

### 3 | *The Repressive “Wedge” Politics of Politicized Homophobia*

After the trial of Tiwonge Chimbalanga and Steven Monjeza, politicized homophobia in Malawi became more pernicious and proactive between 2010 and 2012. During President Bingu wa Mutharika’s second term as president, NGOs, including CHRR and CEDEP, leading LGBT rights organizations, began making demands that the government correct the authoritarian direction of Mutharika’s leadership and respond to mounting socioeconomic problems, such as electricity, fuel, and foreign currency shortages. When Mutharika and his administration refused to act on a list of NGO demands, NGO leaders planned protests throughout the country. NGOs mobilized thousands of people to participate in ill-fated street protests on July 20, 2011, dubbed the “July 20 protests.”<sup>1</sup> Police used violence to disperse and punish protestors; police repression resulted in the deaths of nineteen protestors and bystanders and gunshot injuries of fifty-eight people.<sup>2</sup> Mutharika responded to the protests by threatening to “smoke . . . out”<sup>3</sup> activist leaders in 2011 and promising “critics that they will feel the heat” in 2012.<sup>4</sup> State leaders claimed that the July 20 protests were really about legalizing same-sex sex, not about improving economic, social, and political problems plaguing the country. The deployment of politicized homophobia against

<sup>1</sup> For a timeline of the events preceding and following the July 20 protests, see Diana Cammack, “Malawi in Crisis, 2011–12,” *Review of African Political Economy*, 39, no. 132 (2012): 375–388.

<sup>2</sup> Mabvuto Banda, “Malawi Report Says 19 Killed, 58 Shot in Protests.” Reuters, August 15, 2011.  
[www.reuters.com/article/2011/08/15/ozatp-malawi-protests-idAFJ0E77E0N920110815](http://www.reuters.com/article/2011/08/15/ozatp-malawi-protests-idAFJ0E77E0N920110815).

<sup>3</sup> Madalitso Musa, “Group Urges Bingu against Hate Speech,” *Daily Times*, August 15, 2011, 4.

<sup>4</sup> “Trouser Attacks: How It All Began,” *Nation*, January 22, 2012.  
<http://mwncation.com/trouser-attacks-how-it-all-began/>.

protesting NGOs ensnared a variety of organizations, engendering deep divisions between them.

This chapter shows how President Mutharika and members of his government used proactive politicized homophobia to repress domestic NGOs. State actors deployed politicized homophobia both to discredit NGOs that openly criticized their undemocratic leadership, including those that did not work on LGBT rights, and to drive a “wedge” between NGOs, generating divisions among social movements.<sup>5</sup> Multiple forms of repression, including politicized homophobia, converged in the July 20 protests, making it an excellent case for understanding how politicized homophobia operates as state repression. Although much research demonstrates how discursive threats and other forms of repression can constrain feminist and queer organizing,<sup>6</sup> little scholarship traces the effects of different forms of repression – specifically, politicized homophobia – on divisions within and among social movements. This chapter remedies this oversight, explaining how politicized homophobia functioned as a wedge to splinter apart Malawian social movements.

To understand how politicized homophobia shatters tenuous alliances between social movements, I first address how the sociopolitical climate primed state leaders’ use of proactive politicized homophobia and then explain how state leaders wielded it to punish upstart social movements. After conceptualizing politicized homophobia as repression and NGOs as targets of scrutiny of African political elites, I discuss historic hostility toward NGOs in Malawi. Social and state antagonism toward NGOs provided part of the political groundwork for state repression of social movements critical of Mutharika’s leadership. Next, I enumerate how the Mutharika administration deployed

<sup>5</sup> Amy Lind and Christine Keating, “Navigating the Left Turn: Sexual Justice and the Citizen Revolution in Ecuador,” *International Feminist Journal of Politics*, 15, no. 4 (2013): 515–533.

<sup>6</sup> Jill M. Bystydzienski, “The Feminist Movement in Poland: Why So Slow?,” *Women’s Studies International Forum*, 24, no. 5 (2001): 501–511; Lynette J. Chua, “Pragmatic Resistance, Law, and Social Movements in Authoritarian States: The Case of Gay Collective Action in Singapore,” *Law & Society Review*, 46, no. 4 (2012): 713–748; Laurie Essig, “‘Bury Their Hearts’: Some Thoughts on the Specter of Homosexuality Haunting Russia,” *QED: A Journal of GLBTQ Worldmaking*, 1, no. 3 (2014): 39–58; Janet Elise Johnson and Aino Saarinen, “Twenty-First Century Feminisms under Repression: Gender Regime Change and the Women’s Crisis Center Movement in Russia,” *Signs*, 38, no. 3 (2013): 543–567; Ungar, “State Violence.”

different forms of state repression, including politicized homophobia, to target NGOs that planned the July 20 protests. I devote some detail to covering the events leading to and the day of the July 20 protests. I end the chapter by charting how repression in the guise of politicized homophobia contributed to the fracturing of alliances between NGOs and outlining the personal costs that Malawian LGBT rights defenders suffered.

### **Politicized Homophobia as Repression**

Politicized homophobia can function as state repression, a hostile response to social movements that are antagonistic to the state.<sup>7</sup> State-sponsored repression is intended to provoke immediate, profound consequences, such as movement demobilization or withdrawal. In general, repression can involve attacks on activists in the form of violence and detention and on organizations as property destruction. In addition, repression as discursive threats can "silence or eradicate oppositional ideas."<sup>8</sup> In some cases, state leaders or other social groups deploy "ridicule, stigma, and silencing," forms of discursive threats, to inhibit feminist and LGBT movement mobilization.<sup>9</sup> Examples include publicly shaming or smearing the reputation of movement organizations.

Repression can unfold in direct and indirect ways. Direct repression takes the more conventional form of "shows and/or uses of force," whereas indirect repression like channeling attempts to "affect the forms of protest available, the timing of protests, and/or flows of resources to movements."<sup>10</sup> In Malawi, repression took both direct and indirect forms. Direct state repression of oppositional social

<sup>7</sup> For a discussion of repression, see Jennifer Earl, "Political Repression: Iron Fists, Velvet Gloves, and Diffuse Control," *Annual Review of Sociology*, 37 (2011): 261–284; Jennifer Earl, "Tanks, Tear Gas, and Taxes: Toward a Theory of Movement Repression," *Sociological Theory*, 21, no. 1 (2003): 44–68; Abby Peterson and Mattias Wahlström, "Repression: The Governance of Domestic Dissent," in *The Oxford Handbook of Social Movements*, edited by Donatella della Porta and Mario Diani (New York: Oxford University Press, 2015), 634–652.

<sup>8</sup> Myra Marx Ferree, "Soft Repression: Ridicule, Stigma, and Silencing in Gender-Based Movements," *Research in Social Movements, Conflicts, and Change*, 25 (2004): 88.

<sup>9</sup> *Ibid.*, 89. <sup>10</sup> Earl, "Tanks, Tear Gas," 48.

movements entailed police violence, arrests of NGO leaders, and discursive threats. Indirect state repression turned social movements against one another, as state leaders and other political elites deployed politicized homophobia. NGOs that had nothing to do with sexual rights were accused of encouraging homosexuality in Malawi because they were critical of Mutharika's administration or had joined the NGO coalition calling for immediate state reforms.

As a form of state repression, politicized homophobia drove a wedge between different Malawian social movements. As a "wedge issue," the unpopular subject of homosexuality becomes a discursive weapon elite actors can use to coerce activists into distancing their movements from defenders of sexual diversity.<sup>11</sup> Antigay opponents in different countries have portrayed same-sex sexualities, gender diversity, and LGBT rights campaigns as undermining gender and sexual norms, religious ideals, and national political stability.<sup>12</sup> Typically, opponents employ sexual minority rights as a wedge issue for political gain, including winning an election, deflecting attention away from state actors' deceit, and reducing attention paid to a controversial issue. In this way, antigay opponents may proactively use same-sex sexualities and LGBT rights to divide social movements.<sup>13</sup> In Malawi, LGBT rights and same-sex marriage became issues that divided NGOs.

Politicized homophobia in Malawi functioned as a wedge through the use of discursive threats. Although politicized homophobia can take the form of state-sponsored violence, it often materializes as discursive threats to deter criticism of or organized opposition to state policies.<sup>14</sup> Some research suggests that discursive threats can "legitimize" repression, such as state-sponsored violence, particularly in contexts in which public opinion is firmly against a social movement and

<sup>11</sup> Lind and Keating, "Navigating the Left Turn." See also, Gilbert Herdt, "Introduction," in *Moral Panics, Sex Panics: Fear and the Fight Over Sexual Rights*, edited by Gilbert Herdt (New York: New York University Press, 2009), 23.

<sup>12</sup> Currier, *Out in Africa*; Tina Fetner, *How the Religious Right Shaped Lesbian and Gay Activism* (Minneapolis: University of Minnesota Press, 2008); Smith, *New Right Discourse on Race and Sexuality*; Arlene Stein, *The Stranger Next Door: The Story of a Small Community's Battle over Sex, Faith, and Civil Rights* (Boston: Beacon Press, 2002).

<sup>13</sup> Amy Lind and Christine Keating also refer to this strategy as "pinkwedging." Lind and Keating, "Navigating the Left Turn," 518.

<sup>14</sup> Anna Gruszczynska, "Sowing the Seeds of Solidarity in Public Space: Case Study of the Poznan March of Equality," *Sexualities*, 12, no. 3 (2009): 312–333.

the cause for which the movement advocates.<sup>15</sup> This is certainly the case for homosexuality in Malawi. According to Afrobarometer survey data from 2014 to 2015, 89 percent of Malawians “strongly dislike” homosexuals.<sup>16</sup> Given the level of antihomosexual opprobrium in Malawi, same-sex sexualities were an easy target for the state. With public sentiment overwhelmingly against sexual dissidents, there has been palpable social and state-sponsored hostility toward gender and sexual diversity rights defenders. As I discuss in Chapter 2, CEDEP has been the target of police raids and burglaries. In 2013, thieves broke into CEDEP’s Lilongwe office, after tying up the security guard, and stole computers, printers, and other equipment. Gift Trapence, the executive director of CEDEP, stated, “We are hoping it’s a mere robbery. But as an institution, CEDEP has been targeted in the past” by police and antigay opponents.<sup>17</sup> Malawian activists allied with the “unpopular” LGBT movement were vulnerable to different “kinds of repression at the same time: state repression . . . and exclusion from the political and social environment.”<sup>18</sup>

Repressive discursive threats from the state convinced some activist leaders to compromise their positions on sexual rights, to side completely with the state and elites against LGBT rights, or to distance themselves from movements championing LGBT rights. The prospect of gaining favor with elites or lessening state repression directed at their organizations induced some leaders to pressure other NGOs to stop making demands and engaging in collective action. These compromised movements sought to undo the “negative radical flank effect,”<sup>19</sup> which refers to unfavorable outcomes associated with being

<sup>15</sup> Annette Linden and Bert Klandermands, “Stigmatization and Repression of Extreme-Right Activism in the Netherlands,” *Mobilization*, 11, no. 2 (2006): 214.

