

Citizens For Justice (CFJ)'s Strategic Plan (2011-2014)



**A HUMAN RIGHTS BASED APPROACH TO GOVERNANCE, ENVIRONMENTAL, ECONOMIC, AND
SOCIAL JUSTICE; A FREE, INFORMED AND EMPOWERED MALAWIAN CITIZENLY**

Background

Malawi like many other Third World countries is facing a number of challenges in its quest to achieve meaningful socio-economic growth and development. Among others, the country is characterized by high levels of poverty, poor governance indicators, glaring gaps between the rich and poor, food insecurity and high incidences of HIV/AIDS, environmental degradation, and gender inequality. The proper management of natural resources, good governance and respect for human rights are therefore critical if the country is to meaningfully transform the lives of its citizens.

Institutional Profile

Citizens for Justice-(CFJ), is a non-profit organization advocating for Good Governance, Environmental, Economic and Social Justice in Malawi. Founded in 2005, CFJ was originally established with the aim of filling the lacunae that existed at the time of organizations advocating for the rights of communities affected by environmental challenges emanating from the extractive industries. In the mid 2000s, Malawi shifted its economic focus from agriculture towards large-scale mining in order to boost its GDP. This brought in multinational corporations like Paladin Energy and Globe Metals that were intent on getting a hold on the country's minerals at all costs. Since countries rich in natural resources have tended to suffer from environmental mismanagement, poor governance, and higher incidences of conflict, CFJ's initial's interventions were geared at raising awareness of the impacts of the industry towards the realization and enjoyment of Economic, Social and Cultural rights. This was later broadened to incorporate threats to environmental justice in general and a range of related issues affecting local communities countrywide including poverty, corporate abuse, climate change, food sovereignty, HIV/AIDS, and gender inequality, among others. But realizing that these challenges cannot be effectively addressed if government systems are dysfunctional, and with worsening governance indicators, CFJ had to integrate good governance interventions into its programs. We believe that Malawi as a country endowed with abundant Natural Resources, if well managed can transform and meaningfully change the lives of its people if local communities accrue benefit from them. Thus it is within this framework that CFJ employs a human rights based approach to ensure that development furthers the realization and principles of equity, participation, empowerment, non-discrimination, accountability, transparency, rule of law and environmental sustainability.

Our Mission

Our core mission is to speak with and for the poor and the voiceless so that they are part of development processes as CFJ premiers in research, advocacy and lobbying from a rights

perspective in promoting good governance, environmental, social and economic justice in Malawi.

Our Vision

CFJ envisions an empowered Malawian society in which individuals and communities have secure access to information, justice and sustainable livelihoods. We are specifically committed to working with and on behalf of the marginalized.

Our Goals

- ❖ To ensure that the government adheres to the rule of law, separation of powers and transparency
- ❖ To provide Malawians with relevant information on their human and constitutional rights
- ❖ To promote and preserve the rights of vulnerable and marginalized people
- ❖ To promote networking and collaboration with stakeholders so as to contribute to the body of knowledge on community empowerment
- ❖ To empower vulnerable groups in attaining sustainable livelihoods through programs on poverty alleviation, environmental protection, and socio-economic development
- ❖ To empower the citizenry to respond to elements of corporate abuse

Our Values

CFJ intends to promote the respect for human rights through meaningful community participation in development processes, with particular focus on vulnerable and marginalized groups. We advocate for good governance, accountability and transparency in development programming to ensure environmental protection and sustainable natural resource use, sustainable livelihoods, and the empowerment of Malawians to enjoy their fundamental and constitutional rights.

Our Approach

CFJ's approach is set apart by the following:

- ❖ Networking: working together with local, national and international institutions;
- ❖ Partnership to achieve wider impact values: partnering with CBOs and other organizations to maximize outputs;

- ❖ Walking the talk: staff, management and board members within CFJ translate rhetoric into practice. CFJ is beyond mere articulation of issues as we are implementers because of our action oriented spirit;
- ❖ Multi-sectoral and multi-disciplinary approach: CFJ recognizes the mutual interrelation that exists between issues;
- ❖ Public interest litigation on issues that are astute to CFJ's areas of interventions.
- ❖ Focus on vulnerable and marginalized groups: CFJ is orientated towards the empowerment of communities to be responsible for their own lives and adopt the "people power" approach to issues of governance
- ❖ Articulation of issues within a human rights based framework respecting the indivisibility, interrelatedness and universality of human rights.

