



CHRR'S ASSESSMENT OF JOYCE BANDA'S 20 MONTHS IN OFFICE

REFLECTING ON JOYCE BANDA'S 20 MONTHS IN OFFICE: A MISSED OPPORTUNITY TO RECLAIM PUBLIC TRUST

Background Organisation Information

The Centre for Human Rights and Rehabilitation (CHRR) remains one of the leading human rights non-governmental organisations in Malawi. It was founded in February 1995 as a non-profit organization registered under the Trustees Incorporation Act of 1962. Since its inception CHRR has championed its work at national level, SADC level through the SADC Human Rights Defenders Network at which it sits in the board, continental level through the African Commission on Human and Peoples Rights using its observer status, and at UN level through different UN mechanisms such as the International Convention on Civil and Political Rights (ICCPR).

Introduction

As we come to an end to 2014, President Joyce Banda has clocked 20 months with some few days in office following her “historical ascendancy to power” on 7th April 2012 after the sudden demise of President Bingu wa Mutharika. As indicated elsewhere, Joyce Banda’s ascendancy to power did not only prove that Malawi democracy was gradually but certainly coming of age but most importantly offered hope for a new Malawi – a Malawi emancipated from political and constitutional disorder which had characterised Mutharika’s second term in office.

A few weeks after being given a fresh mandate to rule the country following his historical landslide triumph, Malawians began to see a different Bingu Wa Mutharika from the one they had seen in the first five years of his “golden era”. Here was a leader who had suddenly graduated from being a darling of the masses to a fierce tyrant who never cared a hoot about the plight of Malawians. Mutharika’s 2009 presidential elections’ glory was swiftly being swallowed by the “evils” that had characterised his regime. Instead of reflecting on the merits brought by Mutharika’s ‘golden era’ [2005-2009) which saw the country registering remarkable strides in the economy, security, agriculture and food security, Malawians were engrossed in issues that had marred Mutharika’s “wise and dynamic leadership”. With the fuel crisis; the academic freedom saga; scarcity of foreign exchange; poor governance; executive arrogance;

passing of undemocratic bills; and series of human rights violations, Mutharika had lost direction and “legitimacy” to govern.

With Joyce Banda’s rise to power, a nation that was flirting with a ‘failed state’ verdict was saved, apparently. In response to the high public expectations in her leadership, Joyce Banda, a few weeks into office, began to make some bold political and economic moves bent at mending the fences broken by the DPP regime as well as sprucing up the image of the Capital hill in the face of battered donor relations caused by Mutharika’s executive arrogance. Some of the bad laws like section 46 of the Penal code as well as injunctions bill were eventually repealed. For the first time, the state-media at least began to open up for some opposition and civil society leaders, all though this didn’t last long, evidently. During the same time, Joyce Banda’s administration removed value added taxes (VAT) on newspapers.

Candidly speaking, it would have been naïve for the country to expect instant miracles from Banda’s administration a few weeks into office as she had certainly a daunting task of fixing and mending the sour diplomatic relations and the ailing economy she had inherited from her predecessor as well as improving the human rights situation in the country amongst other challenges. At the same time, taking too long to be on track under the guise of fixing and mending the economy and donor confidence would be the least expected from the newly crowned regime.

With the growing public support and trust in her government a few weeks, or early months of her reign, coupled with some positive developments emerging from her engagements with the international community leading to some donors aid resumption to Malawi, the political environment was conducive for Banda to succeed – that is by beginning to fulfil the public expectations of her government – throughout the remaining term of Mutharika. 20 months in office would, therefore, be enough time for a leader to register some remarkable strides in development. It is against such a background that Centre for Human Rights and Rehabilitation (CHRR) assesses President Banda’s 20 months in office.

