichilema, Zambia's main opposition leader and Mmusi Maimane, previous leader of a South African opposition party, all sent their congratulations to the incumbent.⁶ Moreover, then leader of the Southern African Development Community (SADC) Organ on Politics, Defence

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² Zane, D. 2020. BBC News. Lazarus Chakwera, Malawi's President who 'argued with God.' 29 June. <https://www.bbc.com/news/world-africa-53221035>

³ BBC News. 2020. Lazarus Chakwera sworn in as Malawi President after historic win. 28 June. <https://www.bbc.com/news/world-africa-53210473>

⁴ Al Jazeera News. 2020. Malawi Presidential election: Lazarus Chakwera declared Winner. 28 June. <https://www.aljazeera.com/news/2020/06/malawi-presidential-election-lazarus-chakwera-declared-winner-200625141737274.html>

⁵ Pensulo, C. 2020. Maai has become an example - President Chakwera's Big Promise. All Africa. 24 August. <https://allafrica.com/stories/202008250003.html>

⁶ Mohamed, H. 2020. After Historic election, what next for Malawi? Al Jazeera News. 28 June. <https://www.aljazeera.com/news/2020/06/historic-election-malawi-200626070010661.html>

and Security Cooperation and Zimbabwean president, Emmerson Mnangagwa, sent his well wishes to Chakwera and congratulated him for his electoral victory.⁷ SADC commended Malawians for the peaceful political handover as well as the role of the Malawian Electoral Commission in ensuring a successful election.

The contentious cabinet

There has been widespread criticism of Chakwera's chosen cabinet and his restructuring of the political system. The cabinet has been harshly described as reflecting “backroom deals founded on pay for play, corruption and nepotism.”⁸ These concerns come after the appointment of members of the same families in cabinet positions. Sidik Mia, Chakwera’s former running mate in the 2019 elections, will serve as Transport Minister while his wife will be the Deputy Minister of Lands. Further, the new Health and Labour Ministers are brother and sister, while the appointed Information Minister is the sister-in-law of the new Deputy Minister for Agriculture.⁹

Further, the cabinet is mostly male-dominated and the Ministry of Gender and Children has been abolished. The merit on which these men have been appointed is being questioned. Women’s Rights movements have welcomed more women in the cabinet than ever before- 12 out of the 31 cabinet members are women. However, they criticised the removal of Gender as a portfolio, and that women were appointed as Deputies, not as Ministers.¹⁰ This is significant given the crisis of gender-based violence, as discussed in the dialogue on Malawi hosted by SALO in partnership with OSISA on the 18th of June 2020. This dialogue highlighted the ways in which gender-based violence is used as a political tool, and sexism is rampant in the country. The removal of Gender as a portfolio in the cabinet is not conducive to changing these norms in Malawian society. It was mentioned that women in government are often merely ‘tokenist’, and that no real effort to normalise women in power and women’s voices in government were made by the previous administration. This trend could continue as a result of these decisions made by the new President.

Adding to a possible future deadlock, the regional imbalance of the cabinet is troubling, as very few people from the Northern region of Malawi have been appointed, despite the role they played in electing the Tonse Alliance.¹¹ This could pose a challenge in maintaining the stability of the Alliance moving ahead. Adding to possible woes, Chakwera’s Tonse Alliance holds 60 seats in Parliament of the 193 seats, while Mutharika’s DPP

⁷ SADC, 2020. Statement by His Excellency Emmerson Dambudzo Mnangagwa, President of the Republic of Zimbabwe, and the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation on the outcome of the re-run of the Presidential Elections in Malawi. 28 June. <https://sadc.int/news-events/news/statement-his-excellency-emmerson-dambudzo-mnangagwa-president-republic-zimbabwe-and-chairperson-sadc-organ-politics-defence-and1/>

⁸ Fiko, M. 2020. Malawi new Cabinet Provokes Backlash - It's Nepotistic, Chauvinistic, Without Star Players. Nyasa Times. 9 July. <https://allafrica.com/stories/202007090735.html>

