



MALAWI'S POLITICAL UNCERTAINTY: A CALL FOR THE NOBLE CONSIDERATION OF THE COMMON GOOD

Preamble

On 21st May 2019 Malawians exercised their right to vote to elect the State President, Members of Parliament and Ward Councillors. The outcome of the Presidential Election was challenged and disputed in the court of law and the High Court, sitting as the Constitutional Court, duly annulled it subsequently on 3rd February 2020. The Catholic Commission for Justice and Peace (CCJP), a governance, advocacy and human rights arm of the Episcopal Conference of Malawi (ECM), applauds the Constitutional Court and the entire judiciary for professionally and independently handling the case. It is gratifying that precedence has been set not only for Malawi but for the entire African continent and the world at large as our country has also contributed to the development of jurisprudence in electoral management. We believe in the observance of the rule of the law and the respect for popular voice through the ballot.

Furthermore, CCJP commends our security agencies, particularly the Malawi Defense Force (MDF), for the effort they made to strike a delicate balance in respecting the rights of citizens to demonstrate peacefully and safeguarding the security of the general public and the State. Maintaining public security and protecting human rights is an integral ingredient for good political governance.

Alongside the nullification of the Presidential Election results, several orders were duly pronounced by the Constitutional Court to be acted upon by Parliament. Largely, the orders pertain to the laying down of an enabling legal framework for the conduct of fresh Presidential Election within the period of 150 days from the date of the court's determination. CCJP applauds Parliament for the timely compliance with the orders of the Constitutional Court by amending relevant electoral laws, thus facilitating the holding of the fresh Presidential Election.

NOW that electoral Bills and the Public Appointments Committee's report on the competence, capacity and suitability of the Commissioners of the Malawi Electoral Commission (MEC) to oversee fresh Presidential Election are before the Republican President for **Assent**, we hereby call upon:

The Republican President

The Head of State and Government to rise above personal and sectional interests and act expeditiously on the electoral bills and PAC's report submitted to him. We also take cognizance of section 73 of the Constitution on the Presidential assent; and the President's urgency in acting on the electoral bills is paramount in the present time in light of the fresh Presidential Election.

This is a very critical step towards resolving the political uncertainties Malawi is in, and in making the country more stable and peaceful.

Leaders of political parties

To embrace a culture of tolerance, peaceful co-existence and harmony for nation-building and the enhancement of unity in political diversity in our country. The political leaders should properly guide their followers and supporters in observing human rights and maintaining peace, law and order by, among other things, desisting from hate speech, mudslinging and any divisive language that implicitly or explicitly aims at polarizing the Malawi people along any social-political lines. We believe Malawians are fed up with negative politics; now it is time for issue-based politics.

Traditional leaders

To continue as custodians of our rich cultural heritage and to promote such priceless heritage for the celebration of diversity in unity. Traditional leaders should not be used as vehicles for political mileage or violence; they should serve as unifiers that transcend political inclinations and affiliations in all corners of Malawi.

Religious leaders

To continue praying and preaching Justice, Peace and Unity; demonstrate committed public service to the people of Malawi, especially poor women and children, the elderly and persons with disabilities who are disproportionately vulnerable and marginalized especially in times of uncertain political governance direction.

Leaders of the Civil Society

To continue with public advocacy on civic responsibilities, duties and rights and in holding all those in public office accountable to the expectations and aspirations of the people of Malawi towards the common good. Civil society leaders should effectively provide alternative checks and balances in order for all duty bearers to adhere to their legal and policy mandates and obligations in various spheres of governing our country. The Civil Society leaders should responsibly guide the citizenry in demanding fundamental rights and freedoms from duty bearers.

Youth of Malawi

To rise above politics that destroys and join all your efforts and work towards building a country and nation that offers wider, real and meaningful socio-economic opportunities for you and posterity. The youth should desist from being used as apparatus for political violence but strive to unite Malawi through transformative and progressive youth political participation.

The Malawi Police Service

To remain professional and non-partisan in maintaining law and order and in the protecting rights of all Malawians. The Malawi Police Service should stop being abused and misused by any authority for the advancement of sectional or personal political interests. Provision of public security should abide by the Constitution of Malawi, widely acceptable human rights standards and the dictates of the country's laws on policing.

The Media

To continue with professional, non-partisan and independent news reporting and coverage to inform and educate the nation on developments regarding our country during this critical time. Sensational journalism, fake news and promotion of partisan interests should be discouraged and is uncalled for in the interest of peace building and Malawi's democracy consolidation. Media ethics and standards and communications laws should be observed at all times to keep the citizens soundly informed in the present political environment and for purposes of peace building.

Protection of Human Rights Defenders, the Media and Civil Society Actors

Finally, CCJP implores those governing and the security agents to safeguard the civic space to ensure the thriving work of non-state actors in providing checks and balances for the entrenchment of the democratic culture in our country. We urge the Government, as a primary duty-bearer, to effectively provide protection to Human Rights Defenders, journalists and civil society leaders by desisting from intimidating and harassing human rights defenders, gagging and threatening media practitioners and politically persecuting civil society leaders. Thus, CCJP reminds the Malawi Police Service that the security institution should operate within the prescribed laws with the strictest compliance with human rights standards and norms while maintaining its professionalism and professional independence. We, therefore, call upon the Malawi Police service to expeditiously charge the arrested leaders of HRDC if they have any genuine case against them or less release them without delay.

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Signed by:

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