UN Preventive Diplomacy and Facilitation of Dialogue in Malawi (2011-12)

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Introduction

This case study examines the UN’s preventive diplomacy aimed at containing and defusing the political crisis in Malawi that culminated in mass demonstrations by civil society organizations in several cities and the killing of 20 people by police in July 2011. The scale of the fatalities and injuries was shocking and without precedent in the history of the country. The conflict appeared set to escalate, with further violence anticipated.

In response to the crisis, the UN Secretary-General sent an Envoy to Malawi. The Envoy brokered an agreement between the government and civil society, which shifted the conflict dynamic from escalation to de-escalation and averted the anticipated violence. The agreement entailed a commitment by government and civil society organizations to participate in a national dialogue that focused on popular grievances and demands. The national dialogue, which took place between August 2011 and March 2012, was facilitated by the UN. It 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.

The case study has been prepared for the research project on ‘Capturing UN Conflict Prevention Success Stories: When, How and Why Does It Work?’, housed at the Center for Policy Research at the UN University. The study is based on a review of the published and unpublished material cited in this paper and on interviews with key interlocutors (Appendix 1).

The case study is organized as follows: section 2 covers the political background and conflict dynamics; section 3 describes the decision by the conflict parties to shift from an escalatory conflict trajectory to de-escalation; section 4 explores the preventive diplomacy undertaken by the UN Envoy; section 5 examines the national dialogue facilitated by the UN; and section 6 concludes by presenting theoretical reflections on preventive diplomacy.

1. Conflict Dynamics

Political background

The demonstrations that took place in July 2011 were organized by the Human Rights Consultative Committee, comprised of 80 human rights and civil society organizations that included university students, academics, workers, community-based groups and religious bodies. The protests were a culmination of growing tension between civil society and the government, marked by mounting popular anger at President Bingu wa Mutharika. Socio-economic conditions had been deteriorating for several years. The most severe problems included a lack of fuel, shortages of medicines and drugs, and high prices for basic food commodities. The President and his cabinet were perceived to be indifferent to the plight of citizens. This perception was reinforced by profligate spending, most notably the purchase of a private jet for the President and a fleet of Mercedes vehicles for the cabinet and senior officials.

President Mutharika was also becoming increasingly authoritarian and repressive. Intolerant of criticism and opposition, he had banned public demonstrations over fuel shortages, warning citizens they should not to be ‘inspired by Egypt’. The government had used teargas to disperse protesting students and closed Chancellor College following these protests. It was also targeting critical newspapers and censoring articles. Shortly before the demonstrations in July 2011, Parliament had enacted legislation that increased police powers and curbed press freedom.

The July demonstrations thus took place in a context of shrinking space for lawful political dissent. In the months preceding the demonstrations, civil society leaders made several attempts to meet President Mutharika to discuss the popular grievances. These efforts failed to generate any meaningful dialogue with, or action by, the government. When civil society met with the President shortly before the demonstrations, the acrimonious discussion ‘went nowhere’ and ended with Mutharika saying ‘let’s meet on the streets!’.

Violence and escalation

On 20 and 21 July 2011 thousands of people took to the streets in several cities in Malawi in order to demonstrate against ‘bad economic and democratic governance’. The security forces used live ammunition to disperse them. Twenty civilians were killed, 58 were injured, over 270 were arrested, and there was extensive looting and damage to property. The deadly use of force by the police was attributable, at least in part, to a lack of police expertise in non-lethal crowd management.

The protesters delivered a 20-point petition to the government. Their demands were a mixture of political and socio-economic issues, some of which related to recent events and others to deeper structural problems. They included access to forex; importation of fuel; replacement of the top management of the electricity and water boards; investigation of corruption and the ‘unexplained wealth’ of cabinet ministers and public servants; review of the penal code; local council elections; the dismissal of university lecturers; ‘inequitable and politicized’ use of public broadcasters; executive disregard of court rulings; provision of essential drugs to hospitals and clinics; raising the minimum wage; and instituting a social protection system.

President Mutharika showed no inclination to take these concerns seriously. He denounced the demonstrators as ‘thieves’ and ‘looters’ and accused the organizers of plotting a coup. In a speech to police officers on 22 July, he singled out six civil society activists by name and warned them, ‘If you go back to the streets, I will smoke you out’.
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activists, fearing for their lives, went into hiding.10

Civil society leaders responded to the killing of protesters and the government’s refusal to acknowledge the popular grievances by issuing an ultimatum, demanding that the government address the concerns raised in the petition within a month or face further street protests in the form of a vigil on 17 August. Militant civil society leaders threatened to meet state violence with violence of their own, declaring that ‘if they kill us, we kill them’.11

In short, the conflict dynamic was dangerously escalatory. The public rhetoric of both the government and the protest leaders was highly confrontational and combative. Of greatest concern in this regard, the vigil planned for 17 August was expected to lead to further violence and deaths. The police chief in Lilongwe urged civil society leaders to cancel the event, warning that the police ‘had no capacity to run it peacefully’.12 There were also rumors that the government had hired Zimbabwean mercenaries who would be unleashed on the demonstrators.13

