

Malawi's Peace Policy: The bedrock of a coherent national peace architecture?

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Abstract

In November 2017, the government of Malawi launched the country's first National Peace Policy (NPP) to systematically promote sustainable peace and unity. Malawi already had infrastructures for peace (I4P) that had been developed separately by the state, non-state actors and other stakeholders for various purposes. However, there was no integrated and coherent national peacebuilding framework which was focused on proactive conflict prevention and the promotion of sustainable peace and unity. The outbreak of deadly violence between police and civilians in July 2011 was a major manifestation of shortcomings and failures of the uncoordinated and mainly reactive top-down and bottom-up peace infrastructures established by the state and non-state actors, respectively. In response to the violence, the United Nations' (UN) preventive diplomacy and facilitation of national dialogue in Malawi helped de-escalate tensions and mitigate conflict risk. This culminated in the development and approval of the NPP. The NPP is a bedrock strategy of a coherent and credible National Peace Architecture (NPA) to serve as the national pillar for peacebuilding. The NPP is being implemented by complementary state and non-state actors working closely with the United Nations Development Programme (UNDP) in compliance with regional, continental and international instruments relating to the NPA. The case of Malawi presents an opportunity for building integrated local, national, regional, continental and international peace architectures.

Keywords: Malawi; National Peace Policy; National Peace Architecture; infrastructures for peace; peace infrastructures; peace architecture; peacebuilding

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1. Introduction

In November 2017, the government of Malawi launched the country's fundamental NPP to systematically promote sustainable peace and unity. Hitherto, Malawi's peace infrastructures¹ were developed separately by the state, non-state actors and other stakeholders for different purposes. However, there was no uniform, integrated and coherent national peacebuilding framework for proactive structural conflict prevention/resolution/transformation.² The gap was apparent when tensions in Malawi over political oppression and socio-economic deterioration erupted into violence in July 2011, with clashes leaving at least 19 people dead. In response to an invitation from the government of Malawi, the UN's preventive diplomacy and facilitation of national dialogue helped ease political tensions and led to the design and adoption of the NPP in 2017.

The NPP represents the bedrock of an integrated and coherent approach to a 'National Peace Architecture (NPA)', which the policy defines as a "dynamic network of interdependent structures, mechanisms, resources, values and skills which through dialogue and consultation contribute to conflict prevention and peace building in a society" (Government of Malawi 2017:9). Notably, the NPP adopted verbatim the definition of I4P agreed upon by representatives of governments, political parties, civil society and UN Country Teams from 14 African countries at a meeting in Naivasha, Kenya, in February 2010 (see PeaceInfrastructures.org). What is significant about the definition is that it emphasises that peacebuilding is not the preserve of the elite but rather a joint responsibility of all of society (Odendaal 2012:41). Through the NPP, Malawi is among pioneering countries in establishing a more formal NPA by galvanising existing state and non-state I4P that span divisions and levels of society in a cohesive and coordinated manner, and under a common strategy.

This article is divided into four sections. The background section contextualises the gaps and weaknesses in Malawi's peacebuilding

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- 1 The terms 'Infrastructures for Peace', 'Peace Infrastructures' and 'Peace Architecture' are often used interchangeably.
 - 2 Non-state actors (NSA) include civil society organisations (CSOs); non-governmental organisations (NGOs); NGO/civil society coalitions; women; youth; religious, cultural and community groups; academia; think tanks; the media; and trade unions. In this article, NSA excludes paramilitary or armed resistance groups.

mechanisms and approaches, which prompted the UN interventions that led to the development and adoption of the NPP. This is followed by a review of how the NPP operationalises instruments for establishing a NPA at various levels. The third section examines the main aspects of the NPP, which make it a bedrock policy framework of a cohesive and integrated NPA. The fourth section examines the double-layered NPA proposed by the NPP. The article draws on documentary information sources and interviews with state, non-state and other peacebuilding stakeholders in Malawi.

2. Background to the NPP

Prior to the initiatives to establish the formal NPA for Malawi, state and non-state peacebuilding actors, which had varying levels of success, already existed. Malawi's relative peace and tranquility depended on the "country's commitment to resolving its internal conflicts using mainly traditional conflict management approaches that are usually reactive including interventions by government security agencies, judicial mechanisms, commissions of inquiry, among others" (UNDP 2020). The top-down state institutions included Parliament; the Malawi Human Rights Commission; the Office of the Ombudsman; the Malawi Electoral Commission; the Ministry of Gender, Community Development and Social Welfare; the Ministry of Homeland Security; the Malawi Police Services; and the Judiciary. However, according to NPA Secretariat official Dyton Kang'oma (October 2020), these bodies largely "operate[d] independently of one another with limited collaboration among them. These institutional bodies indeed operate[d] according to clear strategies as specified in the instruments that created them."

Bottom-up peace infrastructure existed in Malawi in the form of institutions formulated outside the government, which play influential and more proactive peacebuilding and capacity-building roles. Examples of such NSA include the Public Affairs Committee (PAC), the Council for Non-Governmental Organisations in Malawi, the Catholic Commission for Justice and Peace, the National Initiative for Civic Education, the National Forum for the Peaceful Settlement of Conflicts, and the Young Politicians Union. Academic institutions, such as the Centre for Peace and Conflict Management at the University of Malawi and the Department of Governance, Peace and Security Studies at Mzuzu University, engaged in training, symposia, research and consultancy in

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peace and conflict resolution (Kang'oma, October 2020; Office of the President and Cabinet Report 2013:33). Trade unions and industry associations facilitated dialogue on employment issues between employees and their employers. Traditional leaders, particularly the chiefs and headmen, promoted and maintained peace in their communities by settling disputes between local parties (Office of the President and Cabinet Report 2013:40).

