
Customary Pathways to Justice

Transitional Mechanisms of Reconciliation in Malawi's Post-Authoritarian Transition

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Abstract

Malawi's transition from an entrenched authoritarian regime under the Malawi Congress Party (MCP) led by Dr Hastings Kamuzu Banda – the country's first president following independence – to a multi-party democracy in 1994 remains a distinctive case within African transitional justice debates. Unlike states that pursued highly institutionalised truth commissions or formal legal accountability, Malawi's transition unfolded without a truth commission, no structured public hearings, and no official reparations framework. Yet the country avoided large-scale post-authoritarian violence. This article examines how Malawians navigated the legacies of fear, repression, and collective trauma by relying on customary institutions, religious networks, and community-based mechanisms of reconciliation. Drawing on secondary literature and evidence from interviews captured in the documentary, *PAC & Malawi's 20 Years of Multi-Party Democracy (2013)*, the study argues that religious actors, chiefs, and community elders served as de facto mediators and custodians of moral authority. Their actions, from the clandestine distribution of the 1992 Pastoral Letter to political mediation, reflects a model of grassroots transitional justice rooted in cultural legitimacy. With comparative insights, the article demonstrates that Malawi developed a hybrid reconciliation model grounded in dialogue and communal truth-telling. However, the absence of formal truth-seeking produced enduring challenges in civic education, memory formation, gender justice, and accountability. The paper concludes by proposing complementary mechanisms that can reinforce Malawi's hybrid reconciliation landscape.

Key words: *Malawi, Transitional Justice, Customary Justice, Reconciliation, Public Affairs Committee, Authoritarianism, Truth-Telling, African Peacebuilding*



Introduction

Malawi's political transition from a centralised one-party regime under Dr Hastings Kamuzu Banda to a multi-party system in 1994 represents one of the most peaceful yet least formally structured transitions on the African continent. In contrast to South Africa's Truth and Reconciliation Commission, Rwanda's *Gacaca* courts, or Sierra Leone's hybrid tribunal, Malawi undertook no national truth commission, initiated no formal programme of transitional justice, and implemented no state-led mechanism for public truth-telling or official accountability. Despite this absence, the country did not descend into cycles of revenge or destabilising political violence. Instead, reconciliation unfolded through community-driven, customary, and religious structures that had long governed social relationships and mediated everyday disputes, and which helped manage social tensions during and after the transition.

This paradox of *peace without a formal truth process* invites a deeper examination of how Malawians navigated the legacies of repression, fear, arbitrary detention, political violence, and structural inequalities. Malawi's democratic transition has attracted increasing scholarly attention. Studies of Malawi's political evolution highlight the persistence of authoritarian legacies and the hybrid character of its democratic institutions (Gondwe, 2024; Gondwe, 2025). Scholars examining Malawi's political trajectory have also noted the complex interaction between civil society activism, religious institutions, and political elites during moments of political crisis. However, despite this growing literature on Malawi's democratic development, relatively little research has examined how reconciliation and social repair unfolded in the absence of formal transitional justice mechanisms.

Existing scholarship has emphasised that transitional justice in Africa cannot be conceived solely through Western legal frameworks (Huyse, 2003; Boege, 2006). Instead, practices of truth-telling, forgiveness, and social repair often emerge through long-standing customary institutions, kinship networks, and religious bodies that command cultural legitimacy and moral authority. As such, this article asks the following research

question: *How did Malawi navigate reconciliation and social repair after authoritarian rule in the absence of a formal truth and reconciliation process, and what do these mechanisms reveal about the strengths and limitations of hybrid, community-based reconciliation?*

It argues that Malawi represents a distinctive model of post-authoritarian reconciliation in which customary, religious, and community-based mechanisms substituted for formal transitional justice institutions. By integrating qualitative insights from *PAC & Malawi's 20 Years of Multi-Party Democracy* (2013) documentary alongside transitional justice scholarship, the article contributes empirically and conceptually to debates on hybrid and locally grounded peacebuilding. The analysis demonstrates that while these mechanisms fostered short-term stability and moral accountability, the absence of structured truth-seeking generated enduring challenges related to memory, civic education, and inclusive justice.

The article draws on both established academic literature and oral testimonies from the aforementioned 2013 documentary, produced by the Public Affairs Committee (PAC) and broadcast nationally by the Malawi Broadcasting Corporation (MBC) Television. The documentary features extended interviews with religious leaders and civil society figures that played central roles during Malawi's transition. These testimonies reveal how religious networks facilitated truth-telling during the Banda regime, most notably through the clandestine circulation of the 1992 Pastoral Letter, which explicitly challenged the state's repression. They also demonstrate how PAC emerged as an unofficial mediator during the transition, facilitating dialogue between the presidency, opposition movements, and civil society actors.

The article situates Malawi within broader African experiences of transitional justice. The Malawi case emerges not as an anomaly but as a distinct model of community-driven transitional justice. This model privileges social harmony and restorative practices over retributive justice, yet remains vulnerable to elite capture, patriarchal biases, and inconsistencies in rights protection.

The remainder of this article is organised as



follows: Part II draws on literature to outline the theoretical and conceptual frameworks informing customary justice in Africa, examining legal pluralism, restorative justice, and hybrid peace governance. Part III details the study's analytical framework for examining reconciliation in the context of Malawi's transition from authoritarian rule. Part IV contextualises Malawi's historical and political trajectory while integrating evidence from the PAC documentary to illustrate how religious actors shaped the transition. Part V analyses Malawi's hybrid reconciliation pathway, focusing on the role of religious mediation, customary dialogue, and community-based moral authority. While this approach contributed to peaceful political transition and social stability, it also produced enduring limitations in areas such as historical accountability, collective memory formation, and gender justice. The conclusion reflects on the implications of these findings for transitional justice theory and policy.

Literature Review

This section develops the theoretical framework that guides the analysis of Malawi's hybrid reconciliation pathway after authoritarian rule. By *hybrid reconciliation*, this article refers to an informal but durable constellation of actors that includes traditional authorities, religious institutions, and civil society organisations that collectively perform reconciliation functions typically associated with formal transitional justice mechanisms, such as truth-telling, mediation, moral accountability, and social repair (Boege, 2018; Paffenholz, 2021).