De-escalation

As the political situation in Malawi deteriorated, the UN Secretary-General appointed a senior official in the UN Department of Political Affairs (DPA), Joao Honwana, as his Envoy to that country.14 In terms of his mandate, the Envoy had two main objectives: ‘First, to help lower political tensions in the country and help prevent the repetition, on 17 August, of the violent demonstration of 20 July; and second, to explore a possible UN role in promoting constructive dialogue among Malawian stakeholders’.15

On arriving in Malawi, the Envoy met separately with representatives of civil society and the government. After the meeting the Envoy, the civil society groups decided to postpone the vigil planned for 17 August (section 4). Thereafter the Envoy met with government officials and with the President (section 4). On 16 August he facilitated a meeting between the representatives of the parties, leading to an agreement on the way forward. As expressed in a joint statement, the government and civil society agreed to participate in a national dialogue facilitated by the UN, with the 20-point petition serving as the agenda. The joint statement also announced that the vigil would be postponed for a month.

Thereafter the UN Secretary-General appointed the Director-General of the UN Office at Nairobi, Sahle-Work Zewde, as the UN Facilitator for the national dialogue. The dialogue had several meetings and was concluded in March 2012 (section 5). Tensions continued to simmer but the vigil did not take place and there was no recurrence of large-scale violence during the period of the dialogue or subsequently. In April 2012 another major step towards de-escalation occurred when President Mutharika died in office and was replaced by Vice-President Joyce Banda, who had previously been a civil society activist and was still seen by civil society as sympathetic to their concerns.16

There is consensus among the UN officials and the Malawians interviewed for this case study that the UN interventions were crucial in de-escalating the crisis but did not make any meaningful contribution to addressing the structural causes of the crisis. The structural problems persist to the present day. The discussion below presents the reasons for the de-escalation and an analysis of the UN’s interventions.

2. Decision-Making by the Conflict Actors

Although the public rhetoric after the July demonstrations was confrontational and escalatory, there were moderate elements in both the government and civil society sectors that wanted to avoid further violence. A number of prominent religious leaders, who enjoyed considerable moral authority, were advocating strongly against renewed street protests. The civil society groups that had organized the demonstrations were themselves divided on whether to go ahead with the vigil. Many activists were traumatized and demoralized by the violence that had erupted in July; there was a visceral sense of shock and horror at having witnessed, at first hand or through the media, dead and injured people.17 Some felt that the protest leaders had contributed indirectly to the violence through poor organization of the demonstrations.18

An influential minority within civil society wanted the vigil to be cancelled because of the prospect of another round of violence and fatalities. Even if the event was better planned than the July demonstrations had been, the risk of violence was high. When civil society leaders met with senior police officers to discuss arrangements for ensuring that the vigil proceeded peacefully, the police indicated that they could not guarantee this because they run out of rubber bullets and might therefore have to use live ammunition.19

In addition to the religious, humanitarian and emotional concerns about violence, the positions taken by different civil society groupings were based on political and strategic considerations. The moderates were convinced that another round of mass protests would not have any positive outcome: the protests would not lead to either the fall of the government or progress in tackling the popular grievances.20 On the other hand, the national dialogue proposed by the UN Envoy had ‘the potential to generate sustainable solutions’ if it focused on the issues covered in the 20-point petition.21 From the perspective of the moderates, civil society therefore had little realistic option but to ‘swallow our pride and back down’.22

By contrast, the hardliners in civil society insisted that trying to talk to Mutharika was an ‘exercise in futility’ and that mass action in the streets was required to ‘bring down the government’ or at least get the government to take civil society’s demands seriously.23 The militants were prepared to make the ultimate sacrifice, proclaiming that ‘if some of us
have to die, so be it’.24

The government officials with whom the UNSG Envoy met indicated that, as representatives of the state, they felt a sense of responsibility for the deaths and injuries that had occurred in July and they seemed determined to avoid a recurrence of the violence.25 They understood that the presence and messages of the Envoy, representing the UN Secretary-General, reflected the international community’s refusal to tolerate further state violence. This emboldened them to raise constructive ideas and explore peaceful avenues, in contrast to the combative posture of President Mutharika. At the end of July members of the government had asked the Council for Non-Governmental Organisations in Malawi to convince the more hardline civil society leaders to negotiate with the government instead of returning to the streets.26

President Mutharika was resistant to talking to civil society. He had been emboldened by his landslide electoral victory in 2009, which induced a sense of arrogance and imperviousness. He was also extremely agitated by the ‘regime change agenda’ of certain civil society groups that were funded by foreign donors.27 His stance was ‘either you go or I go, and I was democratically elected’.28 Nevertheless, Mutharika knew that the civil society groups were not strong enough to overthrow the government and this made them less threatening. Based on a rational cost-benefit analysis, the national dialogue proposed by the UNSG Envoy was an attractive option.29 Consenting to participate in talks with civil society would make the President look good in the eyes of citizens. It would also ease tensions with the Western donors on whom Malawi was dependent; these donors were becoming increasingly frustrated with corruption and authoritarianism. In any event, there were no political or other costs associated with the dialogue. Viewed pragmatically, if not cynically, the dialogue would yield public relations gains for the government without exacting a price.30 A continuation of the violence, on the other hand, would harm the country’s international reputation and further damage its relations with the donors.