Some of the NSA engaged in peacebuilding benefited from significant UNDP capacity-building and capacity-development programmes in the late 1990s and early 2000s. These included particularly the PAC – one of the oldest and best known umbrella organisations for the major faith communities represented in the country – and other local organisations promoting dialogue between communities and the government (Galtieri 2018:3; Phiri 2020). This aimed to reduce the risk of electoral violence experienced in previous years and to develop a network of individuals and organisations that could act as agents of social cohesion and peace (Galtieri 2018:3). However, NSA-I4P were big losers of the UNDP priority shift towards supporting, among others, the government Millennium Development Goals' agenda, amid the improved economic stability that followed President Bingu wa Mutharika's election in 2004 (Galtieri 2018:4). The reprioritisation proceeded, even though the opposition disputed the election outcome and started violent protests which claimed at least four lives (Maroleng 2004:77–81).

The pinch felt by NSA-I4P, in terms of having fewer resources to implement their critical peacebuilding work, was aggravated by Malawi's inherent I4P gaps discussed in this paper. According to the UNDP (2020):

... efforts of all these [state and non-state] institutions have been hampered by two main challenges, namely; lack of enabling legislation and absence of a national peace architecture that promotes pro-active rather than reactive conflict management in the country. The absence of a long-term strategic institution for conflict transformation resulted in ad-hoc, unsustainable and uncoordinated responses to conflict situations.

Unsurprisingly, the state and non-state peacebuilding mechanisms failed to quell simmering tensions and failed to prevent the July 2011 violent protests over political oppression and the deteriorating socio-economic situation in the country (Galtieri 2018:2–3; Makossah 2011;

Sevenzo 2011; Valanguwo 2011). In fact, there was a toxic environment and relationship between the state and some non-state stakeholders. The Human Rights Consultative Committee, representing the whole gamut of the NSA, masterminded the anti-government protests (Nathan 2018:3). President Bingu wa Mutharika's government deployed the police to restore order. Twenty civilians died in the ensuing crackdown.

In response to the government's invitation, United Nations Secretary-General (UNSG) Ban Ki-moon deployed Mozambican diplomat João Honwana as his Special Envoy to neighbouring Malawi to help calm political tensions and to explore the possibility of fostering dialogue between the hostile Malawian stakeholders (Egypt Today 2011; Galtieri 2018:2, 4; Nathan 2018:4; UNDP 2017). In a context where both the state and non-state actors were divided between moderate and hardline elements with different schemes, the UNSG Envoy was able to strengthen the moderates and their agenda for constructive dialogue (Galtieri 2018:4; Nathan 2018:6). Furthermore, both state and non-state stakeholders perceived the UN to be a trustworthy and neutral arbiter (Nathan 2018:6). Nathan (2018:4) highlighted other politico-strategic factors that explained the President's consent to UN mediation:

Mutharika was apparently advised by President Mugabe [of Zimbabwe] to reject the diplomatic initiative of the UN Secretary-General on the grounds that accepting it would raise the risk of more intrusive interventions by the UN Security Council [in the region]. Mutharika rejected this advice and accepted a role for the UN ... he had confidence in Secretary-General Ban Ki-Moon. He may well have preferred the preventive diplomacy action to have been led by the African Union (AU) or the Southern African Development Community (SADC). Neither of these bodies, however, had made any move to get involved in the crisis. Mutharika was therefore unable to select the multinational intervener of his choice.

However, the usual process is that the member state requests support from the AU or SADC, and thus if the president preferred preventive diplomatic action to be led by either of these blocs, he was equipped to request this intervention by invitation. Specifically, Article 4(j) of the AU's Constitutive Act of 2000 allows a member state to ask the AU to intervene to restore peace and security. The Constitutive Act also provides a legal basis for the AU to intervene militarily in a member state

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without its consent, under certain circumstances. For example, Article 4(h) establishes the right of the AU to intervene in a member state to prevent grave violations of human rights.

The SADC's political, defence and security cooperation is linked to respect by the regional organisation and its member states for certain related principles (Oosthuizen 2006:283). These include sovereignty and the sovereign equality of member states; territorial integrity; political independence; good neighbourliness; non-aggression; non-interference in the internal affairs of one another; interdependence; 'solidarity, peace and security'; the peaceful settlement of disputes; human rights, democracy and the rule of law; and equity, balance and mutual benefit (SADC Mutual Defence Pact 2003; SADC Protocol 2001; SADC Treaty 1992). Thus, according to Article 7 of the Mutual Defence Pact, collective action can be taken at a member state's request or with its consent, except where the SADC Summit of Heads of State and Government decides that action needs to be taken in compliance with the Protocol. For example, Article 11 of the Protocol outlines significant interstate or intrastate conflicts under the jurisdiction of the SADC Organ on Politics, Defence and Security Cooperation and the various conflict management measures at SADC's disposal – including collective enforcement action without a member state's consent. However, the Summit can mandate such enforcement action only as a last resort, under Chapter VIII: Article 53 of the UN Charter and with UN Security Council approval. One central concern remains: how principles such as sovereignty and non-interference, alongside the intricacies of enforcement action can allow conflicts to fester in the region.

Significantly, amid SADC's sensitivity to external intervention in the region, the UN strategically ensured SADC support for its preventive diplomacy in Malawi by prompt and close liaison with the regional body (Nathan 2018:6–7). In addition, for President Bingu wa Mutharika, participation in the dialogue with civil society would endear him to the citizens and detoxify his relationship with the Western donors on whom Malawi heavily depended (Nathan 2018:4). For their part, non-state actors were not strong enough to overthrow the government and dialogue was an opportunity for the non-violent tabling of grievances in the 20-point petition, which had been the basis of the July demonstrations (Galtieri 2018:4; Nathan 2018:4). The Envoy's efforts de-escalated the

tensions, culminating in the 16 August 2011 government–civil society joint statement committing to an UN-facilitated National Dialogue (UN News 2011).

Sahle-Work Zewde, the UN Facilitator, overcame several challenges. These included a lack of resources, a lack of UN continuity and sustained presence, the asymmetry of the UN’s specific relations with the government and civil society, constant simmering tensions between the parties, the inadequate composition and mandate of the delegations, and the absence of political will to steer the dialogue between August 2011 and March 2012 (Galtieri 2018:4–8; Nathan 2018:2, 8–9). The Facilitator relied on the UN Department of Political Affairs Mediation Support Unit and UNDP’s administrative and logistical support. Furthermore, “SADC and the donor community in Malawi backed the UN’s efforts” (Nathan 2018:7).

