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Political Patronage as a Form of Political Corruption and its Implication for Public Service

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Abstract

Political patronage is often seen as an impediment to effective governance as it causes economic, political, and social problems. Political patronage is a system of giving individuals or groups appointments, material goods, and favours, among other things. It is used to reward those perceived as supporters or allies and to silence critics. It is founded on the reciprocal relations between patrons and clients. It is often after elections or as a country head into elections that there is an increase in political reward networks around the distribution of public sector jobs and resources. Political patronage may divert public goods from a need-based allocation, pervade public administration (politicisation, not professionalisation of state institutions), severely undermine merit principles and produce a class of elites who control the economic and political powers of the state. The political corruption perpetuated through nepotism and cronyism is about securing voting or rewarding supporters. This paper investigates the use of political patronage in appointments to public service positions, board of directors' positions, and diplomatic positions as a form of political corruption. The paper argues that official appointments based on actual and perceived political patronage undermine legitimacy, promote public sector inefficiency and policies for personal gains, and dispossess people of their rights, including equality and non-discrimination. The paper further argues that political patronage hinders the political participation of citizens. The paper recommends several measures to counter political patronage, including the limitation of presidential powers to be replaced by merit-based appointments, the promotion of transparency and accountability of all public officials through, among others, the provision of independent bodies that monitor and question activities of such public officials; the capacitation of oversight bodies such as the office of the Ombudsman and the Anti-Corruption Bureau so that they work independently without interference from the ruling party. The paper utilises qualitative methods in document

analysis to situate political patronage as a concept linked with multiparty democracy where competition among candidates increases the likelihood and as argued by others, the necessity of patronage. Using doctrinal research methodology, it also identifies the legal loopholes through which discretion and exercise of power are used to establish patron-based politics. The research also uses secondary data to investigate actual and perceived patron-client relations in the select areas for practice and implications in Malawi.

Keywords: Political patronage, Political corruption, Public service

1.0 Introduction

Political patronage, a pervasive form of corruption, is entrenched in numerous political systems, particularly in developing countries with nascent democratic institutions (Rothstein & Varraich 2017). Patronage involves a more or less dyadic relationship between a party (or politician) and a supporter or group of potential supporters where political power is used to ensure political support (Geoffre and Kungu, 2020:211). It entails a bias regarding the distribution of public jobs and other state-based transfers by elected officials or political leaders based on their loyalty or support rather than merit or qualifications (Peters and Bianchi, 2020:216). Quaresima (2019:3), posits that political patronage is used by political leaders 'to build and maintain party organizations through the distribution of selective incentives to party supporters in exchange for organizational (party) loyalty.' This creates a patron-client linkage/network, which is more pronounced in developing countries, and such networks become the basis upon which national and local resources are shared (Moon and Schoenherr, 2022: 970-1005). It is an electoral resource that can influence the voters (clients) and, subsequently, the outcome of an election to politicians' favour both in developed and developing democracies (Goffrey and Kungu, 2020: 214).

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Research on political patronage in contemporary democracies has established that different regions or continents have variations in political patronage prevalence, but the practices are in all regions. (Kopecky, et al, 2016:416-431). Historical, political, legal, and cultural legacies shape the practices. It is said to be a global phenomenon perpetuated by governing political parties or parties, primarily through state jobs (Kopecký, 2011: 713). Nsia-Pepira (2017:67) asserts that African social systems are 'nurtured and influenced by the principles of family connections, kinship or tribal ties and social reciprocity, which breed favouritism, cronyism, and nepotism. In Malawi, it is intricately linked to allocating state resources and governmental roles to garner political allegiance throughout and beyond election periods (Svåsand 2014). Watkins and Ashford (2019) pointed out that even donor aid is used to entrench political settlement in patronage relationships in Malawi. Such practices diminish public confidence in governance and compromise the integrity and efficacy of public services (Peters & Bianchi 2020).

This paper investigates political patronage in appointments to public service positions, board of directors' positions, and diplomatic positions as a form of political corruption. The political corruption perpetuated through nepotism and cronyism is about securing voting or rewarding supporters. The paper will argue that official appointments based on actual and perceived political patronage undermine legitimacy, promote public sector inefficiency and policies for personal gains, and dispossess people of their rights, including equality and non-discrimination. The paper further argues that political patronage hinders the political participation of citizens. The paper will explore and identify the legal loopholes through which discretion and exercise of power are used to establish patron-based politics. It will also investigate the actual and perceived patron-client relations in the select areas for practice and implications in Malawi.