<sup>16</sup> 4 percent “somewhat dislike” homosexuals, 1 percent do “not care” about homosexuals, 2 percent “somewhat like” homosexuals, 3 percent “strongly like” homosexuals, and 1 percent do not know if they like or dislike homosexuals. Boniface Dulani, Gift Sambo, and Kim Yi Dionne, “Good Neighbours? Africans Express High Levels of Tolerance for Many, But Not for All,” *Afrobarometer Dispatch*, 74 (2016): 26. <http://afrobarometer.org/publications/tolerance-in-africa/>.

<sup>17</sup> Suzgo Khunga, “Thugs Target CEDEP, Steal Office Equipment,” *Nation*, October 14, 2013, 3.

<sup>18</sup> Linden and Klandermands, “Stigmatization and Repression,” 226.

<sup>19</sup> Herbert H. Haines, “Black Radicalization and the Funding of Civil Rights: 1957–1970,” *Social Problems*, 32, no. 1 (1984): 32.

perceived as extremists.<sup>20</sup> As Malawian political elites used politicized homophobia proactively to malign either specific NGOs supporting LGBT rights or NGOs collectively, some NGO leaders publicly discredited and shamed LGBT rights organizations, distancing their organizations from sexual diversity activism. Thus, some social movements became repressive agents by disciplining other movements, indirectly carrying out the state's repressive agenda.

### State and Social Suspicion of NGOs

State antipathy toward specific domestic NGOs inculcated a socio-political environment that encouraged media, citizens, politicians, and religious leaders to vilify NGOs, particularly those critical of Mutharika's governance.<sup>21</sup> Malawian NGOs that became targets of state and social hostility were typically those that worked on issues associated with social movements, such as respecting human rights, improving the rule of law, and strengthening democratic institutions. Domestic NGOs with paid staff, formal rules, and bureaucratic procedures differed from grassroots community-based organizations that worked almost exclusively at the local level, sometimes in concert with NGOs.<sup>22</sup> As in other African countries, "[r]elationships between contemporary ... governments" and NGOs in Malawi "have been largely adversarial and imbued with mutual mistrust."<sup>23</sup> This is not to say that political elites and ordinary Malawians uniformly disapproved of all NGOs. However, many Malawians were skeptical of NGOs they perceived to have close ties to Northern donors. This skepticism emerged from a fundamental irony. Without foreign

<sup>20</sup> Whereas some scholars use the negative radical flank effect to discuss how moderate movement organizations may discipline and exclude extremist organizations in the same movement, I have adapted this concept to reflect how movements in the same coalition may disparage and sideline unpopular or "extremist" movements.

<sup>21</sup> Although Mutharika's government disparaged international NGOs, such as Amnesty International, that criticized his leadership, in this chapter, I focus on attacks leveled by his administration against domestic NGOs.

<sup>22</sup> Susan Corts Watkins and Ann Swidler, *A Fraught Embrace: The Romance and Reality of AIDS Altruism in Africa* (Princeton, NJ: Princeton University Press, 2017), 46–48.

<sup>23</sup> Grace Chikoto-Schulz and Kelechi Uzochukwu, "Governing Civil Society in Nigeria and Zimbabwe: A Question of Policy Process and Non-State Actors' Involvement," *Nonprofit Policy Forum*, 7, no. 2 (2016): 137.

donor funding, most NGOs would not exist; therefore, NGOs were ethically dubious from their inception, according to some Malawians. As Susan Cotts Watkins, Ann Swidler, and Thomas Hannan explain, a “key problem for foreign donors is that they cannot actually reach their intended beneficiaries directly, but rather have to act through an ‘aid chain’” of NGOs.<sup>24</sup> NGOs channel funds from Northern donors to Malawian beneficiaries.<sup>25</sup> Although NGO activities can and do benefit ordinary Malawians, NGOs’ public reputations as currying favor with Northern donors enhance widespread misgivings about these organizations.

As the state engaged in democratizing activities, NGOs proliferated in the 1990s and 2000s in Malawi.<sup>26</sup> However, NGO “activities were competitive rather than coordinated” in this neoliberal economic system, leaving some constituents to wonder whom NGOs were supposed to represent, as NGOs vied for precious foreign donor funding.<sup>27</sup> Many Malawian NGOs functioned as “*intermediaries . . .* between the needs of the state and the needs of ordinary people,” delivering social services to underserved populations and pressuring state leaders to curtail economic malfeasance and to implement social-justice reforms.<sup>28</sup> Although many NGOs served Malawians, they also engaged in strategies that enlarged their scope of action to the transnational arena, notably by procuring Northern donor funding, participating in international conferences, and consulting with foreign diplomats. In this way, social movement mobilization within Malawi also doubled as transnationalization.<sup>29</sup>

Financial necessity partly motivated NGOs’ transnationalization because leaders sought ways to become “sustainable” without having to rely on funders’ assistance. Participating in a transnational public

<sup>24</sup> Susan Cotts Watkins, Ann Swidler, and Thomas Hannan, “Outsourcing Social Transformation: Development NGOs as Organizations,” *Annual Review of Sociology*, 38 (2012): 287.

<sup>25</sup> Adam Branch and Zachariah Mampilly, *Africa Uprising: Popular Protest and Political Change* (New York: Zed, 2015), 76–77.

<sup>26</sup> Englund, *Prisoners of Freedom*.

<sup>27</sup> Peter Dwyer and Leo Zeilig, *African Struggles Today: Social Movements since Independence* (Chicago: Haymarket Books, 2012), 135.

<sup>28</sup> *Ibid.*, 157; emphasis original.

<sup>29</sup> Marie-Emmanuelle Pommerolle, “The Extraversion of Protest: Conditions, History, and Use of the ‘International’ in Africa,” *Review of African Political Economy*, 37, no. 125 (2010): 264–265.

sphere rendered some NGOs vulnerable to intranational critique, as some political elites and ordinary Malawians viewed NGOs as agents serving Northern donors, not Malawians in need. In skeptics' eyes, the "NGO presence in Africa can reasonably be seen, for good or ill, as the latest successor of earlier colonial penetrations."<sup>30</sup> Suspicion motivated many elites' and Malawians' unfavorable views of NGOs, generating the seeds for the political repression of different NGOs and oppositional social movements.

### Hostility toward NGOs in Malawi

Since Malawi's democratic transition away from the authoritarian rule of Hastings Kamuzu Banda in 1994, NGOs supported Bakili Muluzi (1994–2004) and Bingu wa Mutharika (2004–2012) in their first terms but developed a contentious relationship with each president in their second terms when the president and cabinet ministers began governing undemocratically.<sup>31</sup> Political and public suspicions about NGOs began circulating during Muluzi's first term in office and persisted throughout Mutharika's presidency.

Criticisms of NGOs tended to cluster into four categories. First, some observers worried about proliferating NGOs. The multiplication of NGOs threatened to engender competition in NGO circles for limited donor funding and support.<sup>32</sup> Other critics expressed concern about significant overlap between NGO and government mandates.<sup>33</sup> Second, some critics alleged that NGOs were established so that founders could line their own pockets.<sup>34</sup> In 2006, an unnamed diplomat accused NGO leaders of trying to defraud donors: "Most of them are obsessed with posh 4X4 vehicles and build mansions at the expense

<sup>30</sup> Ann Swidler, "Syncretism and Subversion in AIDS Governance: How Locals Cope with Global Demands," *International Affairs*, 82, no. 2 (2006): 282.

<sup>31</sup> Jerry, interview with the author, July 3, 2012, Lilongwe, Malawi. See also, Dwyer and Zeilig, *African Struggles Today*, 137, 139, and Englund, *Prisoners of Freedom*.

<sup>32</sup> "Government Asked to Finance Civil Society," *Daily Times*, March 6, 2002, 2.

<sup>33</sup> Emily L. Nkamanga, "Keep an Eye on NGOs," *Nation*, May 19, 1995, 9.

<sup>34</sup> Giles Likongwe, "Government Should Inspect NGOs," *Daily Times*, February 19, 1997, 9; Tamanda Matebule, "CONGOMA Accuses NGOs of Misusing Donor Aid," *Daily Times*, September 11, 2001, 2; Henry Mchazime, "Government Slams NGOs," *Daily Times*, October 11, 2010, 3; "NGO That Covers Nefarious Activities," *Malawi News*, January 11–17, 1997, 8.



of suffering Malawians meant to benefit from developmental projects."<sup>35</sup> Such accounts portrayed NGO leaders as motivated by personal greed instead of a commitment to serve Malawians.

Third, some critics accused NGOs of lacking accountability to the public, government, and donors. Rural community members voiced concerns about advocacy and development NGO representatives' disregard for local priorities, which might be for a clinic, not for a series of workshops.<sup>36</sup> Fourth, many criticisms of NGOs concentrated on their political activity.<sup>37</sup> Critics charged some NGOs of being neocolonial agents "infiltrating . . . Malawi society and destabilising it so that right wing elements in certain countries can say 'we told you so: Africans are not ready to rule themselves.'"<sup>38</sup> Apprehension about NGOs' loyalties and stances toward the government set the stage for repression targeting NGOs and social movements critical of the government's direction.

Beginning in the mid-1990s, some lawmakers and NGO leaders themselves sought to limit NGO activities – an example of channeling, a form of indirect repression. In 1995, NGOs began taking steps to regulate themselves to achieve "openness and transparency."<sup>39</sup> In the late 1990s, the Council for Non-Governmental Organisations (CONGOMA) instituted a "Code of Conduct" for NGOs, a form of NGO surveillance of other NGOs.<sup>40</sup> Some NGO leaders supported these efforts.<sup>41</sup> Other NGO representatives objected to CONGOMA's seeming collaboration with the government and state leaders'

<sup>35</sup> Caroline Somanje, "Malawi NGOs Are Gold Diggers, Says Diplomat," *Malawi News*, August 12–18, 2006, 3.

<sup>36</sup> Sam Banda, Jr., "NGOs Told to Act, Not Workshop," *Daily Times*, November 5, 2007, 2; "Don't Impose Projects on People – ADRA," *Daily Times*, April 27, 2010, 4; Temwani Mgunda, "NGOs: Achievers or Deceivers?," *Daily Times*, April 7, 2006, 27; Harold Ngalawa, "NGOs Are Dictators," *Daily Times*, July 1, 1997, 3.

