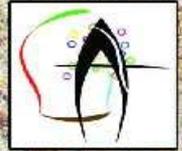




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Assemblée générale
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L'Afrique et les défis du XXIème siècle
Africa and the Challenges of the Twenty First Century
A África e os desafios do Século XXI
إفريقيا وتحديات القرن الواحد والعشرين

**Panel: Twenty Years since the Kampala Declaration
on Intellectual Freedom and Social Responsibility**

**DRAFT VERSION
NOT TO BE CITED**

The Challenge of Standing in Defence of Academic Freedom in Malawi

Jessie Kabwila Kapasula

5 - 9 / 12 / 2011

Rabat Maroc / Morocco

Introduction

One of the challenges facing Malawi today is preserving constitutional freedoms, in particular, academic freedom. On the 26th of October 2011, Chancellor College Academic Staff Union (CCASU)'s struggle in defense of Academic Freedom in Malawi, clocks 250 days. Using a narrative approach, the paper attempts to underline the value of this struggle to the people of Malawi and illustrate what an achievement it is for academics of Chancellor College to sustain a struggle against the ruling elite for this long. The paper chronicles interviews by the author of academics who have been in the struggle from the beginning up to now, as the union clocks 250 days of standing for what it believes is right and not negotiable. The questions posed to the academic freedom fighters include:

- Why are you in struggle
- What do hope to achieve by being in the struggle
- What were your moments of highlight in the struggle

The interviews were conducted on a one on one basis on the Chancellor College¹ campus. Whilst there was a commonality in the questions asked to interviewees, there was also an attempt to tweak questions to address the discipline and positionality of the person in the struggle. Given that the author's life is under serious threat, following the murder of a Polytechnic student (Robert Chasowa, 23 September, 2011²) by ruling party thugs, I could not interview many members in good time³. In order to enhance appreciation of the interviews, the paper includes the biodata of the interviewees. In the interviews, initials are used to denote the interviewer and interviewee. If one is to truly appreciate the relevance of the struggle in defense of academic freedom in Malawi, it is necessary to know what brought about this academic freedom impasse and how it has unfolded. The leaflet CCASU produced to mark 100 days of this struggle is a good place to start:

¹ The main constituent college of the University of Malawi (UNIMA). It is in Zomba, Malawi.

² 'Robert Chasowa' . *Frontline*. <http://www.frontlinedefenders.org/taxonomy/term/11173>. Retrieved 8 October, 2011, 6.18pm.

³ From the 29th to date (9 October, 2011), the author has been leaving in hiding, the union has had to hire house and personal security as the acting president's name was found on the list that included the murdered student at the Polytechnic. So far, three arrest warrants have been issued. These security issues have greatly hampered my ability to write and meet deadlines but the fact that the paper is ready is proof the author's resilient effort not to let this struggle take away my academic stamina too.

100 DAYS OF THE ACADEMIC FREEDOM STRUGGLE IN DEFENCE OF CONSTITUTIONAL RIGHTS

16th February, 2011 – 27th May, 2011

In Malawi, academic freedom is currently under threat - to a degree reminiscent of the 1970s, 1980s and early 1990s when the University of Malawi was turned into a reservoir for political detainees. The result was, among others, a massive brain drain that crippled the national University and has not been remedied.

On 12 February 2011, an Associate Professor in the Department of Political and Administrative Studies at Chancellor College, a constituent college of the University of Malawi, Dr Blessings Chinsinga, was summoned by the Inspector General of the Malawi Police Service, Mr Peter Mukhito, to an interrogation over the contents of a lecture that he had delivered to one of his classes. Members of the Chancellor College Academic Staff Union (CCASU) and other academic staff of the University considered the summoning of Dr Chinsinga a gross violation of academic freedom as guaranteed by the Constitution of the Republic of Malawi.

Section 44(1) and Section 45 of the Constitution of the Republic of Malawi state that there can be no limitation, restriction or derogation of academic freedom, not even during an officially declared state of emergency. The Constitution gives special protection to academic freedom because it is a necessary condition for the achievement of good quality education, freedom of thought and conscience, freedom of opinion, freedom of expression, access to and for the open pursuit and dissemination of information, which, in turn, is critical for national development.

Following the interrogation, academic members and students, out of fear of a repeat of the dark past, started to shun classes. They petitioned University authorities and the Inspector General of the Malawi Police Service, seeking, among others:

- (a) Assurance that no such actions shall be repeated by the Inspector General, personally, his agents, or any other authority connected with his office because they had created an unnecessary condition of censorship, fear, suspicion, and threat to the intellectual, professional and physical welfare of the academics;
- (b) An Apology to the Chancellor College community for the unnecessary disruptions in the academic calendar and, to Dr Chinsinga for the psychological trauma caused to him personally and to his family.

The petitions, to the utter disbelief of the academics, attracted the following responses and actions:

- The Inspector General was emphatic that academic freedom must be balanced against national security and failed to give an assurance that this will not recur,
- The State President of the Republic of Malawi, Dr Bingu wa Mutharika, who is also Chancellor of the University categorically stated that the Inspector General will not apologise and he issued a directive that lecturers go back to lecture halls,
- The State President, and Chancellor of the University of Malawi, at several public rallies, pronounced the teaching of Dr Chinsinga as bordering on treason and academic freedom as academic anarchy
- The University authorities summarily dismissed Dr Chinsinga and Dr Jessie Kabwila-Kapasula (President of CCASU), Dr Garton Kamchedzera (legal Counsel of CCASU), and Mr Franz Amin (Secretary General of CCASU).
- The University authorities further issued orders freezing all academic staff salaries, and closing down Chancellor College and the Polytechnic.
- Threats by unknown people on the life of CCASU President Dr Jessie Kabwila-Kapasula

For months the staff members have survived on court orders that have given them only temporary relief against the actions of the University authorities. In two rulings the High Court has made important pronouncements, including the following:

- ✚ The threat and fear on part of academic members of staff are well-founded partly because they are “to a reasonable extent grounded in some dark parch of history of the university when lecturers were victimised for exercising the freedoms that now appear to be threatened”, as “lecturers and students at Chancellor College used to be arrested and some of them God knows where they went.”
- ✚ The refusal to teach by academic members of staff is neither disproportionate nor does it infringe students’ right to education, whose delivery is dependent on academic freedom and the freedoms of conscience and expression.
- ✚ As academic members of staff have been justified to be afraid to teach, their refusal to teach does not constitute a strike within the law.