CAMA’s demonstrations and Malawi’s ‘historical’ attendance and submission of human rights report at 53rd session of the African Commission on Human and People’s Rights, a positive development from JB’s regime;

We at Centre for Human Rights and Rehabilitation (CHRR) recognise that the 20 months of Joyce Banda at the helm of government Malawi has registered some notable achievements in the arena of human rights, rule of law and good governance. Unlike during Mutharika’s regime where those with intentions to demonstrate against the oppressive rule were intimidated and the actual demonstrations marred with violence, the 20 months of Joyce Banda in office saw the Consumers Association of Malawi (CAMA), under the leadership of activist John Kapito,

peacefully holding at least 2 demonstrations in the major cities of Malawi. The Malawi Police Service professionally managed to handle the situation. All this to the credit of Joyce Banda's administration.

The Joyce Banda's regime attendance at the 53rd session of the African Commission on Human and People's Rights which was held in Banjul, Gambia in April 2013 was another remarkable step towards its respect and commitment of human rights as enshrined in both local and international statutes. This was the first time, over years, Malawi Government attended such an important forum, and this was after CHRR, enjoying its observer status at African Commission, had made a series of calls to Malawi government, using both local and international forums, to start attending the forums and submit its reports. Joyce Banda's regime subsequent submission of its human rights report to the African Commission on Human and People's Rights was another commendable development. We at CHRR cannot help but applaud the President for taking such a bold and democratic path, and hope that this will not be an 'end' in itself but rather a continued government's respect for the existing local and international human rights instruments and statutes.

JB'S Contact and Dialogue Approach on Lake Malawi Dispute a great milestone towards sustainable national and international unity and peace; A call not to compromise our foreign policy

We at CHRR commend the contact and dialogue approach that Joyce Banda's administration has all along taken since the issue of Lake Malawi dispute with neighbouring Tanzania resurfaced a couple of months ago. By engaging the Tanzanian counterparts through the various international and local platforms as well as leaders of the opposition, civil society, media and clergy in the country, President Joyce Banda has demonstrated complete maturity and commitment towards resolving the issue in the general interest of all Malawians irrespective of their political divide. We at CHRR candidly hold that taking such a stance does not in any way smack of cowardice or "weak leadership" on the part of government but rather boldness, rationality, soberness and respect of both the domestic and international protocols and statutes.

While siding with Joyce Banda's administration' stance to accord dialogue a priority on all matters pertaining to the Lake Malawi dispute with our dear neighbours Tanzania, we at CHRR hold that such an approach should not in any way handicap the government from imploring other democratic avenues like instant investigations into some critical issues directly or indirectly arising from the current stalemate as was the case with the alleged xenophobic attacks on deported Malawians. As we may have rightly pointed out in our joint statement with CEDEP a few months ago, the government of Malawi through the Vice President Khumbo

Kachali did well by swiftly calming down the storm by among other things having an audience with some of the casualties of the saga in Mzuzu.

However, in view of some alleged serious human rights violations that are said to have marred Tanzania's sweeping exercise of illegal immigrants reportedly resulting to the death one Malawian nationality with others losing property, jobs, businesses, the general public expectation in the country was that government would go to the bottom of the alleged human rights issues through joint investigations with their Tanzanian counterparts as her human rights obligation. This was never and is yet done, leaving many Malawians in suspense on the matter. We at CHRR strongly hold that an extensive, sober investigation into this matter could have gone a long way in clearing or correcting some prevailing speculations on the matter – speculations which if not ably corrected had the potential of shaking the foundations of a firm Malawi and Tanzania bilateral relations. Ignoring such a step under the guise of avoiding aggravating the already tense situation between the two countries following the lake dispute wrangle may not only be viewed in the eyes of patriotic Malawians as a violation to their right to access relevant information on the matter but may also have a great bearing on how we define and manage our foreign policy in the face of human rights obligations as enshrined in both the constitution of Malawi as well as the Universal Declaration of Human Rights as adopted by the United Nations General Assembly in 1948.