The first part of the paper is an introduction, followed by an elaboration of political patronage as a concept, including its role as a form of political corruption and its implications for democracy and public service. This section is followed by an elaboration on the findings in Malawi, on the legal loopholes facilitating political patronage and the practice as reported in investigation reports, newspapers, and other relevant documents. This will be followed by a section on measures that can be used to counter political patronage. The final section will conclude. The research will rely on a doctrinal research methodological approach combined with discourse analysis to explore the black letter law's role in dealing with and facilitating patronage, plus secondary data for actual or perceived patronage practice in Malawi.

2.0 Political patronage as a concept

Political patronage is widespread in many African nations, often framed within the larger context of neopatrimonialism and clientelism (Hodder 2014). Instead of being accountable to the electorate for their ability to fulfill promises of providing public services like health and education through formal political channels, political leaders are believed to gain support and legitimacy by distributing favours through informal, highly personalized networks of patronage based on reciprocal expectations (Beresford 2015). This practice is known by various political terms, including neo-patrimonialism, clientelism, prebendalism, and cronyism (Beresford 2015). Neo-patrimonialism, in particular, has become prominent in African Studies literature, typically signifying the erosion or complete collapse of the distinction between public and private authority (Beresford 2015): the former being exercised through the state's impersonal institutions and the latter through informal networks of patronage embedded in social institutions and loyalties that existed before the colonial state was established (Bersford 2015).

These frameworks shed light on how political leaders use state resources to cultivate networks of loyalty and support to retain power (Hodder 2014). Rooted in neopatrimonialism, clientelism, and the political economy of resource allocation, political patronage in Africa frequently involves ethnic identity as a significant factor in the patron-client dynamics that shape political rivalry (Mkandawire 2015). The repercussions of political patronage on public service provision and governance are significant, leading to inefficiencies, corruption, and subpar development outcomes throughout the continent (Toral 2024). Tackling political patronage necessitates the establishment of robust institutions, the encouragement of meritocracy, and a decrease in political leaders' reliance on informal power networks (Moon & Schoenherr 2022).

Thapa (2018) also holds that favouritism and nepotism are forms of corruption and states that such corruption is a danger not only to democratic institutions but also to human rights and fundamental freedoms. Similarly, Tytko et al (2020: 163-169), write that nepotism, favouritism, and cronyism are forms of conflict of interest and corruption. Nepotism according to Chiamogu and Chiamogu (2019) is 'the abuse of opportunities based on blood, family, friendship, other ethnic, nepotic' connections.' They define favouritism as the 'unfair and prejudicial patronage of minions in office to the prejudice of common cause'. (Chiamogu, Chiamogu, 2019). Masenya (2017) states that this kind of corruption, which is political corruption based on patronage, is regarded as petty and socially acceptable but has serious impediments to democratic governance and development.

Burrowes (2018) argues that informal institutions of reciprocity exist in which a client exchanges loyalty and political support with material benefits such as jobs or food supplies from a patron. This, he states, creates a far-reaching ongoing network of obligations with profound moral imperatives that may result in stigmatization and retribution as well as a loss of political and social status for those not in this network. Gashi and Emerson (2013) state that political patronage is perpetuated by the belief that the control of institutions means that parties can appropriate state resources and jobs for their benefit.

Although many forms of benefits are conferred through political patronage, this paper focuses on appointments to public service. The other benefits may include the allocation of favours or rewards to public office or jobs, including posts in core civil service, foreign embassies, state-owned companies, contracts or licenses, subsidies, food supplies, and the like. Patronage-based appointments may reward loyal members or contributors to political parties' success or control or silence critics (Quaresima, 2019). Gashi and Emerson (2013) find that high rates of unemployment exacerbate this practice, plus the belief that the control of institutions means that parties can appropriate state resources and jobs for their benefit. Kopercky et al. (2016) establish that it creeps down institutional hierarchies rather than upwards, as it is more common in the higher ranks of the bureaucracy than in the middle and lower ranks unless it is in countries with a high scope of patronage.

