

## Two 'transitions': The political economy of Joyce Banda's rise to power and the related role of civil society organisations in Malawi

Clive Gabay (2014) Two 'transitions': the political economy of Joyce Banda's rise to power and the related role of civil society organisations in Malawi, *Review of African Political Economy*, 41:141, 374-388, DOI: [10.1080/03056244.2014.901949](https://doi.org/10.1080/03056244.2014.901949)

On Friday November 2<sup>nd</sup> 2012, the front pages of most Malawian newspapers carried a story about sacks of famine-relief maize being distributed in rural areas of Malawi stamped with the initials of the president, Joyce Banda<sup>1</sup>. Banda had assumed the presidency in contested circumstances, when her predecessor, Bingu wa Mutharika, had suddenly died from a heart attack in April 2012. As vice president, Banda had quit the president's party to form her own party (the Peoples' Party) prior to these events. Members of Mutharika's Democratic Peoples' Party (DPP) thus manoeuvred to have Mutharika's brother installed as president (Singini, 2013: 85-86), even though this would have flouted the constitution, which stated that the vice-president should assume presidential office in case of the sitting president's demise. A constellation of forces, including military, civil society, judicial and media support for the constitutional provision (Yi Dionne and Dulani, 2012), meant that the constitution prevailed and Banda was installed as president. This paper assesses the situation in Malawi in part with reference to published and unpublished claims and allegations, which should not be inferred as representing the views of the author.

In combination with what was the most vibrant anti-government protests for nearly 20 years, Banda's ascent was interpreted by the Western political establishment as representing an optimistic new turn in Malawian politics and the region more broadly, following Mutharika's steady descent into authoritarianism. Governments which had earlier withdrawn aid from the country in protest at Mutharika's actions expressed public support for Banda as worthy of international support. UK Prime Minister David Cameron, whose ambassador was expelled by Mutharika in April 2011, praised Banda in the UK parliament (Hansard, 2013), whilst both Barack Obama and Hilary Clinton applauded Banda for "...improving the lives of the people of Malawi" (Clinton, 2012; see also Obama, 2013). Similarly, major think tanks and policy centres lined up to praise Banda. Chatham House extended its first ever invitation to a Malawian President when it hosted Banda at a speaking event in June 2012. At a subsequent event in March 2013, the head of Chatham House's Africa Programme, Alex Vines, spoke of Malawi's strategic place in a region becoming important as a potential source for oil, gas and other resources, before wishing Banda good luck with the upcoming 2014 elections in Malawi (Chatham House, 2013). Meanwhile, Freedom House placed Malawi on an 'upward trend arrow' due to the peaceful transfer of power from Mutharika to Banda (Freedom House, 2013). Interestingly for this paper, the Freedom House-published Freedom Index has been criticised for taking little account of political economy in measuring changes in domestic political freedoms (Harrison, 2002: 81)

The role of civil society in this process of apparent transition was key, from the petition CSOs submitted to Mutharika around which subsequent protests against him coalesced, or the press conference held by CSOs on April 6<sup>th</sup> 2012 demanding that Joyce Banda be appointed president as per the constitution. This all followed nearly two decades of international attempts to instigate an activist attitude amongst Malawian CSOs (Mwalubunju, 2008: 274; Gabay, 2011: 497-8). The abiding impression was that two transitions had taken place,

embodied by Joyce Banda's ascent on the one hand and an activism on the part of CSOs, which whilst not entirely unique in the post 1994 multiparty era, had not been witnessed to the same degree.

However, as the story of 'JB Maize', and civil society responses to such events since Banda's ascent to power illustrate, these 'two transitions' are neither as straightforward, nor evolutionary, as they seem. This article explores the political economy of Joyce Banda's ascent to power and period of rule in Malawi, and the related international political economy of civil society activism in the period. Mutharika's authoritarianism aside, an analysis of the 'JB Maize' story, as well as other developments in Malawi since March 2012, reveal a largely continuous political economy which problematises the notion that what has occurred in Malawi can be called a 'transition'. Relatedly, CSOs, which up until 2008/9 were remarkably supportive of the Mutharika regime, will be shown to have performed a largely consistent role in acting as a limiting agent on state intervention in the formal economy (Foucault, 2008: 295-313), albeit that this has not been entirely successful nor an uncontested process from *within* civil society in the country.

### July 20<sup>th</sup> protests

On July 20<sup>th</sup> 2011 Malawian civil society organisations submitted a petition to the President's office. Protests in support of the petition took place nationwide, but faced a Presidential clamp-down which saw Mutharika send out the security services to quell the protests; the resulting conflagration left 19 protestors dead (Malawi Human Rights Commission, 2011). This was the culmination of a period of authoritarianism in Malawi, characterised by Mutharika's increasingly erratic behaviour. Mutharika had expelled the British ambassador for making critical comments of him in a leaked cable and had made calls on the party youth to enforce his will on the population, with veiled references to possible violence<sup>ii</sup>.

Mutharika's erraticism had been apparent since his days as Secretary General of COMESA in the 1990s (Cammack, 2011: 15). However, the protestors' demands did not uniquely focus on issues of political rights. The bulk of the demands concerned socio-economic issues pertaining to living standards and economic mismanagement, including a 20% increase in the costs of a basic basket of goods in the period of December 2010-July 2011, the month of the protests (Centre for Social Concern, 2012), forex and petrol shortages, spiralling food costs and electricity shortages (Cammack, 2012a: 376-377 [for the full petition see Kumwenda, 2011; Cammack, 2012a: 379]).

Similarly, even though international news reports concentrated on Mutharika's political and human rights abuses, economic factors, such as Mutharika's refusal to devalue the Kwacha (as demanded by the IMF), seemed at least as important in souring Malawi's donor relationships. Indeed, it is notable that donors, under the auspices of IMF negotiation, only reinstated funds to Malawi once Joyce Banda agreed to devalue the Kwacha upon ascending to the presidency. As Banda herself put it: "We are willing to devalue, they are willing to begin the process of engaging with us" (Martinez and Jomo, 2012).

It is important to bear in mind that during his first term Mutharika was feted domestically and internationally for implementing developmentalist policies resulting in 8% annual growth.