Mutharika was apparently advised by President Mugabe 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.31 Mutharika rejected this advice and accepted a role for the UN. Notwithstanding his concerns about the Security Council, he had confidence in Secretary-General Ban Ki-Moon.32 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).33 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.

The role of the UNSG Envoy in influencing the decisions of the President and civil society organizations is discussed in section 4 below.

3. Examining the UN Preventive Diplomacy

Entry point for UN intervention

The day after the deadly protests in July 2011, the Permanent Representative of Malawi to the UN in New York met with the UN Secretary-General to discuss the crisis. This appears to have been done at the Permanent Representative’s personal initiative, and he had direct access to Ban Ki-moon because they were golfing partners.34 The Permanent Representative subsequently convinced President Mutharika that the UN Secretary-General could help the government and civil society resolve their differences.35 He highlighted the UN’s recent mediation work in Kenya and other African countries. On 27 July the Secretary-General informed the Malawi government that the UN was willing to assist with fostering political dialogue and would deploy a UNSG Envoy to Malawi to meet with relevant actors and explore a role for the UN.36

Dynamics of preventive diplomacy

Following the initiative taken by the Permanent Representative of Malawi to the UN, the UN Secretary-General appointed Honwana as his Envoy to Malawi. On arriving in Malawi the Envoy met first with Richard Dictus, the UN Resident Coordinator (UNRC) and UNDP Resident Representative, in order to get advice and a reading of the situation. The UN diplomatic intervention and subsequent facilitation of the national dialogue relied throughout on the analysis and insights of the UNRC.37

At the suggestion of the UNRC, and in light of the atmosphere of intense suspicion and mistrust, the UNSG Envoy decided to meet separately with the civil society and government delegations. Bringing them together in the same venue would only generate a heated exchange of accusations and recriminations.

At the meeting with civil society, it was evident that the protest organizers, while united in their opposition to Mutharika and his government, represented a wide range of constituencies that had different opinions on the way forward. At the start of the meeting, a vocal and articulate minority expressed vehement opposition to postponing the vigil. They argued that the President had repeatedly refused to engage in dialogue and would only be moved by the ‘power of the street’.38 Other civil society members, initially less forceful, were open to searching for a non-violent solution to the crisis (section 3). As the meeting proceeded, the moderates, encouraged by the Envoy, became more assertive and ultimately persuaded their radical colleagues.

Although the civil society members were in a combative mood, most of them also evinced a measure of discomfort and reluctance regarding the forthcoming vigil. They were fearful of the prospect of further violence, which they claimed
was profoundly unsettling and alien to the religious and peace-loving culture of Malawi. The Envoy sought to leverage these feelings and ambiguity, ‘reinforcing and amplifying the voices of reason’. He affirmed the right of Malawians to demonstrate peacefully but urged the organizers to do everything in their power to prevent the eruption of further violence. He argued that this was the only way they could exercise their rights as citizens while adhering to the peaceful tenets of their religion.

Some of the militant leaders challenged the Envoy’s argument, charging that a non-violent approach would simply remove the pressure on the government and ensure the perpetuation of the status quo. The Envoy responded by talking about the massive loss of life and immense destruction caused by the civil war in his own country, Mozambique. The ‘sons and daughters of poor Mozambicans had killed other sons and daughters of poor Mozambicans’, with over a million deaths, before the Frelimo government and Renamo finally entered into peace talks in 1990. They came to realize that what united them was more important than what divided them and they accepted they would have to make compromises to ensure a peaceful future.

The Envoy concluded that civil society leaders in Malawi had two strategic options, which would entail radically different trajectories but end with the same outcome. They could remain intransigent, refuse to enter into dialogue with the government and pursue confrontations that might take them down the path to war; eventually, after great destruction had been wrought, the war would be terminated through a negotiated agreement. Alternatively, they could ‘give peace a chance’ and seek immediately to find a negotiated solution to the crisis.

After a heated debate, first with the Envoy present and then among themselves, the protest leaders agreed to support the non-violent option. They offered to postpone the vigil by a month, subject to two conditions: the government had to formally acknowledge their 20-point petition and it had to maintain the positive momentum and act with a sense of urgency. Although the Envoy was well equipped to serve as the facilitator of the national dialogue, UN Headquarters insisted that his duties in New York were more important. He argued that a non-violent approach would simply remove the pressure on the government and ensure the perpetuation of the status quo. The Envoy responded by talking about the massive loss of life and immense destruction caused by the civil war in his own country, Mozambique. The ‘sons and daughters of poor Mozambicans had killed other sons and daughters of poor Mozambicans’, with over a million deaths, before the Frelimo government and Renamo finally entered into peace talks in 1990. They came to realize that what united them was more important than what divided them and they accepted they would have to make compromises to ensure a peaceful future.

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The Envoy took the compromise position to the government delegation. None of its members were agitating for repressive action against the civil society organizations and leaders. On the contrary, they were keen to prevent further violence (section 3). They welcomed the postponement of the vigil and undertook to persuade the President to accept a UN-facilitated dialogue that focused on the 20-point petition. They undertook to refrain from making harsh statements and to rapidly respond to the petition.