Our Areas of Intervention

Four core thematic areas guide the scope of our work. These are:

- ❖ Good Governance
- ❖ Environmental Justice
- ❖ Economic Justice
- ❖ Social Justice

Strategic Priorities

The following strategic priorities will guide CFJ's actions between 2012 and 2015 through lobbying, advocacy campaigns, influencing policy review and implementation, partnering with international and local organizations and coordinating and cooperating with local communities:

GOVERNANCE

Despite the introduction of multiparty democracy in 1994, Malawi still faces serious governance challenges. The government frequently violates its commitment to the rule of law by for example, disrespecting court decisions, making arbitrary arrests and enacting new laws that go against the spirit of the constitution. There are also high levels of corruption in government circles and the fight against the vice tends to be very selective by leaving out those in power. CFJ undertakes to ensure that governance in Malawi is participatory, consensus oriented, accountable, transparent, responsive, effective, efficient, equitable, and inclusive and follows the rule of law. We shall make sure that corruption is minimized, the views of minorities are

taken into account and that the voices of the most vulnerable in society are heard in decision-making. Our thinking is that the “governors” have to renew the social contract with the “governed”. Our governance program in 2012-2015 will focus on:

Rule of Law

Rule of law implies that every citizen is subject to the law. It stands in contrast to the idea that those in power are above the law and can abuse their power at will. Several human rights violations by the government were reported in 2011: police use of excessive force which resulted in deaths and injuries; harsh and life-threatening prison conditions; arbitrary arrests and detentions; lengthy pretrial detentions; limits on freedoms of speech and the press; official corruption; violence against women; and child labor. CFJ will endeavor to ensure that:

- i. The government, its officials and agents are accountable under the law;
- ii. The laws are clear, publicized, stable, fair, and protect fundamental rights, including the security of persons and property;
- iii. The process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient;
- iv. Access to justice is provided by competent, independent, and ethical adjudicators, attorneys or representatives, and judicial officers who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

Separation of powers

The separation of powers between the executive branch and the legislative branch is constitutionally in place in Malawi; however, the executive branch is far more powerful and parliament can only meet with the consent of the president. On the other side, some government established institutions like the Law Commission are politically compromised and too close to politicians such that the appointment of the Law Commissioner is not as independent and subjective to the Parliamentary Public Affairs Committee, which vets public appointments. As a result the Commissioner is subject to political manipulation and this becomes a setback as the institution is at the core of law reform in Malawi. CFJ shall work to stop one branch of government from becoming too powerful, to protect the "opulent minority" from the majority, and to induce the branches to cooperate and create systems that employ a separation of powers through "checks and balances". Checks and balances allow for a system based regulation that allows one branch to limit another, such as the powers of the Malawi Parliament to change or create communal courts which can use draconian laws passed by the same August house.

Judicial independence

Compared to other countries in the SADC region, the judiciary operates relatively independently in Malawi and makes rulings that sometimes do not concur with the interests of the government. However, its meager resources are overstretched by a heavy workload and the government occasionally ignores court rulings (such as the implementation of Section 65, which prohibits MPs from switching parties). Besides, courts are under constant pressure from legislators and the executive. This affects access to justice and creates a lawless political terrain where default and in some cases criminal acts perpetrated by the political class against citizens go unquestioned or are dismissed.

In this regard, CFJ will strive to:

- ✚ Ensure routine civil society based monitoring of the rule of law
- ✚ Provide intelligence, research and a platform upon which the three arms of government can mediate and manage their interests regarding the balance and separation of powers
- ✚ Raise awareness among high-level political authorities on issues of separation of powers and the relevance of judicial independence and rule of law in good governance

Economic, Social and Cultural rights

For about three decades, until 1994, Malawi was under a dictatorship. During that period Malawians did not enjoy economic, social and cultural rights (ESC rights) let alone political/civil rights. Since 1994 Malawi has made progress in allowing its citizens exercise their political and civil rights but the discussion of ESC rights has been largely neglected. We believe that the pursuit of political and civil rights cannot be divorced from the satisfaction of economic, social and cultural rights and will therefore advocate for the rights of all Malawians to adequate food, water, health, education, housing and cultural fulfillment.

Malawi is a state party to a number of UN human rights treaties and to the African Charter on Human and Peoples' Rights that emphasizes the interdependence of human rights by recognizing that the "satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights". In addition, the government has expressed its commitment to reduce poverty and meet the Millennium Development Goals.

CFJ will therefore work to:

- ✚ Create awareness of ESC-rights;
- ✚ Lobby for domestication of international instruments which Malawi has ratified;
- ✚ Support the Malawian citizenry which wants to access and enjoy these rights.

Corruption

Corruption is very rampant in Malawi to the extent that it has been institutionalized. It impacts heavily on service delivery in most public sectors and the most vulnerable in society lose out the most. CFJ is committed to a corrupt free society and will:

- i. Engage relevant stakeholders and lobby for stiffer penalties in corruption cases;
- ii. Name and shame institutions or individuals, which are involved in corruption.