However, it would be wrong to assign to this first term period a set of *vastly* different politico-economic characteristics to that which followed in Mutharika's second term. Indeed, Cammack, Kelsall and Booth (2010) note that during his first term Mutharika built up a political-economic system which encouraged "long-horizon rent creation and distribution" and a patrimonial system which encouraged various economic, political and tribal interests to reinvest rather than personalise their profits (see also Booth, 2011, and Kelsall, 2013, for a broader discussion of 'developmental patrimonialism'). This built on a long tradition in Malawi which dates back to the early days of Hastings Kamuzu Banda, the autocrat who ruled Malawi from independence in the 1960s until 1994.

It is this context in which we must understand the rise of Joyce Banda. As Mutharika's second term politics transformed into a more short term system of rent creation and distribution (Cammack, Kelsall and Booth, 2010: 40) the Malawian political scene was witness to a scramble for position in advance of the anticipated 2014 elections. Mkandawire (1999) pointed out the 'choiceless democracies' which proliferate in Africa. Over a decade later little has changed, certainly in relation to Malawi, where political parties differ very little in policy terms and emerge around leaders who are best positioned to act as gateways to state contracts and other resources. As Khembo argues:

*The state is ... almost the only source of gaining wealth, power and influence ... The cost of party formation, political representation and electoral access is relatively low ... [some parties] are not 'genuinely new parties' but fissions. In other words, the cost of 'political bluffing' in Malawi is low (2004: 134).*

Thus during Mutharika's second term we saw figures from his DPP (Democratic Peoples' Party) 'cross the aisle' to join opposition groups, or in the case of Joyce Banda, leave to set up a new party, the Peoples' Party (PP)<sup>iii</sup> (Cammack, 2012a: 382). It is notable that for all the praise Joyce Banda has received concerning her transparent credentials (see next paragraph), Banda's new PP was the main beneficiary of a failure to implement Section 65 of the constitution, which penalises MPs, expelling them from their seats if they switch parties, a phenomenon which occurred en masse after Banda's ascension to the Presidency, just as it did when Mutharika quit his predecessor's UDF party to establish the Democratic Peoples' Party (DPP) in 2005.

Despite then being as implicated in Malawi's patronage-based political system as her predecessors, public perception of Banda outside of Africa has been largely positive. As well as the Chatham House engagement, Banda has been feted for a variety of policy announcements. This has included the Kwacha devaluation; announcing that Sudanese president Omar Al-Bashir would be arrested if he attended the African Union summit scheduled to be held in Malawi in 2012; and the decision to sell the private presidential jet and a fleet of ministerial Mercedes Benz cars

Other events however indicate that business may be continuing as usual in Malawi. It was reported that a further 1.6 billion Kwacha (\$3.9 million) was spent on replacing the ministerial fleet (See Nyasa Times, 2013a; The Nation, 2013a). Furthermore, a pro-Mutharika journalist, Justice Mponda, was arrested on charges of treason for spreading a false rumour that Joyce

Banda had resigned (Nyasa Times, 2012a; and various by the paper Mponda writes for [www.malawivoice.com](http://www.malawivoice.com)). It is however in socio-economic conditions where the least change has been seen between the Mutharika and Banda regimes. The price of a basic basket of goods rose by nearly 20% between April 2012 (Banda's first full month as president) and October 2012 (Centre for Social Concern, 2012), mainly as a result of Banda's decision to float the Kwacha in line with IMF demands. As this is written prices remain stubbornly high. Power outages also continued and water and electricity subsidies have been reduced (Cammack, 2012b). Various unions continue to go on strike over wages which have failed to match rapid inflation and job losses<sup>iv</sup>. Nonetheless, and understandably, commentators (Cammack, 2012b) and a number of those civil society activists who protested against the Mutharika regime blame the latter's mismanagement for Malawi's current problems, and argue that Banda needs more time (Interviews with civil society activists, Lilongwe, October 2012/February 2013).

However, there is an additional reading to the current situation in Malawi which owes to a 'longue duree' political economy perspective. Rather than see Joyce Banda as struggling against the patrimonialism of the Mutharika (and his predecessors') regime, from such a perspective we see Banda as unfortunate, possibly, but not because she has not had enough time to make her mark, but because she is caught in an inexorable structure of political and business elite-produced patrimonialism in which she has no choice but to participate.

#### The Political Economy of 'transition' or, the 'Longue Duree' of Malawian Patrimonialism.<sup>v</sup>

Of course the international reception to Banda's ascent cannot be viewed in isolation from the civil society protests which rocked Mutharika's international legitimacy in July 2011, and so the paper will now take a two pronged approach to exploring the political economy of Banda's assumption of the presidency. This section explores directly the Banda government's relationship with various vested political and economic interests in Malawi, whilst the subsequent section will explore the *international* political economy of civil society activism in Malawi. It will be shown that the Banda government's ability to engage in historical state-business relations which do not threaten and/or enhance international economic interests, and survive, is directly related to the activities of civil society in legitimating its policies and forms of economic intervention.

One way in which we can observe the political economy of Banda's ascent to power is through the fate of Mulli Brothers, a large company with multiple commercial interests in tea, tourism, timber, garments, agriculture and transport. Mulli Brothers entered many of these areas during the Mutharika era. Whilst there is no official process by which political parties in Malawi make public their sources of income, it is widely and regularly reported in Malawian media that Mulli Brothers maintained close relationships with the Mutharika government and family, in return for government contracts and other political favours (see for example Nyasa Times, 2012b; Nyasa Times, 2012c; The Nation, 2013b; Malawi Democrat, 2012a). As already stated, it is not possible to substantiate this relationship from official sources, but the perception of this relationship perhaps explains why Mulli Brothers' properties were attacked during the anti-Mutharika protests in July 2011 (Cammack, 2012a: 378), causing an estimated \$4million worth of damage (Nyasa Times 2012d). Real or perceived, this relationship may help explain the ways in which Mulli Brothers has been treated by the Banda government.