<sup>37</sup> Cydric Damala, "Government's Threats to Ban Some NGOs Are a Timely Disciplinary Measure," *Sunday Times*, March 28, 2010, 8; "Government Asked to Finance Civil Society," 2.

<sup>38</sup> Giles Likongwe, "Government Should Inspect NGOs," *Daily Times*, February 19, 1997, 9.

<sup>39</sup> "NGOs Set New Rules," *Daily Times*, May 22, 1995, 1.

<sup>40</sup> Akimu Kaingana, "NGOs to Adopt Strict Code," *Daily Times*, March 27, 1997, 2; Aubrey Mchulu, "NGOs Launch Code of Conduct," *Daily Times*, May 27, 1997, 2.

<sup>41</sup> Aubrey Mchulu, "Law for NGOs Credibility, Integrity," *Nation*, June 4, 1996, 1.

“directive that [government] should be informed on any developments relating to donor aid.”<sup>42</sup> Lawmakers proposed a bill about NGO regulation in 1996. In 1998, some human rights NGO leaders claimed that lawmakers and CONGOMA excluded them from discussions about the proposed legislation; CONGOMA’s executive director dismissed these concerns, alleging that dissenting NGOs were not aligned with the umbrella body or had not attended planning meetings.<sup>43</sup> In 1999, CONGOMA directed NGOs not to engage in “partisan” politics.<sup>44</sup>

News commentators interpreted the NGO bill as the government’s attempt to punish NGOs for taking away donor funds.<sup>45</sup> Muluzi’s government reacted unfavorably when NGOs asked donors to pressure the government to change its policies toward and treatment of certain populations,<sup>46</sup> exemplifying the “boomerang” model of NGO activism in bringing international pressure to bear on governments engaging in human rights abuses or authoritarian governance.<sup>47</sup> After lawmakers passed the NGO bill in 2001, some NGOs became more openly critical of the law,<sup>48</sup> which gave the “state the final say in defining legitimate organizations.”<sup>49</sup> During Muluzi’s second term in office, government officials harassed NGOs perceived to be “indulging [in] politics” and targeted advocacy NGOs.<sup>50</sup> At a 1999 meeting of regional leaders, Muluzi warned NGOs that behaved as “political partners” that “[i]f they do not change their attitude then African governments will react,” a veiled threat of repression.<sup>51</sup> NGO leaders did not react well to threats of repression.<sup>52</sup> Emmie Chanika, the

<sup>42</sup> “NGOs Worried with Government Move,” *Nation*, December 20, 1996, 3.

<sup>43</sup> Victoria Msowoya, “Non Governmental Organisations Cry Out,” *Daily Times*, April 1, 1998, 11.

<sup>44</sup> Bright Sonani, “NGOs Not for Politics,” *Daily Times*, July 20, 1999, 3.

<sup>45</sup> “NGOs a Nightmare to Government,” *Daily Times*, March 16, 2001, 15.

<sup>46</sup> “Government Condemns NGOs,” *Daily Times*, December 21, 2001, 1.

<sup>47</sup> Margaret E. Keck and Kathryn Sikkink, *Activists beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998), 12–13.

<sup>48</sup> Pilirani Semu, “NGOs Gang Up against Law,” *Nation*, September 25, 2001,

1–2; Pilirani Semu, “NGOs to Fight for New Law,” *Nation*, February 9, 2001, 1.

<sup>49</sup> Englund, *Prisoners of Freedom*, 97.

<sup>50</sup> Mabvuto Banda, “NGOs Condemn Muluzi’s Statement,” *Daily Times*, October 6, 1999, 3.

<sup>51</sup> Aubrey Mchulu, “Muluzi Warns NGOs,” *Nation*, October 6, 1999, 1.

<sup>52</sup> Banda, “NGOs Condemn,” 3.

executive director of the Civil Liberties Committee (CILIC) and CONGOMA board member, challenged government officials’ expectations that NGO leaders and staff should remain nonpartisan. She stated, “We are citizens of Malawi first before becoming NGO leaders and as every other citizen we have a right to have political leanings since we also have a right to vote.”<sup>53</sup>

Some NGO leaders and foreign donors supported Mutharika at the start of his first term.<sup>54</sup> Malawi’s economic fortune improved in Mutharika’s first term because of “renewed emphasis on civil service integrity, better fiscal policy due to the appointment of an experienced macroeconomist as Minister of Finance and Mutharika’s personal commitment to improving the state’s performance.”<sup>55</sup> Mutharika’s administration was also credited with engineering an “economic success story, underpinned by a popular agricultural subsidy that took Malawi from a 43 percent food deficit to a 53 percent food surplus nation. During this time, Malawi’s economy grew at an average rate of 7 percent per annum.”<sup>56</sup> In his first term as president, “Mutharika was feted domestically and internationally for implementing developmental policies” that jumpstarted the country’s economy.<sup>57</sup> Yet when Mutharika’s commitment to stopping corruption evaporated, NGOs began criticizing Mutharika’s leadership at the start of his second term as president. According to Jerry, “when it comes to [the] second term, that’s when the issues of greed started coming [up].”<sup>58</sup> Jerry was referring to NGO leaders’ allegations of corruption and financial mismanagement in Mutharika’s administration.

Mutharika’s growing displeasure with donor criticism erupted in 2011. In March, he lambasted donors for agreeing with NGOs’

<sup>53</sup> Pilirani Semu, “Future for NGOs Bleak – CONGOMA,” *Nation*, August 17, 2001, 2.

<sup>54</sup> Lucy, interview with the author, July 3, 2012, Lilongwe, Malawi. See also, Resnick, “Two Steps Forward,” 115–118.

<sup>55</sup> Diana Cammack and Tim Kelsall, “Neo-Patrimonialism, Institutions, and Economic Growth: The Case of Malawi, 1964–2009,” *IDS Bulletin*, 42, no. 2 (2011): 93.

<sup>56</sup> Kim Yi Dionne and Boniface Dulani, “Constitutional Provisions and Executive Succession: Malawi’s 2012 Transition in Comparative Perspective,” *African Affairs*, 112, no. 446 (2012): 112–113.

<sup>57</sup> Clive Gabay, “Two ‘Transitions’: The Political Economy of Joyce Banda’s Rise to Power and the Related Role of Civil Society Organisations in Malawi,” *Review of African Political Economy*, 41, no. 141 (2014): 376.

<sup>58</sup> Jerry, interview with the author, July 3, 2012, Lilongwe, Malawi.

criticisms of his administration.<sup>59</sup> He railed against donors: “What is your agenda in Malawi? Let me remind you that you came here and signed protocol agreements with the government of Malawi of which I am the leader. Now, why do you divert [funds] and start working with NGOs?”<sup>60</sup> Mutharika’s criticism of NGOs converged with his increasing scorn for donors; he viewed the former as luring Northern donors away from the state, generating unwanted competition for donor funds. His disapproval of donors deteriorated into name-calling when he blasted “stupid Europeans” for “listening to ‘stupid [nongovernmental] organisations.’”<sup>61</sup> Mutharika’s disposition toward European donors turned hostile when he expelled British High Commissioner Fergus Cochrane-Dyet after the online leak of a cable in which Cochrane-Dyet described Mutharika as an autocrat.<sup>62</sup> In turn, Great Britain dismissed Malawi’s government representative to the country.<sup>63</sup> Ordinary Malawians, church and NGO leaders, and donor representatives bemoaned these developments as endangering donor aid.<sup>64</sup> In conjunction with his increasingly authoritarian leadership, Mutharika’s views on donors and NGOs continued to worsen. Although donor influence had the potential to undermine or strengthen NGOs’ criticism of Mutharika, the president exploited NGOs’ dependency on donor funding to tarnish their reputations.

<sup>59</sup> About 40 percent of the government’s budget came from donor funding, according to a 2011 news report. Suzgo Khunga, “Malawi Expels British Envoy,” *Daily Times*, April 28, 2011, 3–4.

<sup>60</sup> Wycliffe Njiragoma, “Bingu Blasts Donors,” *Daily Times*, March 21, 2011, 1.

<sup>61</sup> Phillip Rukunuwa, “Hold Your Breath, Mr. President,” *Daily Times*, May 11, 2011, 8.

<sup>62</sup> Suzgo Khunga, “Malawi Expels British Envoy,” *Daily Times*, April 28, 2011, 3–4; Agnes Mizere and Suzgo Khunga, “Envoy Was Not Deported,” *Sunday Times*, May 1, 2011, 1, 3.

<sup>63</sup> Dickson Kashoti, “Expelled Malawi Envoy Jets In,” *Daily Times*, May 4, 2011, 1, 3.

<sup>64</sup> Dickson Kashoti, “Expulsion of British Envoy Unfortunate – EU,” *Daily Times*, May 9, 2011, 2; Suzgo Khunga and Macdonald Thom, “Bishop Bvumbwe Warns on UK Ties,” *Daily Times*, April 29, 2011, 3; Simeon Maganga, “Government Must Apologise to Britain,” *Daily Times*, April 22, 2011, 1, 3; Karen Msiska and Suzgo Khunga, “Synod Condemns Government on UK Envoy Expulsion,” *Daily Times*, May 2, 2011, 3; Madalitsa Musa, “Malawians, EU Fault Government on UK Envoy,” *Daily Times*, April 29, 2011, 3; Wycliffe Njiragoma, “Britain Warns Malawi Government,” *Daily Times*, April 20, 2011, 1, 3.

## The Run-Up to the July 20 Protests

NGO leaders grew increasingly unhappy with Mutharika's authoritarian leadership during his second term in office. As activists' criticisms of Mutharika mounted, some prominent activists received threats from state and ruling party leaders, some of which materialized in violence.<sup>65</sup> The government used multiple forms of repression to deter NGO leaders from mobilizing against Mutharika's rule. For instance, the office and home of Undule Mwakasungula, CHRR's executive director, were ransacked.<sup>66</sup> State and ruling party leaders and other elites dismissed some threats and attacks as staged by NGOs trying to "buy public sympathy" – an example of ridicule, a form of discursive repression.<sup>67</sup>

Some scholars and activists suspected that Mutharika's commitment to democracy was insincere. Clive Gabay claims that Mutharika's "erraticism had been apparent since his days as Secretary General of the Common Market for Southern and Eastern Africa (COMESA) in the 1990s."<sup>68</sup> For instance, Isaac, a human rights activist, speculated that growing up "under colonialism" made Mutharika mistrust Western governance, a sentiment that Linda, a women's rights activist, shared.<sup>69</sup> Linda conjectured that "having worked in the World Bank, [Mutharika] suffered racism. So, I think he never got over it. That's the psychology of a typical man who suffered critical racism."<sup>70</sup> She believed that after leaving the World Bank, Mutharika "wanted to use his . . . personal power to fix those people" who mistreated him.<sup>71</sup> Employing a logic similar to that identified by Linda, Isaac explained the seeds of Mutharika's antipathy toward democracy:

<sup>65</sup> Anthony Kasunda, "Mwakasungula Gets Death Threats," *Nation*, March 25, 2011, 1–2; Frank Namangale, "Rights Activists Raise Death Threats Alarm," *Nation*, March 2, 2011, 1–2.