The article draws on four complementary strands of scholarship: legal pluralism, hybrid political order theory, restorative justice and positive peace theory, and the "local-turn" in peacebuilding. While restorative justice and positive peace theory provide normative insights into how reconciliation processes prioritise social repair, the article's core analytical framework rests on legal pluralism and hybrid political order theory. These approaches explain how authority and legitimacy are distributed across multiple actors in post-authoritarian societies, and how justice and

reconciliation can emerge through interactions between formal institutions and community-based authorities. Rather than treating transitional justice solely as a state-led institutional process, this framework conceptualises reconciliation as a socially embedded practice shaped by legitimacy, cultural norms, and negotiated authority. This theoretical lens is particularly relevant for analysing Malawi's post-authoritarian transition, where religious institutions, customary authorities, and civic actors played central roles in mediating political tensions and facilitating dialogue.

Governance and Authority

Legal Pluralism and Justice in African Contexts

Legal pluralism provides the foundational analytical lens for this article by explaining how multiple systems of authority and justice operate simultaneously within African societies. Rather than viewing customary justice as informal or residual, contemporary scholarship conceptualises it as a durable governance reality in which customary, religious, civil society, and state institutions coexist and interact in shaping socially legitimate justice outcomes (Ubink & van Rooij, 2011; Kyed & Gravers, 2019; Boege, 2018).

This lens is particularly relevant to contexts where everyday experiences of justice are often mediated through community-embedded institutions, even when formal courts are present. Legal pluralism therefore allows reconciliation to be analysed as a negotiated social process rather than a purely legal or institutional outcome.

However, while legal pluralism provides a powerful framework for understanding how multiple systems of authority coexist, it also has important limitations. Socio-legal scholars caution that legal pluralism can risk normalising unequal power relations within communities, particularly where customary and religious institutions are shaped by patriarchal norms and elite control (Ubink and van Rooij, 2011). In such contexts, the assumption that local justice is inherently legitimate may obscure patterns of exclusion, especially affecting women and marginalised groups. Moreover,



as critical perspectives on the “local turn” suggest, privileged local practices may reproduce informal hierarchies and silence dissenting voices (Kochanski, 2020). Legal pluralism may therefore prioritise social harmony over accountability, limiting the recognition of past abuses and reinforcing a culture of silence. These limitations are particularly relevant in Malawi, where informal reconciliation mechanisms contributed to political stability, but also left significant gaps in justice, memory, and inclusion.

Hybrid Political Order and Governance

Hybrid political order theory further explains how peace and reconciliation are co-produced through overlapping authorities rather than monopolised by the state. Boege (2018) argues that in many postcolonial contexts, governance and justice emerge through hybrid arrangements in which customary authorities, religious actors, civil society, and state institutions jointly shape norms and dispute resolution processes.

Paffenholz (2021) complements this perspective by conceptualising peacebuilding as non-linear and interactive, unfolding through repeated negotiation rather than a singular transitional moment. Together, these approaches explain how reconciliation emerges through interaction between formal and informal authorities.

Normative Approaches to Justice and Peace

Restorative Justice and Positive Peace

Within this conceptual terrain, restorative justice provides an important interpretive perspective for understanding how reconciliation processes prioritise the repair of social relationships rather than legal punishment. Restorative justice emphasises acknowledgement of harm, reintegration of offenders, and the restoration of community well-being.

These principles align closely with Galtung’s (1969) concept of positive peace, which defines peace not merely as the absence of direct violence but as the presence of social justice, harmonious relationships, and transformed structures that sustain dignity. While Galtung’s work predates

contemporary transitional justice debates, it remains analytically valuable as a normative foundational framework for understanding why many reconciliation processes, particularly in African contexts, emphasise restoring relationships rather than imposing retributive sanctions.

Contemporary legal empowerment scholarship further demonstrates that locally grounded justice institutions often operationalise this positive-peace logic in practice by addressing harm through social repair and collective responsibility rather than incarceration or adversarial adjudication (Ubink & van Rooij, 2011). This perspective provides an analytical basis for understanding why reconciliation in Malawi prioritised community dialogue, moral acknowledgement, and social repair rather than through legal punishment or formal truth commissions.

Localised Peacebuilding in Practice

The Local Turn in Peacebuilding

The “local turn” in peacebuilding refines these foundational ideas by emphasising that sustainable peace is produced through locally meaningful practices embedded in everyday social life. Recent scholarship has moved beyond early formulations of the local turn by highlighting that local agency is neither inherently emancipatory nor static, but instead shaped by power relations, negotiation, and contestation (Ljungkvist & Jarstad, 2021).

This refinement is crucial for analysing reconciliation in Malawi, where customary authorities, faith-based institutions, and civic actors operate within historically layered systems of legitimacy. By foregrounding local legitimacy and everyday practice, the local turn translates Galtung’s concept of positive peace into an empirical framework for analysing how reconciliation operates within hybrid governance settings (Ljungkvist & Jarstad, 2021; Paffenholz, 2021).

Analytical Framework

‘The theoretical perspectives discussed above provide the analytical basis for examining how reconciliation unfolded during Malawi’s transi-



tion from authoritarian rule. Rather than approaching transitional justice as a purely institutional or state-centred process, this article conceptualises reconciliation as a socially negotiated practice operating within legally plural and hybrid governance environments. In such contexts, authority and legitimacy are not monopolised by formal state institutions but emerge through interactions between civic, religious, customary, and political actors.

This article conceptualises reconciliation in such contexts as operating through a *legitimacy-based mediation mechanism*. In settings characterised by legal pluralism and hybrid governance, culturally legitimate actors, such as religious leaders, customary authorities, and civic intermediaries, mobilise moral authority and social trust to facilitate dialogue, reduce fear, and restore social relationships in the absence of formal institutional processes.

Therefore, this framework draws analytically from legal pluralism and hybrid political order theory, which explains how multiple systems of authority coexist and interact in shaping socially recognised justice outcomes. These approaches are particularly useful in contexts where state institutions possess limited legitimacy or institutional reach, allowing community-embedded actors to assume important mediating and peacebuilding roles. Existing scholarship on Malawi political development demonstrates that political stability has frequently depended on negotiated legitimacy, civil society activism, and religious mediation rather than exclusively formal institutional accountability (Ihonybere, 1997; Gondwe, 2024; Gondwe, 2025). Governance assessments further reveal persistent constraints in state capacity and public trust, reinforcing the continued relevance of churches, civic organisations, and traditional leaders during periods of political tension and social repair (BTI, 2024; Gondwe, 2024).