In the autumn of 2012 local media reported that the new government had barred Mulli Brothers, and its subsidiaries, from receiving government contracts, and would also not be honouring any existing ones (See Nyasa Times, 2012e; The Maravi Post, 2012; The Malawi Democrat, 2012b). The company has subsequently been subject to uncompleted investigations over money laundering, corruption and tax evasion. Whether this is an act of political revenge, of putting distance between the new government and Mulli Brothers, of ensuring that the DPP's rumoured main financial backer is not in a position to continue that support in the run up to the 2014 elections, or even of divesting Mulli Brothers of its assets for others to profit from them under new ownership (and rumours of all four scenarios have circulated, soap-opera style and unsubstantiated, in Malawi's press and commentariat for the past 18 months [See for example Nyasa Times, 2012f; Nyasa Times, 2013b; Interviews, civil society activists, journalists and political bloggers, Lilongwe, October 2012/February 2013]), it seems that the Banda government is not acting very differently from any of its predecessors in dealing with those elements of the business elite which it deems an obstacle to its political ambitions. As one Malawian political historian and close observer of this process commented, rather than pursuing those aspects, actions or individuals of the company which are suspected of contravening the law, the entire company has been targeted instead, through barring any of its subsidiaries from taking government contracts: "in Malawi...you go for everything. In Malawi, there is only one pot of gold" (Interview with John Lwanda, December 2012)

The experience of a different beneficiary of the Mutharika regime helps to reinforce the 'politics as usual' nature of what has been happening to Mulli Brothers. The Portuguese-owned Mota Engil became increasingly ubiquitous during the Mutharika era. For instance, Mota Engil was awarded road construction contracts worth USD 120 million during Mutharika's two terms as President (Road Authority of Malawi, 2013). If a major local media investigation which found that Mota Engil had been in receipt of contracts worth USD 212 million since it began operating in Malawi (The Nation, 2012a) in the mid-1990s (Mota Engil, 2009) is true then this would represent well over half the value of Mota Engil's contracts in Malawi in that period, just in road construction.

One example of the possibly opaque nature of some of these contracts was reported when one of Malawi's two major national newspapers claimed to have revealed that the contract to manage and enhance four ports on Lake Malawi was awarded to Mota Engil absent of a competitive process just before Mutharika's death in March 2012 (The Nation, 2012b). Whilst legally legitimate, in all such cases the relevant paperwork must be forwarded to the Malawian Office of the Director of Public Procurement (ODPP) for approval. However, directly quoting an ODPP statement, the Nation reported that no such paperwork was ever forwarded and nor was approval granted (for full story and statements from the ODPP and Ministry of Transport see: The Nation, 2012b). Unlike Mulli Brothers however, Mota Engil is not 'party political' and has thus not been divested of its business interests in Malawi by the Joyce Banda government, including its contract for the ports. Most recently in fact, Mota Engil made an \$11 million contribution of essential medicines to the Malawian Health Ministry (Mota Engil, 2012; Nyasa Times, 2012g).

This being the case however does not mean that these two paths are not intimately connected, for it is the profitability of the state's relationship with each company which mandates the treatment of them. With Mulli Brothers it may be in the government's interests to distance itself from and/or reduce the profitability of what most people seem to believe is one of its political opposition's main financial backers. Mota Engil presents a different case, both because it is less of a political threat, in that it does not, at least as far as we know, financially back a particular political party (although rumours have surfaced over its links to Mutharika – see *The Nation*, 2012a) and because of its foreign ownership, which is an obvious disincentive to political meddling in a country which urgently requires foreign investment.

This problematises the extent to which we can see Banda's ascent to power as a transition in form and content of rule. Nonetheless, we might consider Banda to be an unwitting passenger in what is a long post-colonial history of para-statal business enterprise in Malawi (see Van Donge, 1995; Lwanda, 2010). The question then is to what extent Banda can be said to be increasingly bucking the patrimonial and para-statal trend as she gains time in office, or whether she is simply replicating past patrimonial and clientilistic practices characteristic of her predecessors. The case of 'JB Maize', the financial provenance of which remains publically unknown, illustrates the degree to which one can potentially understand Banda as being personally implicated in these characteristic practices. That the maize was being distributed directly by Banda and her full entourage at political rallies (see *Nyasa Times*, 2012h for an illustrative photograph) did nothing to dampen the speculation that this was simply business as usual.

Mutharika's rapid descent in international opinion came in July 2011 when CSOs came to the streets with ordinary Malawian citizens to protest against the increasingly dire economic situation and the arrogance of the Mutharika regime. Mutharika's rising international unpopularity was intimately tied up with his response to the protests, and the treatment of various civil society leaders whose homes were attacked by arsonists thought to have the backing of the regime (although this has never been proven).

For this author the activism of the CSOs came as a rather sudden surprise. Only three years previously I had found that Malawian CSOs were largely docile in the face of a deeply political/politicised development agenda (Gabay, 2011). Indeed, in 2008, many of these CSOs had protested on the streets *with* the Mutharika government in order to get its budget through an opposition-blocked parliament. Whilst politically less belligerent at that time, this was still a government presiding over a neo-patrimonial set of economic arrangements (Cammack, Kelsall and Booth, 2010). One would therefore imagine a degree of dissent which did not seem to exist (in public and interview situations at least) at the time. And yet many of these same CSOs and individuals had been prominently involved in the 2011 protests against Mutharika. In order to understand this second apparent transition and its relation to the broader political economy of the Mutharika-Banda transition period, it is important to consider the literature which has developed on CSOs in sub-Saharan Africa since international donors took an interest in the concept of civil society in the 1990s. After having done this, the paper will consider the degree to which these CSOs have subsequently largely acquiesced to the broad contours of the Banda political agenda, and argue that we cannot understand this without contextualising it in the drivers of the positive international responses to Banda's ascent to power considered at the beginning of this paper.