<sup>66</sup> Bright Sonani, "Police Invade Undule's Karonga Home," *Nation*, March 14, 2011, 3; Bright Sonani, "Thugs Attack Undule's Offices," *Nation*, March 4, 2011, 1–2.

<sup>67</sup> Bright Sonani, "Government Says NGOs Staged Attack on Undule," *Nation*, March 10, 2011, 2.

<sup>68</sup> Gabay, "Two 'Transitions,'" 376.

<sup>69</sup> Isaac, interview with the author, July 11, 2012, Lilongwe, Malawi.

<sup>70</sup> Linda, interview with the author, June 25, 2012, Lilongwe, Malawi.

<sup>71</sup> *Ibid.*

he criticized the idea of democracy as a concept because he received it as a Western concept. What he wanted to develop was an African form of governance – whatever that meant – in order for Africans to develop their countries. And from that point on, you could see a slow progression towards dictatorship in his pronouncements, in his close relationship with [Zimbabwean President] Robert Mugabe and dictators like [Sudanese President Omar] al-Bashir, and also [in] his decision to align Malawi more close[ly with] communist China.<sup>72</sup>

Mutharika's leadership offered multiple warning signs of his administration's lack of democratic transparency. According to Isaac, Mutharika "progressively trampled on fundamental freedoms slowly, by criticizing the press, by deriding civil society for their actions, for what he called spearheading a gay agenda. So he wanted to . . . cultivate a mood of criticism" that turned "local communities" against NGOs that Mutharika portrayed as "protecting the gay agenda in order to trample on Malawi's traditional values."<sup>73</sup> Mutharika's administration positioned LGBT rights as an unwelcome development in Malawi and depicted NGOs critical of the government as "protecting the gay agenda," a move intended to discredit oppositional NGOs publicly.<sup>74</sup> One defender of Mutharika's leadership joined Mutharika in portraying a wide swath of NGOs as "agitating for gay rights . . . Surely, this tendency cannot be anything but a manifestation of bad will on the part of leaders of the said NGOs who instead of sweating for the wellbeing of the people they target, they are busy tussling it out against their own beneficiaries in partnerships with external advocates for gay rights."<sup>75</sup> Portraying oppositional NGOs as prioritizing LGBT rights above other issues enabled Mutharika and political elites to cast NGOs as betraying the heteronormative nation and interests of Malawians in need of crucial social services. The government, ruling party, and other elites wielded politicized homophobia to turn public opinion against defiant NGOs and to engender irreconcilable divisions among social movements. Despite the fact that most NGOs opposing Mutharika's leadership did not work on LGBT rights, politicized homophobia operated as a means to discipline and divide social movements.

Mutharika's administration enacted several measures that consolidated his power, weakened democratic institutions, and contributed to

<sup>72</sup> Isaac, interview with the author, July 11, 2012, Lilongwe, Malawi.

<sup>74</sup> Ibid.

<sup>75</sup> Damala, "Government's Threats to Ban," 8. <sup>73</sup> Ibid.

the repressive sociopolitical environment. These measures included: an amended Police Act; Penal Code Section 46, which threatened the press with censorship; and a law that redesigned the country's flag with little input from ordinary Malawians.<sup>76</sup> First, after the Police Act's passage, some activists expected that police would deny their requests to stage demonstrations. According to Isaac, "police act in cahoots with the government" and "would ordinarily not accept a demonstration spearheaded by civil society, unless it was a pro-government agenda [or] a safe agenda [having] . . . to do with food."<sup>77</sup> Second, Isaac pointed out that Section 46 was another repressive constraint on social movements. Section 46 "empower[s] a minister to close down" newspapers "perceived to be anti-government," which Isaac believed dealt "a heavy blow" to the Malawian press.<sup>78</sup> Curtailing press freedom "contributed to this downward slide of [the] . . . work of civil society," shrinking the democratic space from which NGOs could criticize the government, according to Isaac.<sup>79</sup> Third, a crisis over academic freedom at Chancellor College contributed to activists' consternation over the sociopolitical climate in the country.<sup>80</sup> Fourth, the DPP-led government surreptitiously "set up a presidential advisory board where they co-opted some members of civil society who sort of softened their approach to activism. So that also divided civil society," Isaac related.<sup>81</sup> NGO leaders who accepted an appointment to this advisory board diluted their resistance to the government.

In response to Mutharika's authoritarianism and shortages of basic necessities, NGO leaders decided to draft a petition listing their state-directed grievances. In 2009 and 2010, during Mutharika's second term in office, Malawi experienced significant shortages of foreign currency, electricity, and fuel, which NGO leaders attributed to poor leadership, corruption, and financial mismanagement. Activists

<sup>76</sup> Cammack, "Malawi in Crisis," 377. See also, Resnick, "Two Steps Forward," 127–133.

<sup>77</sup> Isaac, interview with the author, July 11, 2012, Lilongwe, Malawi. Food scarcity was a social and economic problem that galvanized many Malawians. It would have made little sense for the government to ban a protest related to food security because it affected so many Malawians.

<sup>78</sup> Isaac, interview with the author, July 11, 2012, Lilongwe, Malawi. <sup>79</sup> *Ibid.*

<sup>80</sup> Government officials accused a Chancellor College professor of using a lesson about the Arab Spring to provoke students into mobilizing against Mutharika's administration. Cammack, "Malawi in Crisis," 377.

<sup>81</sup> Isaac, interview with the author, July 11, 2012, Lilongwe, Malawi.

became outraged, as Justice, a CONGOMA staff member, indicated, because “there [was] a shortage in the country to a level that has never happened before. So we started talking publicly trying to change the government’s . . . view. The government was not listening.”<sup>82</sup> Unhappy with Mutharika’s refusal to listen to alternative viewpoints, activists developed a “20-point petition because we felt that . . . having failed to dialogue with the president, [it] was important to . . . come up with a position that speaks to the concerns of Malawians.”<sup>83</sup> The petition enumerated activists’ grievances, which included the following issues: shortages of fuel, electricity, and foreign currency; the academic-freedom crisis; and Mutharika’s administration’s financial mismanagement, political corruption, disregard for the rule of law, refusal to hold local elections, and general belligerence.<sup>84</sup>

Activists planned to stage “a demonstration. This demonstration was supposed to take place in February 2011, but the government did not give us permission to conduct that demonstration. Instead, the president called for a meeting with the civil society leaders” at that time, Justice explained.<sup>85</sup> At the meeting, activists delivered the presentation, giving the president the opportunity to respond to their grievances. Isaac attended the meeting at which Mutharika pledged to listen to NGOs’ grievances and related that activists informed the president that

Malawi was on a downward slope towards dictatorship, and we demanded that the twenty-point petition be responded to immediately by government. Of course, [for] some of the issues, we knew the solutions were long term, but we thought it would be important for the government to make its position known on the issues and to give a timeframe on when those issues would be resolved, for example, the fuel crisis and other issues . . . We said to give us a timeframe when fuel will be available. We said, “Give us a timeframe when forex [foreign currency] will be available,” but then on other issues we said, “We’re not going to negotiate on . . . Section 46. We need a repeal immediately. We need a repeal of certain sections of the Police Act.”<sup>86</sup>

<sup>82</sup> Justice, interview with the author, July 9, 2012, Lilongwe, Malawi.

<sup>83</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

<sup>84</sup> I distilled this list of grievances from NGOs’ submitted petition to Mutharika, which was posted to Vince Kumwenda’s blog (<http://vinkumwenda.blogspot.com/2011/07/petition-presented-to-malawi-president.html>).

<sup>85</sup> Justice, interview with the author, July 9, 2012, Lilongwe, Malawi.

<sup>86</sup> Isaac, interview with the author, July 11, 2012, Lilongwe, Malawi.



Isaac recalled that the “meeting did not end well. The president, visibly angry, banged the table and so on,” expressing anger at activists’ temerity in confronting him with their grievances.<sup>87</sup> Isaac remembered activists telling Mutharika, “‘As civil society, we’re not going to back down.’ So we said given the president’s volatile personality, we need to mobilize the whole nation to show the discontent of citizens.”<sup>88</sup>

As NGOs organized a response to Mutharika’s refusal to engage with their demands, same-sex sexualities remained in the spotlight. In May 2011, CONGOMA representatives advised Mutharika not to use homosexuality “to divert attention from real issues affecting the country,” evidence of activists’ awareness that Mutharika and his comrades used politicized homophobia as repression.<sup>89</sup> CONGOMA representatives reassured Mutharika’s government that “advocating for minority rights [was] not a priority [for CONGOMA] as homosexuality—practised by a minority—remain[ed] illegal in the country.”<sup>90</sup> In their efforts to persuade Mutharika to respond to NGOs’ grievances, CONGOMA representatives deployed issue ranking, which suggested that there were more pressing matters than LGBT rights; in turn, this ploy perpetuated politicized homophobia. Mutharika continued attacking sexual minorities, addressing one political party rally, “You will never see dogs marry each other. These people [sexual minorities] want us to behave worse than dogs. I cannot allow it.”<sup>91</sup> At an event celebrating the elevation of chiefs one month later, Mutharika reproached NGO leaders for “selling the country by getting money to champion foreign cultures” and practices like same-sex sexualities.<sup>92</sup> Deploring LGBT rights as an aid conditionality, Mutharika stated, “Yes, we rely on donors but what is happening is like giving a beggar more money than he or she usually gets and spit[ting] on him or her. Sometimes it is fair to tell them to take their money so that we keep our culture.”<sup>93</sup> The journalist who penned this story recognized the government’s politicized

<sup>87</sup> Ibid.      <sup>88</sup> Ibid.

<sup>89</sup> Kondwani Munthali, “Slow Down Mr. President – NGOs,” *Nation*, May 6, 2011, 2.

<sup>90</sup> Ibid., 1.

<sup>91</sup> Kondwani Munthali, “Gays Worse Than Dogs – Bingu,” *Nation*, May 16, 2011, 2.

<sup>92</sup> Edwin Nyirongo, “NGOs Selling Malawi for Money – Bingu,” *Nation*, June 8, 2011.