Political patronage has many demerits as opposed to benefits. Firstly, it undermines meritocracy as appointments of individuals are based on political allegiance expedience rather than merit. This, in effect, compromises the quality and effectiveness of public service, thereby diminishing service delivery (Peters and Bianchi 2020:218). There is inefficiency and poor service delivery, including mismanagement, bureaucratic delays, and substandard service provision due to appointees lacking the requisite skills or experience. (Polina, 2012). Political patronage reduces accountability and transparency. For instance, the voters' uptake of the various goods or services from the political patrons compromises democratic accountability even as the electorates lose the moral responsibility to hold public officials accountable for the mismanagement of public funds and other electoral malpractices (Geoffrey and Kungu, 2020). Similarly, the officials appointed based on patronage tend to feel indebted to their political patrons rather than the public they serve, undermining independence and potentially leading to further corruption and misuse of public resources. (Peters and Bianchi, 2020) Bamidele (2015) asserts that empirical evidence establishes that patronage-based appointees are often recalled when they have had a falling out with the patron; hence, they tiptoe around eggshells when carrying

out their duties, playing it safe and negatively affecting public service. Bamidele (2015) also posits that the politicisation of state institutions eventually culminates in poor institutional capacity and a lack of accountability for providing public goods.

Public trust is eroded when citizens perceive that appointments are based on political connections rather than competence. (Tanny and Hossienie, 2019). Ragauskas and Valekaite (2020:2) explain that 'citizens generally expect that public employees should deserve their jobs, hired according to merit-based criteria, therefore, nepotism goes against their expectation'. Establishing and adhering to sound recruitment processes is important to public trust. Even when the individual hired through political patronage are competent, able, and qualified to perform their function, the contravention of principles of fairness affects public confidence. Trust between the government and the governed is an essential element of democracy and forms the basis for legitimacy, so once it is eroded, the legitimacy of those delegated to act in the public interest is also undermined. Political patronage implicates equal access to opportunities as it discriminates against people based on their political affiliation or utility (Briely, 2017).

3.0 Political Patronage as a Form of Corruption

Corruption is a concept that is still developing and has no one definition. It is best understood by describing its nature and form. However, it is widely agreed across the globe that corruption is a major constraint hindering countries of their economic, political, and social development. This paper uses Myint's definition of corruption as 'the use of public office for private gain, or in other words, use of official position, rank or status by an office bearer for his benefit.' Myint provides examples of corrupt behavior emanating from this definition to include bribery, extortion, fraud, embezzlement, nepotism, cronyism, appropriation of public assets and property for private use, and influence peddling (Myint, 2000: 33-38). These examples manifest some aspects of political patronage, which encompasses, among others, nepotism, cronyism, and influence peddling.

Political patronage can be categorized as a form of high-level corruption. High-level corruption is misconduct at the top and by leading politicians. This type of corruption is mainly caused and motivated by greed, the drive to remain in office, and the need to dispense favours among political allies, colleagues, and subordinates to keep them happy, cooperative, and loyal (Myint, 2000:33-38). Weber (1980) writes that there must be a hierarchically structured, professional, rule-bound, impersonal, meritocratic, and disciplined body of public servants who possess a specific set of competencies and operate outside the political sphere.

4.0 Context of Political Patronage in Malawi

According to Burrowes (2018), political patronage is a pre-existing social practice in Malawi and a form of political corruption. Political corruption involves using or abusing political power to violate norms and ethical rules to provide oneself or others with for unintended purposes or distributed through informal networks (Burrowes, 2018).

Provisions or gaps in the legal framework also enable political patronage as a form of corruption. Nkhata and Chipofya (2024) write that broad discretionary powers in the laws create opportunities for corruption. Nkhata and Chipofya analysed issues of corruption in public procurement in Malawi. They noted, among others, that though discretion is necessary in implementing almost all legislation, the broad discretionary powers conferred on the Director General of the Public Procurement and Disposal of Assets Authority present a challenge, especially because strong accountability mechanisms do not match such powers. They argued that the Public Procurement and Disposal of Assets Act has no provisions allowing the public, or any other independent entity, to assess the Director General's exercise of discretion.