JB's compensation to the families of July 20 victims a welcome development; a call to put in place a clear, accountable system to regulate and monitor such an initiative

We at CHRR applaud President Joyce Banda for compensating the families of July 20 heroes, who lost their precious lives while resisting tyranny in the hope for a better Malawi. It remains indisputable that since the "fateful" July 20 2011 most of the families of the victims of July 20 have lived in abject poverty and suffering, and it is therefore against such a background or context that President Banda's recent kind gesture shouldn't be taken for granted. However, we request the President and her government to put in place a clear and effective accountable system to monitor and regulate initiatives not only for record purposes but to ensure that only the deserving victims get compensated.

In the same spirit, we implore the government to extend such a kind gesture to the families of other fallen heroes of this country who are in desperate, humiliating state.

Passing of Access to Information bill as a key towards restoration of public and donor confidence

Section 37 of the constitution provides for the access to information in the following statement: "Every person shall have the right of access to all information held by the state or any of its organs at any level of government in so far as such information is required for the exercise of

his rights". To date, however, there is no act of parliament implementing this constitutional provision despite unfilled promises from the government and parliament that they would debate a draft bill on access to information. In practice, there are barriers to accessing information held by the government in Malawi. These include the political and physical inaccessibility of government officials, the limited circulation of official documents, the editorial policies and political control of national broadcasting houses, among several other factors.

While applauding President Joyce Banda for heeding calls to table the declaration of assets bill in Parliament, we at CHRR observe that the declaration of assets legislation lacks teeth in the absence of access to information legislation bearing in mind that the two are directly linked to each other. They complement each other. In fact, having in place both declaration of asset legislation and access to information legislations may not only help in curbing corruption and abuse of power but also attract direct foreign investments and improved public and donor confidence in the government.

Our politicians must appreciate the fact that in order to participate meaningfully in policy making and all democratic engagements, citizens should have a legal right to access information. Public service is no place for the protection of privacy. This is to say once a person rises to public position his or her operations become an open-book to the public. As such, there is no honour encrypting public information. "Security" or privacy concerns, as raised by opponents of access to information as behind their putting more spanners preventing the public from accessing public information under the guise of balancing up the right to privacy and right to access information have no room in a democratic dispensation which Malawi adopted almost 20 years ago, and such concerns merely represent one of the key defences used by past and present politicians to protect themselves from public glare and scrutiny while pilfering public resources.

It is therefore in this spirit that we urge the Joyce Banda administration to table the access to information bill in the next parliament sitting so that MPs deliberate and pass it into law.

JB's relations with the Private Media: Private Media a friend or adversary of the state?

We at CHRR observe with dismay the perennial disease that is our governments of perceiving the private media as opposition agents bent at thwarting their development agenda particularly since 1994. Journalists or media houses that have exposed and condemned the existing wrongs of such politicians have either been threatened or subjected to "unjustifiable" arrests. Raphael Tenthani and Mavuto Banda landed themselves in trouble with DPP's government for covering a story concerning mysterious events that had characterized the Sanjika palace. They were both arrested. Zodiak Broadcasting Corporation car too got bombed by suspected DPP thugs. Within the same era, DPP administration issued a directive prohibiting all government agencies from

advertising with Nation Publications Limited which was deemed as critical of Mutharika's leadership.

It is therefore against such a background that there was a renewed hope for better government and media relations when President Joyce Banda ascended to the throne following the sudden death of Mutharika. A few weeks into office, Joyce Banda administration showed some political will towards an improved government-media by among other things making some verbal commitments towards the promotion and protection of press freedoms. On one occasion the President visited Nation Publications Limited where she vowed never to follow the undemocratic path of his predecessor of subjecting this leading print media house in Malawi to any form of ban let alone a directive prohibiting government agencies from advertising with it. Section 46, which impinged on media freedom, was repealed, and Malawi Communications and Regulatory Authority (MACRA) went on to issue both radio and television licenses to several applicants including applicants like Zodiak Broadcasting Corporation, Blantyre Newspapers Limited and CCAP Livingstonia Synod who were deemed critical of Mutharika's regime and hence their respective applications couldn't get the nod of MACRA.