<sup>93</sup> Ibid.

homophobia as intended to discredit NGOs defending LGBT rights; he stated, “Government spin doctors have recently intensified the campaign to isolate NGO leaders that want government to remove laws that make same-sex relationships illegal.”<sup>94</sup> In a repressive move, police also confiscated “cloth inscribed with messages promoting gay rights,” which CEDEP and CHRR arranged to be produced in neighboring Tanzania.<sup>95</sup> State leaders’ ongoing deployment of politicized homophobia ensured that they could quickly and proactively employ it as a repressive instrument.

### The July 20 Protests

When Mutharika took no action on NGO grievances, activists obtained police permission to hold protests in Blantyre, Lilongwe, and Mzuzu, on July 20, 2011. In the days preceding the protests, DPP youth cadets “brandish[ed] . . . machetes and metal bars” in Blantyre’s business district in an effort to dissuade people from taking part in the protests.<sup>96</sup> An observer commented on the panga-wielding DPP youth cadets: “Where is democracy when you see people carrying such dangerous weapons in the streets in party cars without being apprehended? Whatever they threaten us with, we will still march because this is our country and we have the right to voice our concerns when things are not okay.”<sup>97</sup> NGO leaders called attention to a “DPP plot to attack [the protests], create mayhem, and block roads designated for” protests in different cities.<sup>98</sup> DPP leaders authorized “sympathizers” to stage “pro-government demonstrations,” and NGO leaders warned the government that the pro-government counterprotests had the potential to “spark violence.”<sup>99</sup>

<sup>94</sup> Ibid.

<sup>95</sup> Frank Namangale, “Police Seize Gay Campaign Cloth,” *Nation*, May 18, 2011, 3. See also, Thokozani Chenjezi, “People Impound CHRR, CEDEP Cloth,” *Daily Times*, May 20, 2011, 4.

<sup>96</sup> Madalitso Musa, “Bingu Okays Demonstrations: DPP Cadets Terror on the Loose,” *Daily Times*, July 20, 2011, 1.

<sup>97</sup> Ibid.

<sup>98</sup> Kondwani Munthali, “There’s Plan to Attack Demos, Arrest Leaders – NGOs,” *Nation*, July 19, 2011, 2.

<sup>99</sup> Kondwani Munthali and Anthony Kasunda, “PAC, MHRC Caution Government on Violence,” *Nation*, July 19, 2011, 1.

Police used violence to disperse and repress protestors on July 20.<sup>100</sup> Challenging the government exacted a steep toll on some activists. On July 20, 2011, police attacked Daniel, a human rights activist, and others in Lilongwe.<sup>101</sup> Between twenty and thirty activist colleagues, including prominent human rights activists, gathered at a church, waiting to see if they would be allowed to hold the protest as planned. A private citizen filed a court injunction preventing the protests from taking place, generating confusion among would-be marchers.<sup>102</sup> Almost one year after the July 20 protests, Davis, a human rights activist, expressed surprise that “even after we had acquired the permission to hold peaceful demonstrations,” Mutharika’s “regime used a supporter . . . to get an injunction last minute, which created chaos because Malawians couldn’t understand why the injunction” was in place.<sup>103</sup> Because Davis and other NGO leaders were “law-abiding citizens,” they knew that they could not “proceed with the demonstrations.”<sup>104</sup> They informed protest organizers throughout the country about the need to halt the demonstration because of the injunction.

The church seemed like a safe place for activists to wait. Daniel recalled thinking, “Maybe [the police] cannot invade a church, okay, because it is a sacred place.”<sup>105</sup> After a few hours, the police stormed the church and “rounded . . . up” activists.<sup>106</sup> “They made us lie on the ground. So we lay on the ground.”<sup>107</sup> The police then asked activists to get up and move toward “big police vans . . . known for violence.”<sup>108</sup> The police “started beating us [with nightsticks] on 20th of July.”<sup>109</sup> Davis attributed the outburst of violence to the president who “directed [DPP youth] cadets . . . to beat any person who goes in the streets.”<sup>110</sup> Daniel explained that police “received a message [to] leave” activists, who drove themselves to the hospital.<sup>111</sup> Yet their

<sup>100</sup> Daniel Wroe, “Donors, Dependency, and Political Crisis in Malawi,” *African Affairs*, 111, no. 442 (2012): 135–144.

<sup>101</sup> Daniel, interview with the author, July 9, 2012, Lilongwe, Malawi.

<sup>102</sup> Bright Sonani, “Court Reverses Injunction, LL Marches in Afternoon,” *Nation*, July 21, 2011, 3.

<sup>103</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

<sup>104</sup> *Ibid.*

<sup>105</sup> Daniel, interview with the author, July 9, 2012, Lilongwe, Malawi.

<sup>106</sup> *Ibid.* <sup>107</sup> *Ibid.* <sup>108</sup> *Ibid.* <sup>109</sup> *Ibid.*

<sup>110</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

<sup>111</sup> Daniel, interview with the author, July 9, 2012, Lilongwe, Malawi.

route to the hospital was circuitous because “most of the roads were closed,” due to the protest, an irony Daniel found amusing.<sup>112</sup>

Police violence erupted in other cities as well. Some protestors allegedly torched police cars and tires in an effort to block major roads. Mutharika blamed street violence and looting on NGOs. He stated, “The information that we have is that the arsonists and looters had pre-assigned targets to attack and were being directed to such looting locations through cell phones and hostile radio stations. This action was clearly criminal and not political.”<sup>113</sup> Much to the disappointment of activist leaders, Mutharika scheduled a public lecture for July 20, instead of responding to NGOs’ demands. Daniel recalled that as the protests turned violent, the president opted to give a “public lecture. He was saying that he wants to teach Malawians on good governance at his state house,” a claim that NGO leaders found ludicrous.<sup>114</sup> “[W]hile we [were] organizing demonstrations, the party followers, the sympathizers, went to the state house for a public lecture.”<sup>115</sup> After the president learned that “the towns are burning” and “people are rioting,” he “cut short the public lecture,” Daniel recalled.<sup>116</sup>

Mutharika’s government claimed that NGOs brought state repression on themselves. Mutharika himself warned both NGOs and opposition political parties about the serious consequences of trying to stage a coup. He stated,

The demonstrations were a ploy by John Tembo, Undule Mwakasungura [sic], Rafiq Hajat, Cassim Chilumpha, [Reverend Macdonald] Sembereka, Joyce Banda, and Ralph Kasambara to overtake my government which flopped. But they should know that this is a serious offence . . . what Honourable Tembo, Mwakasungura [sic], Joyce Banda, and others should know is that the souls of those who died in the riots of Wednesday, July 20, will haunt them.<sup>117</sup>

<sup>112</sup> Ibid.

<sup>113</sup> Wycliffe Njiragoma, “Bingu Responds to July 20 Petition,” *Daily Times*, August 15, 2011, 1.

<sup>114</sup> Daniel, interview with the author, July 9, 2012, Lilongwe, Malawi.

<sup>115</sup> Ibid. <sup>116</sup> Ibid.

<sup>117</sup> John Tembo ran for president against Mutharika in 2004 and 2009 and lost. Undule Mwakasungula was CHRR’s executive director and coordinator of the Human Rights Consultative Committee. Rafiq Hajat was the executive director of the Institute for Policy Interaction (IPI). Cassim Chilumpha was the vice president of Malawi during Mutharika’s first term as president until he was accused of treason for conspiring to assassinate Mutharika; during 2011, he

Voice Mhone, CONGOMA’s executive director, condemned Mutharika for blaming police violence on NGOs: “[W]e expected him to lead the nation in mourning the deaths of . . . fallen friends and not inciting hostilities towards NGO leaders. The President must not use the souls of those who passed away as a campaign tool.”<sup>118</sup> Newspaper editors joined the chorus of those calling for Mutharika and his administration to deescalate their repression. A *Malawi News* editorial asserted, “Government has been blaming everybody—from donors, gay rights activists, civil society, to opposition parties—for everything that has not been right . . . in this country . . . Government should get out of the denial state it is in . . . It is time it stopped looking for scapegoats for everything it has done wrong, or failed to do right.”<sup>119</sup>

State repression of NGO leaders persisted after the July 20 protests. After the furor over the protests subsided, NGO leaders planned “to hold a peaceful . . . demonstration” in August in the form of a “vigil,” Davis related.<sup>120</sup> Mutharika warned that authorities would not

sit idle and watch. Those who are responsible [for the anarchy], the government will find you, wherever you are hiding . . . If you decide to go on the streets on the 17th [of August], I will find you there. I will not allow the country to be run by NGOs. Which elections elected Undule Mwakasungula, [Voice] Mhone, or [Rafiq] Hajat?<sup>121</sup>

Mutharika continued to name and blame certain NGO leaders for inciting opposition against his administration. However, the vigil “never took place” because Mutharika’s administration learned about it and “instructed the Malawi army to come in and fight the protestors,” Davis explained.<sup>122</sup> NGO leaders “decided to call off the vigil.

was the elected legislative representative for Nkhotakota South. Reverend Macdonald Sembereka was the executive director of Malawi Network of Religious Leaders Living or Personally Affected by HIV and AIDS (MANERELA+). In 2011, Joyce Banda was the vice president of Malawi. Ralph Kasambara was a former attorney general of the country and activist. Lucas Bottoman, “Bingu Warns Demo Organizers,” *Malawi News*, July 23–29, 2011, 3.

<sup>118</sup> *Ibid.*, 7. <sup>119</sup> “Stop the Blame Game,” *Malawi News*, July 23–29, 2011, 4.

<sup>120</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

<sup>121</sup> Dickson Kashoti and Simeon Maganga, “No Demos, Bingu Warns,” *Daily Times*, August 12, 2011, 1. Also, see note 117 in this chapter.

<sup>122</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

So what we did was that we advised the citizens to hold the vigil in their homes.”<sup>123</sup> Due to activists’ unrelenting pressure on the government to initiate reform, the government increased threats against activists, even “victimizing some of us,” according to Davis.<sup>124</sup> Mutharika claimed that activists were trying to “overthrow [the] government,” an allegation used to justify state retaliation against NGO leaders.<sup>125</sup> One leader shared a harrowing story of being accused of treason.<sup>126</sup> During a “live radio debate [about] . . . ‘where has Malawi gone wrong and what needs to be done?’” government spokespeople alleged that, by challenging the government, he had “committed treason” and “should be very mindful of the consequences of that.” In response to this threat, which “was live,” the activist leader knew that

Malawians were listening, and I told them [the listeners], “If I die, they should hold these two guys accountable.” . . . Soon after the interview, . . . I got an anonymous call . . . He said, “Who do you think you are? Do you have the energy to fight this government?”