Malawi has several laws that protect its citizens from abuse of state power and resources that can emanate from political patronage. The starting point is the Constitution of Malawi, which is the supreme law of the land. The 1966 Constitution, as amended, facilitated a hegemonic presidency; however, the coming of multiparty democracy in 1994 brought about a liberal Constitution with a system of checks and balances. The Constitution, under section 12, emphasises the role of equity and social justice in governance by requiring that the exercise of state authority must sustain the trust of Malawi people, guaranteeing their welfare and development and protecting and serving their interests. It is clear from this section that political patronage does not serve and protect the interests of Malawians as it is self-serving and there to protect and serve a few selected individuals. According to Banda, promoting the interest of the people of Malawi entails incorporating equity in all governance processes. (Banda, 2020:89) The interest of the people of Malawi can be identified through the promotion of self-determination, evidenced by the opportunity for voice and influence in governance through participation. This is based on recognising the inherent dignity and worth of every human being as provided in the Constitution in section 19.

Secondly, section 13 of the Constitution provides principles of national policy. Paragraph (o) of that section provides for public trust and good governance and states that the state shall introduce measures to guarantee accountability, transparency, personal integrity, and

financial probity. This is to strengthen confidence in public institutions. As outlined above, the negative connotations of political patronage fall far from promoting public trust and good governance and weaken confidence in public institutions. Further, section 13 recognizes gender equality and other social categories and approaches to avoid perpetuating vulnerabilities and inequalities. For instance, rural communities are specifically highlighted to promote quality of life, and their living standards should be a key indicator of the success of government life.

Thirdly, section 20 of the Constitution provides for the right to equality and prohibits discrimination. The section lays out grounds for discrimination. For instance, a person cannot be discriminated against based on political or other opinions or national, ethnic, or social origin. Political patronage infringes on this provision by favouring those with the same political opinion to access state resources.

The Constitution has also established several independent bodies with the mandate to ensure checks and balances. The Office of the Ombudsman (OoO) was established under section 123 (1) to protect the people against human rights violations, the abuse of power by public institutions, error, negligence, unfair decisions, and maladministration, to improve public administration. Further, under section 5(1) of the Ombudsman Act, the Ombudsman has the mandate to inquire and investigate any complaint laid before her concerning any alleged instance of unfair treatment or abuse of power, among other things, by any organ or employee of the government. The (OoO) is mandated to address administrative and executive impropriety, including unprocedural and unlawful recruitment. The (OoO) has investigated and found irregular and fraudulent recruitments linked to political patronage.

Malawi also enacted the Corrupt Practices Act (CPA), which aims to take necessary measures to prevent corruption in public and private bodies. (Section 10 of the CPA). Under section 24 of the Act, it is an offense for a public officer to corruptly solicit, accept, obtain, or agree to accept or attempt to receive or obtain any advantage as an inducement for doing anything about any matter or transaction.

Despite the above legal framework, some provisions in the same Constitution may be deemed as providing the opportunity to perpetuate political patronage. This mainly relates to provisions that allow for discretionary appointments to leadership positions. In section 89, the President has powers and duties 'to make such appointments as may be necessary by powers conferred upon him or her by this Constitution or an Act of Parliament'. (Section 89(1)(1). Various provisions further provide specific power for an appointment, with some

requiring the appointment to be confirmed by the National Assembly while others do not. For instance, under section 94, the President has the discretion to appoint the ministers that will make his cabinet. These appointments are not subject to any confirmation. Since ministerial positions are considered political rather than public positions, the question of merit is rarely posed regarding these appointments. Wehner and Mills (2021) highlight that in African politics, cabinet appointments are linked to elite clientelism, which is linked with corruption and practices that undermine sound policymaking. They argue that elite clientelism is the most practised in Sub-Saharan Africa, which is ‘the strategic political allocation of public offices to key elites’ (Walle, 2012), and that the ‘cabinet position forms the top echelon of elite offices and can be seen as the ultimate gift’ to political allies. Wehner and Mills argue that cabinet positions are among perks and status-enhancing privileges within patronage networks closely linked to grand corruption. Corruption thrives, while horizontal accountability is hampered where opportunities or appointments are given to political allies and cronies. The president has the power to recruit other top officials such as Ambassadors, High Commissioners, the Inspector General of the Malawi Police Service, and the Attorney General, which are subject to be confirmed by the Public Affairs Committee of the National Assembly (Constitution, 2017). Entrusting a political figure with enormous powers to appoint people to public office gives much room for abuse and entrenches political patronage. Patronage-based appointments contravene public service and are contrary to the Malawi Public Service Act, which emphasises the need to prioritise merit and establish professional public service.

