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REGISTERED AT G.P.O. AS A NEWSPAPER

VOL. 28 NO. 172

FRIDAY, 27 AUGUST 2021

WWW.MWNATION.COM

PRICE: K600

Aleke's widow passes on, burial today



PHOTOGRAPH: NATION

Mourned: Mbumba Margaret Banda

SELLINA KAINJA
NATION ONLINE EDITOR

Mama Mbumba Margaret Banda, the widow of one of Malawi's distinguished politicians Aleke Kadonaphani Banda (AKB), has passed on and will be laid to rest at the family's compound in Chirimba,

Blantyre today.

According to her first-born son Masankho Banda, Mbumba Banda Snr, fondly addressed by her initials MMB, died of Covid-19 complications at around 12.30pm yesterday at Partners in Hope Hospital in Lilongwe.

He said his mother had

been in hospital for 10 days.

Masankho said: "She fought gallantly, but with age and other comorbidities it was a lot for her."

He said that the late MMB will be laid to rest next to her husband, AKB, who succumbed to leukemia cancer on April

9 2010.

Masankho described his departed mother as a dedicated wife, loving mother, grandmother and great grandmother.

He said: "Our matriarch has gone to be with the angels. We are devastated

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Mchacha, 2 others arrested for alleged abuse of office
—National P3

JUSTICE FOR POOR FIGHT INTENSIFIES

- Judiciary, some lawyers back Legal Aid proposal
- Malawi Law Society lone voice against paralegals

FRANK NAMANGALE, News ANALYST

The battle for legal representation for the poor has intensified with the Judiciary, some lawyers and civil society organisations backing a Legal Aid Bureau proposal to allow paralegals limited access

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PHOTOGRAPH: NATION

Most poor suspects have no legal representation in court



Parliament confirms 18 diplomatic mission heads
—National P3

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THE NATION
COMMENT

Legal Aid proposal is win-win scenario

The proposal to amend the Legal Aid Act to allow paralegals to represent clients in magistrates' courts should be looked at soberly despite the opposition to it as it presents a win-win scenario in a country where the majority poor have no access to justice.

On the other hand, the Malawi Law Society's objection to the proposal on the basis that it might lead to lowering of standards and that everyone is equal under the law also sounds valid.

But when the Law Society's argument is weighed against the reality on the ground, it pales into comparison as advantages of amending the Act far outweigh those against it.

Firstly, while everyone is indeed equal before the law, the current situation in the justice delivery system shows that the rich are more equal than others because the law seems to favour them.

There are many people who have overstayed on remand as they cannot afford a lawyer. It would not be an understatement to state that recent events in the handling of cases of the downtrodden have shown that lawyers are not yet ready to serve the poor.

And even if government were to adequately fund Legal Aid to hire many lawyers, they would still be overwhelmed to service thousands upon thousands of unrepresented poor Malawians on remand.

In the same vein, what would be the argument for rejecting paralegals when police prosecutors, most of whom do not have a law degree, are successfully prosecuting criminal cases?

Why should the Legal Aid Bureau be denied the chance to come to the rescue of people who don't have access to a lawyer on the basis of their training when lay magistrates, who are not lawyers, are presiding over cases?

It is for this reason that we feel the cost-benefit analysis of the whole proposal swings towards allowing Legal Aid amending its Act to allow their paralegals to represent the poor. ■

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by this loss. The long and full life that she lived comforts us.”

Born on October 11 1938 to Mr and Mrs Kahumbe in Chirimba, Traditional Authority Machinjiri in Blantyre, Mbumba Margaret Banda was one of the nine children. She got married to Aleke Banda in 1961.

Masankho said his parents had a very loving, adventurous and active life together until Aleke's death

Aleke's widow passes on

in 2010.

He said his mother was very active in politics, church and community affairs.

She is survived by children, grandchildren and great grandchildren.

Meanwhile, Vice-President Saulos Chilima and Madame Mary Chilima said they learnt with shock the death of Mbumba Margaret Banda and prayed

for her peaceful rest.