- ✚ Despite offering sympathy when the academic members of staff stopped teaching due to their fears, the University Council has not taken steps to address the causes of such fears;
- ✚ Academic members of staff have not yet been “assured unequivocally of their academic freedom.”
- ✚ As the performance of teaching duties of academic members of staff is dependent on academic freedom, and freedoms of conscience and expression, it would be “oppressive” and a violation of the lecturers’ rights “to compel them to return to an environment which they consider, for apparently good reasons, unsafe to carry out their said duties.”

Despite these pronouncements, the Council of the University of Malawi continues to take destructive actions and is seeking to lift the court orders so that dismissals are effected and the two main colleges of the University are permanently closed and cordoned off by the police.

Indeed, the response of the Inspector General of Police and the actions of the University authorities indicate that spurious claims of national security may be used to intimidate and victimise academic staff and students for things that they say in their academic work. This fear is genuine and informed by historical experience in which Chancellor College academic staff and students were detained without trial or victimized in many other ways merely for expressing themselves. There is real danger of reverting to the past.

We therefore appeal for your support in solidarity for the defence of academic freedom in Malawi.

Signed: Academic members of staff, Chancellor College, University of Malawi
e-mail: president@ccasu.ac.mw , www.ccasu.ac.mw

CCASU forms the majority of staff at Chancellor College. Out of a total of about two hundred members of academic staff, registered CCASU members are one hundred and sixty eight, as of October 2011. This struggle, which has involved union and non-unionised members has seen some members drop out. I decided to ask those that have hung on, why they have

done so. Those who have remained in the struggle form the majority of the staff in the college and this is evidenced by failure of the college to function even when University authorities decided to recall students in the middle of the impasse (4th July, 2011). They ultimately had to close it indefinitely. The first person I interviewed is Associate Professor Blessings Chinsinga, the one who was interrogated by the Inspector General of Police, Mr Peter Mukhito.

The Interviews

Blessings Chinsinga (BC)

Interview done 29 September, 2011. English Department, Head's Office, 6.15pm



Blessings Chinsinga is a Senior Lecturer teaching Development Administration, Public Policy Analysis and Institutions and Development at the Department of Political and Administrative Studies, Chancellor College, [University of Malawi](#). He holds a PhD in Development Studies from the University of Mainz. His research interests include agricultural production and HIV/AIDS, and rural development.

JKK Why are you in this struggle

BC To get the rules of the correct, ... right. I believe very much in systems and not ad hocness. Having been a student of politics and public administration, I appreciate that establishing systems is not easy. There are people who fight establishment of systems, very few

people are prepared to stand up for systems. The academic freedom struggle is a bigger. This is a perfect example of a state that for its own reasons, wants to constrain people's freedoms. The state is something you have to stand up to. If you establish a game the rules must be followed. Today's ruling [Justice Singini's] that is what this is about. There have been moments, ... I have had moments of doubt and questioned myself what I am doing, inflicting such torture on myself. After all, I know I have the potential to move on and be self employed. But I want to get this right for the other people who come after me. I feel really bad to be put in a situation where I am running away from my own country for reasons that I know are not justified. I want to be in control. I want to be exercising my citizenship. My wife says I should just resign, 'You will leave the limelight, You should stop writing the biweekly newspaper column'. I say to her 'that is me, no one must take the me from me'.

My mum and dad have been very supportive. My dad is rather passive but my mum says 'go on'. I must say I have not suffered pressure from my extended family but from my nuclear and in-law families. My wife comes from a village next to Bingu's. My father-in-law was a playmate of Bingu.

Being a political scientist and married to a family close to Bingu, it has not been easy. I have had to balance family versus professionalism. There was pressure from my wife's family, suggesting that I have overstepped boundaries. But, the government's continued path of blunders has vindicated my acts and stand.

There is one discourse that I find unacceptable, one that is defeatist and says you cannot win against government. It has confronted me at a personal level, especially when the miscarriage⁴ happened. This made it seem to be true that, you cannot win against government. I could see that my wife's relatives were looking at me accursedly saying 'If you had behaved, our daughter would not have suffered. You are to blame'.

⁴ Blessings' wife suffered a miscarriage at the beginning of the struggle, due to stress, linked to the struggle. The system was attacking Blessings left right and center, vilifying me in public media and his family were also under physical danger. The Head of State was attacking him in public at political and state gatherings.

JKK What has been the review of what happened with the Inspector General of Police by your peers. I am asking you this question on the back of watching you do two presentations and I must say, illustrate your professionalism and religious commitment to scholarship.

BC One thing to consider is that I have taught all my peers in Chancellor College, so they understand my style of teaching.

I teach everything as if I believe in it. I endeavour to teach in a way that separates what I personally believe in from what I do not. I leave out my personal assessment. People sometimes feel I am overcommitted. What I know is that I have passion for what I teach. I can teach a Masters class for three hours without taking notes. I endeavour to inspire. I try to take abstract concepts and relate them with what is on the ground. That comes from my desire to publish. You need to relate theory to practice. Publishers want connections to be made.

JKK Why do you give local examples, it is this practice that seems to have gotten you into trouble with Mukhito and the government of Malawi?

BC I believe in domesticating knowledge. I believe students understand easily if they can relate stuff with the immediate environment. I have tried to perfect this skill in the 14 years that I have been teaching at university. You see, political theory is very dry, I would argue it is the driest teaching material. It needs contemporary examples. Moreover, current students are lazy, they need to be stimulated. There is reason why a course can be taught by one person and twenty students enroll whilst the same course, given to someone else, will see only three students enrolling. Students need to see relevance. One of my proudest moments as a teacher is when I meet my students three to four years after graduation and they confess that what I taught them is really helping. Giving examples and local ones for that matter, helps enhance critical thought. For example, if one is to tackle the issue of gay issues, quota system, you need to relate the abstract theoretical concepts to issues happening on the ground. This makes learning fun and relevant.

JKK What has been the cost of this struggle?

BC The biggest cost has been academic. This is has been a huge cost especially on time management and planning. It has been costly because I was excited to go for my sabbatical. One thing that I have seen is that the system is thankless. Considering the way I have been bolstering intellectual capacity and flare in my department and institution in general, I believe I deserved to have been treated better. We have an MA programme whose proposal I wrote and got funding for. It has trained 40 MA students. The students were taking 8 subjects. I was teaching 5 out of the 8 for 2 years. This meant that for 2 years, I was marking everyday. Out of 39, I supervised 21. By now, I would have been professor had I used the time I used for that programme for research and publishing. In that program, I demonstrated commitment that with hindsight, I have paid for and regret immensely.