5.0 Methodology

The paper employed a qualitative research paradigm in collecting data and analysing it. Qualitative methods are more concerned with qualitative phenomena, such as those relating to or involving quality or kind (Mason 2002). The data collection methods were doctrinal. Hutchinson, 2011 says that doctrinal doctrine means synthesising various rules, principles, norms, interpretive guidelines, and values. As such, he defines doctrinal research as research that systematically exposes rules governing a particular legal category, analyses the relationship between regulations, explains areas of difficulty, and predicts future developments. Similarly, the Council of Australian Law Deans (CALD) describes doctrinal research as involving rigorous analysis and creative synthesis, making connections between seemingly disparate doctrinal strands, and extracting general principles from an inchoate mass of primary materials (Hutchinson and Duncan 2011).

The data collection technique was a desk-based review. A desk review involves collecting data from primary and

secondary sources to, among other things, give background to the topic of study and information on current theories and ideas. Its primary disadvantage is that the researcher needs to gain experience generating primary data from real-life situations (Kothari 2004). This was mitigated by reading and analysing primary and secondary literature sources on political patronage and corruption from within and outside Malawi.

6.0 Findings and Discussion

In 2020, there were two monumental and unprecedented judgments in Malawi, nullifying the 2019 presidential elections and ordering fresh elections by the High Court and Supreme Court (Chilima, Chakwera vs Mutharika et al., 2020). Dr Lazarus Chakwera won the rerun of the presidential election and was sworn into office on 28 June 2020. Soon afterward, On 30th June the Chief Secretary to the President and Cabinet released a press release dissolving boards of state entities (Malawi.gov.mw). Over 60 boards were subsequently dissolved, and alleged anomalies and malpractices within them were cited as a reason (Phiri, 2020). By the end of September 2020, the President appointed new boards that comprised the newly elected government politicians, traditional leaders, clergy, and professionals. The boards were said to be ‘a combination of competence or expertise and reward of patronage’ according to Munthali (2020). It was further stated that some of the people appointed were chosen due to their contribution to the opposition alliance that won elections as a form of saying “thank you”. Around this time, people noticed that lawyers who represented the petitioners in the case were also considered for board appointments or other government jobs. The lead counsel for Chakwera’s team was appointed Minister of Justice but turned the offer down, stating that it would appear as a reward for the successful representation in the case (Fiko, 2020). The lead counsel for the first petitioner, the late Dr Chilima, was appointed Attorney General (Malawi Government 2020). While one might argue that the appointed Attorney General’s qualifications merited his appointment, it cannot be ruled out that his pivotal role in securing the electoral victory likely played a significant part in his appointment. This illustrates how legal professionals involved in politically sensitive cases can be rewarded with high-level government positions, underscoring the influence of political allegiance in appointments within the Tonse Alliance government comprising parties that included the two petitioners in the case.

Further, another lawyer, who was also counsel for the petitioners in the elections case, was appointed Minister of Justice after the lead counsel had turned down the appointment. The lead counsel’s decision to decline the appointment shows the dynamics of patronage within Malawi’s political landscape. While his refusal gained international acclaim for Malawi’s commitment to

integrity, the initial offer suggests a system where political favours are exchanged for loyalty or service. This instance illuminates the delicate balance between meritocracy and patronage in government appointments, reflecting broader discussions on accountability and ethical governance in the country (Malawi24, July 2020). The other four lawyers representing Chakwera, and the Malawi Congress Party were appointed as board members to various parastatal bodies namely the Malawi Energy Regulatory Authority (MERA), the National Oil Company of Malawi (NOCMA), the Higher Education Students and Loans Board, the Malawi Communications Regulatory Authority (MACRA) and the Southern Region Water Board (SRBW). In addition, key witnesses for the president and his vice president's case were rewarded with key posts in government. One prominent witness was appointed Director General of DODMA (Department of Disaster Management Affairs) after his role as a key witness for the Malawi Congress Party in the same constitutional court election case. This raised questions about political patronage (Nyasa Times, 2020). The key witnesses' involvement in the case, which contributed to the success of the MCP, was perceived to have influenced his appointment. This exemplifies how political loyalty or service can translate into high-ranking government positions, hence a form of patronage where individuals are rewarded for their allegiance to a particular political party or cause rather than solely based on merit or qualifications (Nyasa Times, 2020).