The national dialogue “served the function of preventive diplomacy, defusing the crisis and preventing further violence, but failed to address the grievances and the causes of the crisis” (Nathan 2018:2). Crucially, it laid the platform for a UNDP-supported, broad, multi-stakeholder consultation process involving the Malawian state, non-state and political opposition actors – for developing an NPA for structural conflict prevention, resolution or transformation (Galtieri 2018:5, 6). According to the Government of Malawi (2017:11), the process formally started with a March 2012 “Infrastructure for Dialogue and Collaborative Problem-solving for Malawi” Workshop, which established a Civil Society National Taskforce on the NPA to spearhead the process. The Task Force then “engaged the Government on the proposal to establish the NPA. The government embraced and supported the idea” (Government of Malawi 2017:11). Government buy-in was critical, as any future NPA would have to be established by the state, but should ideally be independent, non-partisan and impartial. Traditional authorities also endorsed the idea of a national I4P (Government of Malawi 2017:12). Their inclusion and participation in the process was an opportunity to integrate indigenous and traditional peacebuilding methods in the NPA. Notwithstanding their problems, the inclusion and participation of traditional institutions,

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which are close to local communities, strengthened local participation and promoted local ownership of the consultation process.³

The PAC played a lead role in the nationally owned consultation process by convening a series of “All-Inclusive Stakeholder Conferences” between 2012 and 2017 (Phiri 2020). The UNDP encouraged women participation in the PAC-convened national consultations and even organised a peer learning country visit for the PAC and other stakeholders to Uganda, which had experienced a similar problem of ‘gender blindness’ in the peacebuilding process (Galtieri 2018:7). All the consultative dialogues were unanimous about the need for an NPA (Government of Malawi 2017:12).

The government established a temporary NPA Secretariat in the Office of President and Cabinet (OPC) in 2012 to support its collaborative efforts with other stakeholders towards the establishment of the NPA (Kang’oma, October 2020). As discussed later, the location of the Secretariat in the OPC raised concerns about its financial and operational independence. Notwithstanding this, the NPA Secretariat oversaw the production of the 2013 “Development of a National Peace Architecture for Malawi” Report (Office of the President and Cabinet Report 2013). The report was grounded on, among other things, inclusive and consultative dialogues and on an extensive literature review and best practices learned from other African countries with a formal NPA, such as Ghana, Kenya, Sierra Leone and Zimbabwe. The Report proposed the establishment of a permanent national institutional framework for the promotion of collaborative peacebuilding mechanisms to prevent, manage and transform conflicts before they degenerate into violence

3 According to the government’s 2013 report on the “Development of a National Peace Architecture for Malawi”, the disadvantages of traditional authorities include: (1) they are subject to manipulation and instrumentalism by political leaders who may put traditional chiefs, especially those on the government payroll, under pressure to support the ruling party, even declaring their areas of jurisdiction as ‘no-go areas’ for opposition political parties; (2) the chieftaincy has been politicised and ‘monetised’ and the elevation of traditional leaders by the government without following customary rules and regulations has led to potentially violent tensions in some rural communities; (3) the above incentives associated with chieftaincy are a source of chieftaincy- and land-ownership disputes; and (4) patriarchy associated with the chieftaincy and the general structure of society encourages discrimination against women and the youth, thereby undermining conflict prevention and resolution.

(Office of the President and Cabinet Report 2013; UNDP 2020). Based on this report and further extensive consultations, the NPP, which reflects the views and aspirations of Malawians, was developed, approved and launched by the government in 2017 (Government of Malawi 2017). This was a significant step towards filling the gaps in the centre of Malawi's national I4P.

3. The NPP: Operationalising national and international instruments

Significantly, the NPP complies with national, regional, continental and international instruments emphasising the need for developing and operationalising a systematic and inclusive NPA (Government of Malawi 2017:2, 14). Nationally, section 13(l) of the Constitution of Malawi commits the state “to strive to adopt mechanisms by which differences are settled through negotiation, good offices, mediation, conciliation and arbitration”. Regionally, the NPP provides for the development and operationalisation of a systematic and inclusive I4P in compliance with, among others, the “2013 Maseru Declaration on a Framework for Peaceful Development in Southern Africa” and the SADC Strategic Indicative Plan for the Organ (SIPO) on Politics, Defence and Security Cooperation (Government of Malawi 2017:4, 5, 14). The Organ is at the centre of SADC's I4P and has set out to support member states in implementing the Maseru Declaration on the Promotion of Regional Peace and Security Integration. Although not legally binding, the Declaration reflects the commitment of SADC countries to certain principles: (1) developing and operationalising adequate national I4P legal frameworks; (2) establishing and strengthening systematic I4P; (3) integrating indigenous and traditional methods of healing, reconciliation and alternative dispute resolution into local and national efforts; and (4) assisting the NSA in the development and implementation of national I4P (Ahere 2013).

Notably, Malawi is strengthening its SADC National Committee (SNC) comprising key state and non-state stakeholders, which is crucial in coordinating the domestication and implementation of such regional decisions and programmes at the national level (Raphael Asuliwonnu, UNDP Malawi, October 2021 Interview). In addition, a revamped and more visible SNC bodes well for broad-based citizen participation and

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appropriate public awareness and knowledge of SADC, its peace and security agenda and decision-making process – for example, during conflict in a member state.

Continentially, Malawi's NPP accords with the 2001 AU Heads of State Memorandum of Understanding (MoU) on Security, Stability, Development and Cooperation in Africa (Government of Malawi 2017:4, 14). The MoU specifically urges member states to:

Establish by 2004, national institutions or mechanisms for prevention, management and resolution of conflicts at community and national levels with active involvement of Civil Society Organisations (CSOs) and Community Based Organisations (CBOs). It should include indigenous conflict resolution mechanisms, Emergency Relief Assistance and confidence building measures between ethnic, racial and national groups. Such institutions could be national focal points for regional and continental early warning.