At the normative level, the framework also engages restorative justice and positive peace theory. Restorative justice perspectives emphasise relational repair, coexistence, and reintegra-

tion rather than retributive punishment, while positive peace highlights the importance of addressing social relationships, trust and structural conditions beyond the mere absence of violence. Insights from the “local turn” and hybrid peacebuilding literature similarly support the argument that reconciliation processes often derive legitimacy from culturally embedded actors and socially recognised forms of mediation rather than externally designed institutional models (Millar, 2011; Boege, 2018; Ljungkvist and Jerstad, 2021; Paffenholz, 2021).

At the same time, this article approaches legitimacy-based mediation critically. While community-embedded reconciliation mechanisms may contribute to peaceful coexistence and political stability, they can also reproduce silences, elite bargaining, patriarchal exclusion, and limited forms of accountability. Legal pluralism and locally grounded mediation do not automatically guarantee inclusive justice, particularly where women, marginalised groups and victims of repression remain underrepresented in public narratives of reconciliation. The analytical framework therefore examines not only how reconciliation was achieved, but also what forms of justice, memory, and recognition remained unresolved within Malawi’s post-authoritarian transition.

Memory, Inclusion, and Gender in Transitional Justice

While the preceding discussion explains how legitimacy-based mediation operated within legally pluralism and hybrid governance environments, the framework must also account for the unresolved tensions surrounding memory, inclusion, and justice. Transitional justice literature commonly identifies several core objectives pursued by societies emerging from authoritarian rule or violent conflict. These objectives include truth-seeking, accountability, reparations, institutional reform, and reconciliation. Figure 1 illustrates these widely recognised goals.



Figure 1
Goals of Transitional Justice



Source: Federal Judicial Center, *Judiciaries Worldwide: Transitional Justice* (n.d.).

Since 2011, transitional justice scholarship has increasingly recognised that justice after authoritarianism or violence may unfold through locally grounded practices rather than formal judicial mechanisms alone. Empirical research demonstrates that community perceptions of justice are often shaped by social reconciliation, dignity restoration, and acceptance rather than by legal verdicts or institutional procedure (Millar, 2011). At the same time, critical political economy perspectives caution that post-authoritarian societies may prioritise stability and survival over formal accountability, shaping how communities engage with justice and reconciliation processes (Macdonald, 2017). This body of work supports analysing Malawi's experience not as an absence of transitional justice, but as a form of *informal and hybrid transition justice* rooted in locally legitimate practices and constrained by political realities.

Memory politics constitutes a central dimension of reconciliation because the management of remembrance and silence shapes long-term social trust and democratic resilience. Contemporary scholarship highlights that dealing with painful pasts is an ongoing social process in which communities negotiate meanings of harm, respon-

sibility, and moral repair rather than a one-time institutional intervention (Hamber, 2015; Hughes, 2018). Recent studies further demonstrate that unresolved memory contests can persist long after political transitions, producing intra-community tensions and fragmented narratives even in the absence of renewed violence (Rosato & Lundy, 2023). In Malawi's case, the absence of a formal truth commission heightens the importance of examining how memory has been socially mediated through religious discourse, community dialogue, and selective silence, processes that align with, but also complicate restorative and positive-peace frameworks.

African policy frameworks reinforce the legitimacy of analysing reconciliation through community-based and non-judicial mechanisms. The African Commission on Human and Peoples' Rights (ACHPR) transitional justice study (2019) explicitly recognises that African approaches to transitional justice may include truth-seeking, reparations, institutional reform, and community-based practices, reflecting the importance of contextual legitimacy and participation. More recent African Union policy work further emphasises inclusive and participatory governance, particularly gender equality, as a prerequisite for



sustainable peace (African Union, 2023). These frameworks provide normative grounding for evaluating Malawi's reconciliation pathway not only in terms of stability, but also in relation to inclusion, voice, and long-term democratic accountability.

Gender and inclusion critiques remain essential to assessing the limits of customary and hybrid reconciliation mechanisms. Contemporary literature cautions that while community-based reconciliation can stabilise societies, it may also reproduce patriarchal norms or marginalise vulnerable groups if participation and rights protections are not actively ensured (African Union, 2023; Hughes, 2018). This critique is particularly relevant for Malawi, where customary and religious institutions have historically been male-dominated. Integrating these concerns into the analytical framework allows the article to assess reconciliation not only as a peace outcome, but also as a contested social process shaped by power, gender, and access to voice.

Theoretical Expectations

This article advances the argument that reconciliation in post-authoritarian contexts can emerge through locally legitimate mediation mechanisms even in the absence of formal transitional justice institutions. These theoretical perspectives collectively suggest that where authority is socially embedded within customary institutions, religious networks, and community organisations, processes of dialogue, moral acknowledgement, and social repair may substitute for state-led truth-seeking mechanisms.

Based on this theoretical foundation, the article presents the following hypothesis: *In post-authoritarian societies characterised by legally plural governance systems and strong community-based authority structures, reconciliation and short-term political stability are likely to emerge through hybrid and locally legitimate mechanisms than through formal state-centric transitional justice frameworks alone.* However, the same theoretical literature also anticipates a trade-off. While hybrid reconciliation mechanisms may foster peaceful political transitions and social stability, the absence of structured national truth-

seeking processes is likely to generate longer-term challenges related to collective memory, civic education, gender justice, and inclusive accountability. As a result, certain experiences of repression may remain undocumented or politically marginalised (Hamber, 2015; Hughes, 2018; ACHPR, 2019; African Union, 2023; Rosato & Lundy, 2023).

The Malawian transition therefore provides a valuable empirical case for testing these theoretical expectations. By examining the mediating role of religious leaders, customary authorities, and civic actors during Malawi's transition from authoritarian rule, the article evaluates both the strengths and limitations of hybrid reconciliation mechanisms in the absence of formal transitional justice institutions.

Historical and Political Context of Malawi and the Role of Customary Mechanisms in Reconciliation

Malawi's post-independence history is deeply shaped by authoritarian governance, the instrumentalisation of customary authority, and the moral influence of religious institutions in public life. Understanding how customary pathways to justice functioned during and after the transition from authoritarianism requires situating them within this broader socio-political landscape. Malawi's transition cannot be meaningfully analysed without appreciating how history shaped structures of legitimacy, how communities understood justice, and how cultural, religious, and civic actors mobilised at critical moments in national life (Gondwe, 2024; BTI, 2024). This contextual grounding is essential for interpreting how hybrid and customary models of reconciliation contributed to Malawi's relative political stability over the past three decades.