However, a few months down the line the "rulling" Peoples Party's attitude towards the private media began to change from better to worse especially with the coming in of cash-gate scandal. President Banda's press conferences graduated from being platforms for the President to engage with her esteemed scribes into Peoples Party's functionalities where journalists could be subjected to all sorts of intimidation and name calling. Some media houses and journalists like Blantyre Newspapers Limited and Justice Mponda respectively have recently found themselves in the bad books of the administration through either lawsuits or arrests just because of publishing materials which were deemed critical of the current regime.

Just a few weeks ago, "rulling" Peoples Party incurred the odium of Media Institute of Southern Africa-Malawi Chapter- when one of its top brass is said to have advised the President and her government to stop giving business to private media houses as they tend to be critical of Joyce Banda's administration. Smelling the danger, the Peoples Party publicist moved swiftly to distance the party from such sentiments, citing they were Chikuni's personal views, not of the party. The Peoples Party may have cleverly downplayed such remarks just to protect its already battered image but if the recent events characterizing government and private media relations are anything to go by then Chikuni's views, just as it was with Frank Mwenefumbo during the DPP's views, were the position of the party on the matter.

One need to understand PP's Chikuni words in light of President Joyce Banda's words uttered in April this year to appreciate this. Addressing a delegation of Media Institute of Southern Africa (MISA) President Joyce Banda said she had stopped reading newspapers because of their growing criticism on her administration. Said Banda: "When I became the President. I thought

the media were my partners. But I have serious problems especially with the Newspapers. At first I thought Bingu was wrong. But I have now realized that you have no compassion and you can kill a sitting President". All this clearly points to a government that is ready to use all the machinery at its disposal just to suppress any dissenting views in the face of the existing political and economic malaise.

JB holds the key to a transformed state-media as Malawi approaches 2014 Tripartite Elections

Referring to the article "Leveling the electoral playing field", Malawi's renowned academician-cum human rights and governance defender Edge Kanyongolo expresses pessimism over the success of the forthcoming tripartite elections. According to him, just as it was with the 1994, 2004 and 2009 elections the 2014 elections will be problematic due to our perennial failure to learn from our previous shortfalls. "At the heart of the near-certainty of a problematic 2014 elections is our failure over the years, to resolve the many of the structural and political factors that have contributed to making elections problematic in previous years", contends Kanyongolo, an associate professor in constitutional law and one of the founders of Civil Liberties Committee.

But why has MBC been acting in the above manner despite the prevailing laws (section 87[2] [a] and [d]) which directly demand MBC to be free from bias in its reporting? Kanyongolo attempts to answer this question by observing that it has all along been MBC's tradition to violate and not respect the law. He cites the example of the 1999 High Court judgment ordering MBC to provide fair election coverage which was treated with contempt by the corporation. Since then Kanyongolo, narrates, MBC has been "treating itself as little more than a mouthpiece of the 'ruling party' of the day'. And so it has been since, concludes the constitutional law expert.

While concurring with this constitutional expert, we, at CHRR observe that lack of political will especially on the part of those in the ruling towards ensuring an impartial, "open-to- all" state-media as partly behind MBC's continued "arrogance" of "treating itself as little more than a mouthpiece of the 'ruling party' of the day". There have been cases where MBC has registered some improvements to the extent of accommodating some political figures. This has tended to be so at the word of the President as was the case with her few days in office. Of course, there have been other cases where MBC has temporarily opened to all just to appease the growing public anger against its favouritism to government – particularly to appease those that have threatened to take the streets against its biasness. It is therefore against such a background

that we at CHRR and CEDEP strongly believe that an impartial, open-to-all MBC is possible. The key to this is political will. And Joyce Banda, the current President of Malawi holds that key.

JB's unfulfilled promise and her recent mute stance on Lesbians, Gays, Bisexual and Transgender Rights as Retrogressive

We at CHRR continue to observe with great concern the prevailing homophobic attitudes especially among members of the traditional and religious community against lesbians, gays, bisexual and transgender individuals, a scenario that predisposes them to various forms of discrimination. Despite the rights of LGBT's individuals being placed on the international agenda as clearly spelt out in UN High Commissioner's report on human rights successes during the *20 Years of Working for Your Rights*, that the Malawi's legal framework remains hostile to the LGBT community.