When the activist leader pressed the stranger for his identity, the caller elaborated on his threat: “No, you don’t need to know the caller, but you must know that you’re being followed. We are actually following every detail, every movement that you are making’ . . . He told me that I will be the sacrificial lamb for all the people who are opposing [Mutharika’s] regime.” Mutharika’s threats of violence against protest organizers persisted, and he warned activists: “I will smoke you out.”<sup>127</sup>

Whereas some activists experienced threats from unknown sources, other activists suffered far worse consequences as NGO leaders promised to stage a follow-up protest on September 21, 2011. To deter the mass protests that occurred July 20, 2011, Mutharika issued threats suggesting he was willing to wage “war.” He claimed that he authorized a “committee on dialogue” as a conciliatory sign, but the frustration he conveyed about NGO leaders refusing to participate in the talk was far from mollifying.

<sup>123</sup> Ibid.    <sup>124</sup> Ibid.    <sup>125</sup> Ibid.

<sup>126</sup> To protect this research participant’s identity, I provide no identifying details about the nature of his advocacy work.

<sup>127</sup> Madalitso Musa, “Group Urges Bingu against Hate Speech,” *Daily Times*, August 15, 2011, 4.

What the hell do you want? If you are not ready for the talks, make your position known. Inform me of the day that we can start war ... [I]f my opponents want “war,” so be it. I will take them head-on. Let this country go on fire if you want but enough is enough, I cannot tolerate this anymore.<sup>128</sup>

Activists viewed Mutharika’s pugilistic threats warily, and some retreated from public engagements.

State repression continued for several months after the July 20 protests. DPP youth cadets allegedly set fire to the office of the Institute for Policy Interaction (IPI) in Blantyre in September 2011. Davis recalled a presidential spokesperson claiming that Rafiq Hajat, IPI’s executive director, “was trying to destroy evidence because he ... mismanaged funds,” an example of repressive rhetoric alleging the NGO’s improper use of donor funds.<sup>129</sup> Soon thereafter, the home of Reverend Macdonald Sembereka, the leader of the Malawi Network of Religious Leaders Living or Personally Affected by HIV and AIDS (MANERELA+), a pro-LGBT rights organization, was “torched.”<sup>130</sup> Within a few days of the arson at Sembereka’s home, Mwakasungula found a “poster pasted on his house ... written ‘house [for] sale,’” which Davis interpreted to mean: “We know where you live.”<sup>131</sup> News coverage confirmed that “for sale” signs appeared at Mwakasungula’s home and at the CHRR office.<sup>132</sup> Around the same time Mwakasungula found a threat at his home, Wapona Kita, a human rights lawyer assisting NGO leaders, also discovered “a poster pasted on his car written ‘car for sale,’ and they included [his mobile] number,” Davis shared.<sup>133</sup> Fearing for their personal safety and that of their families, some activist leaders went into hiding in Malawi, moving from safe house to safe house to evade attacks from the police, military, or DPP youth cadets. Several weeks after the attacks, Isaac recalled several strangers who “started shouting [and] banging on the

<sup>128</sup> Caroline Kandiero, “Bingu Makes War Threats,” *Daily Times*, August 26, 2011, 1. All quotations in this paragraph come from this source.

<sup>129</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

<sup>130</sup> Madalitso Musa, “Rev. Sembereka’s House Torched,” *Sunday Times*, September 12, 2011, 1, 3.

<sup>131</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

<sup>132</sup> Suzgo Khunga, “‘For Sale’ Posters Pasted at Undule’s Home, Office,” *Daily Times*, March 6, 2012, 3.

<sup>133</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

gate . . . So I called the police. They said, ‘Well, there’s nothing we can do.’”<sup>134</sup> Fearing that these strangers would return and harm his family, Isaac felt that he had no other choice but “to go into hiding for about three or four days with the family. It was terrible, terrible.”<sup>135</sup> Others, like Mwakasungula and Hajat, fled the country until the political atmosphere quieted down.<sup>136</sup>

Threats to activists’ personal safety prompted some activists to scale back their mobilization efforts. After the July 20 protests, Patricia, an activist who worked at an NGO working to improve healthcare provision and access, felt that her security had been compromised. She confessed, “It became very difficult, you know? Because of the security threats. So, even [for] me, my waking hours became very unpredictable because I was not sure if I’m safe working from home or if I’m safe working in the office.”<sup>137</sup> Like Patricia, other activists either directly involved with or on the margins of the July 20 protests faced threats from the police and government.

Threats from the police and DPP youth cadets did not deter some activist leaders from pressing forward with the grievances articulated in the petition they presented to the president. According to Davis, “things didn’t change” after July 20. “As civil society, we maintained our opposition” to the government. Like other social movements cornered by government repression, human rights organizations, including that helmed by Davis, “mobiliz[ed] international support.” Davis enumerated NGO leaders’ efforts to catapult Malawi’s devolving governance issues into international prominence. With other NGO leaders, Davis represented Malawian NGOs at an “international conference for human rights defenders” and updated meeting attendees about state repression in Malawi. NGO leaders also met with and lobbied European parliamentarians. On this international outreach tour, NGO leaders “met the Minister of Foreign Affairs for [the] Irish government” along with representatives from Amnesty International and Transparency International, an international NGO that monitors governments’ corruption around the world. For Davis, “these

<sup>134</sup> Isaac, interview with the author, July 11, 2012, Lilongwe, Malawi.

<sup>135</sup> *Ibid.*

<sup>136</sup> “Malawi Activists ‘in Hiding after Mutharika Threat,’” *BBC*, July 25, 2011, [www.bbc.co.uk/news/world-africa-14276599](http://www.bbc.co.uk/news/world-africa-14276599).

<sup>137</sup> Patricia, interview with the author, July 13, 2012, Lilongwe, Malawi. All quotations in this paragraph come from this source.



platforms” enabled NGO leaders to publicize what they “were going through in Malawi.” NGO leaders also elicited regional support from the Southern Africa Human Rights Defenders’ Forum. Additionally, activist leaders aired their grievances with the United Nations and African Union, hoping that these supranational bodies would influence Mutharika. Although Davis believed that this outreach “helped to bring the issues to the international domain,” not even a “statement by the United Nations” budged Mutharika from his defiant position, which constituted a reversal of his accession to UN wishes, when, in 2010, he pardoned Chimbalanga and Monjeza, a move recommended by UN Secretary-General Ban Ki-moon. Therefore, “things didn’t improve. The president remained militant.” Mutharika continued to claim that NGOs were “working with misguided international bodies whose intention is to overthrow his regime, and he will use what it takes to protect himself.”<sup>138</sup> In particular, Mutharika’s administration became confrontational with Northern governments that rescinded promises to deliver development aid because they objected to the government’s authoritarian tactics.

To subvert and constrain social movements, state officials offered lucrative government positions to some NGO leaders. Alice, an activist working at a human rights NGO, explained that state leaders “were literally trying to buy members of civil society to their side.” She suggested that in exchange for jobs, former NGO leaders were supposed to inform the government of NGOs’ plans. Alice stated that insider information would give the government “adequate grounds” to place NGO leaders under “house arrest.” Rumors of the government “buying” leaders circulated among NGOs. Alice mentioned that the government recruited a senior staff member from a prominent human rights organization to work for Mutharika’s administration. She portrayed this individual as a lackey who “used to back up whatever economic statement or policy [President] Bingu [wa Mutharika] would make, whether it was good or bad. So he would actually be talking on TV and saying that that is good.” According to Alice, the strategy of luring NGO leaders away from their jobs was part of the government’s larger plan “to turn the public against civil society to say that ‘civil society is not good. They’re in partnership with the donors . . . So don’t

<sup>138</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi. All quotations in this paragraph come from this source.

follow them.’ So it was like creating an enemy of very bad relationships between civil society and people at grassroots.”<sup>139</sup>

Another repressive tactic entailed isolating and portraying NGOs as enemies of the state. Bessie Chirambo, the president’s advisor on NGOs, negatively portrayed NGOs critical of Mutharika’s leadership as “bark[ing] at anything including flies. These NGOs have become monotonous with their requests to government and as government we have become deaf to them. If they really care about people they should . . . not take people to the streets to demonstrate where they get killed.”<sup>140</sup> Her statement squarely blamed NGOs for the deaths resulting from the July 20 protests and confirmed that the government was ignoring NGO demands for economic, political, and social change. Going on the offensive, Mutharika claimed that these organizations “were alien to Malawi, were working with [what] he called ‘power-hungry politicians,’ and [were] not patriotic.”<sup>141</sup> NGO leaders like Davis believed that Mutharika’s xenophobic characterization of NGOs “had the potential to incite Malawians to rise against us.”<sup>142</sup> In addition to deploying xenophobic allegations that NGOs actively undermined Malawian social and political institutions, Mutharika’s administration and political party mobilized politicized homophobia to corral and silence social movements during and after the July 20 protests.

### The Deployment of Politicized Homophobia during and after the July 20 Protests

With looming mass protests in urban areas, state leaders portrayed the planned July 20 protests as an attempt by NGOs to force the government to decriminalize same-sex sex, an example of the government’s effort to use politicized homophobia proactively to drive a wedge between social movements. In turn, NGOs were supposed to pressure LGBT rights organizations into suspending their advocacy. In these ways, politicized homophobia functioned as a tool of state repression

<sup>139</sup> Alice, interview with the author, July 4, 2012, Lilongwe, Malawi. All quotations in this paragraph come from this source.

<sup>140</sup> Jacob Nankhonya, “NGOs ‘Bark Like Dogs,’” *Sunday Times*, February 26, 2012, 3.

<sup>141</sup> Davis, interview with the author, July 10, 2012, Lilongwe, Malawi.

<sup>142</sup> *Ibid.*

during and after the July 20 protests. Although one could argue that it makes more sense to analyze politicized homophobia as part of the regime’s broader efforts to stifle democratic dissent associated with the July 20 protests, I find it important to emphasize how politicized homophobia operated as a political strategy that elites hoped would contain NGOs the regime depicted as trying simultaneously to oust the government and to decriminalize same-sex sex. Using politicized homophobia, the government sought to suppress the democratic exchange of ideas and grievances and to mobilize public opinion against sexual diversity. State leaders hoped politicized homophobia would silence NGOs calling for democratic accountability and respect for Malawians’ rights and ultimately “depoliticize social protest.”<sup>143</sup>

NGOs became targets of the government’s repressive campaign of politicized homophobia when several human rights activists expressed solidarity for LGBT rights. According to Isaac, “there was a very bold attempt by Malawi’s small gay community to fight for their rights,” which human rights NGOs supported.<sup>144</sup> As “human rights activists we said . . . ‘We’re just saying these people have rights. Let us debate the issue as Malawians.’”<sup>145</sup> Instead, Mutharika publicly claimed that these NGOs were “against Malawian traditional values . . . They speak about governance, but their actual objective is to promote gay rights in Malawi.”<sup>146</sup> Jackson, a former CEDEP employee, notes that the media helped stoke opposition to organizations’ defense of LGBT rights. Malawian journalists reported that “NGOs were advocating for gay marriages,” insinuating that organizations like CHRR and CEDEP had staged the engagement ceremony between Chimbalanga and Monjeza as a ruse to initiate public debate about the legalization of same-sex marriage.<sup>147</sup>

Operating as a “scavenger ideology,” politicized homophobia discouraged some Malawians from participating in the mass protest that elites tried to portray as an underhanded effort to legalize same-sex marriage.<sup>148</sup> In an editorial, political scientist Blessings Chinsinga recalled how the government characterized the “July 20 demonstrations . . . as a façade for promoting gay rights when the

<sup>143</sup> Mbembe, “On Politics as a Form of Expenditure,” 319.