In addition, I coordinated the MA in development Studies. I was coordinator and I worked hard to shape it up. Then, I became deputy dean for two years.

I have also supervised people from development studies. My scholarship came from administrative and teaching duties. I also had to research. In UNIMA as you know, the tool for survival is research. My publications were by invitation. I had given myself the cause of the college. When my sabbatical was coming up, I was looking forward to it because I was burnt out. I wanted to teach and go on for my sabbatical. So the cost has been that the exit strategy from all responsibilities had not worked out properly.

At a personal level, the emotions at the beginning of the struggle were not good. The first four months were particularly difficult. I have become more liberated after July 20. For me, July 20 was like having a huge stone lifted off my chest.

JKK Since we are approaching day 250 of the struggle in defense of Academic Freedom, so far, what are you highlights, the moments that stand out for you in this struggle this far?

BC There are two moments.

- 1 Delivering the Petition. I was not part of this event but I was overwhelmed by it. I did not expect such a positive response from staff, the Chirunga intelligentsia. This place has its petty jealousies. Often, people celebrate when you are in problems. To see the whole college uniting for a common purpose, spoke to my heart of hearts. It showed me that what had happened was wrong. What made it

special was that I had not gone to report to the union, but the community put the issue into political perspective and jolted into action spontaneously. I was around the university office when it unfolded, I just watched from a distance.

- 2 July 20 . Since that time, I had always known that I had done nothing wrong but July 20 contributed 90% to my vindication, that I had done nothing wrong. I had had moments of doubt in the past but July 20 made me proud. What was made clear on that day is that if countries are to be successful, there is a non-negotiable role for academics to shape public discourse and policy. I thought it needed not have gone that far. Maybe we just needed 3 or 4 seminars, like the ones you [JKK] and I attend. We needed them here. July 20, 2011, goes down as one of the moments I was proud to be a lecturer of public policy. It was a manifestation of the clearest link between academia and the world out there. July 20 was a moment of exhaling for me. Public opinion was against us [CCASU and those fighting for academic freedom in Chancellor College], of course sentiments were changing. But, the way July 20 happened, it was in an unprecedented way. I felt exonerated. This is also because things had been very tough for me: I did not have the freedom in my heart, my wife had been ill, projects had been keeping me so busy and not working out. There were times, during our morning updates, I wished some people had been in that class. Such moments were really bad for me. The worst point of those moments was the Ntata stage of this struggle. I was hurt most when people trivialized the issue. There were times I would chance private conversations that indicated that some people did not wish others well. Those moments were very troubling.

JKK How has your department fared in all this?

BC I have to say my department has been fantastic. They have been supportive through and through, all of them. They exceeded my expectations especially because when elections happened, naturally, as a political science department, we were divided. Some were pro DPP, others UDF, pro opposition etc. in the department, some do not teach political science, most go into development issues and administration. Remember, there are also what I call 'cold wars' - rivalry and protectionism, territorialism - but when this happened, I would be taking

something away from them if I do not say I admire the way they handled my issue. They made me feel welcome, they did not alienate me. I really felt and feel supported.

Edge Kanyongolo

Interview done in English Department Head of Department's office, 29 September, 2011.



Dr Fidelis Edge Kanyongolo (Malawi) "is an Associate Professor of Law at the University of Malawi. He also consults for national and international institutions on governance and the rule of law. He has served on the Boards of national and international organisations, including the [Malawi Civil Liberties Committee](#) and the [Media Institute of Southern Africa](#)." He describes himself as 'a 40-year old married man with two children. I developed a deep personal interest in human rights when I spent 15 months in detention without charge or trial on suspicion that I was part of a group of undergraduates who had formed an underground political party when Malawi was officially a one-party state. He teaches constitutional law and jurisprudence. He has participated in human rights investigations in Kenya, Malawi and Sierra Leone.' Edge has tutored the course on Investigating, monitoring and reporting human rights violations on two earlier occasions.

JKK As an academic, a parent, and prominent, living example of Malawi's troubled relationship with academic freedom, why are you in this struggle?

EK It is personal. There is a reason why I chose to work here. I could have done private practice. My children would have been in universities abroad. I could have been in the Supreme Court. There is a particular reason why I became an academic. I put a high premium on freedom. Being in detention for 15 months showed me how we take freedom for granted. If at a certain time you are asked not to step outside this room (pointing to the English HOD's office door), you see how hard that is to do, it shows you how precious freedom is.

I regard freedom highly. It is the space within which we define ourselves. I chose this job not for the money, obviously there is no money. There are no perks. I and Garton (Kamchedzera) spent three years as assistant lecturers. Every month we would walk to work. We walked for three years. There were times we would come to work soaked. I love the job due to the freedom if given the correct conditions. Firstly, you are free to organise your life. It is not a 9 to 5 job. There is freedom to think, to speak and interact. I started to teach in this university in 1986.

I lost freedom at some point so I value it. In prison, your day ends at 3.30pm. When I see attempts that take away my freedom, I see that as an attack to the whole justification of why I am here.

You remind of how I lost it last time. You are attacking my very core. The dark recesses of memory resurface, getting into what happened last time. You remind me of the physical input of that time for example, the price that my parents - mother and father paid for my being incarcerated. My maternal grandmother died of shock after hearing that I have been sent to prison. My father suffered untold stress and heart problems. For four months, my mother did not know where I was. It is too painful to even talk about. When things like what happened to Blessings Chinsinga happen, you go back to what is packed and shelved, what one has worked hard to put behind their lives and tried to live beyond. So I ask myself, what can I do?

I want to be candid in this interview.

It has never been easy. When Mukhito interrogated Blessings, I could have said to the group [Union], look, I wish you well but this is too close home. I do not need this, this is too much. I could have said I will pick up my bags and leave. After all, to be honest, it is not as if I have no offers. People have flown me to Johannesburg for a one hour meeting. They have even told me to choose where I want to go and work but I refused. Opportunities have been there. But, I have told myself and made a decision that opportunities are not the point. I would like to help prevent this from happening to someone else and say Not Again! Everybody has to draw their own line in the sand and this is where I draw mine. One has to draw their line in black and white.

July 20 - that is when the decision was made for me. I saw that there was one side that was drawing the other to a fight. Just after July 20, I went to South Africa to a workshop and saw the photos of those who were killed on July 20. It broke my heart. Next day, I was very angry and that anger has not subsided.