## Civil Society

For Bayart, Africa remains in important respects defined by its infancy, its ahistoricity and its deficiency (1999: 1-10). We can see this ahistoricism in the infatuation with civil society in Africa expressed by international donors (Williams and Young, 2012) as well as sections of the literature infused with post-Cold War liberal triumphalism (see Keane 2001; Kaldor, 2003). What these organisations and commentators saw in the rush of CSOs which sprung up in the 1990s and beyond (largely thanks to external sources of aid agency funding) was an answer to the over-reaching state which had come to characterise African politics. Where SAPs had been driven by a desire to roll the state back in lieu of the private sector, the post-Washington Consensus was driven by a similar desire but with the realisation that the calamitous results of state-rollback on public services was something which needed to be addressed if the private sector was to truly flourish in African countries. Thus rather than marking out a significantly different era, the 'emergence' of civil society was a way of tinkering with the model of neoliberal development (Ferguson, 2006: 69-89) by bringing the state back in (partially) but under the watchful eye of a new gamut of CSOs characterised by their monitoring capacity in areas such as financial transparency, technical capacity building, and the facilitation of public involvement in policy making (Harrison, 2004).

This focus on building new CSOs echoes the ahistorical analysis of African societies characteristic of the imperial period. For instance, whilst focussing on the potential of professional CSOs to hold governments to account, it was local and/or indigenous and faith-based civil society and social formations which prompted the 1990s wave of democratisation in many African countries. In Malawi for instance, the (Hastings) Banda regime had kept a tight check on non-governmental organisations, essentially only tolerating the churches (Minnis, 1998: 139-140). It was therefore the Catholic Church, and other often informal, lay or semi-professionalised movements (Mwalubunju, 2007: 272)<sup>vi</sup>, not simply elite NGO activists, who were instrumental in driving Hastings Banda in 1992 to declare a referendum for Malawi's first multi-party elections (for a detailed account of this period see Lwanda, 2010: 410-510).

The Catholic Church continues to be a powerful oppositional force in Malawian political and public life, in some instances far more so than the post-1994 CSOs (Immink and Chigona, 2004: 139). As they have done elsewhere in Africa (Howell and Pearce, 2002: 185), donors have nonetheless subsequently overlooked as political agents many of the other social formations which coalesced into the 1992 pro-democracy movement, which struggle to compete for parity of attention when compared to some of the post-1994 CSOs. For instance, these often loosely knit and rhizomatic organisations are nowhere to be found within the main anti-poverty civil society coalition in Malawi, the National Civil Society Taskforce for the Millennium Development Goals (NCSTM) (Gabay, 2011), despite the fact that students, workers and other excluded groups may have a very major stake in the outcome of developmental processes in Malawi. At best these groups are treated as infantilised social categories to be subjected to focus groups and consultations, their interests 'represented' by the newer organisations described above (see, for example, Harrison, 2001; 2004; Death, 2013).

Part of rendering certain components of civil society infantile is rendering other (externally constructed) parts disciplined, a process I had encountered previously when amongst CSO elites, finding a collection of professionals characterised by their biopolitical embodiment of a subservient role to donors, and simultaneously an attitude to government which rendered the civil society sector as a constructively critical partner in policy-making (rather than militant, oppositional, etc.). As such, I described civil society in Malawi as disciplined and 'docile' (Gabay, 2011: 498). Of course, being 'docile' in this way did not mean that CSOs were not active. As already described they had protested outside parliament in 2008 in order to put pressure on opposition politicians to allow the government's budget to pass. Similarly, Gaynor (2011) describes the active way in which a major Malawian CSO, the Malawi Economic Justice Network (MEJN), forced its way into government deliberations around Malawi's Poverty Reduction Strategy Paper (PRSP). However, this kind of activity merely serves to legitimate donor and specifically World Bank discourses on participation. Indeed, Gaynor goes on to note how the MEJN leadership became disciplined by the contours of donor expert knowledge relating to development (ibid). It is thus perfectly possible to be both active in a certain sense, and yet politically docile, reinforcing the way in which Foucault (2010) argued that power works through freedom, through the 'conduct of conduct', rather than being reducible to force, coercion or false consciousness.

And yet in July 2011 these same disciplined and 'docile' organisations took to the streets with a set of demands which, amongst the calls for better governance and adherence to the rule of law, pointed to the very contradictions produced by neoliberal development policy prescriptions: a guarantee of decent jobs and working conditions, a minimum wage, a social protection system, affordable medicines (Kumwenda, 2011), and so on. In order to explain this apparent transformation it is important to explore both the internal dynamics of those CSOs at the time of the protests, as well as the international political economy of CSOs in sub-Saharan Africa, as described by people like Harrison above.

The first point to note about the protests is that there was never a uniform CSO approach. As Cammack argued in relation to the protests:

*"...some are more radical and some are more experienced than others, and there appears to be no common vision of how to reach their goals .. Some are more willing to compromise and work with government; some more than others seem to be influenced by opposition politicians...Building a united, well-informed, and representative civil society leadership is near impossible."*  
(Cammack, 2011, 16)

This explains the long list of demands made (there were 20 in all) as well as the broad terrain they established, which included macro issues such as wages and economic performance to more particular issues such as the size of the government's car fleet (Kumwenda, 2011). Indeed, Cammack recounts that the agreement to call off the protests and subsequently enter into negotiations with the government in August 2011 split the CSO leadership, creating opportunities for the government to 'purge' the more radical wing of this group. This included (suspected) arson campaigns, telephone threats, random arrests and so forth. Plum jobs in government and business were offered to those considered to be more compliant (Cammack, 2012: 388). Interestingly, this is a pattern which has continued under Banda, with opponents

of the regime being painted as pro Mutharika hangovers, whilst others have been offered, and accepted jobs in government service<sup>vii</sup>.

Taken in the broader context of CSO docility/conformity to donor agendas the question of what this activism signified is relevant. On the one hand one might argue that this was some kind of 'democratic awakening' after a turn to corruption and poor governance in Malawi. However, Mutharika was only continuing a trend which had run through every post-Hastings Banda government, as well as the Hasting Banda era itself. There was nothing particularly new about the para-statalism of Mutharika's business relationships, nor his awarding of government positions to family members, and indeed such trends had been protested against before in the post 1994 era (Mwalubunju, 2007), although on a much smaller scale. So what was it about this particular point in time which brought the CSO leadership in such numbers to the streets?