Case Selection, Data, and Methodological Approach

Malawi is selected as a case not because it represents a model transition in institutional terms, but because it presents a critical analytical puzzle



that speaks directly to the central research question of this article: *how might reconciliation and political stability emerge in post-authoritarian societies even in the absence of formal transitional justice institutions?* Despite experiencing three decades of authoritarian repression under a one-party state, Malawi transitioned to multiparty democracy without establishing a truth commission, criminal accountability processes, or formal reparations mechanisms. Yet the transition did not result in widespread post-authoritarian violence or prolonged cycles of political retaliation.

Through the theoretical framework earlier developed, the article investigates whether legitimacy-based and community-embedded reconciliation mechanisms can play a stabilising role in post-authoritarian transitions. In particular, the Malawi case allows the study to examine how religious institutions, customary authorities, and civic organisations functioned as informal mediators of political reconciliation during and after the democratic transition.

Recent comparative scholarship identifies such cases as analytically valuable for understanding how societies navigate post-authoritarian transitions through legitimacy-based, community-embedded, and hybrid governance mechanisms rather than through formalised justice processes alone (Paffenholz, 2021; Boege, 2018). By analysing Malawi's experience, this article contributes to broader debates on transitional justice by exploring how informal reconciliation structures may complement or substitute formal mechanisms.

Methodologically, the article adopts a qualitative interpretive case study approach drawing on historical scholarship, governance reports, and testimonies from the documentary *PAC & Malawi's 20 Years of Multi-Party Democracy* (2013). The documentary is treated as a curated historical source containing retrospective accounts from religious leaders, politicians, and civic actors involved in the transition. These testimonies are analysed thematically alongside secondary literature to identify patterns of mediation, moral authority, legitimacy, and reconciliation, consistent with qualitative approaches to transitional justice research (Millar, 2011; Kusumaningrum, 2016).

While it does not claim representativeness in a statistical sense, its analytical value lies in capturing elite and intermediary perspectives that shaped national reconciliation processes. Interpretive caution is maintained by triangulating documentary narratives with scholarly literature and policy reports (Hamber, 2021; Hughes, 2018). The study relies exclusively on publicly available material; no new interviews were conducted, which reduces ethical risks associated with data collection.

This article also briefly reflects a limited comparative perspective, situating the Malawi case within broader debates on transitional justice in Africa. By contrasting Malawi's legitimacy-based and community-embedded reconciliation mechanisms with transitions that relied more heavily on formal transitional justice institutions, the article explores whether informal and hybrid reconciliation structures can produce comparable outcomes in terms of political stability and social reconciliation.

Timeline of Malawi's Authoritarianism and Transition (1964 – 1994)

Malawi's authoritarian period established the structural and psychological conditions that later shaped its reconciliation trajectory. From 1964 until 1994, Malawi was governed under a centralised and repressive state led by Dr Hastings Kamuzu Banda. Governance relied on political surveillance, repression, and the instrumentalisation of customary and selected religious authorities to reinforce regime legitimacy, discourage dissent, and extend state influence into local communities (Ihonvbere, 1997, 225-228; Gondwe, 2024; BTI, 2024). While some religious institutions later became important sites of democratic resistance, particularly during the 1992 Pastoral Letter movement, elements of traditional authority structures remained closely embedded within state control and local political administration.

Prior to the transition, arbitrary detention, political disappearances, and the suppression of free expression were embedded in everyday life. State surveillance was enforced through the Malawi Young Pioneers and an extensive informant net-



work. Public criticism of the President constituted a criminal offence, and both formal and traditional courts were, at times, manipulated to silence political opponents. Such practices deeply eroded confidence in formal justice institutions and shaped popular expectations that justice would be mediated through moral and communal rather than legal channels (Gondwe, 2024).

Opening the Political Space: The 1992 Pastoral Letter

The 1992 Catholic Bishops' Pastoral Letter represents a decisive moment of moral truth-telling that helped open political space and delegitimise authoritarian rule prior to Malawi's democratic transition. Titled *Living Our Faith*, the letter acted as a catalyst for political transition by publicly criticising political repression, economic mismanagement, and human rights violations. As documented in the PAC documentary, Archbishop Tarcisius Ziyaye recalls that the letter articulated grievances long suppressed by fear, including restrictions on freedom of expression, declining education standards, and political intimidation (Public Affairs Committee, 2013).

The letter was distributed under clandestine conditions (Public Affairs Committee, 2013). Priests and nuns transported copies hidden beneath bandages and medicines in ambulances to bypass state surveillance and deliver the letter across all seven dioceses. This practice exemplifies how religious networks operationalised moral authority and social trust to overcome authoritarian restrictions and open political space – a pattern observed in other African reconciliation contexts of civic resistance and peacebuilding (Murithi, 2021; Paffenholz, 2021). While the letter primarily sparked political awakening and democratic mobilisation rather than reconciliation itself, the metaphor of the letter as “medicine”, as described by Father Gamba, symbolised the breaking of fear and silence that had psychologically constrained public expression under Banda's regime.

The letter also triggered broader ecumenical mobilisation. The Church of Central Africa Presbyterian (CCAP), alongside Muslim and other

Christian bodies, issued supportive statements, signalling a unified moral front against authoritarian rule. Such cross-faith mobilisation expanded political space for civic engagement and challenged the regime's moral legitimacy, consistent with findings on faith-based mediation in African peace processes (Murithi, 2021).

Civic Dialogue and Mediation: Formation of the Public Affairs Committee (PAC)

The political opening generated by the 1992 Catholic Bishops' Pastoral Letter contributed directly to the emergence of broader religious and civic mobilisation against authoritarian rule. As Meinhardt and Patel (2003) observe, the pastoral intervention broke a long-standing climate of fear and demonstrated publicly that the Banda regime could be challenged through organised civic and religious action. Within this expanding political space, the formation of the Public Affairs Committee (PAC) in 1992 by religious leaders and civil society actors, among others, institutionalised interfaith and civic cooperation into a national platform for dialogue, mediation, and democratic advocacy.