I do not want it to happen to someone else. I cannot compromise on freedom. I value it very much. I could have gone out [of country and university] to get rich. What is the justification of staying in a place that is crumbling like this? But, there is a higher principle. If we lose freedom, I do not have to here. I am convinced that I am on the side of what is right.

JKK We are now approaching day 250 of the struggle. So far, what are the moments that stick out in this struggle?

EK 1 The dismissal letters night. That night, I saw the immensity of this struggle. When

we wrote to Mukhito, I had not expected the police to respond. Mukhito's response said at least he had responded. But then, things escalated. The letters said 'we dare you'. That defined the battle lines in my opinion. It how much the system was willing to defend its commitment to threatening academic freedom.

2 Petition delivery day- It was the first time that that had happened in this country. It was symbolic and we walked the same route I used 3rd February 1983. The same route, from the car part to Eastern division. The only difference is that I had been in a police car.

JKK You have been taking photographs, become the archivist of this struggle. Why are you so committed to this role?

EK There are no records of many moments of the history of our nation. Memory is crucial for our nation. I am the only one alive of those who were arrested in 1983. It is unfair to the world because in the absence of records, I can distort and twist what happened. If we had had an opportunity to keep records of what happened, many of us can then be inspired by moments in the struggle of class and the long nights we spent discussing Marxism. There is a night that sticks out in my mind when we spent the whole night discussing. We just washed our faces to go and attend classes the next morning. We did not sleep a wink. I wish we had captured that. I do not want there to be loss again. We owe it to history.

I love documentaries. I love iconic images like those of Che Guevara. Moments in history need to be marked by pictures. This helps to avoid spin. Pictures curb faultiness and embellishments. Pictures do not lie. Ten years from now, the narrative of this struggle will vary. Heroes will emerge that did not really exist. Some will be saying, it was me who did this, not that one. I was the hero. If there is a picture to match, there is little room for lies.

JKK I know you are a committed Marxist scholar. What would you call a classic Marxian moment in this struggle, a point or points when you felt issues of class were captured or engaged?

EK I must confess, I have not given that serious thought. This struggle is changing almost everyday. The first thing that comes to my mind is the connection between us and university office. The Muhlakho network, how that links to the university, how that speaks to the police and here [Chancellor College]. Those linkages construct a web that needs interrogation. One needs to understand how this struggle places itself within the national struggle.

It is a well positioned struggle to become a workers struggle. Some kind of framework will emerge. But, what it has also shown is that we have let ourselves [workers] fall prey to manipulations of capital. For example, the 'akumpoto'⁵ syndrome that eats away at the solidarity. In addition, I thought we could count on other trade unions. For example, the teachers trade union. They should have come on board a long time ago. MCTU to this day has not come on board as boldly as it should. It is curiously missing in action. The struggle in defense of academic freedom has exposed the workers movement in Malawi, the challenges of class consciousness that face us. All workers in Chancellor College and the University should have been part of this struggle but no, we actually have members of staff who are call themselves Non-CCASU in Chancellor College, instead of workers uniting. Solidarity is one of the issues that needs growing. We have not broadened the struggle. It has been to be said though, that we have had solidarity with taxi drivers, villagers and students. We also have been well organized and tenacious. Given the nature of the struggle ranging from court battles, daily walks, personal

⁵ A tendency to attribute problems to people of and from the 'North' of Malawi, usually the Tumbukas.

and group security threats to logistics, just to mention a few – it has been too much to handle. We walk and have updates every working day and sometimes during weekends too.

What needs to be clear is that this place will be a place of perpetuated struggles. This is an oasis of freedom and there lies the fundamental misunderstanding between the president and this institution. He has to remember that this is the place that said we want to debate the one party system in 1970s. This is the place where criticism flourished before we got where we are today. During my student days, I used to act and I dreaded Wednesdays because that is when I would be critiqued. So, the culture of debate has thrived and has a history of thriving in this institution. The ability to differ sharply is the tradition of this place. This is where people drew their own pornography when it was banned. This is where people had religious freedoms and have fought hard to preserve them. To this day, Wednesdays are the days that capture the diversity of this place as one sees people of different faiths practicing their faith, some not taking part at all. This was the first place where women wore 'bare backs' in the days of women being sanctioned on what they can wear. It was shocking then. Chancellor College is built on challenging freedoms and that is the main part of this place. That is how this place works. For heaven's sake, this is what this place is, the Bingu's, Chaponda's and so on and so forth, do not know this place due to their diaspora status. There is a fundamental mismatch between this free place versus the patriarchs, classicist, elitist, ethnocentric ruling elite. When we work with vendors and connect with them, and as you know, I am one person who does that a lot, we are misunderstood and seen as people who go to them not to research and understand our society better but to buy Indian Hemp as that is how vendors are stereotyped by the ruling elite, often. There is a tension between this liberal place seating right in the middle of the opposite of it. For example, here people can debate gay rights, women smoking and those who do not believe in God. This is a place where such issues are not frowned upon, shunned but debated on and we thrive on such debates.

Esela Gondwe (EG)

Great Hall, Thursday 29 October, 2011

Biodata of: _____



ESELA

GONDWE

Classics department

Chancellor College,

P.O. Box 280 Zomba

Malawi

EDUCATIONAL BACKGROUND

Primary School:

1990-1995 Rockcliffe Park Public School,
Ottawa, Canada

1995- 1996 American Embassy School of Lusaka
Lusaka, Zambia

High School: Kamuzu Academy, IGCSE Certificate

1997-2002

College: Bachelor of Arts in Humanities (With Credit)

2002-2006 Majors: Classics and Theology

2008 Staff Associate, in the Department of Classics
Chancellor College

JKK You are one of the youngest members of this struggle, why are you in this struggle, are you not afraid of reprisals?

EG It is not just for today that I am in this struggle. I am doing this for tomorrow, for the future of this country. I am inspired by Edge Kanyongolo's experience. We [Malawians] come from a one party state. You do not want to go backwards, be taken to a repressive time.

This struggle also has as a nice camaraderie about it too. You get to know people you work with better. For example, I have come to walk, talk and share jokes with names that I just used to hear about when I was a student like Dr Kambewa.

JKK How did you overcome fear, I know there is a time you were very worried about you being from the North and your picture had been posted on Nyasa Times in a story. I feared we were going to lose you?