<sup>144</sup> Isaac, interview with the author, July 11, 2012, Lilongwe, Malawi.

<sup>145</sup> Ibid. <sup>146</sup> Ibid.

<sup>147</sup> Jackson, interview with the author, July 4, 2012, Blantyre, Malawi.

<sup>148</sup> Mosse, “Racism and Nationalism,” 164.

people of this country had credible governance, human rights, economic and social concerns that needed urgent government attention.”<sup>149</sup> Senior Chief Kaomba, an influential traditional leader, claimed that July 20 protest organizers wanted “Malawi to allow men [to] marry fellow men that is why they are marching.”<sup>150</sup> Along with traditional leaders from Kasungu, Vuwa Kaunda, a government spokesperson, alleged that NGOs were agitating for “gay rights.”<sup>151</sup> Hetherwick Ntaba, Mutharika’s spokesperson, implored protest organizers to reveal whether money they had received from Northern donors was “funding . . . the July 20 demonstrations.”<sup>152</sup> According to Ntaba, this admission would “assure Malawians that one of the issues Malawians will be demonstrating for will not be the advancement of gay rights in the country.”<sup>153</sup> A government-controlled entity, the Malawi Broadcasting Corporation (MBC) also represented the “demonstrations as a gay rights event,” disseminating false information to Malawians.<sup>154</sup> Repudiating Ntaba’s insinuation that activists’ demands motivating the July 20 protests were illegitimate, Reverend Sembereka characterized the government’s “gimmick” of deploying politicized homophobia as “distracting Malawians from real issues that rob them of their hard-won democracy and rights.”<sup>155</sup> Sembereka also demanded that the government furnish evidence that NGOs had received “‘huge’ sums of money from gay rights bodies outside the country.”<sup>156</sup>

Some activists conjectured that elites exploited rural Malawians’ low levels of literacy when deploying politicized homophobia. Jeremiah, a human rights activist, theorized that Mutharika, the DPP, and his supporters used homosexuality “to rally the support from the people who are ignorant. Because 65% of Malawians, they’re illiterate.

<sup>149</sup> Blessings Chinsinga, “Of Gay Rights and Section 65,” *Sunday Times*, June 10, 2012, 7.

<sup>150</sup> Wisdom Chingwede, “The Only July 20, 2011,” *Zodiak Online*, July 18, 2011, article on file with author.

<sup>151</sup> *Ibid.*

<sup>152</sup> Bright Sonani, “Government Using Gay Issues to Distract Malawians – HRCC,” *Nation*, July 14, 2011, 3.

<sup>153</sup> *Ibid.*

<sup>154</sup> Kondwani Munthali, “Police Used Lethal Force – Report,” *Nation*, August 16, 2011, 2.

<sup>155</sup> *Ibid.* <sup>156</sup> *Ibid.*

Thirty-five percent are the ones who are knowledgeable. And most of the people living in the villages, 85% of our population is in the villages. So the level of illiteracy is very high in the villages. So, it is easier for the government to convince the majority" about the supposed danger of homosexuality.<sup>157</sup> Jeremiah speculated that government officials used politicized homophobia as a ruse, "instead of solving the problems: economic, social, cultural."<sup>158</sup> Similarly, Michael, an HIV/AIDS activist and Christian minister, asserted that the "government wanted to capitalize on the ignorance of the masses" about homosexuality as a way to distance the government from "mainstream human rights issues."<sup>159</sup> Tapping into citizens' religious zeal, political elites used homosexuality as a ruse to divide NGOs, inviting ordinary Malawians to criticize NGOs that supported decriminalizing same-sex sex.

When deploying repressive homophobic rhetoric, political elites constructed Northern donors as sponsoring LGBT rights organizing in Malawi.<sup>160</sup> NGOs that received donor funding became morally and politically suspect in statements politicians made. Jeremiah explained that politicians' message was: "Let us get rid of the donors because they're giving money to these few NGOs to advance their goal of homosexuality ... [P]eople should represent our government against the donors because the NGOs are supporting homosexuality."<sup>161</sup> Viewing NGOs as little more than puppets doing the bidding of donors, politicians characterized donors and NGOs as enemies of Malawian society. Jeremiah scoffed at how the government convinced rural Malawians that "those few NGOs, which were ... fighting for the rights of gays" were pressing the government to allow "men [to] marry men, women [to] marry women, and the villagers were

<sup>157</sup> Jeremiah, interview with the author, July 14, 2012, Lilongwe, Malawi. Jeremiah's estimates are not far off. The United Nations Educational, Scientific, and Cultural Organization (UNESCO) Institute for Statistics reports a literacy rate for Malawians over fifteen as being 62.14 percent in 2015. UNESCO Institute for Statistics, "Malawi." <http://uis.unesco.org/en/country/mw>. The United Nations Development Programme (UNDP) affirms Jeremiah's citation that about 85 percent of Malawians live in rural areas. UNDP, "About Malawi." [www.mw.undp.org/content/malawi/en/home/countryinfo.html](http://www.mw.undp.org/content/malawi/en/home/countryinfo.html).

<sup>158</sup> Ibid.

<sup>159</sup> Michael, interview with the author, July 4, 2012, Lilongwe, Malawi.

<sup>160</sup> See also, Biruk, "Aid for Gays."

<sup>161</sup> Jeremiah, interview with the author, July 14, 2012, Lilongwe, Malawi.

believing” the message.<sup>162</sup> The “‘who will marry us’ argument”<sup>163</sup> swept some women’s rights NGOs into the antigay camp, as their leaders speculated about who would marry women, a tactic that exploited poverty as a ruse in antigay mobilization.<sup>164</sup> While organizations, politicians, and religious leaders were “running away from the civil rights organizations,” according to Jeremiah, Malawians were “looking at us as if we [were] enemies of the state and enemies of the citizenry. So that is the way the government was manipulating, using the agenda of those few NGOs that were fighting for rights of these people we call minorities.” Jeremiah believed that by scapegoating organizations championing LGBT rights, the government was “twisting the truth.” These actions were characteristic of a “sick government” using “propaganda” to divide social movements.

Some activists held that the government authorized repressive action against vocal NGOs because state leaders viewed these NGOs as dangerous political rivals. Gideon, a former human rights activist, believed that “the DPP government thought the only way to defeat civil society, which had grown in strength more than the opposition political parties, was to talk about the gay rights issues.” Through repetition, elites sought to associate NGOs exclusively with LGBT rights, impugning NGOs’ reputations in the process. Gideon explained that “the DPP government” depicted “civil society as promoting minority rights, gay rights issues, knowing the majority of Malawians would not accept at least for now that gay rights should be part of our [society] or that same-sex marriages should be part of our society now.”<sup>165</sup>

Mutharika’s administration exaggerated the place that LGBT rights had among Malawian social movements. Of the more than 400 NGOs registered with CONGOMA that operated in Malawi, Justice observed that only “three or four NGOs” advocated for LGBT rights. Blaming LGBT rights organizations, Justice attributed state repression to upstart NGOs that “were so vivid in” their support of LGBT rights

<sup>162</sup> Ibid.

<sup>163</sup> This argument refers to antigay assumptions that the newness of homosexuality would entice heterosexual Malawians into same-sex relationships, producing a shortage of people to marry.

<sup>164</sup> Chanika, Lwanda, and Muula, “Gender, Gays, and Gain,” 99.

<sup>165</sup> Gideon, interview with the author, July 12, 2012, Lilongwe, Malawi. All quotations in this paragraph come from this source.

that these NGOs ignored that the “whole society doesn’t want to hear about [gay rights].” As a result, LGBT rights was a “good whip . . . for the government to use in castigating” and repressing NGOs, and “the government used” LGBT rights “for propaganda” to discredit a broad swath of organizations.<sup>166</sup> According to Justice, if organizations had refrained from pushing for LGBT rights, the state would have had little ammunition against NGOs critical of Mutharika’s administration. Justice held LGBT rights organizations accountable for the state repression of NGOs.

Politicized homophobia contributed to fracturing among social movements, a consequence of repression. Organizations defending “minority rights” – an umbrella concept NGOs used to group prisoners, LGBT people, and sex workers – were at odds with NGOs whose leaders favored taking a more conciliatory tone with Mutharika’s repressive administration and asked pro-LGBT organizations to suspend their pro-LGBT advocacy.<sup>167</sup> NGO leaders who favored compromise wanted to stop state repression directed at their groups. Benjamin, a CEDEP officer, believed that Mutharika’s government was “politicizing the homosexuality issue” to turn “other civil society leaders to rebel against CEDEP and CHRR,” the two leading NGOs defending gay rights.<sup>168</sup> Michael asserted,

Government played a game to divide civil society and they did manage that . . . [S]ome of our colleagues [in civil society] were coming to us and saying, “[I]f you want us to join in this fight for broader governance issues, then you better slow down on minority rights.”<sup>169</sup>

State leaders’ politicized homophobia succeeded in engendering divisions within social movements and enlisted NGOs to use politicized homophobia to police one another. Lucy believed that the government’s statements and hostility “fragmented” social movements.<sup>170</sup>

<sup>166</sup> Justice, interview with the author, July 9, 2012, Lilongwe, Malawi. All quotations in this paragraph come from this source.

<sup>167</sup> For more information about African sex worker activism, see Mgbako, *To Live Freely in This World*.

<sup>168</sup> Benjamin, interview with the author, June 27, 2012, Blantyre, Malawi.

<sup>169</sup> Michael, interview with the author, July 4, 2012, Lilongwe, Malawi.

<sup>170</sup> Lucy, interview with the author, July 3, 2012, Lilongwe, Malawi. Divisions among NGOs predated the emergence of politicized homophobia. For instance, in 1998, Emmie Chanika, CILIC’s executive director, lamented the disorganization and disagreement among some women’s rights NGOs. She

She continued, “Already some have even gone on a honeymoon period now.”<sup>171</sup> The fragmentation Lucy diagnosed contributed to the demobilization of some NGOs whose leaders and staff decided that challenging the government was no longer worth the effort. Their hibernation in a “honeymoon period” signaled that they were standing down.