As the documentary's interviews emphasise, PAC was not created by the Banda regime but emerged through collaboration among religious leaders, civil society actors and growing public demands for political transformation (Public Affairs Committee, 2013). PAC's grassroots and interfaith origins enhanced its legitimacy across political and regional divides, enabling it to function as a trusted intermediary during Malawi's transition. In this sense, PAC represented the organisational extension of the moral and political awakening initiated by the Pastoral Letter, transforming religious truth-telling into sustained civic mediation and negotiated democratic engagement.

PAC therefore occupies a central position in this article because it illustrates empirically how non-state religious and civic actors can function as legitimacy-based mediation platforms during periods of political transition. This pattern reflects broader observations in Malawi's governance literature that religious institutions have historically exercised significant indirect polit-



ical influence during periods of national crisis through pastoral guidance, mediation, and civic mobilisation (BTI, 2024).

PAC as a De Facto Transitional Justice Actor

Between 1992 and 1994, PAC functioned as a de facto transitional justice actor by facilitating dialogue, mediating political tensions, and enabling collective truth-telling during Malawi's political transition. PAC assumed this role amid growing public distrust in authoritarian institutions, escalating political tensions, and the absence of legitimate state-led mechanisms capable of mediating democratic reform peacefully. As interviews in the documentary reveal, PAC leaders engaged directly with the Presidential Committee on Dialogue, advocated for political reform, and mobilised civic education ahead of the referendum (Public Affairs Committee, 2013).

PAC initially pushed for immediate general elections but pragmatically accepted the referendum framework amid resistance from political elites and institutional constraints surrounding rapid constitutional change. The referendum of 14 June 1993, in which 63 per cent of voters endorsed a multiparty democracy, marked a decisive rupture with authoritarian rule. Although PAC facilitated dialogue, civic participation, and political negotiation, it did not possess the constitutional authority or institutional mandate to implement formal accountability mechanisms such as prosecutions or truth commissions. Its role therefore reflected mediation and negotiated transition rather than legal adjudication, aligning with broader scholarship showing that informal transitional processes in politically fragile contexts often prioritise peaceful transition, participation, and institutional stability where formal accountability mechanisms remain politically or institutionally unfeasible (Millar, 2011; Macdonald, 2017).

Operation Bwezani (1993 - 1994)

During Operation Bwezani (1993 – 1994), the Malawi Defence Force disarmed the Malawi Young Pioneers, marking a critical turning point in Malawi's transition. Conducted with

widespread community support, the operation dismantled the regime's paramilitary enforcement arm. *Operation Bwezani* illustrates a rare alignment between coercive power and community legitimacy reinforcing rather than undermining social trust (Chirambo, 2004). This episode supports broader arguments that legitimacy-based security interventions can contribute to reconciliation when they are perceived as restoring dignity and safety rather than consolidating repression (Boege, 2018; Paffenholz, 2021).

Post-Transition Governance and the Enduring Role of PAC

After the 1994 elections in which Bakili Muluzi, under the political party, the United Democratic Front (UDF) defeated Banda by a margin of 13.72 percentage points, PAC remained active in monitoring governance, advocating for constitutional reforms, and promoting political accountability. The documentary offers detailed accounts of PAC's interventions in the 2003 "Open and Third Term" debate, when attempts were made to revise the constitution to allow Bakili Muluzi a third term. Religious leaders took immense personal risks to resist these changes, including accusations of harbouring personal vendettas against political leaders. Such testimonies highlight the costs borne by moral leaders in defending democratic values (Boege, 2018; Gondwe, 2024).

In 2007, PAC again played a critical mediating role during political tensions surrounding Section 65 of the Constitution, which governed floor crossing in Malawi's Parliament, and disputes over approval of the national budget. As interviewees in the documentary explain, PAC mediated between opposition parties seeking enforcement of Section 65 against Members of Parliament who had defected from the United Democratic Front (UDF) to the ruling Democratic Progressive Party (DPP), formed by President Bingu wa Mutharika following his resignation from the UDF, and which prioritised passage of the national budget.

PAC's national conferences in 2012 and 2013, held amid political and economic crises, further illustrate its evolving role. Despite government attempts to obstruct these gatherings,



PAC proceeded, drawing participation from diverse stakeholders. These conferences generated key recommendations on governance, economic reforms, electoral processes, and constitutional gaps. Their communiqués reached the President, Parliament, and international partners, reinforcing PAC's status as an institution capable of shaping national discourse. These interventions illustrate how hybrid mediation platforms can sustain political dialogue in contexts of institutional fragility (BTI, 2024; Paffenholz, 2021).

Relational Reconciliation: Customary Justice Systems as Local Foundations

Parallel to national-level mediation, customary justice mechanisms remained central to everyday reconciliation in Malawi. Chiefs and traditional authorities continued to resolve disputes involving land, inheritance, marriage, interpersonal conflict, and accusations of witchcraft. Such practices reflect relational conceptions of justice grounded in social harmony and reintegration rather than punishment (Milar, 2011; Ekpo, 2023).

Practices such as *kusasa fumbi* ("removing the dust") symbolically cleanse individuals after wrongdoing, facilitating integration. Elders mediate these processes by drawing on cultural norms and communal traditional trust. The moral authority of chiefs parallels that of religious leaders during the political transition, reinforcing the hybrid reconciliation landscape observed across many African societies (Boege, 2018; Murithi, 2021).

Hybrid Governance in Malawi's Reconciliation Landscape

Malawi's political transition produced a reconciliation landscape characterised by the coexistence of state institutions, religious organisations, civic actors, and customary authorities. Evidence from Malawi's political history and testimonies presented in the documentary indicate that reconciliation processes did not emerge through a single institutional mechanism. Instead, they developed through the interaction of multiple actors

operating at different levels of society.

At a community level, customary institutions continued to play an important role in maintaining social cohesion and resolving disputes. Chiefs and traditional authorities mediated conflicts related to land, family relations, and local governance, often emphasising restoration of relationships and reintegration into community life. These practices reflected long-standing social norms that prioritise reconciliation and communal harmony rather than punitive justice. In this sense, customary justice mechanisms complemented the mediation roles played by religious organisations and civil society actors during the political transition in Malawi.

The interaction between these actors created a hybrid governance structure in which reconciliation was pursued through overlapping forms of authority. These dynamics illustrate how political transitions in some African contexts are sustained through networks of institutions that extend beyond the formal state.