EG 1 Prayer

2 I saw it as something I can do for myself

3 I accepted that fear has to go and trusted that what we are fighting for is a good cause.

Chikosa Banda (CB)

Senior Common Room, 29 October, 2011, 5.30pm



JKK I know you are a human rights lawyer, you also have a personal story to tell when it comes to repressive governments and its citizens. We will get into that later, for now, please let me know why you in the struggle in defense of academic freedom?

CB Firstly, to avoid retrogression. As students, we paid a lot. We stayed at home a lot fighting a dictatorship. What happened to Chinsinga is an attempt to take us back and nullify what we fought for. Chinsinga's incident shows a government scheme to silence those who can

question it. I say we cannot allow Malawi to retrogress. Chinsinga's issue is just one of those issues that shows a system that is telling citizens to not speak, only speak if they are praising those in authority. I was a student in 1991 to 1999.

JKK One could say Malawi has a long history of leaders that repress them, why are you particularly unhappy with this one, is this not more of the same?

CB What makes the situation in Malawi right now unacceptable and annoying is that in 1992, Malawians said we want a plural system, let us make a fresh start. We did not like the one party state. We adopted a new constitutional order with its own set of principles that we should abide to. There is a reason why in the Malawi Constitution, Academic Freedom is not derogable. It is due to the context of the past. We as Malawians say through our constitution that we do not want academic freedom to be derogable and limited even during a state of emergency. We will jealously guard this freedom. So now someone, some one, some institution is trying to nullify rules that are already agreed on. I feel people are being misinformed. When you adopt a constitution, you make sure it is not tempered with. If anyone wants to change it, then let us go for a referendum.

JKK The law department has been queried by Council of the University of Malawi about its members of staff taking its employers to court. They feel you are not supposed to do that and should not be allowed to do that. What is your comment on that issue, without your faculty and department, this struggle would practically be crippled if not non-existent?

CB There is the question of conflict of interest but the lawyers who are taking these cases are defending themselves. It is just that they are also defending others.

One of the qualities of administrative law is to improve quality of decision making. What interest does the judicial review protect? Should I just watch when an interest of the law is at stake. There is nothing antagonistic with what they [lawyers representing themselves and the union] are doing. They are not breaking any ethic.

JKK Would you like to share the personal experience that has relevance to your participation in this struggle?

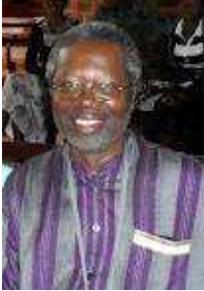
CB I come from a family of detainees. I was detained with my mum at 17 months. We do not know why till now. My dad went to do a Barristers course in England, Middletemple Town. He participated in debates there and eventually, one of those debates was reported back home, in Malawi. His scholarship was frozen and he worked as a labourer in England. He then went to Zambia and started to practice law. My mother came to Malawi and opened a music shop in Dossani House. She started a business and my dad opened a law firm. Then he was tipped that he will be arrested. Me and mum were arrested for 17 days at Zomba prison. My mother stayed for 22 months. That was the end of their marriage. Mum had to go to the village and was refused employed. That meant no job for a woman with five children. For three years, no job. She had to report to the police. She was released on Kamuzu's birthday. When we went back home, the Mwambetania's (relatives of ours) had arrived and the father was arrested too. He stayed in Mikuyu for three years. Our grandfather had to take care of so many grandchildren. So for me, signing forms [the forms that Council of the University of Malawi asked members to sign in order to go back to teach during this struggle] reminds me of those experiences. Those forms are from the same institution that imprisoned the Mwambetania's of this world, my relatives. Mwambetania had joined this college and lectured in the Sociology department, that is where he was arrested from. So we cannot go back to that. I do not want to see someone flouting my profession. I guard my job jealously.

JKK What is the one moment that you look at as a moment of triumph in this struggle, this far, as we approach 250 days.

CB The 100 days. This is because in the past, we were not allowed to go the streets in Malawi before. The court order that came from Mzuzu really made me happy. I believe it is that which gave rise to July 20.

Zondiwe Mbanu (ZM)

English Department Head of Department office, 6.10pm, on the day of Dismissals Appeal Case, first day, October 4, 2011.



Zondiwe Mbanu, born 1952, has MA, B.Ed Hons and BA from University of Malawi, Postgraduate Diploma in ELT from University of Leeds, England, Certificate in In-service Organisation, and Certificate in School Management, from International Training Institute, Sydney, Australia and Moray House College of Education, Edinburgh, Scotland respectively. In 2005, on UNESCO's International Fund for the Promotion of Culture (IFPC) writer's fellowship, he spent 6 weeks at Civitella Ranieri Castle, Umbertide, Italy. *Beware Millipede* (Kachere Series, Zomba 2007) is his poetry collection; *The Unsung Song*, (Chancellor College Publications. 2003), a secondary school Literature textbook he co-edited, has his poems and stories; and *Mangadzi Was Here: A selection of modern stories from Malawi*, (in print, Zomba Chancellor College Publications) is a recent book he co-edited. Other books with his poems are Porter et al, *The Fate of Vultures* (BBC poetry, Heinemann, 1989); Nazombe, *A Haunting Wind* (Dzuka, Blantyre, 1985), and *Operation and Tears* (Kachere, 2005); Mvona Sambalikagwa and Stewart Lane, *The Trap: An anthology of short stories and poems* (Blantyre: MAWU, 2001); and *The Time Traveller and other poems* (Blantyre: MAWU, 2011). From 2007 to 2008, he was at University of Glasgow, Language Centre, under the Scotland - Malawi Partnership in Higher Education fellowship, when he completed writing a handbook for English Language Skills used by lecturers and students at Chancellor College, University of Malawi.

JKK We have just come from a very angering and annoying demonstration of executive arrogance where the Chief Justice celebrated mediocrity and bullied our young lawyer top to bottom, left right and center but failed to break his soul, he stood resolute in his stand for

truth and justice. I know we are very very depressed but I need to know why you are in this struggle, with all these odds stuck against us?

ZM Firstly, I have a conviction about what we are fighting for. I'm fully convinced of the rightness of what we are standing and fighting for. I want to have democracy and freedom to teach, be able to teach the truth. Whatever I am able to do to attain that, I am happy to do and will strive to do it.

Secondly - my background. I was here when we lived in terrible fear, from 1973 to 1977 as a student. We were afraid of lecturers. Sometimes we could not even ask certain questions. Some lecturers were informers. You were afraid when you attended classes. They could report you. My subjects- literature and history touched on issues that could easily get you to say things you feared some teachers would deem wrong.