Both sides wanted the Envoy to facilitate a face-to-face meeting in order to formalize the agreement and initiate discussion on the details of the national dialogue process. At this meeting, held on 16 August, the Envoy stressed that he was both a representative of the UN Secretary-General and a Mozambican. Malawians were his brothers and sisters. Recalling his participation in the national liberation struggle in Mozambique, he noted that he had spent time in Blantyre with other Mozambican nationalists in the early 1970s. He therefore had personal experience of the generosity and solidarity of the Malawian people and felt honoured to now have an opportunity to contribute to resolving Malawi’s crisis. The meeting ended with the parties collectively endorsing the national dialogue.

On 17 August the Envoy was received by President Mutharika, who regretted the loss of life during the July protest but compared his government’s actions with those of British Prime Minister David Cameron when street protests and riots had posed a similar challenge to law and order in the United Kingdom in early August 2011. Mutharika accused the demonstration leaders of being criminals, maintained that certain opposition parties were trying to take advantage of the demonstrations in order to effect regime change, and held that the hostile media were part of these unconstitutional efforts. He reiterated his determination to ‘smoke out’ the troublemakers.

In response, the Envoy played on the notion of the President as the ‘father of the nation’. In that capacity, the President was expected to show wisdom and patience with all his ‘children’, even those that were ‘unruly and disobedient’, and he had a responsibility to educate and protect them.

Mutharika ultimately agreed to engage in dialogue with civil society on the basis of a pragmatic cost-benefit assessment (section 3). He explained to the Envoy that his ‘magnanimity’ in being willing to talk to the ‘scoundrels’ was due to his concern that further demonstrations could result in more unrest, looting and other criminal activities. He worried that the country’s poorly trained and poorly equipped police might not be able to handle the situation and that the government might consequently be compelled to deploy the army to maintain law and order. He ended by expressing hope that the UN would continue to facilitate the search for a durable solution to Malawi’s problems.

The Envoy believed that these encouraging outcomes were extremely fragile and could easily be reversed by the actions of either side. It was therefore essential for the UN to maintain the positive momentum and act with a sense of urgency. Although the Envoy was well equipped to serve as the facilitator of the national dialogue, UN Headquarters insisted that his duties in New York were more important. Consequently, the Envoy requested the UNRC, as a stopgap measure, to immediately begin the process of facilitating discussion on the agenda and procedural aspects of the national dialogue. This would give UN Headquarters time to identify and deploy an external UN facilitator for the dialogue.
The logic of successful preventive diplomacy

The UN preventive diplomacy took place in the context of deep popular dissatisfaction and frustration with governance and economic conditions, an initial round of protests and violence, an escalatory conflict dynamic and the imminent prospect of further violence. The preventive diplomacy succeeded in defusing the immediate crisis and averting another bout of violence. The logic of this process of de-escalation had the following elements:

- Both the government and civil society sectors were divided between moderate and hardline elements that wanted to pursue different courses of action. The UNSG Envoy was able to present arguments and ideas that bolstered the position of the moderates and helped to sway the internal debates in their favor.

- The UN’s proposal for a national dialogue offered actual or potential benefits to all the conflict parties and provided them with a way out of the crisis without any of them losing face.

- More specifically, the majority of civil society leaders were convinced that a UN facilitated dialogue focusing on the 20-point petition was an acceptable means of addressing popular grievances and demands (section 3). They were therefore willing to postpone the August vigil. Postponing rather than cancelling the event was a face-saving action and provided civil society with an ‘escape route’ if the national dialogue proved unsatisfactory. The postponement, being a de-escalatory and conciliatory move, also made it easier for President Mutharika to accept the national dialogue.

- Aside from the substance of the national dialogue, both sides believed that the process of dialogue would help to contain, manage and mitigate the tension between the government and civil society. The dialogue implied mutual recognition and respect by the two sides, which was essential given the acrimonious recriminations and combative rhetoric after the July violence.

- The prospect of UN facilitation also raised civil society’s confidence that the dialogue would be meaningful and lead to real change. The UN was thus perceived to be ‘a kind of guarantor of positive change’. Without the UN playing this role, civil society would probably not have agreed to enter into talks with the government.

Having explained the logic of the preventive diplomacy, we can now set out the main factors that contributed to its success:

Moderate elements in the conflict parties

As discussed above, there were members of both the government and the civil society organizations that wanted to avoid further violence (section 3). Had this not been the case, or had the hardliners prevailed over the moderates in the internal deliberations of the government or civil society, it is possible, and perhaps likely, that the UN preventive diplomacy would have failed. In other words, the preventive diplomacy took advantage of an existing potential for de-escalation.

Acceptability of the UN

Both the government and civil society regarded the UN as a neutral and credible arbiter and were willing for it to serve as the facilitator of the national dialogue. Although Mutharika was perturbed by the possibility of UN Security Council engagement, he was receptive to the ‘good offices’ overture of the UN Secretary-General. As noted earlier, he may have preferred the AU or SADC on the grounds that they were African and less intrusive than the UN (section 3). Nevertheless, the Office of the UN Secretary-General had the advantage that, unlike the African organizations, it had ‘no interests in the fight’.