Policy lobbying

At the core of CFJ's interventions on governance is the role of influencing pro-poor policy outcomes and we will lobby for law reforms in the areas, which are astute to our objectives.

ENVIRONMENTAL JUSTICE

Environmental justice is one of the core pillars of CFJ. CFJ believes in the equitable and sustainable use of the environment and natural resources. Within the environmental justice program, CFJ will place emphasis on the following critical issues affecting the environment and the socio-economic well being of Malawians:

Climate Change Justice

Climate change is widely recognized as the major environmental problem facing the world today, which threatens the lives and livelihoods of millions of people. The main cause of this problem is the unsustainable level of consumption, which uses large quantities of energy for production and transportation. There is need to adopt sustainable lifestyles and safeguard the rights of the most vulnerable and share the burdens of climate change and its resolution equitably and fairly. Those who have benefited and still benefit from emissions in the form of ongoing economic development and increased wealth, mainly in industrialized countries, have an obligation to share benefits with those who are today suffering from the effects of these emissions, mainly vulnerable people in developing countries like Malawi. CFJ believes in the polluter pays principle and will campaign for the industrialized countries to contribute a huge chunk towards addressing climate change. People in low-income countries like Malawi must have access to opportunities to develop low-carbon growth and adapt to climate change. We shall widely engage in climate change justice campaigns against the promotion of false solutions to climate change at community level (e.g. REDD and REDD+ initiatives which have a negative bearing on the livelihoods of rural communities) and advocate for climate change adaptation financing and the cutting of carbon emissions at the source. We shall also help communities mitigate the impacts of climate change by conducting awareness campaigns and educating them in alternative farming practices and water conservation strategies such as catchment protection and water harvesting. As a way of strengthening resilience, CFJ shall engage in Community Based Natural Resources Management (CBNRM).

Environmental Pollution

Environmental pollution remains one of the worst environmental problems in Malawi responsible for a series of health hazards. Even though this is the case, the Environmental Management Act (1996) stipulates that every citizen has a right to a clean and decent environment. CFJ therefore believes in environmental sanitation as one way of curbing this environmental ill. Particularly, CFJ is interested in promoting sound waste management and access to clean and portable water. The water system in Malawi is heavily susceptible to pollution from a wide range of industrial effluents, such as radioactive waste from uranium mining and chemicals from agricultural fields. In 2010 the UN General Assembly adopted a resolution recognizing access to clean water and sanitation as a human right. Thus when taken as a human right, the right to water places certain responsibilities upon the government to ensure that people can enjoy sufficient, safe, accessible and affordable water, without discrimination. Specifically, governments are expected to take reasonable steps to avoid a contaminated water supply and to ensure there are no water access distinctions amongst citizens.

Sustainable Natural Resources Management

CFJ subscribes to the goal of the National Environmental Policy (NEP) which focuses on the promotion of sustainable social and economic development through sound management of the environment and natural resources. While there is recognition among various stakeholders in Malawi that our economy is highly dependent on natural resources and that if these are depleted or degraded, long term food security and sustainable economic growth will be seriously affected, there is little public understanding of environment issues; many people cannot link natural resources to their economic and social welfare. Beyond the common Malawian, government officials and even the legislature reflect in their decisions limited understanding of the importance of natural resources. CFJ shall encourage various stakeholders and communities to pursue sustainable and Community Based Natural Resources Management (CBNRM). Within this thematic area CFJ will focus on the sustainable utilization of forest resources, the protection of catchment areas, and the promotion of ecological farming.

ECONOMIC JUSTICE

For CFJ, economic justice entails that government policies must result in a fair distribution of wealth emanating from natural resources and that revenue and tax policies benefit ordinary Malawians instead of big corporations. We believe that government needs to resist prescriptive neoliberal practices that could be detrimental to the welfare of the disadvantaged. CFJ endeavors to promote economic justice through campaigning for:

Revenue Transparency

Malawi is currently undergoing what may be called a resource boom as the country has shifted its economic focus from agriculture towards large scale mining in order to boost its GDP. The recent commissioning of Kayelekera's uranium mining, Shayona's and Lafarge's cement production and other ventures have increased the sector's contribution to GDP to about 6%. Furthermore, Kanyika's yet to be licensed niobium project has the possibility of contributing \$184 million to the country's economy. With all this and other prospects, the World Bank estimates that the mineral sector will generate \$400 million in the medium term. Worldwide countries rich in natural resources have tended to suffer from poor governance and higher incidences of conflict. CFJ intends to encourage revenue transparency and accountability in the extractive industry. The objective is to increase the amount of information to the public about natural resource revenue collection and expenditure to hold both the government and companies accountable. Together with other CSOs CFJ is at the core of the debates on the relevance of the Extractive Industry Transparency Initiative (EITI) in Malawi which we believe is an important tool for achieving revenue transparency. This initiative would introduce the Publish What You Pay (PWYP) and the Publish What You Receive campaign which currently do not exist in the country.

