

CIVIL SOCIETY AND CITIZENS PETITION

TIME TO RECLAIM OUR DESTINY

27TH APRIL, 2018

TO: THE PRESIDENT OF REPUBLIC OF MALAWI, HIS
EXCELLENCY PROFESSOR ARTHUR PETER MUTHARIKA – HEAD OF
STATE AND GOVERNMENT

CC: THE VICE PRESIDENT OF REPUBLIC OF MALAWI

THE CHIEF SECRETARY TO GOVERNMENT, OFFICE OF THE PRESIDENT
AND CABINET (OPC)

THE SPEAKER, NATIONAL ASSEMBLY

THE CHIEF JUSTICE, JUDICIARY

THE MALAWI HUMAN RIGHTS COMMISSION

THE MALAWI LAW COMMISSION

ALL POLITICAL PARTIES IN MALAWI

ALL RELIGIOUS MOTHER BODIES IN MALAWI

ALL DEVELOPMENT PARTNERS IN MALAWI

THEME: FOR HOW LONG SHALL MALAWIANS CONTINUE TO BE TAKEN FOR GRANTED? LOSS OF PUBLIC TRUST IN THE CURRENT REGIME: TIME TO RECLAIM OUR DESTINY (SECTION 12[C] OF THE MALAWI CONSTITUTION)

Your Excellency Sir! We the undersigned activists and Civil Society Organisations in Malawi together with all Malawians of goodwill, gathered in different parts of the country today, have noted with grave concern the current bad state of governance in the country, and hence collectively observe as follows:

❖ **Concerned** with the dwindling state of governance in the country as evidenced by:

- 1) Executive abuse and manipulation of public resources which are meant to serve the interest of Malawians;
- 2) high level corruption as evidenced by systematic delays in investigating the alleged DPP implicated K263 Billion Cash gate, the DPP government initiated K4 Billion scandal aimed at rewarding MPs that rejected the people's electoral reforms including the 50%+1; (iii).worsening water problems; high cost of living;
- 3) security lapse especially for persons with albinism;
- 4) absence of decisive leadership;
- 5) nepotism;
- 6) the abuse of tax payers' money to reward the regime's political cronies especially some mercenary activists, traditional and religious leaders who are paraded on Malawi Broadcasting Cooperation to either attack the critics of the regime or frustrate policy or legal reforms that advance the interest of Malawians;

- 7) the continued electricity blackouts and unwarranted, recycled and tired excuses despite procurement of the electricity generators;
- 8) the dubious activities surrounding the award of the Lilongwe-Salima Water Project;
- 9) the alarming rates of unemployment in Malawi amongst youths; lack of teaching and learning materials in primary and secondary schools;
- 10) the increasing cases of gender inequalities and abuse;
- 11) unaffordable fees in public universities;
- 12) The shortage of drugs and medical personnel in hospitals; and many other challenges.

- ❖ **Convinced** that managing state affairs and institutions is by trust, and that those elected into state leadership take full commitment to uphold this principle;
- ❖ **Aware** of what is at stake in a country whose executive leadership takes it citizens for granted as evidenced by the issues raised herein;
- ❖ **Recalling** that the principle of Malawi Social Contract – as clearly expressed in Section 12(c) and Section 6 of the Republican Constitution-entails that all legal and political mandate of the state comes from the people of Malawi and must be exercised to serve and protect their interests; everyone who exercises state powers, does so on behalf of the people and must exercise that power within its legal limits and in accordance with their responsibilities to the people; and that all state power can only be exercised by authorities who maintain the trust of the people through being open, accountable and transparent and ensuring that people have informed democratic choices.

- ❖ **Mindful** that the principle of Malawi Social Contract is also partly reflected in the 2014 Democratic Progressive Party (DPP) manifesto as follows: “We in the DPP believe that if a Government does not have integrity, it has no right to govern”.(DPP Manifesto, 2014, p. 6).
- ❖ **Realizing** that while Section 6 of the Republic Constitution implies that a government that has not been elected through universal suffrage does not have authority to govern, Section 12 (c) safeguards the power of the people by implying that a government that no longer has the sustained trust of the people, regardless of the fact that it might have been duly elected through universal suffrage, has no authority to govern, and people have the mandate to remove it in accordance with the law.
- ❖ **Recognising** that the role of the President of Malawi is to provide executive leadership in the public interest and national unity –NOT tribal or party interest – as provided by the Constitution (Section 88[2])
- ❖ **Saddened** that the country is divided along tribal, ethnic and regional lines which has often been fueled by the tendency of running the country as an “ethnic project” as evidenced by the ‘*Lomwelisation of national cake*’ rather than a transformative project whose benefits trickle down to all Malawians irrespective of tribe or region.
- ❖ **Noting** that issues raised herein have been raised numerous times before, and that executive arrogance, absent leadership, impunity and lack of transformational and ethical leadership have been the major stumbling blocks in ensuring that these concerns are addressed.
- ❖ **Reaffirming** that those that are in positions of leadership and power are accountable to the citizens, and that no one is above the law;

We hereby petition you – Your Excellency Sir – **the 10 demands** in relation to the above concerns:

- 1.** We demand your Excellency Sir to reverse your decision on the appointment of Rodney Jose - who was implicated in the murder of Robert Chasowa in 2011- as Acting Inspector General of Police within **10 days**. In the absence of completion of investigations into Chasowa's murder, such an appointment is an insult to the family of Chasowa and the general public who continue to seek justice on the matter. We demand Parliament to reject such an appointment if brought before it for approval.
- 2.** We demand the Minister of Finance Goodall Gondwe and Minister of Local Government Kondwani Nankhumwa to resign or get fired by Your Excellency Sir within **20 days** over their dubious role in the K4 Billion payout aimed at rewarding MPs who rejected the people's electoral reforms including 50%+1 electoral system of electing the President. The K4 Billion scandal has raised more questions than answers on the integrity of not only the two ministers but also the entire government. Your apparent failure to decisively act on this leaves us with nothing but one conclusion that you are an accomplice to this mess. Just as you had rightly said Your Excellency Sir in your DPP 2014 Manifesto that a government that "does not have integrity, has no right to govern" (p.6), Malawians are now asking the following questions: What else does the Mutharika government steal from Malawians in secret? For how long shall Mutharika's government continue to take Malawians for granted? Should Malawians still trust a crooked and thieving government?
- 3.** We demand that the disbursement of the K4 Billion dubious funds be completely cancelled within **30 days** as its objective and motives were not to pursue public interest but rather to reward betrayal of public trust through the rejection of the peoples' electoral reforms.

- 4.** Anti-Corruption Bureau should expedite the investigation of both the K4 Billion dubious fund scandal and also the alleged linkage between the rejection of electoral reforms and K4 Billion payout.
- 5.** We demand the re-tabling and enactment of the all the elections related bills including 50%+1 electoral system of electing the President in their original form as proposed by the Law Commission within **40 days**. We demand these elections related laws including the 50%+1 to be enacted in their original form as proposed by the Malawi Law Commission.
- 6.** MBC is a public broadcaster NOT DPP or Party Broadcaster. We give you, Your Excellency Sir, **60 days** to free MBC from DPP's capture and to allow it to work independently and professionally as provided by law. In the same vein, we demand MACRA, MBC and MEC's action on YAS, CHRR and CEDEP's letter of complaint on MBC's political biasness and contravention of the law within **60 days**.
- 7.** We regret the dwindling public service delivery in the education and health sectors where public hospitals have shortage of drugs and public schools have shortage of teachers and learning materials, yet the DPP government has the audacity to plan wasting K4 Billion funds –which would have been used for these services – in rewarding MPs that betrayed the public through the rejection of Electoral reforms. We demand action to addressing these problems within **75 days**.
- 8.** Malawi is a nation in darkness. We are tired of blackouts and gensets excuses. We give you, Your Excellency Sir, **85 days** to address the electricity blackouts problem.
- 9.** Enough of your government's celebration of impunity over extrajudicial killings implicating your cronies, Your Excellency Sir. We demand completion of investigations into the murder of Issa Njaunju, Robert Chasowa and July 20, 2011 freedom fighters **NOW!**

- 10.** Enough of mere executive rhetoric on the killings of persons with Albinism. We need action to end the killings of our brothers and sisters **NOW!**

Your Excellency Sir be informed that a clear monitoring and evaluation framework (M&E Framework) has been put in place to track your implementation of the 10 demands and other above raised concerns as part of your fulfilment of the social contract which you signed with us 4 years ago. At the expiry of each timeline of the 10 demands, the activists, concerned citizens and Malawians of good will shall convene to evaluate your progress on implementation of the demands and concerns, and in cases where you have not done so, the grouping shall resolve to implementing Plan B on each of the timelines to ensure that all the demands are addressed. You can be least assured therefore Your Excellency Sir that the Citizens shall hold a series of post-April 27 demonstrations activities –if you decide to ignore the 10 demands petition- until all the issues are addressed.

Overall, Your Excellency Sir! We have given you **an ultimatum of 90 days** to address all the issues (including concerns) raised in this 10 demands petition. After the expiry of 90 days we shall reconvene to evaluate your performance in relation to addressing these concerns and demands as well as the general state of governance in the country. **In the event that we find your leadership lacking, untrustworthy and incompetent in addressing these challenges and demands, we the concerned citizens, activists and all Malawians of goodwill shall have no choice but to ask you to immediately step down as President of Malawi in line with the principle of social contract as ably expounded in the Constitution (Section 12[c]).**

Indeed, as you had rightly put it in your 2014 DPP manifesto that “No person in Malawi should ever believe that Malawi is his or her personal property as

Malawi belongs to Malawians” (p. 12), we reaffirm to live by your words by ensuring that no individual including you Your Excellency Sir takes Malawi as his or her personal property by inflicting more misery on poor and heavily taxed Malawians.

Your Excellency, we thank you and believe that our petition will be given the attention, priority it deserves and that this time around we will not take excuses for answers but solutions to our demands.

Thank you Your Excellency Sir!

Together we stand as we reclaim our destiny!

God bless Malawi!

On behalf of all Malawians of goodwill !

Timothy Mtambo – Chairperson Human Rights Defenders Forum (HRDF)

Gift Trapence – Vice Chairperson Human Rights Defenders Forum (HRDF)

Charles Kajoloweka – Executive Director Youth and Society (YAS)

Billy Mayaya – Human Rights Activist

Makhumbo Mkanavimbundi Munthali – Governance Activist

Masauko Thawe – Human Rights Activist

Happy Mhango – Human Rights Activist

Sammy Aaron – Action Hope Malawi

Steve Simsokwe Phiri – Human Rights Activist

Grecian Mbewe – Human Rights Activist

Mada Banda – Human Rights Defender

Luke Tembo – Human Rights Defender

Thokozani Mapemba – Human Rights Defender

Moir Walita – Human Rights Defender

Dennis Msewu – Human Rights Defender

George Chiusiwa- Human Rights Defender

Alie Mwachande – Human Rights Defender

Loyce Simfukwe – Concerned Citizen

Harod Kachepatsonga – Concerned Citizen

McDonald Sembereka

Luke Tembo