⁹ Chiuta, W. 2020. Malawi: Chakwera Defends His First Cabinet Appointments, Denies it Stinks of Incest. Nyasa Times. 9 July. <https://allafrica.com/stories/202007100045.html>

¹⁰ Chiuta, W. 2020. Malawi: Chakwera Defends His First Cabinet Appointments, Denies it Stinks of Incest. Nyasa Times. 9 July. <https://allafrica.com/stories/202007100045.html>

¹¹ Fiko, M. 2020. Malawi new Cabinet Provokes Backlash - It's Nepotistic, Chauvinistic, Without Star Players. Nyasa Times. 9 July. <https://allafrica.com/stories/202007090735.html>

holds 64 seats, and the rest is composed of independent legislators. Should Chakwera find difficulty in swaying the independents, he may have a 'sitting duck' government unable to pass legislation.¹²

Anti-corruption offensive

Chakwera made it clear during his presidential campaign that anti-corruption will be his highest priority during office. Chakwera alleges that over \$1 billion was stolen through corruption during Peter Mutharika's administration, and has committed to prosecuting those involved in corruption.¹³ To show that he intends to be an accountable leader, Chakwera promised to annually declare his assets, and has already done so since taking office.¹⁴ This forms part of an effort of the ruling Tonse Alliance and Chakwera's administration to operationalise the easy access to information, or ATI act, and curb corruption and government mismanagement.¹⁵ Chakwera has hit the ground running. Already, he has dissolved the boards of 60 parastatals in a series of reforms since taking office. This includes the state power utility, broadcaster, and agriculture marketing board, which are all subject to an audit to investigate any malpractices within the entities.

Moreover, a number of former government officials and police officers have been arrested amid allegations of violent conduct - an issue which came up during the 2019 election period - and in connection with offences committed during the previous administration. Former president Peter Mutharika has not been spared in the anti-corruption drive, with allegations circling him around avoiding paying \$7 million in import duties on 1.2 million bags of cement - allegations of which Mutharika denies.¹⁶ However, the Malawi Police Service by way of its Fiscal and Fraud section are investigating the incident.

Chakwera has been criticised by civic organisation, the Public Affairs Committee (PAC) for running a 'selective-justice' anti-corruption campaign, arguing that the fight against corruption should be impartial.¹⁷ Similar allegations have been echoed by the DPP, stating that Chakwera's offensive amounts to political persecution.¹⁸ However, Chakwera has affirmed that his anti-corruption drive is not a tool to target political rivals; rather,

¹² New African. 2020. *Lazarus Chakwera: Doing God's work in another capacity*. 13 August. <https://newafricanmagazine.com/23801/> [online: 7 September 2020].

¹³ Masina, L. 2020. Malawi President Vows to Close in on Corrupt Officials. VOA News. 26 July. <https://www.voanews.com/africa/malawi-president-vows-close-corrupt-officials>

¹⁴ Faque, M. 2020. Malawi after a bitterly contested election and COVID-19. *Modern Diplomacy*. 18 August. <https://moderndiplomacy.eu/2020/08/18/malawi-after-a-bitterly-contested-election-and-covid-19/> [online: 7 September 2020].

¹⁵ Ibid.

¹⁶ Masina, 2020.

¹⁷ Khamula, O. 2020. Malawi: PAC Tells Chakwera to Desist Selective Justice in Corruption Fight. *Nyasa Times*. 6 August. [online: 7 September 2020].

¹⁸ Masina, 2020.