Until her death, Mbumba Margaret Banda was a shareholder and director in Nation Publications Limited (NPL) which AKB established in 1993.

The multi-award winning NPL publishes *The Nation*, *Nation on Sunday*, *Weekend Nation*, *Fuko* and *Nation Online*. NPL currently employs about 260 people nationwide. ■



Masankho Banda: She fought gallantly

PHOTOGRAPH: NATION

Mchacha, 2 others arrested for alleged abuse of office

JONATHAN PASUNGWI
STAFF REPORTER

The Anti-Corruption Bureau (ACB) has arrested former minister of Irrigation and Water Development Charles Mchacha and two other public officers for alleged abuse of office during the Democratic Progressive Party (DPP) administration.

The two public officers are former Ministry of Irrigation and Water Development Principal Secretary (PS) Henrie Njoloma—now PS in the Office of the President and Cabinet—and Lilongwe Water Board (LWB) acting chief executive officer Moses Mwenye.



Facing fresh charges: Mchacha

ACB principal public relations officer Egrita Ndala said in a statement yesterday that on August 24 2020 the bureau received a complaint that LWB paid for

Mchacha's accommodation at the Protea Hotel by Marriott Blantyre Ryalls on his honeymoon.

She said the bureau's investigations established that Mchacha, who is Democratic Progressive Party (DPP) regional governor for the South, allegedly directed Njoloma to facilitate accommodation and food at the hotel using public funds on the pretext of lobbying for adjustment of water tariffs.

Reads the ACB statement in part: “The investigation also established that Dr. Henrie Njoloma being Principal Secretary for Ministry of Irrigation and Water Development and

PHOTOGRAPH: NATION

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in magistrate's courts.

But the Malawi Law Society (MLS) has remained a lone voice, protesting the proposal on the basis that it would lower legal practice standards and compromise access to justice.

During a public hearing conducted by the Legal Affairs Committee of Parliament in Blantyre yesterday, MLS cautioned the committee and accused government of failing to meet its responsibility to adequately fund the Legal Aid Bureau to make it competitive and employ qualified lawyers.

MLS president Patrick Mpaka argued that everyone is equal before the law, adding that allowing the amendment to the Legal

Legal Aid Act review debate hots up

Aid Bureau Act would mean entrenchment of inequality by the State where the rich would still proceed to seek legal services from lawyers admitted to the bar while the poor would be served by paralegals through the Legal Aid Bureau.

In an interview later, Mpaka said: “We are urging everyone involved in this to be cautious in the manner they approach the issue. When the Constitution talks of a legal practitioner, it is that person admitted to the bar. I do not think our intention is to do away with the supreme law of the land.”

But the MLS voice was drowned by other stakeholders at the hearing,



Mpaka: Be cautious on the issue

including the Judiciary who spoke in support of the amendment to allow paralegals limited access in subordinate courts and on categorised cases.

Former minister of Justice and Constitutional Affairs Bright Msaka—who

attended the hearing as a member of the Legal Affairs Committee—and lawyer Bright Theu, present in his personal capacity, also spoke in support of the proposal to allow paralegals limited audience in magistrate courts.

Msaka allayed fears that the proposal, if taken on board, would mean amending a number of sections in the Constitution, arguing that even where it may require repealing the whole Constitution, so be it as long as it is in the interest of Malawians.

He asked MLS to ask itself why it is the only voice against the proposal, urging the lawyers' body to consider the greater interest

of people.

In his contribution, Theu posed a probing question for the Legal Affairs Committee to consider what would be better for someone to have legal representation from a paralegal in the categorised cases before magistrate's courts or have no representation at all.

He said he was in support of the proposal to allow paralegals limited audience in subordinate courts as long as there were necessary regulations and supervision from legal practitioners within the bureau.

Making a clarification during the hearing, Legal Aid Bureau director Masautso Chamkakala said the right to audience in

subordinate courts would be restricted to paralegals working for the bureau.

