



# Rule of Law and Security Sector Governance in Malawi

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A photograph of a military tank moving through a crowd of people. The tank is in the foreground, and a large group of people is gathered around it. The word "Prologue" is overlaid on the tank's turret.

# Prologue

- Professional Military Education (PME): Key to understanding the importance of the rule of law in security sector governance (SSG).
  - Rule of Law not part of basic military training
  - No one is above the law
- Intersection of the rule of law and the military:
  - Civilian control of the military
    - Civilian Commander-in-Chief
    - Military Commanders are accountable to the Minister of Defence
    - Parliamentary Oversight of the Armed Forces
    - Constitutional Mandate of the Military
  - Civil-military relations
    - Professional Militaries
    - Coup-proofing dilemma
  - Security Sector Governance

# Oversight of the Military in Malawi

- Military personnel are citizens first who are mandated to defend the country and its people.
- Section 12 (1) of the Malawi Constitution states that “no institution or person shall stand above the law.”
- Section 160 (1) of the Malawi Constitution states that the Malawi Defence Force shall “operate at all times under the direction of [...] civil authorities.
- The President is Commander-in-Chief and has the “ultimate responsibility for the Malawi Defence Force (sections 78 and 161(1) of the Malawi Constitution.
- The deployment and operations of the Malawi Defence Force are subject to the scrutiny of the Defence and Security Committee of Parliament including appointment and removal from office of senior officers.



# Strategic Gains for the Rule of Law

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- Professional military
- Economy of effort
- Trust and respect of citizens
- Sufficient funding for the defense budget
- Efficiency and effectiveness
- Increased discipline and morale of troops
- Division of labour with other security agencies
- Broad recruitment base



# Accountability of the Military to Citizens

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- Vertical Accountability
  - Power of the people expressed through the ballot ( the buck stops at the Commander-in-Chief)
- Horizontal Accountability
  - State organs oversight, e.g., Ombudsperson, Courts, Human Rights Commission (Parliamentary Oversight)
- Diagonal Accountability
  - Non-State Actors demanding answers for acts of omission, e.g., the media and civil society (Amplifying Civil Society Voice).



## Why Trust?- Whole of Society Approach

- Human Security Challenges
- Military Aid to Civil Authorities
- Illegal Migrants
- Infiltration of Extremists
- Xenophobia
- Artificial Intelligence (Technological Developments)
- News Wars: Green Violence
- Grand corruption has compromised other agencies



# Defender of the Defenceless: How the MDF sustains civilian trust

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- Upholding the Constitutional Order (2012)
- Protection of Civil and Political Rights (2019)
- Engineers Constructions Company Ltd
- Agricultural Production Company Limited
- Sports and Culture initiatives
- Public Information Office
- Dissemination of Law of Armed Conflict (Art 83 API)
- Respect for the rule of law and subordination to civilian authority



Thank you!

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Questions?

