

## Madonna adoption row : How Mercy divided Malawi

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This is the story of two single mothers in Malawi - one unknown and dirt poor, the other famous and unimaginably wealthy. And it is the story of how the fate of one became intertwined with the fate of the other.

The first, 14-year-old Inness, was 11 when her mother died in the village of Falls, in Mwanza district. She was 13 when her father died. That is when Inness sold the family bicycle, left school and became a single mother, taking care of her three younger siblings.

The second, 50-year-old Madonna Ciccone, is also a single mother-of-three - but is keen to adopt another child. She is unlikely ever to have to sell her private jet for food. Indeed, she used it to fly to this southern African country last Sunday, becoming, for some observers, a living caricature of so much of what is wrong with the world.

Yet yesterday this rich and powerful American was unexpectedly knocked back by a high court judge sitting in the unprepossessing single-storey brick courthouse in the capital, Lilongwe. Judge Esmie Chondo put a halter on Madonna's relentless can-do personality - for now, at least - when he ruled that she should not be allowed to adopt Chifundo James - the three-year-old "sister" she had intended for her first Malawian adoptee, David, also three. The singer, he said, did not fulfil the legal requirement of having been resident for 18 months in Malawi - a stipulation that was controversially waved when the singer adopted David in 2006.

The court's stand pleased local human rights campaigners who opposed the adoption. "We are delighted that the courts have upheld the law of the land - weak as it is," said Mavuto Bamusi, head of Malawi's Human Rights Consultative Committee (HRCC). "[The courts have] avoided setting an example that would have opened the floodgates for people to come and take children from Malawi. We were very concerned that, first in the case of David, and now with the second child, a precedent would have been set allowing adoptive parents to escape the requirement of 18 months' residency."

Bamusi claims Malawi's adoption process is beset by bribery. "We are not saying Madonna has paid any illicit money but we have found evidence of six adoptions to Holland having been fast-tracked," he says.

The ruling has raised hopes that despite endemic corruption, Malawi's judiciary still retains some independence. It will be also welcomed by allies of President Bingu wa Mutharika - a Roman Catholic who preaches abstinence in the battle against Aids and is known to share Zimbabwean president Robert Mugabe's hatred of imperialist bullying. And Judge Chondo's decision will please those westerners, too, who are irritated by Madonna's celebrity activism.

But some Malawians argue that the ruling does little for Inness and the rest of the country's estimated 1.5 million orphans - and may even reduce their chances of survival. The greatest fear many Malawians were expressing yesterday was that the "white singer", as she is known, will turn her back on dozens of initiatives she is supporting here, including funding for schools

and orphanages like the one which now cares for Inness and two of her siblings.

In the slippery backstreets of Lilongwe's central market, poverty is a matter of life and death. Which is why trader Patricia Kamphande, 24, was furious at yesterday's decision. She dreams of Madonna swinging past one day and offering to take away her only son, Dyton, five. "The oyimba [white woman] is good," said Kamphande, who sells woven plastic shopping bags next to a pirate CD stall. "She has built an orphanage for Malawi. She took away David a few years ago but she does as she promised - she brings him back on visits to see his father."

Kamphande is not star-struck; merely stricken with the realities of everyday life. She knows Madonna is a white singer from America but cannot think of one of her songs. The owner of the CD stand reminds her of Like a Virgin but doesn't have a copy; local reggae sells better in Lilongwe. Kamphande is emphatic: "I would give my child to Madonna, of course, or to any other white lady willing to take him to Europe and give him an education. Maybe he would come back one day and be an Obama for us."

Nearby, Margaret Esau, 33, sells lemons, bananas and sweet potato leaves from a bowl on the ground. "The singer cannot take the girl? That's terrible," she said. "Which Malawian would want to stop her from giving one of our children such an opportunity? That Malawian should come forward and explain who is going to feed the girl now."

Mac Gwerere, a welder, said most Malawian parents would be delighted to have a foreigner interested in adopting their child. "It happened to me. A French woman wanted my son. My wife and I thought about it very hard but eventually decided that we would keep him because he is not an orphan, we brought him into this world, and we must be responsible for him.