He said paralegals would not compete for the same market with the licensed lawyers, but would be there to offer free services to poor members of the society in categorised minor cases hardly taken by town-based private lawyers.

Directly responding to MLS, Chamkakala said: “The Malawi Law Society should not be worried of standards. We have paralegals that can match legal practitioners admitted to the bar foot by foot, even much better.”

“Some of the paralegals we are talking about are

PHOTOGRAPH: NATION

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YEWU MUNTHALI
STAFF REPORTER

Medical Council punishes 10 for misconduct

Medical Council of Malawi (MCM) has punished 10 medical professionals and slapped them with suspensions and fines after finding them guilty of alleged medical negligence and unprofessional conduct.

In a published statement dated August 26 2021 titled Report on Disciplinary Cases and Their Outcomes for 2019-2020, the profession's regulatory body stated that it conducted investigations and disciplinary hearings after receiving complaints from the

public.

In a telephone interview yesterday, MCM registrar Richard Ndovie explained that while some cases were on alleged negligence on the part of the practitioner, others were a result of poor medical facilities and low staffing levels in the county's hospitals.

But he was quick to add that the problem rocking the health sector should not be an excuse for medical practitioners to violate ethics.

Ndovie said: "The state of

our facilities is exposing our practitioners to make decisions that are not appropriate, sometimes leading to loss of life, therefore, as a country we need to ensure that they are provided with a working environment that is well equipped because we are dealing with people's lives."

Commenting on the outcome of the disciplinary hearings, Society of Medical Doctors president Victor Mithi agreed with MCM registrar on the government's need to improve the health

facilities to avoid overwhelming the doctors.

He said: "We ought to safeguard the rights of our patients and it is sad that we are caught in such cases of negligence, however, other cases are as a result of overworking the few doctors available that are also working under poor conditions."

Malawi Equity Health Network executive director George Jobe commended MCM for the action it has taken towards the misconducts and called for stiffer

punishments.

Some of the affected doctors, speaking on condition of anonymity, indicated yesterday that they will challenge the determinations.

The affected professionals are clinical officers Lewis Munyungu, Grace Mtsiri, Lastone Mkandawire, Owah Kapito and Blessings Kapesi. The list also includes specialists Martha Makwero, Frank Taulo and Frank Rajabu as well as medical practitioner Dr Innocent Mhango. ■

Parliament confirms 18 diplomatic mission heads

GEORGE SINGINI
STAFF REPORTER

The Public Appointments Committee (PAC) of Parliament has confirmed 18 heads of Malawi embassies out of the 19 President Lazarus Chakwera appointed.

PAC chairperson Joyce Chitsulo on Wednesday confirmed that the committee conducted interviews for 18 appointees and that it found them capable of handling the positions.

She said the committee has hope that the members will perform to the expectations and ensure that the country benefits.

Said Chitsulo: "We are talking of appointees that have been working in senior positions here in Malawi and outside the country. We believe they are professional people."

"Politics aside, the people that were appointed were appointed on merit. During



Nairobi-bound: Mutharika



Heading to Geneva: Dzonzi

the interviews, we were convinced. These are not the type of people that would just go there as tourists. Definitely they are going to make sure they meet the expectations."



Chitsulo: The people were appointed on merit

She said the committee will also engage the heads of missions from time to time and monitor their operations to see that they are living up to the task and the country is benefiting.

Chitsulo added that the committee was also impressed that there was good representation of women to serve as head of

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ACB arrests ex-minister Mchacha, 2 others

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Mr. Moses Mwenye being acting chief executive officer for the Lilongwe Water Board respectively, aided, and abetted Hon Charles Mchacha to abuse his office by initiating and instructing the process of preparing payment, using government funds for lodging services and beverages at Ryalls Hotel in Blantyre."

In an interview last evening, Ndala said the trio was being held in Lilongwe.

She said the suspects will

be taken to court after being interviewed by the bureau, adding that they would likely be charged with abuse of office, neglect of duty and theft by conversion.