Another key witness in the case, a specialist in ICT and a member of the Malawi Congress Party, played a critical role by providing evidence indicating irregularities in the 2019 presidential elections and was offered the position of Director General at the Malawi Communications Regulatory Authority (MACRA).

This instance further underscores the practice of political patronage within the Tonse Alliance government. Individuals who contributed to the alliance's agenda or objectives, such as highlighting electoral malpractices, were rewarded with influential positions, potentially blurring the lines between professional merit and political favouritism.

A year after these appointments, there were fresh perceptions and accusations of political patronage against the President after he appointed his daughter to serve at the Malawian Embassy in the United Kingdom as the first Secretary Responsible for Investments. (Matonga, 2021) The President had also appointed the mother-in-law to the late Vice-President Saulos Chilima, as Malawi's High Commissioner to Zambia. Other appointments that raised nepotistic allegations include the appointment of the president's son-in-law as director of communications at the State House and the appointment of the son to the former president, Joyce Banda, a cabinet member of the ruling government alliance. Several organizations

condemned nepotism, stating that jobs were offered to cronies and family members, fueling greed, partisan interests, and ineffective public service running. The CCAP of Nkhoma Synod issued a pastoral letter condemning the Chakwera-led administration for perpetuating political patronage and corruption and thus failing to ensure a better Malawi for everyone. (Nkhoma, 2022).

The OoO has, on several occasions, found irregular appointments through investigations that have been perceived by many to be based on the individual's connection with the ruling party in government. For instance, in the report titled Institutional Anarchy, the investigations found that the Chief Executive Officer for MERA in November 2017 was appointed without the job being advertised to allow willing and eligible applicants to compete for the post. This was contrary to the provisions of the Energy Regulation Act, which requires that the job be advertised. The Ombudsman also found that this appointment by the then State President Peter Mutharika was illegal and unprocedural, contrary to section 89(1) (d) of the Constitution of Malawi. It was also reported by Nyasa Times Malawi (2017) that the appointed Chief Executive Officer was working as a Chief Advisor to the President when he was appointed, raising perceptions of patronage. Similarly, the appointment of the CEO of the Blantyre Water Board (BWB) was marred by irregularities and illegalities. The Board only appointed him after their decision was endorsed by the then President of the country, who was not the appointing authority under the relevant Water Works Act. The CEO was perceived to have gotten the position because he was affiliated with the president's ruling party.

7.0 Measures to Deal with Political Patronage

The above sections have shown that political patronage is a problem that has to be addressed by decisive measures, and this section discusses some of those methods. First, we need to limit presidential powers given under our laws. The president has been given broad discretionary powers that have necessitated the appointment of cronies and agents and facilitated appeasement of public service governance. Positions in the public service should be available on a merit basis after a transparent and competitive process. It is important to note that President Chakwera and the Tonse Alliance made a promise to Malawians that he would facilitate the trimming of presidential powers once in power. In particular, Chakwera, in his campaign speeches, emphasized that "a president in Malawi has too many decisions to make and has too much appointing power" (Nkhoma, 2020). Further, at his inauguration ceremony, Chakwera pointed out the dangers of concentrating power on one person as follows:

“Having a presidency that makes too many decisions has created problems for our country for a long time. Chief among them is that it has stifled a culture of responsibility and innovation among public institutions and private citizens... “This is unwise. No person is good or humble enough to be entrusted with that much appointing power, for it is not possible for a president to be the appointing authority of that many offices without at some point coming face to face with a conflict of interest. (Masina, 2020).