Furthermore, Malawi's NPP fulfills the AU Agenda 2063 goals of a stable and peaceful Africa backstopped by a fully functional and operational African Peace and Security Architecture (Government of Malawi 2017:14). Internationally, the NPP is crucial for its achievement of UN Sustainable Development Goal (SDG) 16 on "peace, justice, and strong institutions" (Government of Malawi 2017:14). Specifically, SDG 16 is dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective and accountable institutions at all levels. Arguably, therefore, Malawi's ongoing implementation of the NPP gives peacebuilding stakeholders an opportunity to innovatively design a permanent integrated NPA with vertical links between initiatives at the local, national, regional, continental and global levels.

4. The NPP: A bedrock national peacebuilding framework

Malawi's fundamental NPP is a guide for state, non-state and other stakeholders to deliver coherent and integrated peacebuilding programmes and to avoid a relapse into violent conflicts similar to the 2011 crisis. As previously noted, the UN interventions crucially de-escalated the 2011 conflict but did not address the structural causes of the crisis (Nathan 2018:3). In his foreword to the NPP, President Peter Mutharika emphasised the policy framework's purpose to achieve

“negative peace” and guarantee “positive peace”. He wrote that (Government of Malawi 2017:2):

... peace does not only mean the absence of direct violence which result in hurting people or loss of life and damaging property, but also the absence of indirect/structured violence embedded in social, cultural, economic, religious and political systems that perpetuate exploitation, injustice and inequalities.

The NPP significantly identifies some compounding historical and emerging threats to Malawi’s peace, security and unity that it seeks to address. These risk factors of conflict include those emanating from political transitions and pressures; infringements of civil liberties and political rights; and pressure on socio-economic and development rights, including the lack of political and economic opportunities for women, youth and persons with disabilities (Government of Malawi 2017:12–13).

The NPP, however, did not foresee externally and internally induced threats to Malawi’s security – namely terrorism, pandemics such as COVID-19 and climate and environmental risks. Malawi borders Mozambique and the violent extremism in the Cabo Delgado region of northern Mozambique can be destabilising with regard to refugee flow, movement of insurgent forces and influence the recruitment of marginalised Malawians (Asuliwonnun 2021; Makuwa 2020; Mwalubunju 2020; UN Malawi 2021a:37, 51).⁴ Furthermore, the “COVID-19 pandemic hit Malawi in March 2020, seriously undermining the country’s prospects for development and exacerbating the already strained social and economic situation” (UN Malawi 2021a:iv). The country also grapples with natural disasters related to climate change and environmental risks, which threaten many rural Malawians and the agrarian economy

4 At the time of writing, Malawi is the current Chair of SADC. It contributed personnel to the SADC Mission in Mozambique (SAMIM), which was deployed on 15 July 2021 as a regional response to help Mozambique combat terrorism and acts of violent extremism in the Cabo Delgado province (SADC 2021).

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(UN Malawi 2021a:52). As discussed later, the NPP is not set in stone and has inbuilt mechanisms to incorporate new conflict risks.

The strategy outlines how it seeks to address earlier mentioned gaps in the current peacebuilding interventions by way of a preamble:

The National Peace Policy (NPP) seeks to integrate the country's peace building initiatives and conflict prevention, management, resolution and transformation mechanism by various stakeholders into a cohesive whole ... The NPP clarifies the institutional framework within which the stakeholders will coordinate peacebuilding mechanisms to create harmonised, integrated and cohesive approaches to sustain peace and unity in Malawi (Government of Malawi 2017:10).

In doing so, the NPP provides a platform to rectify the weaknesses in the peacebuilding interventions, which were identified by stakeholders during the consultative dialogues:

The gaps include lack of [a] gender sensitive national peace architecture; absence of clear roles, and operating procedures; weak peace building and reconciliation initiatives; inadequate dialogue, lack of capacity building and peace education and awareness programmes, limited research and weak understanding of the root causes of conflicts that threaten peace and unity in Malawi; unguided government peace building responses and the lack of [an] effective communication strategy (Government of Malawi 2017:13).

Against this backdrop, the broad goal of the NPP "is to promote sustainable peace and unity in Malawi in a well coordinated, collaborative and structured manner in order to achieve political prosperity and socio-economic development" (Government of Malawi 2017:2). Table 1 shows the strategic objectives and outcomes established by the national peacebuilding plan in direct response to the critical gaps and weaknesses mentioned above.

Table 1: NPP strategic objectives and outcomes

Strategic Objectives	Strategic Outcomes
Establish a gender- and disability-sensitive NPA	Institutionalised peacebuilding initiatives that incorporate the participation of women, youth, and persons with disabilities
Provide coordinated and harmonised peacebuilding initiatives and mechanisms	Enhanced coordination and harmonisation of peacebuilding efforts
Enhance NPA conflict prevention, management and transformation mechanisms and capacities	Enhanced conflict prevention, management and transformation mechanisms and capacities
Enhance capacity-building and training for stakeholders	Enhanced collaborative leadership by government and other relevant stakeholders
Conduct research on peace and conflict, including the root causes and effects of conflicts and tensions and conflict dynamics and actors	Enhanced peacebuilding and conflict transformation knowledge and skills for the NPA structures and relevant institutions
Institutionalise peace education in educational institutions	Institutionalised peace education in all educational institutions
Provide policy advice to government and other relevant institutions	Enhanced conflict-sensitive decision-making by government and other relevant institutions
Develop an inclusive NPA communication strategy	Enhanced high level of positive internal and external stakeholders' awareness, knowledge and support of the NPA activities

Source: Adapted from Government of Malawi (2017:15–17).