The collective confidence that the UN was an appropriate institution to play preventive diplomacy and dialogue facilitation roles remained constant throughout the process. There was one minor exception: some civil society members were unhappy about the UNRC serving as the interim UN facilitator because he was perceived to be too close to the government. This arrangement was only temporary, however, and the concerns did not have a lasting impact.

Acceptability of the UN Envoy

The conflict parties expressed appreciation that the UN Secretary-General had sent an envoy to help them address the crisis in Malawi. They were especially pleased that the Envoy was from the region, ‘a neighbor and a friend’, who understood their culture and history. An envoy from another region would not have been able to grasp the nuances and ‘read the signs’ of Malawi.

Approach of the UN Envoy

At the strategic level, the UN’s overarching goal was to help the government and civil society organizations to engage in dialogue and address their pressing political and economic problems without resort to violence. The goal did not encompass the promotion of UN positions on the substantive issues under debate; the agenda of the dialogue ‘was to be determined by Malawians and not the UN’. Also at the strategic level, it was essential that the UN ensured that SADC supported its efforts. Immediately after the Envoy was appointed, he contacted the Executive Secretary
of SADC to inform him of the UN initiative. The Executive Secretary said that the regional body was willing to hold back while the UN took the lead.\textsuperscript{61} Given SADC’s sensitivity to external interventions in Southern Africa, the Envoy assured the Executive Secretary that he would consult and report regularly to SADC (see further below).

Since Malawi is not a country of any geo-strategic significance and the level of violence was relatively low, there was no engagement by the major powers in the conflict or its resolution. The most important foreign state actors were the donors that supported Malawi. The UNRC kept the donors briefed on the preventive diplomacy and national dialogue developments. The donors were supportive and did not seek to influence the process. From their perspective, a dialogue between government and civil society, facilitated by the UN, was entirely positive.\textsuperscript{62}

At the tactical level, the Envoy sought to earn the trust of the conflict parties by showing respect, listening carefully to their interventions and often paraphrasing their remarks in order to indicate an empathetic understanding of their concerns, needs and aspirations.\textsuperscript{63} He was firm in advocating a non-violent approach but refrained from bullying, lecturing or scolding the parties. He constantly asserted the importance of national ownership, insisting that decisions on the way forward lay with the conflict parties and not the UN.\textsuperscript{64} The civil society leaders appreciated, in particular, his frank personal comments about the Mozambican civil war, which made the prospect of large-scale violence in Malawi ‘real and not hypothetical’.\textsuperscript{65}

International support and communication

As noted above, SADC and the donor community in Malawi backed the UN’s efforts. According to a SADC official, the regional body was willing to ‘join hands and collaborate with the UN, rather than run a parallel initiative of their own’.\textsuperscript{66} SADC in fact appeared to be quite happy for the UN to take the lead: several of the region’s heads of state regarded President Mutharika as partly or largely to blame for the Malawi crisis and this made it difficult for them to get involved.\textsuperscript{67} It was also relevant that Mutharika had accepted the UN Secretary-General’s offer of assistance. Moreover, civil society was sceptical of engagement by SADC, believing that the organization would favour the government.\textsuperscript{68} At a personal level, it was helpful that the UNSG Envoy and the SADC Executive Secretary were both Mozambicans.\textsuperscript{69}

In relation to both the preventive diplomacy and the national dialogue facilitation, the UN ensured that there was good information-sharing and coordination with key international actors. The UNSG Envoy, at the outset, discussed his mandate and impending visit to Malawi with the SADC Executive Secretary; DPA used its liaison office in Gaborone to regularly brief the SADC Secretariat on the national dialogue; the UN Facilitator briefed the AU and SADC regularly; and, in Malawi, the UNRC and the UN Facilitator continuously briefed the in-country donor coordination mechanism.\textsuperscript{70}

Absence of rival mediation initiatives

The UN preventive diplomacy and national dialogue facilitation were not challenged by any competing mediation or crisis management initiatives launched by other external or domestic actors. As noted above, SADC accepted that the UN would facilitate the dialogue. There was apparently no contemplation of the AU intervening diplomatically.\textsuperscript{71} Traditional peace brokers from Malawi civil society were perceived to have chosen sides and therefore could not play an impartial role.\textsuperscript{72}

Absence of public UN criticism

UN officials involved in the preventive diplomacy and national dialogue believe that another factor relevant to success was the absence of public criticism by the UN regarding the police shootings and, more broadly, the growing authoritarianism and human rights abuses of the Malawi government.\textsuperscript{73} UN officials did raise these issues privately with Mutharika. Public criticism by the UN, on the other hand, would probably have caused the President to reject the UN’s offer to help defuse the crisis.

4. Examining the National Dialogue

The national dialogue began on 25 August 2011. The UNRC facilitated preparatory meetings with the aim of forging consensus on the composition of the government and civil society delegations and on the guiding principles, rules of procedures and agenda for the talks. This early work helped to establish a sense of parity between the government and civil society delegations, enabled the two sides to articulate their respective positions, compelled each side to hear their opponents’ views, and laid the ground-rules for the dialogue that followed.\textsuperscript{74}

On 7 September the UN Secretary-General appointed Ms Zewde as the UN Facilitator for the dialogue, and she started her work in-country in late September. The dialogue process continued intermittently over the next six months before its last meeting was held on 24 March 2012. A report on the results of the process was presented to President Banda on 17 June 2012. Throughout the process, DPA provided political guidance and expertise in process design and UNDP provided administrative and logistical support.