At the same time, Malawi's post-transition period *did* include certain formal institutional responses to the legacy of authoritarian rule. The democratic transition was accompanied by constitutional reforms, parliamentary oversight mechanisms, and the establishment of institutions such as Malawi Human Rights Commission, established under the 1994 Constitution to monitor human rights protection (Ihonybere, 1997; Ellet, 2008; BTI, 2024; Gondwe, 2024). However, the country did not establish a national truth commission, a specialised transitional justice tribunal, or a systemic reparations programme to address abuses committed during the Banda era. As a result, many experiences of political repression including detention, torture, and forced disappearances were never formally documented within a national truth-seeking framework.

Tensions, Limitations and Memory Gaps

While customary and hybrid mechanisms have facilitated social cohesion and political stability, they also reproduce structural inequalities and leave critical dimensions of justice unresolved. Gender inequalities remain particularly pronounced in cases involving land rights, di-



voice, and domestic violence, where reconciliation processes may prioritise communal harmony over individual rights and, in some instances, reinforce patriarchal norms (African Union, 2023). Women's participation within customary tribunals and religious leadership structures continues to be uneven, limiting the inclusivity and representativeness of reconciliation outcomes.

Customary institutions are also vulnerable to political manipulation, a legacy rooted in Malawi's authoritarian past. During the Banda era, chiefs were incorporated into the ruling party's apparatus and deployed as instruments of political surveillance and control. Although the post-1994 period has seen greater pluralism, these institutions remain susceptible to elite capture, particularly in contexts of executive dominance and political polarisation (Gondwe, 2024). This susceptibility complicates the assumption that customary authority is inherently neutral or emancipatory, underscoring the need for safeguards that protect local justice mechanisms from partisan influence.

Perhaps the most enduring limitation of Malawi's reconciliation pathway lies in the absence of structured national truth-seeking. Without a formal truth commission or systematic documentation process, many survivors of political imprisonment, torture, and repression never publicly testified, leaving significant experiences marginalised within national memory and historical narratives. The documentary suggests that this silence was not entirely resolved after the transition, as many citizens prioritised political stability, freedom of expression, and the restoration of dignity over punitive justice mechanisms. Political and religious leaders interviewed in the documentary repeatedly emphasise that the immediate social demand during the transition was to "remove fear" and create political space for participation rather than pursue legal retribution against former regime actors (Public Affairs Committee, 2013, 0:46-0:57).

The documentary also reveals that reconciliation was pursued largely through civic dialogue, moral persuasion, and the rebuilding of social trust. In the documentary interviews, Dr Bakili Muluzi, Malawi's first democratically elected

president, explains that the transition created a "window" for citizens to express frustrations and reclaim political voice after decades of fear and repression, illustrating how the transition prioritised civic opening and social healing alongside political reform (Public Affairs Committee, 2013, 10:37-11:15). Although the absence of formal accountability left unresolved questions of justice and historical recognition, these tensions were partially mitigated through community dialogue, religious mediation, and the expansion of civic freedoms. Nevertheless, scholars caution that unresolved silence and fragmented remembrance may undermine long-term reconciliation by limiting collective learning, civic education, and democratic consolidation (Hamber, 2015; Hughes, 2018; Rosato and Lundy, 2023).

This suggests that Malawi's reconciliation process was effective primarily in facilitating negotiated coexistence and political transition rather than achieving comprehensive restorative justice. Although community-embedded mechanisms helped rebuild social trust and reduce political tensions, the absence of formal accountability structures limited opportunities for public acknowledgement, survivor-centred justice, and collective historical reckoning. Reconciliation in the Malawian context therefore remained partial and uneven: successful in stabilising the transition and restoring political dialogue, yet incomplete in addressing deeper questions of historical justice and long-term memory formation.

The following section builds on this empirical foundation by analysing how these legitimacy-based and hybrid reconciliation mechanisms operated in practice and assessing their contribution to Malawi's relatively stable post-authoritarian transition.

Analysis, Discussion, and Policy Implications

Interpreting Malawi's Hybrid Reconciliation Landscape

Drawing on the study's theoretical framework, this section evaluates Malawi's reconciliation pathway through four analytical criteria: legitimacy, relational repair, mediation capacity, and memory and accountability. These criteria are



derived from the article's engagement with legal pluralism, restorative justice, positive peace, and hybrid governance theory, and they make it possible to move beyond description toward a clear analytical assessment of Malawi's post-authoritarian transition.

Malawi's reconciliation process reflects a hybrid landscape in which customary, religious, and civic mechanisms converged to address the legacies of authoritarian rule in the absence of formal transitional justice institutions. These reconciliation mechanisms, led by a network of multi-sectoral actors, emerged informally and organically rather than through state design, drawing its authority from cultural legitimacy and social trust rather than statutory power.

The first analytical criterion is legitimacy. Malawi's reconciliation mechanisms were effective in part because they were embedded in institutions already regarded as morally authoritative by local communities. The PAC documentary repeatedly underscores this. One early testimony, Dr Bakili Muluzi – later Malawi's first president under multiparty democracy – recalls that the bishops' publication of the 1992 Pastoral Letter "removed the fear" which characterised the late Banda era, signalled political liberalisation, and initiated Malawi's transition to multiparty democracy (Public Affairs Committee, 2013, 00:52-00:57; 01:19-01:55). Archbishop Tarcisius Ziyaye further explains that the bishops' concerns included lack of freedom of expression and association, declining educational standards, and the oppression and fear under which people lived (Public Affairs Committee, 2013, 02:01-02:40). These testimonies demonstrate that religious legitimacy functioned as a practical political resource: churches could say publicly what citizens privately knew but feared to articulate.

This legitimacy was reinforced by organisational ingenuity. Father Gamba recounts that priests and sisters collected copies of the letter and hid them beneath medicines and bandages in ambulances so that they could be distributed from north to south without detection; he concludes that the letter "proved to be a good medicine after all" (Public Affairs Committee, 2013, 03:07-03:53). This testimony is analytically

important because it shows that truth-telling in Malawi was not merely rhetorical. It relied on trusted community networks capable of overcoming authoritarian surveillance. In the language of the theoretical framework, this was a legitimacy-based mechanism operating through socially embedded institutions rather than formal state channels.