The NPP includes an integrative policy implementation, monitoring and evaluation strategy, which sets out specific strategies for the planned permanent NPA to attain the above objectives and also states how they will be monitored (Government of Malawi 2017:25–26). Participatory and inclusive quarterly and mid-term reviews and annual general meetings are envisaged to ensure transparency and accountability while informing timely and proactive remedial action to ensure that the NPP remains relevant (Government of Malawi 2017:26). The umbrella NPA is expected to consult with state, non-state and other stakeholders every five years to review and update the NPP based on changing conflict dynamics and the political and socio-economic environment (Government of Malawi 2017:26). These measures, combined with ongoing activities under the research priority area, should address any

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gaps in threat perceptions, such as terrorism, pandemics and climate change – as previously noted.

The NPP envisaged the development and enactment of an enabling legal framework for the establishment of a permanent umbrella NPA to proactively respond to conflicts, transform them into peaceful outcomes, and coordinate peacebuilding initiatives and mechanisms among relevant stakeholders at national and district levels (Government of Malawi 2017:26). However, the time lag between the NPP launch in 2017 and its full implementation, due to the absence of enabling legislation, limited positive outcomes during the peacebuilding framework's first five-year cycle (Kasakura 2019). The ensuing long wait for the establishment of a standing formal NPA perpetuated Malawi's reactive rather than proactive approach to conflict situations and bouts of lethal political violence. A prominent example is the judiciary's landmark resolution of the country's deadly 2019 presidential election wrangle. It demonstrated the preparedness and capacity of Malawi's institutions to independently safeguard democracy and ensure the peaceful resolution of internal tensions – albeit in a reactive manner (Chiuta 2020; SADC 2020).⁵

Notably, the government established a multi-stakeholder National Reference Group for the drafting of a Bill proposing the legal establishment of the permanent NPA, in line with the overarching framework of the Constitution and the NPP. The government collaborated with the UNDP to engage a consultant to work closely with the NPA Secretariat, National Reference Group, UN staff and key stakeholders to craft the Bill. The consultant undertook a comprehensive public consultation process that involved the government, legal experts and NSAs at national and local levels, and also reviewed similar undertakings in other African countries – which led to the drafting of the Malawi Peace Commission Bill (UN Malawi 2021a:23). The Bill was

5 In May 2020, the Supreme Court affirmed the landmark decision of the Constitutional Court to nullify the 2019 presidential election – citing evidence of fraud and malpractice. This paved the way for a new ballot on 2 July 2020. President Peter Mutharika's disputed win in May 2019 plunged Malawi into deadly confrontations and widespread unrest. The political tensions flared in a context of other challenges, such as gender-based violence, widespread poverty, unemployment and inequality that threatened the peaceful coexistence of all Malawians.

passed by the Parliament of Malawi during its March 2022 sitting (see Naitha 2022; Parliament of Malawi 2022). According to Malawi's Constitution, it now has to be assented to by the president in order to become an Act of Parliament – a law of the land.

The next section assesses the double-layered NPA Implementation Arrangement proposed by the NPP, which the enabling legislation should operationalise.

5. The NPA institutional arrangement

The permanent two-tiered NPA will functionally comprise the national-level Malawi Peace Commission (hereinafter referred to as 'the Commission') and the District Peace Committees (hereinafter 'the District Committees'), which will engage collaboratively with other key stakeholders in peacebuilding. The devolved institutional arrangement provides for a vertically integrated NPA that delivers peacebuilding platforms "traversing the totality of Malawian society from national to regional and to district levels" (Galtieri 2018:7). Horizontally, the Commission should autonomously integrate its peacebuilding work with existing national state institutions mentioned before (Kang'oma 2020). The Commission is yet to be established while awaiting the above-mentioned enactment of enabling legislation. However, pilot District Committees have been established and are operational in six selected districts, as discussed later (UNDP 2020).

The NPP designated the Commission "the highest umbrella body and focal point of peace building and conflict prevention, management, resolution and transformation in Malawi", which is mandated "to promote sustainable peace and unity in Malawi, serving as the Malawi pillar for peace building, conflict prevention, management, resolution and transformation" (Government of Malawi 2017:21, 22). The aim is to help fill the identified gaps resulting from the absence of a standing centralised strategic institution for peacebuilding, which led to ad hoc, unsustainable and uncoordinated responses to conflict situations, such

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as the 2011 tensions (Dzinesa 2021). Specific tasks under the extensive mandate of the Commission include to:

- 1) Oversee the implementation of the NPP.
- 2) Provide conflict-sensitive policy guidance to the government.
- 3) Provide a platform where national Malawi dialogues on social, economic, political, ethnic, and religious challenges can be held peacefully.
- 4) Engage in reconciliation and transformative dialogues that foster national peace and unity.
- 5) Interact with other regional and international bodies involved in conflict management.
- 6) Commission studies on the underlying causes and effects of violent conflicts in Malawi.

As noted earlier, the Commission, while serving as the central pillar of the NPA, is expected to establish horizontal and vertical linkages with other peacebuilding stakeholders from different levels and sectors of society, in pursuit of a comprehensive and operationally effective integrated national I4P (Government of Malawi 2017:23). This collaboration will be coordinated and facilitated by its permanent secretariat.

The Commission is mandated to create the District Committees in its own image “to sustain peace and unity within the District[s], and create and facilitate spaces for dialogue between groups and communities and for the exchange of ideas on issues that may threaten peace and stability within the community” (Government of Malawi 2017:24). Each District Committee shall specifically be mandated to:

- 1) Engage in peacebuilding initiatives/mechanisms, including mediation, negotiation, confidence and trust-building activities between groups and communities in conflict within the district.
- 2) Provide strategic advice to stakeholders in the district.
- 3) Provide early warning on potential threats in order to defuse tension in the communities.
- 4) Organise training and other capacity-building programmes.

- 5) Engage in public education, sensitisation and awareness programmes about conflict indicators in the district.
- 6) Conduct regular meetings with peacebuilding agencies in the district for experience sharing and knowledge management.