President Joyce Banda and her administration have not helped matters either. Contrary to her earlier pledge to call for a sober public debate on the matter a few days into office, the Malawi leader has either taken a mute stance on the matter or "permitted" some of her party gurus to make some undemocratic pronouncements on the matter. Contrary to the human rights conventional norm, one of Banda's "rulling" Peoples Party (PP) top brass, alongside UDF Atupele Muluzi, DPP Peter Mutharika and MCP Lazarus Chakwera, were recently in the limelight, subjecting the issue of minority LGBT to a proposed referendum soon after 2014 Tripartite elections. We at CHRR strongly believe that by appealing to the democratic principle of "majority rule" to justify a referendum over an issue of the minority LGBT is not only an act of sheer ignorance of the very core and spirit of democracy but also a mere scapegoat by our politicians to address the issue once and for all.

Nevertheless, we at CHRR view President Joyce Banda's pledge, as clearly stated in the State of Nation Address mid this year, of deepening her success stories in the area of human rights, rule of law and democratic governance as a ray of hope through which her government, within the remaining period before 2014 polls, may among other human rights issues address the plight of the LGBT community in the country by decriminalising sodomy laws as well as declaring her government's position on the matter which remains obscured.

Joyce Banda's continued failure to declare her assets as contributing to the dwindling levels of public and donor trust in the face of Cash-gate Scandal; Joyce Banda's perennial "appeal to gender" as the driving motivation of her critiques

We at CHRR also observe that the continued lack of political will displayed by President Joyce Banda during the most part of 2013 towards calls from various quarters to declare her assets as a human rights obligation has gradually managed to erode the hard-earned public and donor trust in her government, a scenario that has only succeeded in planting seeds of suspicion on

her “perceived” role in the cash gate scandal. Since calls for President Joyce Banda to declare her assets resurfaced from the mid of this year by Malawi Law Society, Zodiak Broadcasting Corporation (ZBS), Centre for Human Rights and Rehabilitation(CHRR), Centre for Development of People (CEDEP), Public Affairs Committee (PAC) and many others, the Malawi leader rebuffed such calls on the premise that the current legal framework did not permit her to do so, and that she was being targeted for being a victim of gender and that her predecessors were never put to task on the same.

We at CHRR, as earlier stated in our joint statement with CEDEP, have all along found President Joyce Banda’s justifications behind her failure to declare assets as not only wanting but also a misrepresentation of facts. Certainly, the degree and emphasis attached to the issue may have differed between the current situation and the previous but history has it that one of the issues raised in the July 20, 2011 petition were calls for President Bingu Wa Mutharika to declare his assets. Such calls were echoed in *CHRR’s Alternative Report for the Review of Republic of Malawi by the Human Rights Consultative Committee* submitted in January of the same year as well as in our joint statement with CEDEP and PACENET on the Joyce Banda’s 100 days in office assessment which we issued in July 2012. All these advocacy endeavours were never targeting any personality let alone one’s gender but rather premised on the principles of transparency and accountability which remain pillars of any democratic government.

We at CHRR further note with grave concern the tendency by President Joyce Banda of regularly appealing to her gender status as the motivational force behind her critics especially when she is subject to all forms of public critique. On her return from South Africa, President Banda told journalists that she was being targeted because of her gender. Just a few months ago when Media Institute of Southern Africa- Malawi Chapter, CHRR, CEDEP, PAC and several other non-governmental organisations pressed the President to sign the *Table Mountain Declaration* offered to her by MISA delegation the Malawi leader made similar sentiments in her rejection to sign it. As human rights defenders, we at CHRR cannot smile at any attempt that is bent at thwarting her Excellency Joyce Banda’s development agenda on the basis that she is a woman. Smiling at such attempts that is if they exist in the current scenario, would definitely be retrogressive towards the realisation of Millennium Development Goals.