“We want to create an environment in which every institution functions freely, independently, and we are doing that, ... I want the institutions to be able to do their job freely, investigate, and if they do have evidence of whatever has been stolen, then they should follow whatever the law says.”¹⁹

Moreover, the Director for the Anti-Corruption Bureau (ABC), Reyneck Matemba, issued a public warning to the current government to adequately perform their duties; anyone found engaging in malpractice will face legal repercussions.²⁰

COVID-19

The COVID-19 situation in Malawi remains unstable; during the election period, the pandemic response took a backseat as people were heading to the polls. However, the post-election period should focus on curbing the spread of the virus and mitigating the impact thereof, particularly as Malawi has experienced a spike in cases in the period following the election. As such, the Malawian government established a National COVID-19 Office, replacing the Presidential Task Force on COVID-19. This Office is headed by the Minister of Health, Khumbize Kandodo Chiponda and Dr. John Phuka of the College of Medicine. Other members include the Ministers of Education, Finance, Labour and Information, the Executive Director of the Christian Health Association of Malawi, the president of the Civil Servants Trade Union and several opposition party leaders.²¹

The previous administration attempted to place Malawi under a lockdown in April, however, since no economic stimulus packages were in place the courts overruled this. The new administration implemented new regulations on the 10th of August due to the spike in coronavirus cases. These included the mandatory wearing of face masks in public spaces, the closure of restaurants and bars and the prohibition of public gatherings of more than 10 people, except for funerals which are permitted to have 50 people in attendance.²² Chakwera has been resistant to institute strict commercial and travel restrictions, likely as a result of monitoring the socio-economic impact of lockdowns in the region.

The fine for a violation of these rules, such as not wearing a face mask in a public space, is about \$15. Several human rights groups have questioned this decision, as many people cannot afford to wear masks. As such they are of the opinion that free masks should have been distributed before the implementation of these regulations. In response to these criticisms, John Phuka stated that the government has already signed a memorandum of understanding with local mask manufacturers to start distributing free masks to those who cannot afford them.²³

¹⁹ New African, 2020.

²⁰ Xinhua. 2020. Malawi's new government commits to fighting corruption. 23 July. http://www.xinhuanet.com/english/2020-07/23/c_139235717.htm [online: 7 September 2020].

²¹ Mzungu, W. 2020. Malawi Establishes National COVID-19 Office to Spearhead Fight Against Coronavirus. 15 July. <https://allafrica.com/stories/202007160109.html>

²² Asala, K. 2020. New Strict COVID-19 Regulations in Malawi. AfricaNews. 10 August. <https://www.africanews.com/2020/08/10/new-strict-covid-19-regulations-in-malawi/>

²³ Masina, L. 2020. Malawi Makes Masks Mandatory in COVID-19 Fight. VOA. 8 August. <https://www.voanews.com/covid-19-pandemic/malawi-makes-masks-mandatory-covid-19-fight>

Further, the new government has implemented a response plan to help the economically vulnerable in the country. This response plan includes US\$20 million to spend on healthcare and targeted social assistance programs, and the hiring of an additional 2000 healthcare workers. Additionally, tax waivers will be implemented for the imports of essential goods. An Emergency Cash Transfer Program of about \$50 million will be implemented between May and November 2020 to support small businesses in urban areas.²⁴

Whether this response plan will effectively protect the economically and socially vulnerable and stimulate Malawi's economy in the midst of the pandemic is yet to be seen. Malawi currently has 5,496 cases of the coronavirus, with 173 deaths and 3,121 recoveries.²⁵

What does it mean for democracy in the country and the region?

Challenges in Malawi remain; regional divisions have been prominent and remained so during this election. The Southern part of Malawi overwhelmingly cast their vote for Peter Mutharika's Democratic Progressive Party, while the central region voted for the Tonse Alliance.²⁶ However, the name of the *Tonse Alliance* means 'all of us' - which the grouping has pushed to affirm even after its victory - that they intend to govern for *all* Malawians.²⁷ However, it remains to be seen whether this will be implemented, amid a myriad of early challenges as aforementioned. With most of his cabinet dominated by people from his region, it begs the question whether similar patterns evident in Mutharika's administration will be repeated in Chakwera's administration.

Notwithstanding, the impact of this election process on democracy in Malawi and the region is significant. The only other time in the continent where the judiciary overturned a presidential election and called for a rerun was in Kenya in 2017. The Malawian election has become an example for democratic ideals. There was full participation of all political parties, and despite doubts about the timing of the election and lack of international assistance in the form of observers, the election process ran smoothly and the MEC legitimised the outcome. Further, Embassies, the United Nations and several international organisations acted as observers, together with about 20 observers from civil society. The consensus among all these observers was that the rerun process was transparent and the election results were legitimate.²⁸

A further positive implication for the country stemming from this election is the affirmation of the perception that it is possible to trust the judiciary as a professional and independent institution of democracy in the

²⁴ International Monetary Fund. 2020. COVID-19 Policy Responses. <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#M> (13 August).