Although the Commission has not yet been established, as a first step and as a test to roll out the NPA structures nationwide, the government partnered with the UNDP to establish six pilot District Committees in areas identified as high risk for violence (Balakasi 2019; Mzungu 2021; UNDP 2020). The six ‘hotspot’ districts of Karonga, Kasungu, Mangochi, Mulanje, Nkhata Bay and Salima variously have a history of, inter alia, chieftaincy, land-based, electoral, political, cultural and religious violent conflict (Balakasi 2019; Raphael Asuliwonnu, UNDP Malawi, October 2020 Interview). In accordance with the NPP, the District Committees have generally comprised nine vetted members representing a broad range of identified stakeholders to promote inclusivity and gender equity – including three men, three women, two people with special needs, and one youth (Asuliwonnu 2020; Balakasi 2019; Government of Malawi 2017:24). The inclusion of traditional and religious leaders in the District Committees, alongside representatives from other special interest groups, is notable in the context of myths and misconceptions and continued attacks, abductions and killings of persons with albinism (Afro News 2021). The UNDP provided the District Committees with some capacity-building and technical support such as laptops for the secretariats and smartphones for each committee member, in order to ease communication challenges (Asuliwonnu 2020; Balakasi 2019; UN 2018).

The District Committees have proved to be popular safer places for various community stakeholders to meet to undertake dialogue, and to prevent and resolve contentious issues and disputes at their localities (Asuliwonnu 2020; Balakasi 2019; UNDP 2018). The District Committees also collected and compiled conflict-related information at the district level. There was, however, concern that some of the pilot District Committees lacked technical expertise and capacity to analyse the conflict data in order to facilitate early warning and early response (Kang’oma, October 2020). The District Committees’ shortcomings were compounded by the fact that the staff of the supervisory temporary NPA Secretariat not only lacked peacebuilding and monitoring, evaluation, and learning

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capacity themselves, but also attended part-time to NPA activities, as they were permanently employed elsewhere in government (Kang'oma, December 2020). The result was that some interventions were implemented when conflicts had already escalated into violence within districts (Kang'oma, December 2020). This reinforces the importance of expeditious finalisation of the legislation to establish the Commission and its permanent secretariat, which will constantly supervise the work of District Committees and promptly receive conflict data for further data compilation, management and analysis at national level.

Significantly, two of the six District Committees, Mangochi and Mulanje, border Mozambique, and the government–UNDP partnership has supported community-level dialogue about violent extremism and refugees (Asuliwonnu 2021). This ties in with broader “UN led joint efforts on preparedness through the anticipatory action pilot, led by OCHA and a Joint Contingency Planning on the possible effects on border areas of population displacement relating to the Cabo Delgado situation in Mozambique” (UN Malawi 2021a:38). Although one of the recommendations from the joint assessment was the establishment of more District Committees in border areas, a strategic decision was made to wait for the impending enactment of legislation to establish the Commission and enable the formal roll out of further committees (Asuliwonnu 2021). Overall, the lessons learnt from the pilot District Committee programme are the basis on which similar structures will be implemented in other districts across the country (Asuliwonnu 2021; UNDP 2018).

Apart from the pilot District Committees, Women in Peacebuilding Forums and Youth Peace Forums were established at national and regional levels as informal, civil society-based substructures under the NPA Secretariat (Reliefweb 2016; UNDP 2018). The forums fulfil the principle of inclusivity enshrined in the NPP and promote the complementary women, peace and security and youth, peace and security agendas. Crucially, the forums promote the development of national capacities for sustainable peace by empowering women and youth to act as mediators and conflict monitors on the ground and to play a leading role in conflict prevention and peacebuilding (Reliefweb 2016). The forums provide vital safe spaces for individuals who feel socially excluded and vulnerable, where they can assemble to share their experiences with marginalisation, conflict and forms of violence,

including gender-based violence. As part of efforts to respond to political and economic exclusion driving tension and conflict in the country, UNDP support was extended to these structures, increasing the participation of women and youth in peace and security (UN 2018).

In 2020, President Lazarus Chakwera's new administration created a Ministry of Civic Education and National Unity whose mission, including peacebuilding, is:

To coordinate and regulate civic education services and promote national peace and unity through the enforcement of civic education policies, promotion of shared public interests and values and supporting collaborative peace building and conflict management interventions for national development (Ministry of Civic Education and National Unity 2020:1).

Here the previously stated issue of the location of the NPA Secretariat in the OPC becomes pertinent. Firstly, although the NPP styled the Commission as “an independent body responsible for coordination and engagement in peace building mechanisms, decision making and implementation of the NPP”, it further states that “It shall be placed in the Office of the President and Cabinet” (Government of Malawi 2017:21). Secondly, the NPA Secretariat was transferred from the OPC to the new Ministry of Civic Education and National Unity following the reorganisation of government.⁶ Still, this did not allay concern that the ruling party, through the executive branch, can exercise undue political control, influence and interference in relation to the NPA (Mtonga 2020). Odendaal (2012:45) argues that:

Political actors will always try to manipulate or control as important a process as peace-building. In addition, ruling parties have a mandate to rule. It is a naive expectation that ruling parties will give up their control of such a central political process – that of shaping the nature of the peace that is being established. Therefore, the mandate of NPCCs [National Peace Commissions] will be sustainable when the consensus regarding their role in society has grown sufficiently strong to withstand political manipulation.

6 At this point, terminology changed from Malawi Peace Commission and District Peace Committees to Malawi Peace and Unity Commission and District Peace and Unity Committees.

NPA Secretariat official Dyton Kang'oma (December 2020) acknowledged that the “disadvantage of proximity to the executive is that there will be a perception of undue influence from the executive as the executive is considered to be the most powerful branch of Government”. The above-mentioned Bill for the long awaited Commission and District Committees, based on an inclusive and lengthy consultation process, provides for independent, non-partisan, impartial bodies. Kan'goma was hopeful that its enactment would not only “establish the Commission [but also] ... give it the operational and financial independence”. Significantly, the UN is optimistic about the Commission, emphasising that it “should become a robust and ineradicable fabric of the Malawian society”, and is an opportunity for Malawi to recover from COVID-19 with lasting peace (Dzinesa 2021; UN Malawi 2021b).