Mchacha is also answering another case where he is accused of allegedly inducing public officers to perform their duties corruptly and using insulting words against Nation Publications Limited journalist Bobby Kabango in relation to procurement of public land belonging to Department of Forestry in Kanjedza Forest in Blantyre. ■

VACCINATION UPDATE



BRIEF

Escom procurement case adjourned to October 4

High Court of Malawi Judge Sylvester Kalembera yesterday adjourned to October 4 2021 for continued hearing the K5.2 billion procurement case against former senior executives of Electricity Supply Corporation of Malawi (Escom). In the case, former Escom board chairperson Jean Mathanga, former chief executive officer John Kandulu, former director of procurement Fanuel Nkhono and senior procurement manager Emmilius Kandapo are accused of flouting procurement procedures. In his testimony yesterday, Escom senior risk manager Louis Mlangiza, formerly the parastatal's chief internal auditor, told the court that procurement processes were flouted in the deal. He said the utility company, among other things, asked the Public Procurement and Disposal of Assets Authority for a waiver to use single-source procurement when the goods had already been delivered and payment processed. The procurement in question happened in 2015.—JONATHAN PASUNGWI, STAFF WRITER

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lawyers with law degrees, some studied outside the country and our proposal is clear."

Chipping in, Centre for Human Rights, Education, Advice and Assistance (Chreaa) executive director Victor Mhango, whose organisation works in prisons, said the bureau's proposal would help and reach out to thousands of Malawians languishing in prisons without access to lawyers.

In an interview later, he said 95 percent of inmates

Justice for the poor fight rages on

are poor and illiterate and that prison occupancy is at 260 percent beyond what is recommended.

Representing the Judiciary, Kondwani Banda, senior deputy registrar at the High Court of Malawi and Malawi Supreme Court of Appeal, said the Judiciary had no problem with the proposal as long as it would have proper regulations and checks.

Legal Affairs Committee chairperson Peter Dimba said it was pleasing that



Chamkakala: Some of them are lawyers

the proposal was getting support.

In a letter to the Legal Affairs Committee of

Parliament dated April 7 2021, the Legal Aid Bureau is advocating for limited right of audience in particular in subordinate courts that deal with matters that are within the competence levels of legal aid assistants.

But MLS, in a response addressed to the Legal Aid Bureau dated June 14 2021, with copies to all the stakeholders, says it does not support the idea of amending section 14 of the Legal Aid Bureau Act in the way proposed. ■

PHOTOGRAPH: NATION

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Chakwera commits to green economy

LLOYD CHITSULO
STAFF REPORTER

President Lazarus Chakwera has committed to ensuring Malawi becomes a green economy in line with global United Nations Sustainable Development Goals (SDGs) by financing and implementing climate change adaptation and mitigation measures.

The President was speaking yesterday in Lilongwe at the National Green Climate Conference and the launch of the Women Network in Climate Change.

Chakwera said it is right to call the current climate situation, a crisis, not only to the world in general, but to Malawi in

particular, as it presents the single biggest threat to the nation's sustainable development.

He said: "We have over 225 organisations across our country implementing climate change-related initiatives and interventions."

To achieve the green economy ambition, Chakwera called on Malawians and partners to do five things, including increasing the adaptive capacity and resilience of the Malawian people; and supporting climate friendly economic and social activities such as Clean Up Days.

UN resident coordinator Maria Jose Torres said climate change hazards in Malawi have increased in frequency, intensity, and magnitude over the past 20



PHOTOGRAPH: NATION

Chakwera: There are initiatives in place

years, with dire consequences on food and water security, water quality, energy resources, and sustainable livelihoods of the most rural communities.

She expressed concern that from 1979 to 2019, 2 656 Malawians

perished due to natural disasters, and nearly another 21.7 million people were adversely affected.

National Planning Commission director general Thomas Chataghalala Munthali said in the Malawi 2063, environmental sustainability is one of the key enablers.