Cammack argues that an important element of the 2011 conjuncture was rising middle class frustration (2012a: 376). However, this does not necessarily explain why a number of CSO professionals, formally representing disadvantaged groups, spoke as CSOs, rather than as members of the middle classes to which they belonged. Speaking to CSO professionals in Malawi it is clear that they did not view their organisational affiliations as an opportunity to merely vent personal middle class concerns. As previously noted, CSOs in sub-Saharan Africa were created in the context of a liberal imagination of the state-society relationship (Harrison, 2004; see also Tembo, 2003; Williams and Young, 2012; and for other parts of the world, Kamat, 2002; Mawdsley, et al 2004; Petric, 2005). Where funded by external donors, they exist largely to keep the state at bay, either through delivering services which the state would (or perhaps should) otherwise deliver itself, or by constructing effective accountability and monitoring systems. We must make a distinction here between state and government, for where government may be carrying out actions which limit the role of the state we could expect CSOs to be out in support. This in part explains the street protests which took place in 2008 supporting government attempts to pass the donor-approved budget. The state-civil society dichotomy of the liberal imagination is therefore maintained.

Turning our attention to the more recent protests in Malawi, such a dynamic provides a possible explanation for the rather uneven nature of CSO activism. Whilst this author (2011) found docility in CSO engagement with international donors, if we understand the function of donor-funded CSOs in sub-Saharan Africa as being a limit on state activity, or an alternative option to building the capacity of weak, and for donors, untrustworthy states, particularly in the market, then it is much easier to comprehend this docility/activism as existing on the same spectrum of CSO functionality. Indeed, one of the demands made by aid agencies of CSOs in 2008 was that they be more active in holding government to account, a demand to which the CSOs present, performatively at least, willingly agreed (Gabay, 2011: 498).

Where government therefore stops performing as it should regarding its caretaking and limiting of the state, we should expect CSOs, established with the sole function of ensuring the state's limitation, to protest. During Mutharika's first term (2004-2008) Malawi experienced its best economic performance for several decades (Cammack, 2012a: 386). One might question why CSOs would or should complain at such a performance? And yet for all of Mutharika's successes these were all relative, and did not lead to wide-scale redistribution. By

the end of Mutharika's first term, Malawi still experienced some of the highest levels of below dollar-a-day poverty in the world (65% of the population in 2008 [UNDP, 2008]) and hovered around the 165 ranking mark in each UN Human Development Report index of that period.

For all the while then that successive Malawian governments, including Mutharika's first-term government, were broadly following internationally prescribed neoliberal policy prescriptions (which prioritise GDP growth over other developmental indicators), CSOs remained not just quiet, but actively supportive of governments whose neo-patrimonialism and para-statalism continued unabated from the pre-democracy era. However, once this elite-enriching activity began to threaten international policy prescriptions (as with Mutharika's refusal to devalue the Kwacha, demanded by the IMF), we saw CSOs spring into action.

What this does not mean is that there are not groups in Malawi recognising the continuities at play at the heart of the Banda government's practices. New protests, this time against the failure of Joyce Banda's government to address the country's long-standing socio-economic problems, were called in January 2013. Although people took to the streets in the country's main towns and cities, there was only one main instigator, the Consumers Association of Malawi (CAMA), rather than the broad coalition which came together for the anti-Mutharika protests. A number of factors dampened the numbers that came out for the January protests, including splits between civil society groups, and rumours suggesting that CAMA's Executive Director John Kapito was colluding with Mutharika's party (now led by his brother, Peter) the DPP, as well as the discredited Mulli Brothers (Nyasa Times, 2013c).

Despite all of this, the January protests have been followed by widespread public sector strikes against wage depreciation following the currency devaluation and inflation running at over 35%. Once again though, donor-funded civil society organisations have been reluctant to come out against the government. This role has been left to other pre-1994 organisations, including the aforementioned politically active Catholic Church groups. With reference to a lack of multiple stakeholder support for public sector strikes throughout February and March, the national secretary of the Catholic Commission for Justice and Peace was quoted as saying:

*"There is minimal support for the cause of civil servants from other important quarters in this country. Unfortunately, few are able to see the writing on the wall that if the whole civil service lays down its tools, the nation remains at stand still. There is death. There is suffering of the poor. Then there is disaster in the land."* (The Nation, 2013b)

Indeed, during this resurgence of protests a number of CSOs met under the auspices of the CSO umbrella body in Malawi CONGOMA, to discuss their public reticence in supporting the protests. A close observer of these events claimed that:

*"The meeting took place behind closed doors. Apparently NGOs that attended, not all were present, agreed to disagree on their position on various issues affecting the country, like they did during the CAMA protests. They also agreed not to criticise each other in public. All this was leaked information but nothing from that meeting has been officially made public."* (Personal correspondence with Malawian political blogger. See also: Kainja, 2013)

The internal contestation which is apparent across Malawian civil society more broadly speaks of a more Gramscian set of analytics (see, for example, Chandhoke, 1994; Colas, 2002) than the Foucauldian ones so far deployed, and of course these are not necessarily mutually exclusive. However, through a combination of smearing protest leaders, side-lining and buying off some of the civil society leadership, and the willingness of the rest to comply with the Banda government's attempts to realign the Malawian economy according to international diktat<sup>viii</sup>, Malawian CSOs, particularly those who conform to Harrison's description outlined above, have once again been neutered, in some cases unwillingly, but in many along the lines of Foucault's observation that the inherent purpose of civil society was to act as the state's force of self-limitation in the market (Foucault, 2008: 295-313). The facts of the political economy of both Mutharika's and Joyce Banda's regimes however reminds us that whilst CSOs may attempt to fulfil this role, their efforts are often unsuccessful. Nonetheless, this perspective does help to make some sense of the broad international support Banda received at the time of her ascent to power, some of which was cited at the beginning of this paper. Of course issues such as human rights would also have been important in motivating this stance, but as we have seen, it was not human rights, but rather politico-economic relationships, which just as much if not more so triggered the donor retreat from Malawi under Mutharika, and the re-engagement of such actors with Malawi under Joyce Banda.