We feared fellow students who were spies. Even in normal discussions, social interaction, you had to be careful. For all the four years, I lived in fear. There was a time I actually wanted to just leave the college, go away because of the fear. But, I got encouraged to carry on to the end. Sometimes you said something and realised that it could be interpreted wrongly. Then you spent times on end agonising what the implications would be, fearing what would happen. This is because students and lecturers had been arrested. So I do not want at my age to see this situation come back. I want to contribute towards efforts to fight for justice in this land.

JKK As we approach day 250 of the struggle, what moment stands out as a highlight, a moment you will not forget?

ZM 1 The court cases that we won, in Zomba and Blantyre. I felt vindicated, that our fight is the right cause.

2 The Red Day (100 days celebration). This was because of the efficient organisation, activities and the patronage. People of all walks of life came from different parts of the country to augment our cause, some from Lilongwe and Blantyre. This added to the rightness of our cause.

JKK Some people have cited fear of making family vulnerable, family connections in abandoning this cause. You are not only a family man, you have participated with many members of your family, have you not felt vulnerable?

ZM Yes, I have many times in many ways. The number one impact is academic. I am studying. The struggle has meant that the support one needs from the institution in order to study, does not come. By the end of this year, I will have completed data collection. I would have loved to ask for permission to leave for a while so I can sit down to write but at the rate we are going in this struggle, given the vindictiveness of the university administration towards those fighting this struggle, I do not see that happening.

Another threat is age. People ask me if I am out my mind as a provider for my family. They ask me if I want to lose my benefits at this age? And for us, I and my wife are both involved. What if they fire both of you, they ask. Our daughter is here and she too is a staunch academic freedom fighter. So I am often asked, what are you leading the family into, what will you all do if you are fired? But, you think of these things but go on because of the conviction that convinces you of the rightness. This dispels the fear. I mean, people suffer for stupid things, it is better to suffer for the right cause.

At all the levels of university management, are people I know very well. Some were even my seniors in campus, others know me as their student.

My faith has also carried me through very hard times. It is the centre of my courage. I believe God is the one in the final analysis, I am answerable to. I cannot do what I know is wrong. My faith is my motivation.

JKK Now that you have brought up religion, I have to say, I have seen religion being abused in this struggle. We have heard a whole government official declare on national radio that what the lecturers in Chancellor College are doing is against God. As a Christian believer, what do you say about that?

ZM I am aware of that school of thought and it worries me. At my church, people like me, who have taken this stand to fight in defense of academic freedom have been labeled troublesome and viewed as disobedient. People who take that stand believe Christianity means

obeying even the wrong. I have to contend with that. I am encouraged by the Latin American version Christianity which talks of fighting oppression. I believe that the right understanding of real religion and Christianity, does not teach cowardice and supporting that which is wrong. Sometimes I look at Muslims in Egypt and Iraq and I feel admiration that they can stand up and fight for what they believe in. I do not believe in the 'leave it to God' dictum. God wants us to live our life and he can live and guide us as we live our lives. Not that God can live our live for us. The later is not proper understanding of Christianity.

My cultural aspect also needs to be mentioned. I grew up knowing that when you do wrong, you are told to your face that what you have done is wrong. If you get beaten up by a peer, you are asked 'what did he use to beat you, do you not have hands. If he used a stick, are all the trees finished?' If you did not answer, you got whipped again by your parents. I grew up in a cattle rearing environment and in such a setting, fights are the order of the day. This is not to say I believe in physical fight so much. My fight is now more internal, it is in terms of ideas but that is how I grew up. The courage to fight wrong whether the wrong has been done by a senior or junior, is very much part of my having grown up in my society. This forms a large part of the Ngoni culture I grew up in. It is an open society where even a chief is criticised openly and it is seen as something very normal.

JKK You are a poet and have written extensively on the struggle. What do you hope to achieve through this poetry?

My writing is an obsession – I cannot even control it. If I get an experience then I cannot do anything till I put it down. Sometimes I do not even want to write, like now, I want to study and it does not let go of me till I do it. I have to record the outpouring of my soul in verse. Now, with so many things happening, my poetry is mainly reactionary. It reacts to what is going on. I get something and I write an idea in my diary so that I do not forget it. So I hope to document, to record what is going on and my reactions to it.

JKK I have seen that your poetry relies heavily on language. Have you found it hard to use language due to anger and frustration with what is going on?

ZM When I am angry, I cannot write. I need to be calm.

JKK How about when you are happy?

ZM Even when I am happy, I cannot. My poetry tends to be melancholic.

JKK What were your lowest points in this struggle?

ZM When we meet for daily updates and some people say let us stop, others are leaving let us leave too. I am especially saddened when those leaving are people you counted on. I try to encourage them because I know that this is tough. Then I look back and say why have we gone this far just to abandon it now. I must say though that I find the leadership of the union very inspiring. I do not have the patience but you [JKK] listen to all views but never lose focus, patience and direction. When you look at it, you see a person [the union president] who is not using others to suffer but one that takes up responsibility. We have known people who push others but not doing any hard work themselves.

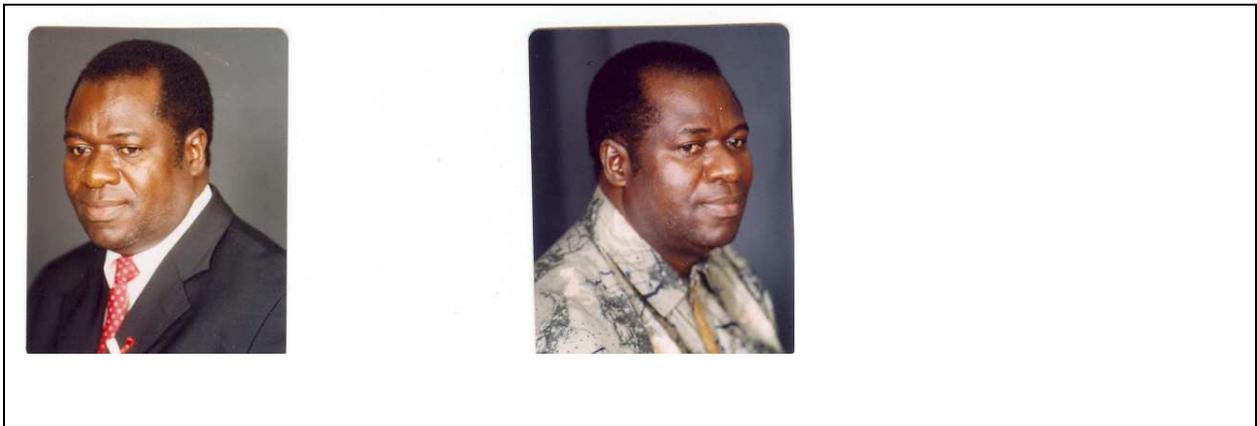
I write better in times of reflection. When I look at these people who give up and what causes it, most of my verse attacks those oppressing us. I feel here is a group of people who are very vulnerable. Even when I am angered by dropouts, I am angrier with those oppressing us, those that are gaining from the exploitation. What you have is a selfish cadre of people who in my thinking, know what is right but have become so depraved to pursue wrong for motivation of money, honour and respect from those above. I look at it as another level of fear, not being able to stand and after failing, you now cannot stop pursuing wrong. Now there is a layer of really wicked people above: the politicians. They are the *machona*⁶. They have not been here during hard times. Some pretend that they suffered, were persecuted but really, they are economic refugees. They came back at opportune times and are now ruling to scatter where they not gather, reap where they did not sow. These are the politicians running this country. It is almost like the colonial period again. They want to benefit without risking. Some people pander to what these politicians tell them to do. My poetry targets these people.