6. Conclusion

The locally owned and inclusive NPP is a fundamental basis for a coherent, legitimate, vertically and horizontally integrated NPA for promoting peace and unity in Malawi. The government needs to fast track the enactment of the Bill and implement it so that a permanent and proactive umbrella Commission for all stakeholders in peacebuilding is emplaced. It will unite and strategically coordinate and facilitate peacebuilding initiatives at national and district levels. The inter-stakeholder collaborative arrangement of the NPP and the Bill-formulation processes are key to subsequent prospects for the Commission's implementation of its mandate. Although there is a time lag of about four years between the launch of the NPP and enactment of the Bill, the NPP's inbuilt monitoring, evaluation and review processes enable the bedrock peacebuilding framework to be sensitive to the shifting conflict dynamics, and remain relevant.

It is critical that attention be paid to independence, competence and funding. Parliament should ensure that the legislation that establishes and binds the Commission, which ultimately determines its structure and functions, guarantees its freedom from undue political control, influence and interference. Parliament's Public Appointments Committee should ensure the implementation of the law including laid-down procedures for the appointment of competent commissioners of impeccable integrity, and with the stature and gravitas that enables them to interface impartially with key stakeholders in order to execute the

Commission's mandate effectively. The Commission must have sufficient capacities to strongly fulfill its designated peacebuilding roles, including early warning and early response, preventative diplomacy, conflict mapping, prevention, facilitation, mediation and resolution. In addition to the established Malawi–UNDP partnership, the country's capacity-building initiatives must take advantage of the support for member states provided by the SADC's Mediation, Conflict Prevention and Preventative Diplomacy structures.

Parliament must ensure that the proposed Commission gets adequate funding to discharge its mandate fully. Development partners, such as the UN, the AU and SADC, should provide technical and financial assistance for Malawi's Commission, in order to promote an integrated I4P framework that vertically links the global, continental, regional, national and local levels. The NPP carries the seed for such connections as it is in harmony with international policies on I4P. Notably, Malawi has been developing its NPA in close collaboration with the UN. Furthermore, Malawi is the current Chair of SADC and is strengthening its SNC, which is key to raising public awareness and understanding of relevant SADC peacebuilding decisions, such as the Maseru Declaration, and their implementation at the national level. Finally, Malawi must implement the vertical linkages that are sensitive to national/local agency, ownership and legitimacy to promote sustainable peace and unity.

Sources

African Union. Linking Agenda 2063 and the SDGs. Available from: <<https://au.int/en/agenda2063/sdgs>> [Accessed 23 October 2021].

Afro News 2021. Minister Mtambo asks chiefs to spearhead promotion of peace and unity. *Afro News*, 1 September. Available from: <<https://afro.news/2021/09/01/malawi-minister-mtambo-asks-chiefs-to-spearhead-promotion-of-peace-and-unity/>> [Accessed 1 October 2021].

Ahere, John 2013. ACCORD participates in SADC Regional Consultation on Building National Peace Infrastructures, 4 November. Available from: <<https://www.accord.org.za/news/accord-participates-in-sadc-regional-consultation-on-building-national-peace-infrastructures/>> [Accessed 2 February 2020].

Balakasi, Enock 2019. Government launches Peace Committee in Mulanje. 2 December. Available from: <<https://www.leymanck.com/govt-launches-mulanje-peace-committee/>> [Accessed 14 November 2021].

Malawi's Peace Policy: The bedrock of a coherent national peace architecture?

- Chiuta, Wonngani 2020. Supreme Court orders no new registered voters, no new candidates in Malawi re-run. *Nyasa Times*, 8 May. Available from: <<https://allafrica.com/stories/202005080885.html>> [Accessed 29 October 2021].
- Dzinesa, Gwinyayi 2021. Malawi quietly making headway with National Peace Architecture. *ACCORD Conflict & Resilience Monitor*, 24 November. Available from: <<https://www.accord.org.za/analysis/malawi-quietly-making-headway-with-national-peace-architecture/>> [Accessed 24 November 2021].
- Egypt Today 2011. Mozambican diplomat to mediate Malawi crisis. *Egypt Today*, 19 August. Available from: <<https://www.egypt-today.com/en/amp/42/mozambican-diplomat-to-mediate-malawi-crisis>> [Accessed 2 October 2021].
- Galtieri, Francesco 2018. Malawi 2011–17. United Nations University Centre for Policy Research, June. Available from: <<https://i.unu.edu/media/cpr.unu.edu/attachment/2854/RC-Project-Malawi.pdf>> [Accessed 1 October 2021].
- Government of Malawi 2017. *National Peace Policy*. Available from: <https://www.mw.undp.org/content/malawi/en/home/library/-malawi-national-peace-policy.html> [Accessed 1 October 2020].
- Government of the Republic of Malawi. Office of the President and Cabinet 2013. *Development of a National Peace Architecture for Malawi*. Government report.
- Kasakura, Archibald 2019. Peace policy gathers dust. *The Nation*, 30 July. Available from: <<https://www.mwnation.com/peace-policy-gathers-dust/>> [Accessed 1 October 2020].
- Makossah, Peter 2011. Malawi NGOs say August 17 'Red army' demos on. *Nyasa Times*, 11 August. Available from: <<http://www.nyasatimes.com/malawi-ngos-say-august-17-red-army-demos-on/>> [Accessed 1 October 2020].
- Maroleng, Chris 2004. Malawi general election 2004: Democracy in the firing line. *African Security Review*, 13 (2), pp. 77–81.
- Ministry of Civic Education and National Unity 2020. Mandate, Vision, mission and strategic objectives. Available from: <<http://www.reforms.gov.mw/psrmu/sites/default/files/Ministry%20of%20Civic%20Education%20and%20National%20Unity%20Reforms%20Contract%202020.pdf>> [Accessed 2 October 2021].
- Mzungu, Watipaso. 2021. Govt establishes District Peace Committees to foster peace. *Nyasa Times*, 15 June. Available from: <<https://www.nyasatimes.com/govt-establishes-district-peace-committees-to-foster-coexistence/>> [Accessed 1 October 2021].
- Naitha, Edgar 2022. UPDATE: Parliament passes Peace and Unity Bill. *FaceofMalawi News*, 22 March. Available from: <<https://www.faceofmalawi.com/2022/03/22/update-parliament-passes-peace-and-unity-bill/>> [Accessed 22 March 2022].
- Nathan, Laurie 2018. UN preventive diplomacy and facilitation of dialogue in Malawi (2011–12), April. Available from: <<https://i.unu.edu/media/cpr.unu.edu/attachment/2756/PD-Malawi.pdf>> [Accessed 1 October 2021].
- Odendaal, Andries 2012. The political legitimacy of National Peace Committees. *Journal of Peacebuilding & Development*. 7(3), pp. 40–53 <doi: 10.1080/15423166.2013.767601>