The second criterion is relational repair. Malawi's transition was understood less as a process of legal closure than as the restoration of damaged relationships between citizens, communities, and the state. Chiefs' tribunals, church-led truth-telling, and PAC-facilitated dialogue treated conflict as a rupture in social harmony requiring acknowledgement, mediation, and reintegration rather than punishment alone. Customary practices such as *kusasa fumbi*, a symbolic cleansing ritual intended to "remove the dust" of wrongdoing and enabling moral renewal within the community rather than isolating guilt as an individual legal matter (Honwana, 2006; Igreja, 2018). This understanding is consistent with restorative justice traditions and Galtung's concept of positive peace, which emphasises the repair of social relationships and the transformation of structures that sustain violence (Galtung, 1969).

The third criterion is mediation capacity, referring to the ability of intermediary institutions to facilitate dialogue between political actors and society during periods of political transition. Testimony in the documentary illustrates the role of PAC as a central mediator between the state, opposition groups, and society. The Very Reverend Dr Silas Ncozana, former General Secretary of the Blantyre Synod of the Church of Central Africa Presbyterian (CCAP) explains that PAC was not created by the Banda regime but emerged from interfaith mobilisation and popular demand, enabling it to function as an independent and broadly trusted civic platform (Public Affairs Committee, 2013, 04:40-05:47). Composed of Protestant, Catholic, and Muslim organisations, PAC was widely regarded as a "voice of the voiceless" with broad national reach through churches and mosques (Public Affairs Committee, 2013, 05:56-06:18; 19:17-20:03). PAC's mediation role is further demonstrated



by testimony that it maintained dialogue with Banda's regime through the Presidential Committee on Dialogue and helped steer the country toward multiparty government (Public Affairs Committee, 2013, 09:32-09:44).

This includes engagement in the 1993 referendum in which 63 per cent voted for multiparty democracy (Public Affairs Committee, 2013, 11:25-12:21; 08:18-08:57). PAC's mediation role continued after democratisation. The documentary details PAC's opposition to the open and third-term constitutional amendments in 2003 and includes testimony from Reverend Father Constantine Kaswaya, former PAC Chairperson explaining that an "open term" was widely understood as a return to *life presidency* (Public Affairs Committee, 2013, 14:48-16:37). Father Kaswaya then reflects on how costly this opposition became, since his stance was interpreted as a personal attack on Bakili Muluzi even though he was defending the constitutional two-term limit (Public Affairs Committee, 2013, 16:51-17:23).

PAC also mediated political tensions surrounding Section 65 related to parliamentary defections, and national budget approval in 2007, helping to sustain dialogue during a period of institutional conflict. As interviewees explain, PAC mediated between opposition parties prioritising Section 65 which sought impeachment of Members of Parliament (MPS) who had "crossed the floor", particularly those who defected to the ruling Democratic Progressive Party (DPP) led by President Bingu wa Mutharika (Public Affairs Committee, 2013, 17:27-17:55). These moments show that PAC was not merely symbolically present; it repeatedly converted moral legitimacy into practical mediation.

The fourth criterion is memory and accountability. It is here that the limits of Malawi's pathway become most visible. While legitimacy-based mediation and relational repair contributed to stability, they did not generate a structured archive of testimony, public acknowledgement, or institutional accountability compared to formal transitional justice mechanisms. Indeed, the documentary itself indirectly demonstrates this gap. Reverend Misanjo Kansilanga explains that after the transition there was widespread joy, but also insecurity, looting, shootings, and a

lack of civic education, which people did not yet have the responsibility to manage well (Public Affairs Committee, 2013, 12:38-13:19). The same sequence celebrates new freedoms and institutions such as the Human Rights Commission and Anti-Corruption Bureau (Public Affairs Committee, 2013, 13:23-14:03), but these are post-transition democratic gains rather than survivor-centred truth-seeking mechanisms. In other words, Malawi gained political openness without building a comprehensive national process for documenting detention, torture, disappearances, and political intimidation under Banda.

PAC's later conferences in 2012 and 2013 further reveal both the strength and limitation of this model. The documentary shows that PAC convened broad-based national stakeholder meetings despite government obstruction, confusion campaigns, and venue cancellations, and that these meetings produced recommendations on governance, constitutional reform, elections, and national dialogue (Public Affairs Committee, 2013, 20:03-22:20; 22:49-24:55; 25:22-28:36). These were important acts of civic mediation and agenda-setting. Yet they remained political dialogue forums rather than formal truth-seeking processes. The absence of formal truth-seeking risks marginalising victims whose experiences were never publicly recorded, particularly women and politically vulnerable groups. Reconciliation without structured truth-telling may sustain stability, but it can also obscure enduring inequalities and unresolved grievances (Lundy & McGovern, 2022; Kusumaningrum, 2016).

Taken together, these four criteria suggest that Malawi's reconciliation pathway was strongest in legitimacy, relational repair, and mediation capacity, but weaker in memory preservation and formal accountability. The Malawian case therefore supports the broader argument of this article: hybrid and community-embedded mechanisms can contribute meaningfully to post-authoritarian stabilisation, especially where formal institutions are weak or politically constrained. At the same time, the case also demonstrates that the absence of structured truth-seeking and survivor-centred accountability produces enduring deficits that informal mechanisms alone cannot resolve. Malawi's pathway was thus



effective as a stabilising reconciliation strategy, but partial as a comprehensive transitional justice process.

Malawi in Comparative African Perspective

Malawi's reconciliation trajectory, characterised by decentralised moral authority, informal mediation, and cultural legitimacy rather than state-led institutional justice, reflects a broader African pattern in which post-authoritarian and post-conflict societies rely partly on community-based and morally grounded mechanisms alongside, or instead of, formal transitional justice institutions. Comparative cases illustrate different configurations of this relationship. Rwanda institutionalised community justice through the state-led *Gacaca* courts, enabling extensive truth-telling and national documentation but also exposing reconciliation to political control and selective memory (Ingelaere, 2016; Igreja, 2018). South Africa combined moral dialogue with formal institutional design through the Truth and Reconciliation Commission (TRC), producing a durable public archive of apartheid-era abuses while facing criticism over limited structural transformation (Tutu, 1999; McAuliffe, 2021). Mozambique and northern Uganda relied more heavily on customary rituals and reintegration practices that prioritised social repair and coexistence over prosecution, but often left accountability and victims' experiences insufficiently addressed (Honwana, 2006; Quinn, 2007). Malawi shares with these cases an emphasis on legitimacy, dialogue, and relational repair, yet differs in the extent to which reconciliation emerged through informal religious and civic mediation rather than through centralised institutional mechanisms. The Malawi case therefore suggests that hybrid and community-embedded reconciliation structures can contribute significantly to political stabilisation in post-authoritarian settings, while also demonstrating the limitations of informal reconciliation in preserving collective memory, ensuring inclusive accountability, and institutionalising survivor-centred truth-seeking.