6 Machona a vernacular referring to those who are coming from the diaspora, stayed a long time outside Malawi.

Wiseman Chijere Chirwa (WCC)

Chancellor College, History Department, 12.00midday to 1.pm

Profile



Wiseman Chijere Chirwa (BSoc Sc, BSoc Sc Hons, PhD)

Professor of Social History

Professor Wiseman Chijere Chirwa is a social scientist with training in Sociology, Political Studies, and Social History. He did his undergraduate studies in social sciences at the University of Malawi, and graduate studies at Queen's University, Ontario, Canada. He has also attended short-term training courses in Conflict Management and Resolution, Strategic Planning, Empowerment Monitoring and Evaluation, Leadership and Governance, Human Rights Accountability, Media and Development Communication, Environmental Management and Development, and HIV and AIDS and Social Change.

Between 1992 and 1995, he extensively researched and published on topics of rural transformations: common property rights and communal resource dispossession, agrarian change, child labour, tenant labour, farm wage labour, labour migration, and migrant labour and sexually transmitted diseases -including HIV and AIDS, with a focus on the effects of HIV and AIDS on the families of Malawian mine migrant workers to South Africa.

Following the political transition in Malawi from the early 1990s, Chirwa focused much of his research and writing on the issues of governance, democracy, human rights, and civil society. He is the founder of the National Initiative for Civic Education (NICE) in Malawi. In addition, he has designed, coordinated, and developed training programmes in civic education,

leadership and governance, and youth development; and has trained members of the Malawi Parliament (the Malawi Parliamentary Training Programme), youth branches of Malawi's political parties (the Training of Young Politicians), and members of the national executive committees of the political parties represented in the Malawi Parliament (the Multiparty Democracy Consolidation Programme). He has also conducted training workshops for chairs and vice chairs of parliamentary committees of the Malawi Parliament.

His research on governance and democracy includes studies on the Malawi governance indicators, governance monitoring, state of governance audits, state of democracy barometers, democracy assessment audits, ethics and corruption, electoral governance and HIV/AIDS, voter behaviour, inter and intra-party conflicts, ethnicity and politics, and the management of the political transition in Malawi.

From 2000 to 2006, Professor Chirwa began to research and write on topics of public policy making, focusing on people's participation in pro-poor policy decision-making, design and implementation - with special attention to poverty reduction strategies. To date, he has completed three appraisal studies of the making of Malawi's Poverty Reduction Strategy (MPRS) and the Malawi Growth and Development Strategy (MGDS). His studies on public policy making have focused on technocracy and economic policy making, public policy-making and parliamentary accountability, employment and poverty reduction, the church and public policy dialogue, civil society and public policy formulation and social service delivery, and right-based approaches to social policy formulation and implementation.

Since 2007 much of Professor Chirwa's research and consultancy has been on issues of public health, covering such topics as the evaluation of health policy; health innovations research; people's access to medicine (including ART); maternal and newborn health (including community-based maternal and newborn care); societal response to disease; social effects of HIV and AIDS; OVC care systems; water, sanitation and hygiene; and social concepts of health, disease and healing.

Professor Chirwa's research skills and capabilities have been enhanced by his work at the Centre for Social Research of the University of Malawi where he was Deputy Director and Acting Director between 2000 and 2002. He developed funding proposals for the Centre, supervised research work, wrote and edited reports, and managed the Centre's research projects. Furthermore, he has gained additional experience in compiling high level official

documents through involvement in compiling, reviewing, and assessing government reports and policy documents.

His career at the University of Malawi has included being Deputy Dean of the Faculty of Social Science, Head of History Department, member of the University of Malawi Senate, and Deputy Director and Acting Director at the university's Centre for Social Research. He has also sat on the editorial and advisory boards of not less than three international scholarly journals, including the *Journal of Southern African Studies*, *Development in Practice*, the *International Journal of Humanistic Studies*, and the *Malawi Journal of Social Science*. Locally and internationally he has sat on the governing boards of not less than nine institutions, and has been a Commissioner with the Malawi Law Commission's Special Commission on Land Related Laws for two years; and the Malawi Human Rights Commission for three years.

JKK Why are you in this struggle?

WCC It is about my identity. Not having Academic Freedom is not to have my identity. I have been here [Chancellor College] for 32 years. The whole adult life, I have been an academic. I have not been anything else. I am 53 and 32 years of them, I have been in UNIMA. My life has been about books and research. For someone to interfere with this is interfering with who I am and what I am about. It is attempting to change who I am.

JKK Do you think the enjoyment of Academic Freedom in Malawi is getting better or worse?

WCC It is getting worse from a point of contradictions. If we take into account Dr Banda's political culture and given that we are not in Banda's time, it is getting worse.

It is not acceptable in this environment. This is not the 70s or 80s. This is not supposed to have happened now. It is contracting the environment we exist in. We are supposed to have an open society. Researching, writing and questioning - is what the whole struggle of the early 90s was about. This reverses the whole thing. We are fighting battles that we won or thought were won by 1993, by the referendum. When we chose multiparty and pluralism, we thought it was over. This is reversing the gains we made. But, I must say that during Bakili's era, I was harassed by

police, my house was searched, because of what I had said in my research and teaching. Actually, Professor Chimombo said to me 'You will go down in the books of history as the first academic to be a victim of academic freedom in a democratic dispensation'.