"The temptation is great," Gwerere, explains, "because the cost of bringing up children is high. When you have that conversation with the white person, you only think of the benefits and the relief; you don't imagine that you might never see the child again."

Malawi, a landlocked, almost entirely agrarian country with a population of 14 million, suffers from the same demographic imbalance as Zimbabwe and Zambia. Aids, malaria and tuberculosis have eaten away the goodwill and resources of extended families. Life expectancy is 40 and one in five children do not make it to the age of five. For many, education is a distant dream. Only 18% of children go to secondary school and those who do face pupil-teacher ratios of 114 to one.

Until 1994, Malawi was a dictatorship led by Hastings Banda, who ruled for 33 years. Families were encouraged to spy on one another and report dissident behaviour. Bakili Muluzi, the first democratically elected president after Banda's demise at the age of 99, served two five-year terms that were blighted by corruption.

President Mutharika, who faces an election next month in which Muluzi is again a candidate, has clamped down on corruption and instigated successful agrarian programmes to end starvation. But corruption and all that goes with it - lack of transparency, impunity and a faltering justice system - remain very much part of Malawian life.

It was in October 2006 that Madonna and her then husband, Guy Ritchie, flew into a bemused Malawi to adopt 18-month-old David Banda. At the time, the singer was little known there, but everyone knew she was rich and her plan to adopt David warmed the hearts of Malawians when she promised not only to bring him back regularly to see his father, Yohane, but also to start a charity for the country, Raising Malawi.

David's adoption was shrouded in confusion, including claims his biological father had only

reluctantly let him go. Chifundo's adoption was expected to be easier as the child has no surviving parent, and only a grandmother had expressed reservations.

On the other hand, having split up from Ritchie in the past few months, Madonna is now a soon-to-be divorced single parent - of David, but also Lourdes, 12, and Rocco, eight. There was speculation yesterday that in Mutharika's Catholic Malawi, it was Madonna's change of status that informed the judge's decision.

But the high court also had compelling evidence in Madonna's favour. Thanks to support from Raising Malawi, David's decrepit former orphanage, Home of Hope, near the Zambian border in Mchinji, now has six new dormitories, play areas, toys, and extra staff. The charity also supports a feeding programme and a project for street children in the commercial capital Blantyre, funding for malaria nets and dental care. It has donated seed and fertiliser to Mutharika's agrarian revival. More controversially, schooling is provided using the mysterious Spirituality for Kids method, created by the Kaballah sect, of which Madonna is a follower.

Through her charity work, Madonna met Inness once. For about a year after their father's death Inness and her siblings received food from neighbours and support from social workers. But after the government reclaimed their house, a social worker approached the Home for Hope orphanage. It took the family in.

Its director, Rev Thomas Chipeta, says Inness's story is typical and is quick to defend Madonna. "She did not just come and take David away. Her plan for Chifundo was also honourable. Our orphanage used to be so rough and ready but now 600 children can, at least, hope to survive - maybe even do something with their lives." Even the local opponents of Madonna's attempted adoption stop short of criticising her. "We do not object to Madonna," Bamusi says. "We are grateful for her work in Malawi."

Since the confusion about David's adoption, the HRCC - an umbrella group of trade unions and non-government organisations - has lobbied parliament to pass a child protection act. The current law is so weak that commercial adoption agencies list Malawi as an "easy" country from which to obtain children. But amid an almost constant government crisis since the last election in 2004, MPs have not attended to the issue.

"Until our laws are brought into line with international treaties, we are stuck with a case-by-case situation and a lot of loopholes that could encourage child-trafficking," Bamusi says. "That is what Madonna and others could exploit and it gives an impression of statelessness, of a country that is incapable of taking care of its people. Madonna should continue with her projects here but taking one, two or even six or seven children out of Malawi is not going to solve the problem of our 1.5 million orphans."

But there's the rub - will Madonna continue her good works in Malawi if she can't have a second child to take home? It's a question Bamusi won't answer - rightly so, because Madonna is the rest of the world's problem. Malawi's problem is the need to create accountable governance, a functioning democracy and, with it, true sovereignty.