Mwakasungula described how these divisions reached CONGOMA. After the May 2011 meeting to which Mutharika invited members of the CONGOMA board, CONGOMA representatives asked the leaders of CHRR and CEDEP to “slow down on advocating for minority rights.”<sup>172</sup> In a press conference, Voice Mhone, the chairperson of CONGOMA, stated that NGOs in CONGOMA were disavowing LGBT rights, a sign of acquiescence to state hostility toward civil society. Conflating calls to decriminalize same-sex sex with a nonexistent campaign to legalize same-sex marriage, Justice explained that Mhone also stated, “Yes, gay marriages in Malawi . . . are illegal, and for now, let them remain as such.”<sup>173</sup> Mhone’s statement positioned CHRR and CEDEP as rogue activist organizations advocating for minority rights that threatened Malawian society. Justice suggested that NGO leaders hoped that this statement would convince government leaders to abandon their scapegoating campaign: “Therefore, the government should stop using it as propaganda in hitting all the NGO community. So we presented this position to the president.”<sup>174</sup> Government officials “still used” antigay threats against NGOs, according

discussed how women’s rights NGOs agreed to stage a protest on a particular day, but there was subsequent disagreement among them. Chanika stated that some NGO representatives “decided to inform the authorities that [the protest] had been postponed, while” the protest was still slated to go forward. Victoria Msowoya, “Our Fellow Women Disappoint Us,” *Malawi News*, August 22–28, 1998, 14.

<sup>171</sup> Lucy, interview with the author, July 3, 2012, Lilongwe, Malawi.

<sup>172</sup> Mwakasungula, “The LGBT Situation in Malawi,” 375.

<sup>173</sup> Justice, interview with the author, July 9, 2012, Lilongwe, Malawi. Clive Gabay’s research with different Malawian NGOs demonstrates that many leaders viewed CONGOMA as “notoriously resistant to political activism, particularly when targeted at the government.” Clive Gabay, *Exploring an African Civil Society: Development and Democracy in Malawi, 1994–2014* (Lanham, MD: Lexington Books, 2015), 103–104.

<sup>174</sup> Justice, interview with the author, July 9, 2012, Lilongwe, Malawi.



to Justice, arguing that "these NGOs" were promoting "gay rights."<sup>175</sup> In this example, divisions within civil society around LGBT rights were on public display.

NGOs' positions on LGBT rights varied considerably. Recalling a "general assembly" of NGOs convened by the Human Rights Consultative Committee (HRCC) in February 2011, before Malawians took to the streets on July 20, Gideon, a former human rights activist, mapped out three different positions leaders adopted in response to LGBT rights. The first position involved rejecting LGBT rights. Leaders who adopted this position asserted, "No, as civil society, we shouldn't advocate for Malawi society to embrace gay rights, or gay issues, or same-sex marriages, whatever the difference is." A second group of leaders sided with LGBT rights organizations and "said, 'No, this thing is happening in Malawi. If we are to effectively combat HIV and AIDS, then we cannot throw this issue out of the window.'" A third group favored staking "middle ground." According to Gideon, those who endorsed a moderate position argued,

As civil society, we've got the duty and responsibility to disseminate information . . . So, let's simply conduct research and establish the extent to which same-sex marriages have [happened and] how many same-sex relationships are happening in Malawi. If there are people who are in hiding, they are engaging in same-sex relationships in an underground fashion. We need to know that and establish the extent to which [this] is an issue or is a problem in Malawi.

Gideon portrayed these positions matter-of-factly, without indicating whether the debate about civil society's position on LGBT rights was excitable. NGOs ultimately reached no consensus on what a unified position on LGBT rights should be. Gideon remembered that "we got out of that meeting without a clear resolution on this matter, and . . . the chairperson for HRCC was . . . frustrated. He simply said, 'Let us close this chapter. Let us not discuss this issue anymore. We shall convene a proper assembly to talk about this specific issue later on in the future.'" Gideon associated a "sense of failure" with the assembly because NGO leaders rarely met "to discuss same-sex issues."<sup>176</sup>

<sup>175</sup> Ibid.

<sup>176</sup> Gideon, interview with the author, July 12, 2012, Lilongwe, Malawi. All quotations in this paragraph come from this source.

## “Vilified”: The Costs of Opposing the Government

Acting in solidarity with NGOs defending LGBT rights could exact a toll on individual activists and on organizations. The costs of promoting LGBT rights included the loss of credibility in activist circles, threats of violence against individual activists and their families exemplified in vigilante retribution against NGO leaders in the aftermath of the July 20 protests, and unwanted trouble with the police and government ministries. Michael, an HIV/AIDS activist and a Christian minister, explained that he had “personally been vilified for being in solidarity with the key affected populations from both a religious point of view and from politicians at some point in time.” Along with CEDEP, Michael pressed for the inclusion of LGBT persons in HIV/AIDS prevention, education, and treatment programs and in faith communities. Despite Michael’s efforts to educate religious leaders about sexuality and HIV/AIDS, his colleagues in the faith-based community rejected his message about embracing gender and sexual minorities. Some of Michael’s “peers within the faith community . . . say I’m promoting gays. And . . . I was even stopped from celebrating church services because they said I was promoting gay rights.”<sup>177</sup> Michael’s avowed solidarity with gender and sexual minorities in Malawi resulted in peers objecting to him presiding over religious services in his congregation. Although stories like Michael’s are dispiriting, they reflect local conditions for African LGBT organizing.

Activists not in the public eye watched how the police and other government officials treated LGBT rights activists, fearing that the police would turn up at their homes on orders from the government to repress human rights organizations. Hope, an LGBT rights supporter and women’s rights activist, stated, “[C]ivil society talk[s] for the ordinary people. Yeah, when issues are not going [well], civil society stands up to say, ‘No, we’re not supposed to do this. This is not the right way. *This* is the right way.’” In light of NGOs’ trenchant criticism of Malawian political leadership, Hope thought that “sometimes, these human rights activists . . . are looked at like threats,” trying “to overthrow” the government because they criticized the country’s direction. Although Hope did not “experience any threats,” activists

<sup>177</sup> Michael, interview with the author, July 3, 2012, Lilongwe, Malawi. All quotations in this paragraph come from this source.

“sometimes ... have fears of the unknown. Even though something hasn’t happened to you, you actually have fears of the unknown.”<sup>178</sup>

Malawian citizens and political elites expressed doubt about NGOs. Naysayers voiced an array of objections about NGO activities, from accusing them of fraud to alleging that they were little more than pawns of powerful Northern donors. Widespread complaints about NGOs persisted for more than fifteen years, setting the stage for government officials’ efforts to repress oppositional social movements. This resentment and interrogation of NGOs’ activities contributed to an environment in which state hostility toward critical NGOs was normalized and even expected in Malawi.

In response to Mutharika’s authoritarian governance, NGOs forged a coalition that insisted that Mutharika take action to reinstitute the democratic rule of law and resolve problems, such as electricity, fuel, and foreign currency shortages. When Mutharika did not act on these demands, NGO leaders held protests throughout the country on July 20, 2011. Police used repressive violence against protestors, resulting in many deaths and injuries. To deter Malawians from joining the protests, state leaders claimed that the July 20 protests were an attempt to legalize same-sex sex. In this way, the state deployed politicized homophobia against oppositional NGOs, pitting them against one another. Some activists suffered personally as the government and ruling party sympathizers harassed them. This hostile sociopolitical environment dampened some NGOs’ support for LGBT rights.

Threats of repression notwithstanding, CEDEP and CHRR leaders remained vocal critics of Mutharika’s leadership. Late in 2011, Mutharika blamed Malawi’s political woes on the “work of the devil,” logic that leaders of CEDEP and CHRR reversed in a press release that read:

If the problems the country is facing are being caused by Satan, then we believe Satan is using the President because the problems centre on poor economic and political governance led by [Mutharika] as President. As organisations who believe in the above power of the Almighty God, we strongly ask President Mutharika to reject the Satan he is condemning.<sup>179</sup>

<sup>178</sup> Hope, interview with the author, July 12, 2012, Lilongwe, Malawi. All quotations in this paragraph come from this source.

<sup>179</sup> Anthony Kasunda and George Singini, “Satan Using Bingu – NGOs,” *Nation*, January 2, 2012, 2.

As CEDEP and CHRR leaders continue to critique the government’s human rights abuses and demand improved governance in Malawi, they still face criticism from other NGO representatives. According to Timothy Mtambo, CHRR’s executive director, Emily Banda, the chairperson of the Non-Governmental Organisation (NGO) Board, hijacked a 2015 meeting of NGO leaders and “started insulting [him] for being a gay rights activist . . . [CHRR] officers had to ask her to leave the meeting.”<sup>180</sup> A UN representative in Malawi requested that Banda account for denouncing “human rights activists who fight for minority rights,” specifically the leaders of CEDEP and CHRR.<sup>181</sup> Public shaming of NGOs that defended LGBT rights continues to constrain the work of organizations like CEDEP and CHRR.

Until his unexpected death in April 2012, President Mutharika portrayed homosexuality as a scourge that would destroy Malawian society. Facing a stagnant economy and corruption charges, Mutharika, other politicians, and religious leaders claimed that sexual minorities and their supporters promoted Western interference in national affairs and had convinced NGOs to overthrow the government in exchange for donor funding. The accession of Mutharika’s vice president, Joyce Banda, as president in 2012 did little to blunt levels of politicized homophobia. Despite state leaders’ antigay hostility, some sympathetic NGOs, including MANERELA+,<sup>182</sup> publicly defended gender and sexual minorities and LGBT rights. However, activists in different social movements questioned what, if any, public stance they should take on homosexuality and if they should display solidarity with CEDEP and CHRR, the two leading NGOs defending LGBT rights in Malawi. As the next chapter demonstrates, politicized homophobia arrested expressions of solidarity with LGBT rights NGOs and for LGBT rights.

<sup>180</sup> Golden Matonga, “UN Summons NGO Board Chair Over Squabble,” *Nation*, October 18, 2015, <http://mw-nation.com/un-summons-ngo-board-chair-over-squabble/>.

<sup>181</sup> *Ibid.*

<sup>182</sup> Deogratias Mmana, “Homosexuals Deserve to Die – Apostle,” *Weekend Nation*, April 30, 2011, 3; Kondwani Munthali, “Accept Prostitutes, Gays, Urges Bishop,” *Nation*, February 28, 2011, 1–2; Edwin Nyirongo, “Changing Police Perception towards Homosexuality,” *Nation*, January 5, 2015, <http://mw-nation.com/changing-police-perception-towards-homosexuality/>; Bright Sonani, “NGOs Attack Church on Gays,” *Nation*, February 26, 2011, 3.