## Conclusion

This paper has tracked the political economy of two concurrent processes which have defined Malawi's supposed political transition in the past two years, namely the rise of Joyce Banda and the related role of civil society. The purpose has been to argue that there has been very little of a transitory nature about these two processes, which in fact represent the continuities of the neo-patrimonial, para-statal and limitational characteristics which have driven Malawian politics and state-civil society relations in the post-colonial, and especially post-1994 period. Malawi's post-colonial political economy has been shown to be as relevant now as it has ever been, with the government making use of the state's influence over the domestic business climate to side-line and distance its opponents' business interests. Also in keeping with the neo-patrimonial characteristics of her predecessors, President Joyce Banda has engaged in activities which lay her open to accusations of rewarding political allegiance with material gain, as the case of 'JB Maize' adequately illustrates. All of this has been going on at the same time as Joyce Banda has been feted by the international community as an exemplar of a new page in responsible African politics (an honour previously earned by her predecessor, Bingu wa Mutharika, during his first term in office). This in itself was at least in part driven by the fact that Banda was brought to power on a wave of popular consent, following the mass protests against her predecessor in July 2011. However, as we have also seen, the role of civil society in opposing Mutharika was not as straightforward as it first seemed, being implicated in the international political economy of civil society construction in sub-Saharan African states, a part of what Harrison (2004) calls 'governance states'. As the various episodes of resistance and besmirching attest to, we must be careful not to overstate the degree to which Malawian CSOs are in hoc to donor imaginations. Nonetheless, it is important to bear in mind what those organisations which were established in the post-1994 era were set up to do i.e. to hold governments to account in their handling of the state,

particularly in regards to its economic management. The initial support of CSOs for Mutharika disintegrated as his management of the economy diverged further from IMF prescriptions (with daily material consequences for ordinary Malawians). Similarly, with Banda sticking to an international economic agenda which has earned her the support of Western governments and agencies, many domestic post-1994 CSOs have found it very difficult to openly criticise her record. Finally, it is indeed notable that current disagreements within the CSO realm (between for instance CAMA and the Malawian Economic Justice Network – see endnote ix) revolve not around issues of continued neo-patrimonialism, or human rights abuses, but over the degree to which IMF policy should be followed or not, proving that even in the constricted spaces of formal CSO activity, there remains room for dissent from hegemonic imperatives.

## References

Banda, M., 2013. Malawi's President Faces a Crisis of Confidence. Available at <http://www.ipsnews.net/2013/01/malawis-president-faces-a-crisis-of-confidence/> [accessed on 24 January 2013]

Bayart, J.F., 1999. *The State in Africa: The Politics of the Belly*. Cambridge: Polity

Booth, D., 2011. *Governance for development in Africa: Building on what works*. London: Overseas Development Institute.

Cammack, D., Kelsall, T., Booth., 2010. Working Paper no. 12: Developmental Patrimonialism? The case of Malawi. Africa Power and Politics Programme. London: Overseas Development Institute)

Cammack, D., 2011. Background Paper 04: Malawi's political settlement in crisis. Africa Power and Politics Programme (London: Overseas Development Institute)

Cammack, D., 2012a. Malawi in crisis, 2011–12, *Review of African Political Economy*, No. 132, pp. 375-388

Cammack, D., 2012b. Empty pumps and rising prices: politics as usual in Joyce Banda's Malawi? Available at <http://www.guardian.co.uk/global-development/poverty-matters/2012/dec/17/pumps-prices-politics-joyce-banda-malawi> [accessed 17 December 2012]

Centre for Social Concern., 2012. CFSC Basic Needs Basket: Lilongwe, Blantyre, Zomba & Mzuzu – October 2012. Lilongwe: Mimeo

Chandhoke, N., 1995. *State and Civil Society: Explorations in Political Theory*. New Delhi, Thousand Oaks, London: Sage Publications

Chatham House., 2013. Good Governance, Growth and Human Rights: A Vision for Malawi's Development. Available at <http://www.chathamhouse.org/events/view/189953>. [accessed on 24<sup>th</sup> July 2013]

Colas, A., 2002. International Civil Society: Social Movements in World Politics. London: Polity Press

Death, C., 2013. Environmental mainstreaming and post-sovereign governance in Tanzania. *Journal of Eastern African Studies*. 7: 1 pp 1-20.

DFID., 2013. Promoting a more democratic Malawi. Available at <https://www.gov.uk/government/priority/promoting-a-more-democratic-malawi> [accessed 14 May 2013]

Dulani, B., 2009. Nurtured from the pulpit: The emergence and growth of Malawi's democracy movement. in Ellis, S., and van Kessel, I., *Movers and Shakers: Social Movements in Africa*. Leiden, Boston: Brill

Ferguson, J., 2006. *Global Shadows: Africa in the Neo-liberal World Order*. Durham: Duke University Press

Freedom House., 2013. Freedom in the World: Malawi. Available at <http://www.freedomhouse.org/report/freedom-world/2013/malawi>. [accessed on 24<sup>th</sup> July 2013]

Foucault, M., 2010. *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979*. London: Palgrave MacMillan

Gaynor, N., 2011. The Global Development Project Contested: The Local Politics of the PRSP Process in Malawi. *Globalizations*, 8:1, pp 17-30

Hansard., 20<sup>th</sup> March 2013. Column 928. Available at <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130320/debtext/130320-0001.htm>. [accessed on 13 May 2013]

Harrison, G., 2001., Post-Conditionality Politics and Administrative Reform: Reflections on the Cases of Uganda and Tanzania. *Development and Change* 32: 4 pp 657-679.

Harrison, G., 2002. *Issues in the Contemporary Politics of Sub-Saharan Africa: The Dynamics of Struggle and Resistance*. Basingstoke: Palgrave Macmillan

Harrison, G., 2004. *The World Bank and Africa: The Construction of Governance States*. Abingdon: Routledge.