Minister of Forestry and Natural Resources Nancy Tembo said the creation of the network is part of ensuring inclusiveness.

Between 2015 and 2016, nearly half the country's population required humanitarian assistance due to floods and droughts at \$994 million (about K805 billion), an equivalent of 14 percent of the gross domestic product which government fears is likely to continue. ■

Escom outlines new connection hurdles

GRACE PHIRI
NEWS ANALYST

Electricity Supply Corporation of Malawi (Escom) says funding gaps and lack of cost-reflective tariffs are preventing the power utility from connecting new customers to the national grid.

Speaking at a news conference in Blantyre yesterday to give an update on new electricity connections, Escom senior manager for commercial and customer services Wiseman Kabwazi said the situation has forced some upper class consumers to jump the queue by paying the full cost, with 41 196 customers on the waiting list.

He said to connect a new customer, it costs about K282 000 for domestic consumers, with urban consumers paying an average of K93 000 and those in rural areas K5 000.

The pricing is determined by the cost of labour, maintenance, transport and supervision costs, according to Escom.

For those in the rural areas, government subsidises the charge through Malawi Rural Electrification Project while for the urban consumers, Escom bears the funding gap.

Kabwazi said: "At the moment, we have to write Malawi Energy Regulatory Authority on the new connections we want to have for a particular year to allow Escom borrow money from financing institutions to implement the



PHOTOGRAPH: NATION

An Escom technician fixes a fault on the grid

project. "This cost is then reflected in the electricity tariffs after the new connections have been done. However, the capacity to go and borrow has been a challenge because of our financial status now."

In his presentation, he said in 2020 Escom spent K10 billion out of the K14 billion invested for connecting 50 000 new customers.

"At the moment, Escom is targeting to connect areas with more customers and huge market potential," Kabwazi said.

Figures from Escom show that to attain 30 percent electricity access, the utility company will have to make 150 000 new connections with customers contributing K12 billion while the parastatal will have to subsidise the cost with K30 billion.

In July this year, Escom said private companies and government ministries, departments and

agencies (MDAs) owed it about K42 billion in unsettled electricity bills.

On his part, Escom public relations manager Innocent Chitosi admitted that they fail to meet customer expectations as everyone wants to be connected and have power all the time.

Malawi has one of the lowest electricity access rates at 18 percent, with 12 percent from the national grid and six percent from mini off-grids. This compares to 42 percent access rate in low-income countries and 48 percent in sub-Saharan Africa, according to World Bank figures.

The World Bank further says there is glaring inequality among the rich and the poor when it comes to access to electricity as the poorest 20 percent of Malawians have one percent electrification rate while the richest 20 percent have 31 percent electrification rate. ■

Parliament confirms 18 new diplomats

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missions. However, former presidential chief adviser on strategy Chris Chaima Banda, who was appointed to serve in Brasilia, Brazil, did not attend the interviews.

In this case, Chitsulo said the President will have to replace the appointee.

The appointments by Chakwera raised various questions, including the decision to appoint judges as heads of missions.

The appointees are Charles Peter Msosa to Addis Ababa in Ethiopia, Allan Joseph Chimteza to Beijing in China, Joseph Mpinganjira to Berlin in Germany, Naomi Mkandawire Ngwira to Brussels in Belgium, Catherine Kunje to Cairo in Egypt, Andrew Kumwenda to Dar es Salaam in Tanzania and Justin Dzonzi to Geneva in Switzerland.

The others are Mwayiyawo Polepole to Harare in Zimbabwe, Younos Abdul Karim to Kuwait, Thomas John Bisika to London in the United Kingdom, Margaret Kamoto to Lusaka in Zambia, Wezi Moyo to Maputo in Mozambique, Callista Mutharika to Nairobi in Kenya, Leonard Mungezi to India, Agnes Chimhiri to the United Nations in New York, Stella Hauya Ndaui to Pretoria in South Africa, Kwacha Chisiza to Tokyo in Japan and Esme Chombo to Washington DC in the United States of America. ■