JKK What do you think the academic freedom struggle will attain for Malawi? What is its value to the nation?

WCC Firstly, for the first time in recent years since 1993, a group of Malawians have been able to stand up to the authority and so NO. This is against the political culture of this country. It has set a precedent that is likely to be followed up in the future. For example, the Civil Society (CSO) of July 20 and other acts of political agency that has swept and is sweeping the country. They borrowed a leaf from this struggle. We have pioneered and led the citizenry into this new culture where they can question. We get anecdotes of people being inspired to stand up for their rights and against what is wrong, for what is right⁷.

Secondly, this has clearly defines us. We have moved out of the general citizenry and said we are Malawians but also professional academics and we want that identity to be defended. We will fight for it. This has not happened before. Academic demeanor has come up. It is loud and clear that we have our own identity and we will fight for it. For a long time, African and Malawian politics has been accused for lack of class identity. Classes have not emerged and distinguished themselves and that is why a democratic culture has not solidified. Here, we have a class emerging and a clear consciousness. Ibo Mandaza has talked about this in *The Question of the State in Africa*.

What has happened transcends ethnicity and helps transcend ethnic division. It helps us interrogate duties and dispensations of the nation state. It helps us examine national ideals and

7 The author was told by a security officer at Capital Hotel in September names Jessie who just approached me and said she is called 'Kabwila Kapasula' at work and when their salaries came late, she decided to lead the security legion in strike for better and timely salaries. She said they got a raise and throughout the struggle, she was inspired by how I have led CCASU and taken on the government. She asked for a photograph and said she prays for my safety, together with a her colleagues. I cannot enumerate the number of times I have gotten this reaction from the so called, average Malawians, the lower class Malawians. They keep saying you are fighting for us all, for the whole country, please do not give up.

identity. For example, the Quota system issue will now have to be interrogated within a post academic freedom saga context.

JKK What are you memorable moments in this struggle this far, as we approach 250 days commemoration?



WCC 1 The Petition Day-

here were former hostel mates, eye to eye, representing opposite viewpoints, protecting your positions. You know each other well, and what we saw was a 'Mesho' versus 'zantchito' dictum (close friends versus business). Though there were clear attempts from either of you to avoid eye contact, you also both said in your different ways ' I have a constituency and I am going to represent it well and get this done'. The personal is out, there are people behind me and they come first.

Most of our politicians have not learnt that art. They cannot put aside issues of friendship. The picture that was captured on Nyasa Times and local newspapers of you and the Commissioner for police - Eastern Division, Doreen Kampanga, is really iconic and I will live to remember the historic moment it captured. The body language was very telling, in my opinion.

2 The 100 days commemoration. On that day, I talked to Ralph Tenthani (a BBC correspondent in Malawi) but I do not think he got the gist of what I was speaking to. It is not common to have a group of people marching and have everyone line up on the streets. People came out of offices, the public reaction was very revealing. People came out of banks and quietly lined up in total silence. The poignant moment was when people came out of the bus depot and market and gathered, watching the march as if in a daze. The lining up sent a bigger message than the demonstration, in my opinion. In the golf course, people ran to the filling station at Zomba zero as if to bear witness and endorse their

approval of what was going on. That was a memorable and huge moment. People were not used to a group of professionals in the street and their look clearly said, 'Oh, it has come to this?' It was like the Bob Marley funeral when the whole Kingston lined up to Trenchtown. It was a heroic moment for us. It was the 'urban crowd' moment that Eric Hobsbawn talks about. Some held thumps up saying 'we are with you, Go! Go! Go! We wish we were like you, You are fighting for us'.

JKK As a person who serves in media supervisory bodies in Malawi, are you happy with the role of the media this far in the struggle?

WCC Most of them [Media personnel] are not professionals. They are amateurs. I think they have done fairly well because they managed to prioritise this issue, especially those in print media. This is evidenced by the headlines and captions. They have indeed prioritised it. It also has to be said that this issue has seen the media having a common enemy with academics due to Section 46. So they rolled with this issue for their own interest too.

We have to remember that they have serious resource challenges. Sometimes they have to rely on information that they can get through the phone, not being able to travel to news sources. But, they have sustained this issue more than they have even sustained their own issue of section 46.

JKK Some people have said that if the four that were fired by the university over this are reinstated, they will go back to class? What is your stand on this?

WCC Firstly, they are not fired anyway. Allowing Bingu to have powers to reinstate is to endorse the illegitimacy of all what is going on. I see targeting of the four as a further violation of academic freedom and the Kampala Declaration makes that very clear. Academic freedom just has to be guaranteed as it is in our constitution and Kampala Declaration.

Conclusion

These interviews reveal academics who are very aware that Malawi is at the brink of losing the gains it registered in 1994 by choosing to the multiparty political system. The academics talked to in this paper illustrate a group of people who are committed to a cause and will fight in defense of academic freedom to the bitter end. Since the struggle is still on going and unfolding at a ferocious degree, there are people whom I needed to interview but could not due to security concerns or were too busy in courts fighting the various dynamics of the struggle. I myself had to get a court order to get my passport that is being withheld by the immigration but even getting a court order has not gotten me my passport, as I write today October 11, 2011. This paper would have been richer if I had spoken to more people but it is hoped that the few I spoke to will paint the picture of the challenge that Malawi is facing through this struggle. When Chikosa Banda's reiterates that we have to fight against retrogression, Kanyongolo's fiercely repeats the value of freedom and Chinsinga's urgently underlines the need to make sure that democracy is played according to its rules - the paper hopes not only to reflects the depth of the challenge but how gallantly members of staff in Chancellor College are fighting to overcome these challenges. These interviews are an excerpt of a book so more interviews will follow. For example, none of the four who are purported to be fired have been interviewed in this paper. The lawyers who have been representing CCASU, Bright Theu and Dr Mwiza Nkhata have not been spoken with. At the time of writing, they were engaged in the appeals to the dismissals case that those stifling academic freedom are depending on most, to the point of judge shopping as reported by Nyasa Times and evidenced by the first day of the dismissals appeal case. CCASU is grateful to CODESRIA for helping spread the word and map ways to sustain the struggle. This paper is CCASU efforts to update CODESRIA and through it, inform the continent and world of what is going on. For more information, please go to www.ccasu.ac.mw.

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