At the same time, we at CHRR cannot condone any leader let alone a President to use his or her gender status, as is the case in the current scenario, in order to divert the public from objectively looking at issues at hand and begin to sympathise with his or her gender in a bid to be exempted from adhering to human rights and good governance dictates.

Joyce Banda’s poor management of cashgate “crisis”; the case of “selective arrests” and PP’s “war” vented on the private media

From the very onset of the cash-gate saga, the current regime has not helped matters either in as far as addressing the crisis at hand is concerned. Instead of demonstrating complete political will towards ensuring that justice prevail on the matter by among other things acknowledging that there is a “crisis”, President Joyce Banda and her party zealots have gone flat out in their propaganda-tailored campaigns on the matter describing the so far registered “positive” steps like the arrests of some “small fish” as a breakthrough on the part of the government.

So deeply rooted has been this “executive arrogance” that even the civil society and media attempts to persuade it to acknowledge and declare that we are in a crisis have often proved futile. Even in scenarios where the arrests of some “small fish” have been widely viewed as reactive moves to the emerging public pressures following the shooting of the budget director Paul Mphwiyo, the government has viewed such “successes” as being products of her proactive measures to address the existing loopholes characterising the IFMIS prior to Mphwiyo’s shooting and Cashgate Scandal.

We at CHRR further bemoan the manner in which the arrests relating to the cash gate saga have all along been handled since the inception of the issue, a scenario that may have to some greater extent contributed to public and donor loss of confidence and trust in the government. Instead of witnessing big heads roll in key offices such as the Treasury, the Ministry of Finance, the Accountant General, and the Reserve Bank of Malawi, Malawians have noted with disbelief and anger at government’s focus on arresting mostly those holding small positions. We, at CHRR feel the circumvention on the crisis by government through such insignificantly selective arrests has the potential to further erode the trust among Malawians towards government. Window-dressing exercises in a crisis of this scale are just an insult to the injury.

Apart from “constructively” granting immunity to some big fish implicated in the cash gate scandal, this casual approach in addressing the crisis at hand has also been clearly evident in how the President franked by her party’s sympathizers handled the press conference upon her return from United States of America. While the general public was anticipating concrete answers and steps taken by the government to address the emerging concerns relating to the shooting of budget director and looting of government coffers, President Banda and her party followers reduced the press conference to a verbal and psychological war vented against the journalists present who were seen as not being grateful enough to the President and her government for the “remarkable” measures it had taken by amongst other things arresting some small fish in order to bring sanity on the matter.

As may have been rightly observed in our joint analytical statement of Banda’s speech and the mood that accompanied the function, President Joyce Banda missed the rare opportunity to reclaim public trust by among other things unveiling her action plan to deal with the problem at hand, instead of being defensive. This is where we at CHRR strongly believe the President lost

the plot, and the recent loss of public and donor confidence in government leading to the withholding of k60 billion has not come as a surprise to us.

By subjecting our esteemed journalists to embarrassment and intimidation, President Joyce Banda and her party zealots present at the press conference thought they had silenced the voice of reason. Little did they know that her defensive approach in response to the questions posed by our media would not only succeed in sowing seeds of public suspicion of her government's "perceived" possible role in the cashgate saga.

Other key issues requiring government's and public immediate and future considerations