²⁵ <https://www.worldometers.info/coronavirus/country/malawi/>

²⁶ Mohamed, H. 2020. After Historic election, what next for Malawi? Al Jazeera News. 28 June. <https://www.aljazeera.com/news/2020/06/historic-election-malawi-200626070010661.html>

²⁷ Phiri, D. 2020. Malawian president pursuing agenda of southern region exclusion? *Daily Maverick*. 7 September. <https://www.businesslive.co.za/fm/opinion/2020-09-07-native-malawian-president-pursuing-agenda-of-southern-region-exclusion/> [online: 7 September 2020].

²⁸ Moffat, C. 2020. Governance implications of the Malawi election June 2020 rerun. Good Governance Africa. 30 June. <https://gga.org/governance-implications-of-the-malawi-election-june-2020-rerun/>

country. The fact that the legal system in Malawi was able to remain independent and objective and call for a rerun election is significant for building the trust of Malawian citizens. This could act as a catalyst for regional activists, lawyers and democracy advocates in their own countries to deal with issues of contested elections or election fraud.²⁹

Another implication of the successful 2020 election, as opposed to the unsuccessful 2019 election, is the absence of international observers. Despite local outcry that the 2019 election was fraudulent, international observers claimed that they were largely free and fair. The reason for this is that the counting process in the 2019 election was contested. By the time the results had been counted, most of the observers had either left the country or had already submitted their reports on the pre-election period and the process of the election itself, but not the counting process. This established the idea that the 2019 elections were largely free and transparent. International observers thus played a role in the polarised situation that followed these elections. These complications should be taken into account in future election processes in Malawi and the region, to ensure that observers do not leave out crucial information regarding the entire election process when they report on these matters.³⁰

Conclusion

The Malawian case is one the rest of the SADC region can look to as an example; especially amid increasing politically restrictive decisions taken by many regional governments. Notably, Malawi's neighbours including Tanzania and Zambia, and closeby Zimbabwe, have been criticised for their encroachment on government critics, civil society activists, and opposition activists. Moreso, the aforementioned regional neighbours have attempted several constitutional amendments in order to solidify their hold onto power. Before the election, former president Peter Mutharika tried similar tactics to delay the election- including arbitrary arrests and detention of human rights activists, arson attempts, attacks and harassment against government critics and activists.³¹

Malawi's re-election is unprecedented in Southern Africa. Positively, Lazarus Chakwera's victory was widely accepted and welcomed by regional leaders. Malawi stands out as exceptional given the role played by civil society, who mobilised both through protest action, as well as using the constitution and judiciary to overturn what was ruled as a flawed electoral process. Additionally, the role played by the army in remaining impartial and professional during the election period further advanced the upholding of democracy and the integrity of the elections. Thus, it is evident that an open civic space and meaningful civic participation is vital for a thriving democracy and ultimately, government legitimacy.

²⁹ Ibid

³⁰ Moffat, C. 2020. Governance implications of the Malawi election June 2020 rerun. Good Governance Africa. 30 June. <https://gga.org/governance-implications-of-the-malawi-election-june-2020-rerun/>

³¹ Mtambo, T. 2020. An activist's tale - How Malawi's people successfully fought for democracy and accountable governance. *Daily Maverick*. 31 August. <https://www.dailymaverick.co.za/article/2020-08-31-an-activists-tale-how-malawis-people-successfully-fought-for-democracy-and-accountable-governance/> [online: 7 September 2020].

The analysis and recommendations included in this Brief do not necessarily reflect the view of SALO or any of the donors or participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the report are the sole responsibility of SALO, and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance.

About the Southern African Liaison Office:



The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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