- Office of the President and Cabinet 2013. *Development of a National Peace Architecture for Malawi*. September. Government report.
- Oosthuizen, Gabriël H 2006. *The Southern African Development Community: The organisation, its policies and prospects*. Midrand, Institute for Global Dialogue.
- Parliament of Malawi 2022. 49th Session: 5th Meeting Order Paper, March. Available from: <<https://twitter.com/ParliamentofMw/status/1504082580689281027/photo/1>> [Accessed 20 March 2022].
- PeaceInfrastructures.org. *Infrastructures for Peace*. Available from: <<https://peaceinfrastructures.org/SitePages/Thematic.aspx?IdThematic=1>> [Accessed 1 October 2021].
- Reliefweb 2016. Malawian women gather for peace building conference. *Reliefweb*, 18 November. Available from: <<https://reliefweb.int/report/malawi/malawian-women-gather-peace-building-conference>> [Accessed 15 November 2021].
- SADC 1992. The Treaty of the Southern African Development Community, art 4. Available from: <https://www.sadc.int/files/8613/5292/8378/Declaration__Treaty_of_SADC.pdf> [Accessed 5 January 2020].
- SADC 2001. Protocol on Politics, Defence and Security Co-operation, preamble. Available from: <https://www.sadc.int/files/3613/5292/8367/Protocol_on_Politics_Defence_and_Security20001.pdf> [Accessed 5 January 2020].
- SADC 2003. SADC Mutual Defence Pact, preamble and art 7. Available from: <https://www.sadc.int/files/2913/5333/8281/SADC_Mutual_Defence_Pact2003.pdf> [Accessed 5 January 2020].
- SADC 2020. Communiqué of the Extraordinary Organ Troika plus Republic of Mozambique Summit of Heads of State and Government, Harare, Zimbabwe, 19 May. Available from: <www.sadc.int> [Accessed 13 November 2021].
- SADC 2021. SADC Mission in Mozambique (SAMIM) in brief, 10 November. Available from: <<https://www.sadc.int/news-events/news/sadc-mission-mozambique-samim-brief/>> [Accessed 13 November 2021].
- Sevenzo, Farai 2011. African viewpoint: Is Malawi reverting to dictatorship? *BBC*, 3 May. Available from: <<https://www.bbc.co.uk/news/world-africa-13266263>> [Accessed 1 October 2021].
- UN News 2011. Ban welcomes 'step towards dialogue' following deadly violence in Malawi. *UN News*, 17 August. Available from: <<https://news.un.org/en/story/2011/08/384412-ban-welcomes-step-towards-dialogue-following-deadly-violence-malawi>> [Accessed 1 October 2021].
- UNDP 2017. Procurement Notice to develop a social cohesion project strategy and document. Available from: <https://procurement-notices.undp.org/view_notice.cfm?notice_id=37995> [Accessed 25 October 2020].
- UNDP 2018. Procurement Notice for individual consultancy for development of training manuals for the District Peace Committees. Available from: <https://procurement-notices.undp.org/view_notice.cfm?notice_id=46646> [Accessed 25 October 2020].

Malawi's Peace Policy: The bedrock of a coherent national peace architecture?

UNDP 2020. Procurement Notice for legal expert for drafting of the Malawi Peace Commission Bill. Available from: <https://procurement-notices.undp.org/view_notice.cfm?notice_id=62381> [Accessed 1 October 2021].

United Nations 2018. Country programme document for Malawi (2019–2023) DP/DCP/MWI/3. Available from: <<https://undocs.org/pdf?symbol=en/DP/DCP/MWI/3>> [Accessed 25 October 2020].

United Nations Malawi 2021a. 2020 UN annual country results report. March. Available from: <<https://malawi.un.org/en/125017-2020-annual-report-un-malawi>> [Accessed 1 October 2021].

United Nations Malawi 2021b. Recovering with lasting peace. Available from: <<https://malawi.un.org/en/145228-recovering-lasting-peace>> [Accessed 17 November 2021].

Valanguwo, Zion 2011. Hard times reveal Mutharika's incompetence in conflict resolution. *Nyasa Times*, 13 August. Available from: <<https://www.nyasatimes.com/hard-times-reveal-mutharikas-incompetency-in-conflict-resolution/>> [Accessed 25 October 2020].

Interviews (Virtual)

Asuliwonnu, Raphael 2020. UNDP Malawi official interview with the author on 25 October.

Asuliwonnu, Raphael 2021. UNDP Malawi official interview with the author on 13 October.

Questionnaire responses

Kang'oma Dyton 2020. Office of the President and Cabinet NPA Secretariat Official, October and December.

Makuwa, Clement 2020. Young Politicians Union National Director, October.

Mtonga, Ronald 2020. Council for NGOs in Malawi (CONGOMA) Executive Director, email, October.

Mwalubunju, Ollen 2020. National Initiative for Civic Education (NICE) Executive Director, October.

Phiri, Robert M. 2020. Public Affairs Committee (PAC) Executive Director, October.