Policy Implications

Building on the analysis, several policy implications emerge for Malawi's future peacebuilding and governance. These recommendations do not seek to replace Malawi's culturally grounded reconciliation pathways, but rather to strengthen and complement them in ways that enhance inclusivity, accountability, and long-term democratic resilience. Because the central contribution of this article lies in analysing Malawi's hybrid reconciliation pathway, the policy implications are presented here more concisely as practical extension of that analysis rather than as the main focus of the study.

Strengthening Collaboration Between Customary and Formal Justice Systems

Customary courts remain the primary point of access to justice for the rural majority in Malawi, particularly in disputes involving land, family relations, and minor offences. Structured collaboration between customary and formal justice systems could help harmonise culturally legitimate practices with constitutional protections, especially regarding gender equality and due process. Targeted training for chiefs and customary adjudicators in legal standards and human rights principles may reduce inconsistencies in justice outcomes while preserving accessibility and local trust. At the same time, such reforms must remain sensitive to the risk of over-formalisation, which could undermine the very legitimacy that makes customary justice effective.

Documenting Malawi's Authoritarian Past

The absence of a formal transitional justice mechanism has left significant gaps in Malawi's national memory, particularly concerning abuses committed during the Banda era. Civil society organisations, universities, and PAC are well positioned to collaborate on survivor documentation initiatives, such as oral history archives and community-based testimony projects. These efforts would strengthen civic education and reduce the risk of historical revisionism without imposing adversarial legal processes. However, it must



be acknowledged that retrospective documentation cannot fully substitute for contemporaneous truth-seeking and any may be shaped by selective memory and political sensitivities.

Strengthening Inclusivity in Peace and Justice Mechanisms

Although customary and religious institutions have played central roles in reconciliation, their leadership structures have historically been dominated by male elites. Because legitimacy-based reconciliation depends on social trust and representation, exclusion of women and marginalised groups risks weakening the perceived fairness of hybrid mediation mechanisms. As such, strengthening the representation of women, youth, and marginalised groups within PAC and customary tribunals is essential for enhancing both legitimacy and fairness. Gender-sensitive reforms, such as integrating women elders into mediation processes and adopting survivor-centred safeguards can mitigate the risk that reconciliation prioritises social harmony at the expense of individual rights. Nonetheless, such reforms must navigate entrenched social norms and face resistance at the community level.

Protecting Customary Justice from Political Capture

Malawi's history demonstrates how customary authorities can be manipulated for political purposes, particularly under authoritarian rule. Safeguards such as transparency measures, community oversight mechanisms, and clear separation from partisan politics are essential to preserving the independence of traditional leaders. While such protections cannot entirely eliminate political influence, they can reduce the risk that customary justice is instrumentalised in ways that undermine public trust.

Taken together, these policy implications point toward the need for a *holistic reconciliation framework* that honours Malawi's cultural values while strengthening formal institutions and safeguards. It is important to acknowledge, however, that Malawi's relative stability cannot

be attributed solely to reconciliation mechanisms; factors such as elite compromise, regional power balance, and international engagement have also shaped outcomes. Recognising these alternative explanations reinforces the argument that culturally grounded reconciliation is a necessary but not sufficient condition for sustainable peace and democratic governance.

Conclusion

Malawi's transition from authoritarian rule to democratic governance represents a compelling example of how reconciliation can emerge organically through community-driven mechanisms rather than through formalised transitional justice structures. Drawing on testimonies from *PAC & Malawi's 20 Years of Multi-Party Democracy* (2013), this study has shown that Malawians confronted repression through moral dialogue, religious solidarity, and culturally grounded practices of truth-telling and mediation. Religious leaders, customary authorities, and civil society actors collectively formed a hybrid reconciliation infrastructure that prioritised healing, dignity, and social cohesion over retributive justice.

Analytically, Malawi stands out not because it achieved a complete or exemplary form of transitional justice, but because it demonstrates how reconciliation can be sustained in the absence of formal truth commissions, tribunals, or reparations programmes. Unlike cases such as South Africa or Rwanda, where reconciliation was anchored in state-led institutional frameworks, Malawi relied primarily on moral authority and social legitimacy. This approach proved effective in maintaining political stability and facilitating democratic transition, yet it also exposed the limits of informal reconciliation, particularly in relation to memory preservation, gender justice, and long-term accountability.

The Malawian case therefore challenges dominant transitional justice paradigms that privilege institutionalised models as prerequisites for reconciliation. At the same time, it cautions against romanticising customary or religious mechanisms as sufficient in themselves. Malawi illustrates a central tension in post-authoritarian reconciliation: culturally resonant practices can restore



social trust and prevent renewed violence, but without complementary formal mechanisms they risk leaving structural injustices and historical harms insufficiently addressed. In this sense, Malawi should be understood not as a transferable blueprint, but as an analytically instructive case that highlights the trade-offs inherent in reconciliation design.

This study also opens several avenues for future research. Comparative work could examine whether similar legitimacy-based reconciliation processes operate in other post-authoritarian contexts beyond Africa, particularly where civil war has not occurred. Further research is also needed on how hybrid reconciliation infrastructures evolve over time, including their capacity to incorporate gender-responsive reforms, youth participation, and survivor-centred documentation. Longitudinal studies could assess whether

Malawi's informal reconciliation mechanisms remain resilient amid contemporary political polarisation and changing governance dynamics. Finally, more empirical attention to survivor experiences would deepen understanding of how reconciliation without formal truth-seeking is perceived by those most affected by past abuses.

In sum, Malawi's experience demonstrates that transitional justice need not always follow institutionalised templates, but it also confirms that reconciliation is most sustainable when culturally grounded mechanisms are complemented by structures that protect rights, preserve memory, and promote accountability. Recognising both the promise and the limits of Malawi's pathway contributes to broader debates on how societies confront authoritarian pasts while building inclusive and peaceful futures.

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