Achievements and limitations

The national dialogue contributed to defusing tension between the government and civil society, particularly during the initial phase of the process. According to one interlocutor, it ‘provided a platform for the parties to talk to each other and thereby scale down the conflict’.\textsuperscript{75} It did not, however, address the root causes of the crisis.\textsuperscript{76} In fact, it did not lead to any major decisions or the resolution of any major issues.\textsuperscript{77}
The process was significant 'more because it happened than because of what it achieved'.79 It turned out to be an exercise in crisis containment and de-escalation rather than one of conflict resolution or transformation. In short, the national dialogue was a form of preventive diplomacy and not a form of structural conflict prevention.

Because the national dialogue made no substantive progress, tension between the government and civil society continued to simmer throughout the period of the talks. In mid-September 2011 the civil society delegation staged a temporary withdrawal after the office of a civil society leader was torched.79 In February 2012 civil society again withdrew, threatening the government with further demonstrations since only three of the 20 agenda items had been discussed at that stage. Hardline elements in civil society concluded that the dialogue had killed any chance of building a popular movement that could have dislodged Mutharika; they claimed that greater gains would have been made through street action but acknowledged that this would probably have led to more bloodshed, which they felt was a necessary price to pay.80

Whereas the preventive diplomacy and national dialogue provided a short-term calming of the tension, in the medium-term this was attained primarily when President Mutharika died in February 2012 and was replaced by Vice President Banda, who was more democratically oriented and had an affinity with civil society. In the long-term, the national dialogue laid the seed for a consultative process on the establishment of a national peace architecture. Supported by UNDP, this process led to the government’s adoption of a National Peace Policy in 2017.81

**Explaining the limitations of the national dialogue**82

**Composition and mandate of the delegations**

The composition of the government and civil society delegations to the national dialogue was not conducive to making progress on the 20-point petition. The government delegation comprised a number of religious leaders and a single cabinet minister. Since the civil society delegation was also made up of leaders from the non-governmental sector, the dialogue appeared to be ‘just non-state actors discussing among themselves’.83 Political parties were not represented in the process.

The government team did not have the authority to make decisions. All provisional decisions that were made in the national dialogue forum had to be referred to the President for approval, which repeatedly delayed the discussions for several weeks, and the President often overturned the positions adopted by the government delegation. In effect, civil society was talking not so much to the government as to its intermediaries.

The civil society team experienced its own challenges. It was obliged to caucus extensively with leaders and members who were not participating directly in the talks and this led to protracted consultations and erratic decision-making. Questions were also raised about whether the team was sufficiently representative of civil society.

**Inappropriate process**

The national dialogue suffered from a number of procedural deficiencies. It consisted of periodic meetings at which most of the participants lacked the necessary technical expertise to discuss complex issues such as commodity prices, fuel shortages, the lack of foreign exchange and institutional weaknesses in the health sector. This expertise was not made available consistently through the secondment of experts to the dialogue forum, and there were no direct links between the dialogue and the relevant deliberations and decision-making processes in government and parliament. Consequently, the national dialogue was entirely ill suited to making decisions and solving problems on matters that were politically, financially and technically complicated.

**Lack of continuity and sustained presence in the UN facilitation**

The UN preventive diplomacy and dialogue facilitation suffered from a lack of continuity and sustained presence. The lead UN role shifted from DPA to UNDP and then to UNON; the UN Facilitator travelled intermittently to Malawi from Nairobi, where she was based, and then only for periods of a few days; and DPA political affairs officers from the region shuttled into and out of Malawi on a part-time basis.84 The lack of continuity was unsettling for the parties and inhibited developing personal relationships with key actors, generating momentum and building domestic confidence in the national dialogue. It also reduced the seriousness with which President Mutharika took the process.85

In terms of internal UN dynamics, there was generally good coordination between DPA, UNDP and UNON. An exception in this regard was a lack of clarity upfront between DPA, UNDP and UNON on their respective financial contributions; this generated friction, especially between DPA and UNDP Malawi, and created a perception that DPA was not willing to foot the bill for an initiative it had launched.86

**Absence of political will**

By far the most important reason for the national dialogue's failure to make progress on substantive issues was the fact that President Mutharika was not committed to a serious dialogue. This was evident from the composition of the government delegation, the delegation’s lack of decision-making authority and the government’s generally desultory approach to the process. Mutharika failed even to ‘make decisions that were easy to make and did not require big allocations of funds’.87
In the absence of the requisite political will at the highest level, it was obviously impossible for the dialogue to address meaningfully the problems of authoritarianism, corruption, abuse of power and other structural causes of the crisis. From the perspective of the government, the national dialogue was useful in reducing tension with civil society and defusing popular militancy. For some civil society leaders, it just ‘dilly-dallying’, a ‘waste of time’ and a matter of ‘co-opting civil society’.88

UN response to the deficiencies

The deficiencies with the national dialogue were apparent to the UN from the early phase of the process.89 The UN made some effort to improve the process but to no avail. For example, the UN Facilitator suggested to President Mutharika that the composition of the government delegation should be upgraded but he was unwilling to do this.90 In internal discussions at UN Headquarters in New York, DPA officials expressed a keen interest to work with SADC in addressing the root causes of the crisis, provided that the Malawian government was open to this. That never happened and DPA never pursued the matter further.