However, the president and his government have since retreated from their promise, and none of the president’s powers has been reduced to date. As earlier stated, the Constitution gives many powers to the president. For instance, section 89(5) permits the president to ‘exercise all other powers reasonably necessary and incidental to the functions of his or her office in accordance with this Constitution’. In terms of appointments, the president has been given absolute powers to make certain appointments, for example, the Attorney General and ministers, under section 94(1) for ministers and section 98(3) for the Attorney General. The president can also make appointments, but these must be confirmed by the Public Appointments Committee (PAC) of the National Assembly, whose composition must reflect the composition of the Assembly (<https://constitutionnet.org.news>). These include the Director of Public Prosecutions^[1] and the Auditor General. ^[2] Under section 111 of the Constitution, the president appoints the Chief Justice with confirmation from the National Assembly. The President can also make appointments on the recommendation of designated bodies (<https://constitutionnet.org.news>). Under section 111(2) of the Constitution, the President has powers to appoint judges of the High Court after a recommendation from the Judicial Service Commission.

Apart from the Constitution, some statutes give power to the president. For instance, the President is the Chancellor of all public universities in Malawi, and this role is created by the respective statutes establishing the universities (<https://constitutionnet.org.news>)

The above are examples of the president's powers. Such powers are vast and have the potential to facilitate abuse and corruption through political patronage.

Second, there is a need to promote transparency of all public functionaries to lessen the negative effects of political patronage. Accountability means those entrusted with public duties must observe rules and regulations and be accountable for their actions. In this case, accountability is owed to the people of Malawi and not the appointer. The system or the appointer has to implement adequate measures that promote accountability. The challenge with public officials appointed due to political patronage is that they are

always guarding their position by aligning with the appointer’s opinions even if wrong. Some of the accountability measures in the law can also be challenged as weak. For instance, section 97 of the Constitution provides ministerial accountability and states that ‘all ministers shall be responsible to the president for the administration of their departments’. Such provisions erode the independence of the ministers, especially those appointed based on political patronage because they aim to maintain good relations with the appointer. It would have been more reasonable for the law to demand that such officers like ministers be accountable to an independent body that monitors and questions their activities. Due to the relationship between the appointer and appointee, monitoring and demanding explanations on how duty was discharged is almost impossible. This has also been observed in President Chakwera’s administration. The president told the nations after he appointed his cabinet that the ministers would be required to do reports that would be made public on how they performed their functions. He stated that any minister found wanting would be chopped off the cabinet. Chakwera also promised to assign key performance indicators to his new Cabinet to ensure they perform according to his standards and aspirations. No such reports have been made as the president has yet again relegated to his word.

The third is to capacitate and support oversight bodies such as the Office of the Ombudsman and the Anti-corruption Bureau. These offices need to operate independently and without interference from the ruling party. Independence of such bodies is important because independent institutions make better collaborators and are more trustworthy and reliable than those beholden to hidden powers (Martha, Stone, 2024). Such bodies further need the capacity to investigate and prosecute corrupt practices arising from political patronage. However, in the recent past, the effectiveness of the ACB and other watchdog bodies has been questioned. There has not been a conducive political atmosphere for the proper functioning of the ACB. Its top boss has been subjected to needless arrests and victimization that has rendered the Bureau ineffective in going after corrupt practices with the much-needed force. For instance, legal suits were leveled against the current ACB Director General. Such legal challenges were aggressively employed to intimidate her when she worked to expose corruption among powerful public officials (Martha, Stone, 2024).

8.0 Conclusion

This paper investigated political patronage in appointments to public service positions, board of directors’ positions, and diplomatic positions as a form of political corruption. The paper has shown that official appointments based on actual and perceived political

patronage undermine legitimacy, promote public sector inefficiency and policies for personal gains, and dispossess people of their rights, including equality and non-discrimination. The paper shows that political patronage results in corruption, partly facilitated by legal loopholes in the country's Constitution and other laws. For instance, the laws give the president broad discretionary powers, which are used to establish patron-based politics. The paper used examples of board and diplomatic appointments to illustrate actual or perceived political patronage. Such perceptions or patronage results in the President being accused of basing appointments to the Boards of several parastatal organisations on rewards for patronage. As such, the paper recommends several measures to counter political patronage, namely, the limitation of presidential powers to be replaced by merit-based appointments, the promotion of transparency and accountability of all public officials, and the provision of independent bodies that monitor and question activities of such public officials: the capacitation of oversight bodies whilst encouraging independence and discouraging interference from the ruling party.

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