Howell, J., and Pearce, J., 2002. *Civil society and development: a critical exploration*, Boulder: Lynne Rienner

Immink, B., and Chigona, G., 2004. Between Apathy and Participation: The Role of Civil Society and Faith Communities in Ott, M., Immink, B., Bhatupe, M., and Peters-Berries, C., Eds. The Power of the Vote: Malawi's 2004 Parliamentary and Presidential Elections. Zomba: Kachere pp 139-158

Kainja, J., 2013. Reckoning Moment for Malawi Civil Society Organisations. Available at <http://jimmykainja.co.uk/reckoning-moment-for-malawi-civil-society-organisations/> [accessed on 22<sup>nd</sup> February 2013]

Kaldor, M., 2003. Global civil society: an answer to war. Cambridge: Polity

Keane, J., 2001. Global civil society?, in Anheier, H., Glasius, M., and Kaldor, M., eds. Global Civil Society 2001. Oxford: Oxford University Press pp 23-47

Kelsall, T., 2013. Business, Politics and the State in Africa. London: Zed Books

Khembo, N. 2004. Political Parties in Malawi: From Factions to Splits, Coalitions and Alliances in Ott, M., Immink, B., Bhatupe, M., and Peters-Berries, C., Eds. The Power of the Vote: Malawi's 2004 Parliamentary and Presidential Elections. Zomba: Kachere pp. 87-136

Kumwenda, V., 2011. The Petition Presented to the Malawi President on 20 July. Available at <http://vincekumwenda.blogspot.co.uk/2011/07/petition-presented-to-malawi-president.html>, [accessed on 21<sup>st</sup> December 2011]

James, R., and Malunga, C., 2006. Organisational Challenges Facing Civil Society Networks in Malawi. KM4D Journal 2:2 pp 48-63

Lwanda, J., 2010. Kamuzu Banda of Malawi: Promise, Power and Legacy. Zomba: Kachere Publishing

The Malawi Democrat., 2012a. Wa Mutharika's worth: Shady deals revealed. Available at <http://www.malawidemocrat.com/wa-mutharika%E2%80%99s-worth-shade-deals-revealed/> [accessed on 9<sup>th</sup> August 2013]

The Malawi Democrat., 2012b. Mulli Brothers begs government for business. Available at <http://www.malawitoday.com/news/127632-mulli-brothers-begs-business-govt-company-struggles-financially> [accessed on 14 May 2013]

Malawi Human Rights Commission., 2011. Report into July 2011 demonstrations. Available at <http://www.osisa.org/sites/default/files/article/files/MHRC%20report%20on%2020%20July%20demonstrations.pdf>. [accessed on 8 May 2013]

Manda, L.Z., 2004. Media. In Patel, N., and Svasand, L., Eds. Government and Politics in Malawi. Zomba: Kachere pp.239-266

Maravi Post., 2012. Mulli accuses Banda government of side-lining his company. Available at <http://www.maravipost.com/national/society/2585-malawi-s-business-magnate-mulli-accuses-banda-govt-of-sidelining-his-company.html> [accessed on 14 May 2013]

Martinez, A., and Jomo, F., 2012. Malawi to Devalue Kwacha 40% to Unlock Aid by Meeting IMF Terms. Available at <http://www.businessweek.com/news/2012-04-27/malawi-to-devalue-kwacha-40-percent-to-meet-imf-conditions-unlock-aid> [accessed on 29 May 2013]

Mawdsley, E., et al., 2004. Creating Spaces of Resistance: Development NGOs and their Clients in Ghana, India and Mexico. *Antipode*. 36: 5 pp.871-889

Minnis, J. R., 1998. Prospects and Problems for Civil Society in Malawi. In Phiri, K.M., and Ross, K.R., Eds. *Democratization in Malawi: A Stocktaking*. Blantyre: CLAIM

Mkandawire, T., 1999. Crisis Management and the Making of 'Choiceless Democracies' in Africa. In R. Josph, ed. *The State, Conflict and Democracy in Africa*. Boulder: Lynne Rienner

Mota Engil., 2009. Markets. Available at <http://www.mota-engil.pt/AreaDetail.aspx?contentId=120&searchlink=true&Language=2> [accessed on 21 May 2013]

Mota Engil., 2012. Mota Engil Donates Medicines to Malawi Hospitals. *Sinergia*. 40. Available at <http://www.mota-engil.pt/sinergia/40/en/files/assets/basic-html/page39.html> [accessed on 17 May 2013]

Mutharika, B., 2011. Transcript of Mutharika's war-cry. Available at <http://www.nyasatimes.com/malawi/2011/08/25/transcript-of-mutharikas-war-cry/> [accessed on 4 January 2013]

Mwalubunju, O., 2007. Civil Society. In Patel, N., and Svasand, L., Eds. *Government and Politics in Malawi*. Zomba: Kachere pp. 267-296

The Nation., 2012a. The Mota Engil, Bingu connection. Available at <http://www.mwnation.com/national-news-the-nation/9252-the-mota-engil-bingu-connection> [accessed on 21 May 2013]

The Nation., 2012b. How Mota Engil took over Malawi's ports. Available at <http://mwnation.com/how-mota-engil-took-over-malawi-ports/> [accessed on 17 May 2013]

The Nation., 2012c. Central Poultry Staff Down Tools Monday November 5<sup>th</sup>. Hard copy

The Nation., 2013a. Malawi buys K1.6 bn cars for ministers. Available at <http://mwnation.com/national-news-the-nation/17286-malawi-buys-k1-6-bn-cars-for-ministers> [accessed on 17 May 2013]

The Nation., 2013b. Callista under microscope. Available at <http://mwnation.com/callista-under-microscope/> [accessed on 9 August 2013]

The Nation., 2013c. CCJP tells PP Government to act on strike. Wednesday 20th February. Hard copy

Nyasa Times., 2012a. Malawi journalist arrested over articles online. Available at <http://www.nyasatimes.com/malawi/2012/10/15/malawi-journalist-arrested-over-articles-online-justice-mponda/> [accessed on 25 November 2012]

Nyasa Times, 2012b. Bags of US dollars found in Mutharika's bedroom. Available at: <http://www.nyasatimes.com/2012/04/14/bags-of-us-dollars-found-in-mutharikas-bedroom/> [accessed on 9<sup>th</sup> August 2013]

Nyasa Times, 2012c. Mulli acquire Malawi diplomatic passport 'by association'. Available at: <http://www.nyasatimes.com/2012/05/15/mulli-acquired-malawi-diplomatic-passport-by-association/> [accessed on 9<sup>th</sup> August 2013]