5. Conclusion

This final section draws conclusions and contributes to inductive theory-building. An explanation for why and how UN preventive diplomacy succeeded in Malawi can be constructed on the basis of a conceptual framework that has the following elements: the logic of successful preventive diplomacy; the necessary conditions for success; the enabling conditions for success; and the sustainability of successful diplomacy. This framework provides a basis for explaining and predicting success in preventive diplomacy.

Preventive diplomacy in Malawi entailed a shift from an escalatory dynamic to a dynamic of containment and de-escalation. This shift resulted from the actions and decisions of two categories of actors: decisions made by the conflict parties; and actions taken by the UN with the aim of influencing and supporting these decisions in a non-violent direction. In order to comprehend the reasons for success, it is therefore necessary to focus not only on the role of the UN but also on the parties. This is the engine room of preventive diplomacy. We cannot understand successful preventive diplomacy without going into the engine room.

At the early stage of a violent or potentially violent conflict, it is possible that one or more of the conflict parties defuses the crisis without third party intervention. But an escalatory dynamic – characterized by, inter alia, action-and-reaction, growing polarization, intense mistrust, inflammatory threats and mutual demonization – creates an inherent risk of progression towards greater violence. The escalatory dynamic has its own momentum, heightening tension, limiting the space for the parties to back down without losing face and thereby increasing the risk of violence. The function of third party preventive diplomacy is precisely to help the conflict parties to back down and resolve their disputes in a non-violent and face-saving manner. The essential logic is that the diplomatic intervention offers the parties a way out of the escalation.

The details of the logic of successful preventive diplomacy differ from one case to another. In the Malawi case, the logic can be summarized as follows:

- The presence of the UN Envoy – as a representative of the UN Secretary-General and, implicitly, the international community – commanded the attention of the parties and interrupted the escalatory dynamic.
- The Envoy was able to facilitate negotiations on crisis abatement because the conflict parties viewed him as an authoritative, impartial and trusted intermediary.
- The Envoy was able to reinforce and amplify the voice of government and civil society moderates who wanted to avoid further violence.
- The proposal to embark on a UN-facilitated national dialogue provided the parties with a de-escalatory and face-saving approach that would potentially enable them to address the grievances that had provoked violence and seemed likely to provoke further violence. As the UNSG Envoy to Malawi put it, the preventive diplomacy provided the government and civil society groups ‘with a ladder to climb down without losing face’.91

What conditions made this de-escalation possible? A distinction can be drawn between necessary conditions and enabling conditions for success, the former being essential for de-escalation and the latter being conducive to de-escalation. In the Malawi case, there were two necessary conditions: all the conflict parties accepted the UN as a third party intermediary; and the conflict parties had not yet decided to resort to further violence. If either of these conditions had been absent, the preventive diplomacy would probably have failed.

In situations where one or more of the conflict parties has made an irrevocable decision to resort to high intensity violence, there may be little if any space for preventive diplomacy. Put differently, extreme violence entails severe risks and costs for the perpetrators as well as their targets. Resorting to extreme violence is thus not a decision taken lightly. It occurs when a particular threshold of anger, frustration and enmity has been reached, and an escalatory dynamic may drive one or more of the conflict parties towards that threshold. In Malawi the parties had not reached this threshold, making it possible for the UN to influence their deliberations in favor of a non-
violent option.

As discussed in section 5, the enabling conditions for success in Malawi were as follows: the willingness of the sub-regional body, SADC, to accept that the UN would be responsible for the preventive diplomacy and national dialogue facilitation; the absence of any rival prevention or mediation initiative by other organizations; the absence of public criticism by the UN of any of the conflict parties; the personal style of the UNSG Envoy, which relied on political and moral persuasion rather than lecturing, scolding or bullying the parties; and the Envoy’s affinity with the conflict parties as a citizen of a neighboring country.

We would expect the necessary and enabling conditions for success to differ from one case to another. We also appreciate that the distinction between necessary and enabling conditions may be blurred. Nevertheless, the distinction may be useful when analyzing cases in order to develop a more comprehensive general understanding of successful preventive diplomacy.

In assessing whether the Malawi case was a success, a distinction should be drawn between preventive diplomacy and structural conflict prevention. Structural prevention aims to prevent violent conflict by addressing the root causes through medium- to long-term political, socio-economic and institutional measures. Preventive diplomacy, on the other hand, entails diplomatic efforts to contain and de-escalate a violent or potentially violent conflict at an early stage. The aim is to prevent a ‘small fire from becoming a big fire’, to ‘nip a violent conflict in the bud’. Preventive diplomacy is successful when it achieves this, even if it does not lead or contribute to structural prevention. By this standard, the UN preventive diplomacy in Malawi was successful.