- There is a need for a national debate and more academic discourse on the current Malawi's electoral systems particularly relating to the Presidential race which has since the inception of our multi-party democracy proved problematic. The current FPTP electoral system creates problems for democratic governance because it allows for weak minority-led governments, led by a President elected by a minority at the expense of parties that might have majority representation in Parliament. With the exception of the 2009 elections, the system has repeatedly handed victory to the minority-supported candidates with all winners under the Presidential race in the 1994, 1999 and 2004 below 50%. However, there is also a high possibility that the winner of 2014 tripartite elections (presidential race) may not necessarily achieve a 50% plus [to ensure his or her "legitimacy" to rule] due to the stiff competition amongst the prevailing strong contenders. Of course, the outcome of such a debate may not influence the 2014 Tripartite elections, but it will set the agenda for a continued dialogue, debate and academic discourse while targeting 2019 elections.
- Section 193 (4) of the Malawi constitution prohibits the use of public resources for political purposes. At the same time, there are restrictions on the use of civil service employees in political party activities. The constitution, in fact, mandates the civil service commission, set-up under chapter xx of the constitution to take up legal proceedings in the High Court against a government or a political party or a member of a political party who contravenes these rules. Regrettably, politicians particularly those in the ruling party have gone escort free despite abusing public resources for political purposes as well as subjecting civil servants particularly women in political party activities like dancing and others. It's high time we as a nation began reflecting on the current legal framework if it's effective in curbing the malpractice especially when viewed in relation to legal impunities on the President of a ruling party, who historically, has reportedly tended to be the main culprit in this scenario. How would the Civil Service Commission take up legal proceedings against a sitting, implicated, President who enjoys maximum legal impunity?

Recommendations

- Joyce Banda administration must swallow its pride by acknowledging that we are in crisis that requires concerted efforts from all stakeholders. The “breakthrough talk” must at least for now be aborted and the “big fish” must be “fished out” as a matter of urgency.
- Joyce Banda’s administration must walk the austerity talk by amongst other things cutting domestic and foreign travel costs.
- Joyce Banda’s administration must declare her government’s position on LGBT’s rights and ensure that sodomy laws are repealed
- President Joyce Banda must cut her cabinet to reflect the current situation. Similarly, the ever crammed local and foreign travel calendar must be looked into to save the meager public resources. Persistent adamancy on this will the nation nowhere.
- Joyce Banda’s People Party (PP) must provide a comprehensive account on how the Party has managed to amass so extortionate wealth within a space of 20 months in power.
- President Joyce Banda must, collaborate with the Malawi Police Service, by naming the culprit behind Budget Director Paul Mphwiyo shooting as a matter of urgency. The President is on record to have publicly said to have some knowledge of the attempted assailant(s) to the shooting of Mr Mphwiyo. A few months down the line there is no clear evidence as to whether the President has done such a human rights and constitutional obligation. The shooting of Mphwiyo remains the issue of national interest, and all those who have expressed to have some knowledge of those behind the attempted murder ought to bring such evidence to the relevant authorities.
- Joyce Banda administration owes the nation an explanation on the link between the shooting of the budget director Paul Mphwiyo and the cash gate scandal. Malawians are certainly waiting with bated breath to hear if there is any relationship between these two issues following the “sequential” occurring of these two events which raises more questions than answers.
- Joyce Banda’s administration must ensure that access to information bill is tabled in the next sitting. The recently passed declaration of assets legislation, with its plethora of shortfalls, remains toothless in the absence of access to information legislation.
- President Joyce Banda should consider liberating Malawi Broadcasting Corporation so that it adheres to the Communications Act in its operations. Our recent history has clearly shown that political will is key towards the impartial coverage of the state-media especially as we approach 2014 elections. Joyce Banda holds the key to such.

Conclusion

As human rights, rule of law and good governance defenders, we at Centre for Human Rights and Rehabilitation shall continue to monitor the human rights, rule of law and good governance situation in the country and provide necessary recommendations to relevant authorities in the general interest of Malawians. We at CHRR strongly believe that *this Joyce Banda's 20 months in office assessment* shall go a long way in helping the government of Malawi to take necessary measures to consolidate the gains registered as well as reflect on the challenges that have marred the President's 20 months' reign with the intentions of rectifying them in the coming year in the general interest of all Malawians. Lastly, we at CHRR pledge to continue rendering our reasonable support to the government of Malawi as development partners.

WISH YOU A MERRY CHRISTMAS AND A HAPPY NEW YEAR

Signed by

Timothy Mtambo
Acting Executive Director
Centre for Human Rights and Rehabilitation
mtambot@chrrmw.org
0992166191

Issued on 31st December 2013 in Lilongwe, Malawi