Nyasa Times., 2012d. Mulli loses 4 million in property damage. Available at <http://www.nyasatimes.com/malawi/2011/08/01/mulli-loses-4m-in-property-damage/> [accessed on 25 November 2012]

Nyasa Times., 2012e. Malawi Government squeezes Mulli Business Empire. Available at <http://www.nyasatimes.com/malawi/2012/10/10/malawi-govt-squeeze-mulli-business-empire-collapsing/> [accessed on 25 November 2012]

Nyasa Times., 2012f. Mulli risks losing National Bus Company: Simama schemes with Malawi VP Kachali. Available at <http://www.nyasatimes.com/2012/11/06/mulli-risks-losing-national-bus-company-simama-schemes-with-malawi-vp-kachali/> [accessed on 9 August 2013]

Nyasa Times., 2012g Mota Engel donates MK11 million worth of drugs to Malawi. Available at <http://www.nyasatimes.com/malawi/2012/03/29/mota-engel-donates-k11m-worth-of-drugs-to-malawi/> [accessed on 25 November 2012]

Nyasa Times., 2012h. JB takes food exercise to Mangochi. Available at: <http://www.nyasatimes.com/2012/11/09/jb-takes-food-distribution-exercise-to-mangochi/> [accessed 24 July 2013]

Nyasa Times., 2013a. Lipenga Defends K1.6 Billion Cars for Malawi Ministers amid Austerity Measures. Available at <http://www.nyasatimes.com/2013/04/02/lipenga-defends-k1-6bn-cars-for-malawi-ministers-amid-austerity-measures/> [accessed on 17 May 2013]

Nyasa Times., 2013b. Mulli whinges at hostile Business environment. Available at <http://www.nyasatimes.com/2013/04/19/mulli-whinges-at-malawi-hostile-business-environment-report/> [accessed on 9 August 2013]

Nyasa Times., 2013c. Malawi opposition, DPP and UDF, behind Kapito's demo – Plot deadly scenes. <http://www.nyasatimes.com/2013/01/08/malawi-opposition-dpp-udf-behind-kapitos-demos-plot-deadly-scenes/> [accessed on 8 May 2013]

Obama, B., 2013. Remarks by the President after meeting African leaders. Available at <http://translations.state.gov/st/english/texttrans/2013/03/20130328144948.html#axzz2TGgRV9Wi> [accessed on 14 May 2013]

Road Authority of Malawi., 2013. Road Projects. Available at <http://www.ra.org.mw/rp-introduction.html> [accessed on 21 May 2013]

Rodham Clinton, H., Remarks to Embassy Staff and Families at U.S. Embassy Lilongwe. Available at: <http://www.state.gov/secretary/rm/2012/08/196066.htm> [accessed on 14 May 2013]

Petric, B-M., 2005. Post-Soviet Kyrgyzstan or the birth of a globalized protectorate. *Central Asian Survey*. 24: 3 pp 319-32

Singini, E., 2013. Report of the Commission of Inquiry into circumstances of the death of the late President Ngwazi Prof. Bingu Wa Mutharika and into the political transition following his death. Lilongwe

Tembo, F., 2003. The Multi-image Development NGO: an Agent of the New Imperialism?. *Development in Practice*, 13: 5, 527-532

United Nations Development Programme (UNDP) (2008) Human Development Report 2008 (New York: United Nations).

Van Donge, J.K., 1995. Kamuzu's Legacy: The Democratisation of Malawi: Or searching for the rules of the game in African politics *African Affairs* 94: 375 pp 227-257

Yi Dionne, K., and Dulani, B., 2012. Constitutional Provisions and Executive Succession: Malawi's 2012 Transition in Comparative Perspective. *African Affairs*. Early access edition

---

<sup>i</sup> See for example, 'JB Maize Saga, Subsidy' *The Nation*, <http://www.mwnation.com/105-the-nation-opinion/my-turn/17157-jb-s-maize-saga-subsidy> accessed 17th May 2013; 'Stories behind the maize story' *The Sunday Times*. <http://www.bnltimes.com/index.php/sunday-times/headlines/opinion/14006--stories-behind-the-maize-story> accessed on May 17<sup>th</sup> 2013

<sup>ii</sup> One of many pronouncements by Mutharika on this theme: "*Let this country go on fire if you want to...Ladies and gentlemen, I want to tell you enough is enough!*" (*Nyasa Times*, 2011)

<sup>iii</sup> Mutharika side-lined his vice-president from early on in his second term, seeing her as a potential competitor if he decided to try and run for a third term. In the end he positioned his brother, Peter, to take over.

<sup>iv</sup> On my last visit to Malawi in February 2013 this included airport luggage handlers and teachers.

<sup>v</sup> The analysis in this section is partly based on news reports to have emerged in various Malawian news outlets in 2012/13. I have attempted to verify these reports with a number of Malawi-based informants and political commentators who I have built up relationships with over the past five years of visiting Malawi. I have anonymised these individuals due to the sensitive nature of many of our discussions, and the uncertain climate for dissent in Malawi, particularly as it builds up to the next presidential elections in 2014. It is important to note that one problem frequently identified by these contacts is the short-term nature of the news cycle, which means that many political scandals are rarely followed up (or are only followed up if there is significant political

---

will). This is also a problem identified by Manda (2007: 260), and means that some of the arguments in this section are impossible to fully verify. Where this is the case I have noted it as so.

<sup>vi</sup> Such as trades unions, university student groups, civil servants, political exiles and underground opposition groups (Dulani, 2009: 145-6).

<sup>vii</sup> This information was derived from interviews with Malawian activists and political commentators. None were willing to identify individuals, and so the provenance of the information could be questioned, although previous regimes have done exactly the same thing, dating back to Hastings Kamuzu Banda's one party state (see Dulani, 2009:143; Minnis, 1998: 139)

<sup>viii</sup> Several civil society interviewees expressed the desire to give Joyce Banda time in order to 'clear up the mess' left by Mutharika. The following quote from the director of the Malawi Economic Justice Network is also indicative: 'We are now paying the cost of the previous administration's policies but we have to stay the course to solve the economic problems' (Banda, 2013)