In many instances, however, preventive diplomacy may be necessary but not sufficient. It may succeed in the short-term but do nothing to mitigate the risk of violence in the medium- to long-term. Consequently, an important question is whether preventive diplomacy in a given case was linked to or followed by efforts at structural prevention. This was indeed the case in Malawi, where the UN preventive diplomacy was tied to a UN-facilitated national dialogue. But the dialogue did not succeed in addressing the structural causes of the conflict. The Malawi case highlights the fact that the space for structural prevention may be quite different from the space for preventive diplomacy.
People Interviewed for This Paper

Richard Dictus, UN Resident Coordinator and UNDP Resident Representative in Malawi during the crisis of 2011-12

Joao Honwana, former Director of Africa 1 Division, UN Department of Political Affairs, who served as the UN Secretary-General’s Envoy to Malawi in 2011

Martha Kwataine, Malawian health and human rights activist who participated in the national dialogue in 2011-12

Ambassador Necton Mhura, Permanent Representative of the Republic of Malawi to the United Nations, who served in President Mutharika’s office in 2011

Apostle Mbewe, member of the government delegation, known as the Presidential Group on Contact and Dialogue, that participated in the national dialogue in 2011-12

Andries Odendaal, Senior Associate of the Centre for Mediation in Africa, University of Pretoria, who was contracted by the UN to support the facilitation of the national dialogue in Malawi

Robert Phiri, Executive Director of non-governmental Public Affairs Committee in Malawi, who served as the secretary of the civil society delegation to the national dialogue in 2011-12
Malawi

Endnotes

Cover Image: Blantyre, Malawi. Flickr/Travis Lupick.

* This project is being conducted jointly as between the Centre for Policy Research along with Dr. Laurie Nathan, Visiting Fellow at the Kroc Institute for International Peace Studies, and Joao Honwana, former Director at the UN Department of Political Affairs. The findings of this case study are those of the author alone and do not necessarily represent those of the United Nations.


4 Interview with civil society leader, December 2017.

5 ‘Uniting to Resist Poor Economic and Democratic Governance – A Better Malawi is Possible. Concerns and Recommendations’, petition prepared by civil society organizations, 20 July 2011.

6 ‘Impact Assessment’, pg. 9

7 ‘Uniting to Resist Poor Economic and Democratic Governance’.

8 ‘Impact Assessment’, pg. 1.


10 Ibid.


12 Ibid, pg. 10.

13 Ibid.

14 Honwana was at that time Director of the Africa I division of the UN Department of Political Affairs.


16 Interviews, November and December 2017.

17 Interviews with civil society leaders, December 2017.

18 ‘Impact Assessment’, pg. 10.

19 Interview with civil society leader, December 2017.

20 Ibid.

21 Ibid.

22 Ibid.

23 Ibid.

24 Interview with Joao Honwana, November 2017.

25 Ibid.


27 Interview with Joao Honwana, November 2017; interview with Ambassador Mhura, December 2017.

28 Interview with Ambassador Mhura, December 2017.

29 Interview with Joao Honwana, November 2017.

30 Ibid.


32 Interview with Ambassador Mhura, December 2017.

33 Ibid.

34 Interview with Joao Honwana, November 2017.

35 ‘Impact Assessment’, pg. 11.

36 ‘Note Verbale from the UN Secretary-General to the Permanent Mission of Malawi to the UN’, 27 July 2011.

37 Interview with Joao Honwana, November 2017.

38 Ibid.

39 Ibid.

40 Ibid.

41 Ibid.
42 Ibid.
43 Ibid.
44 Ibid.
45 Ibid.
46 Ibid.
47 Ibid.
48 Interview with civil society leader, December 2017.
49 Interviews, November and December 2017.
50 Ibid.
52 Interview with Ambassador Mhura, December 2017.
53 Ibid.
54 Interview with civil society leader, December 2017; ‘Impact Assessment’, pg. 21.
55 Interviews, November and December 2017.
56 Ibid.
57 Ibid.
58 Interview with Ambassador Mhura, December 2017.
59 Interview with Joao Honwana, November 2017.
60 Ibid.
61 Ibid.
62 Interview with Richard Dictus, November 2017
63 Interview with Joao Honwana, November 2017.
64 Ibid.
65 Interviews with civil society leaders, December 2017.
66 ‘Impact Assessment’, pg. 11.
67 Interview with Joao Honwana, November 2017.
69 Interview with Joao Honwana, November 2017.
71 Interview with Joao Honwana, November 2017.
73 Interviews, November and December 2017.
74 Ibid.
75 Interview with Ambassador Mhura, December 2017.
76 Interviews, November and December 2017; ‘Impact Assessment’, pg. 24.
77 Interviews, November and December 2017.
78 Interview with Ambassador Mhura, December 2017.
79 ‘Impact Assessment’, pg. 15.
80 Ibid, pg. 25.
84 Interviews, November and December 2017; ‘Impact Assessment’, pg. 16.
85 Interviews, November and December 2017.
87 Interview, civil society leader, December 2017.
88 Ibid.
90 Ibid.
91 ‘Mission Report’.