Business and Human Rights

Multinational Corporations (MNCs) maintain economic and political power which is often used to violate rights in Third-world countries including Malawi. MNCs frequently exploit local labour, flout local policy and legal frameworks, use double but exploitative standards across different countries and their operations disturb the livelihoods and cultures of indigenous communities. In the pursuit of profits, most MNCs leave local communities with the burden of environmental damage and wastes. With emphasis on the extractive industry, CFJ/FoEM will raise public awareness on the activities of multinational companies and campaign for MNCs to be accountable to both the Government of Malawi and its citizens. We believe that a new international legal framework should be introduced to hold the MNCs accountable.

Tax Justice

Over time local and foreign companies have developed tax evasive schemes. Due to their economic strength, some companies have been able to coerce the government into granting them undue tax holidays. Being poor and afraid of losing out on investment opportunities, more often than not Malawi has caved in to such exploitative tax evasive schemes, hence involuntarily becoming a tax heaven for more like-minded TNCs. This coupled with capital flight leads to the leakage of benefits accruing to the government, which eventually should have trickled down to its citizens. Ordinary Malawians in turn bear a heavier tax burden. CFJ shall expose such corporate malpractices and advocate for the eradication of tax loopholes in Malawi, the region and the world.

SOCIAL JUSTICE

CFJ believes in a just society in which people are treated equally regardless of their color, ethnicity, gender or social standing. We are particularly committed to promoting and defending the rights of socially disadvantaged groups and persons. In the next four years, CFJ will focus on the following issues to promote social justice in Malawi:

Food Sovereignty

Malawi's food situation remains precarious due to a variety of factors including unreliable land tenure systems and the threat posed by the looming scramble for land by multinational corporations. The country's customary land tenure system means that Malawian farmers have no guarantee that they will farm on the same piece of land in subsequent seasons because traditional leaders and government can demand that land at any time. Besides, the government has a lease system where corporations or people who want to farm on commercial basis can lease land for a period of 99 years subject to renewal. Corporations are now calling Africa "the green OPEC" and they are heading into the continent to start large plantations and smallholder contract farming to produce agro-fuels. In most cases this process takes away local people's farming land, hence endangering their food sovereignty. CFJ will campaign against the squeezing out of small-scale farmers and the undermining of local forms of food production/consumption and the expansion of corporate ownership and/or control of the entire food system. We will also inform communities on the negative impacts of bio-fuels production, GMOs and environmentally/socially harmful practices arising out of such neoliberal initiatives like the Alliance for the Green Revolution in Africa (AGRA).

Public Interest Litigation

Poor governance, inadequate/lack of implementation of legal frameworks, corporate greed and glaring income inequalities have rendered the poor in Malawi particularly vulnerable to abuses of various kinds. CFJ undertakes to represent vulnerable Malawians who are abused or aggrieved by corporations and those in authority/positions of power.

Gender and Women's Rights

Malawi is a heavily patriarchal society where women have little to no say in family and public affairs. Women are underrepresented at all levels of society and often experience gender related exploitation and violence. CFJ will make sure that gender mainstreaming and women's rights are incorporated into all its activities and advocacy campaigns.

FINANCE AND ADMINISTRATION

Since CFJ was founded in 2005 the institution has been growing in its scope of work and activities. From an initial focus on environmental justice, we have expanded to include economic and social justice issues as well as governance. This situation calls for an institution, which is capable of handling increasingly complex challenges. CFJ shall engage in the following in order to enhance our institutional capacity:

Resource Mobilization

The limited nature of resources is the major challenge facing CFJ at the moment. We need to build a strong resource base in order to be able to effectively carry out our programs and activities. We shall do this by:

- i. Scaling up our resource mobilization efforts
- ii. Identifying potential donors whose funding criteria match our work
- iii. Establishing networks with other NGOs and gather relevant information on funding opportunities
- iv. Intensifying proposal writing efforts

Capacity Building

As a growing organization dealing with complex issues, we need to strengthen our institutional capacity to be able to effectively engage in policy analysis, advocacy and lobbying and campaigns against government or corporate impunity. In this regard, CFJ undertakes to:

- ❖ Improve institutional governance in order to enhance our long-term viability and strategic leadership in accordance with its strategic plan;
- ❖ Train officers to acquire specialized expertise in areas of our intervention
- ❖ Foster CFJ's participation in policy dialogue forums at national, regional and international level with partner institutions involved in policy dialogue and advocacy;
- ❖ Enhance the capacity of CFJ to increase its sectoral, geographical and program scope based on new themes identified in this strategic plan.