

MALAWI OGP NATIONAL ACTION PLAN

2016 to 2018

1 Introduction

Malawi joined the OGP in 2013 and this initiative reflects Malawi's commitment to improve and strengthen its democracy and good governance. Malawi is a least developed country facing social and economic challenges and being part of the OGP therefore gives the country an opportunity to achieve the implementation of sustainable development from 2016 to 2030. The Government of Malawi has embarked on various democratic and public sector reforms in-order to improve public service delivery, reduce poverty levels, fight corruption and promote inclusive and sustainable development.

The Government of Malawi is committed to ensure that the reforms will transform the lives of people, empower the citizens and promote sustainable development in line with its national policies and international commitments. In coming up with the Malawi Nation Action Plan from 2016 to 2018 and its commitments, the country has identified key priority areas on Access to Information, fight against corruption, empowerment of citizens and citizen participation, public sector reforms and public service delivery, the extractive Industry transparency initiative-(EITI) to ensure proper management and beneficiation ownership on revenue from natural resources. In all, all these commitments revolves around OGP principles on transparency and accountability and embracing new technologies.

2 Open Government Efforts to Date

This is the first National Action Plan for Malawi since the country joined the OGP in 2013 and the Action Plan is building on from a number of Government's already existing initiatives that have been used in the past and more reasons why some of the commitments are on issues that are not new but rather on initiatives which have been part of the principles of good governance and democratic dispensation in Malawi.

In the short-while, Malawi has achieved one of long-terms goals of fighting corruption by creating a National Integrity Platform which provides a space for different actors including non-state actors to share information, strategies and chat progress on fighting corruption in the country. In addition the Law on Declaration of Assets provides a transparent platform for public and elected officials to declare their assets before and after going into office. This helps in reducing corruption and promoting transparency and accountability. The National Initiative For Civic Education-(NICE) has also been set up as a Public Trust and its mandate is to civic educate Malawians through sharing information and conducting public meetings using different foras. These already existing initiatives add value by complimenting the implementation of the Open Government Partnership.

3 NAP Development Process

3.1 Sensitisation and Awareness Campaign

There has been on-going efforts to create sensitization for OGP in Malawi with government ministries, departments and agencies to be more aware as they are part of the National Steering Committee. These are policyholders and they have also committed to implementing the key commitments in the NAP. Government has also sensitised all the Principal Secretaries, Heads of Independent and Constitutional bodies and senior government officials in all the Ministries through an orientation workshop where a presentation on Open Government Partnership Initiative and its principles was made, Malawi's participation in the OGP since 2003, commitments in the NAP and it charted the way forward.

As for the citizens of Malawi, CSOs that are part of the National Steering Committee and their partner networks have also raised the issue of OGP and its principles in their different forums including linking OGP to the Access to Information bill advocacy and the various initiatives. The NICE Trust is also part of the OGP stakeholders and some information on what OGP is and its key principles have been shared among its members.

In going forward, a sensitisation and awareness campaign will be conducted to make the public aware of the key commitments in the NAP and this will be done through the print and electronic media for example, in the local newspapers, and radio jingles in English and local languages.

3.1 Stakeholder Engagement

Malawi has held a series of meetings involving Government ministries and departments, NGOs, private sector and the media to discuss OGP, appoint a National Steering Committee and engage an independent consultant in a transparent manner to support the development of the National Action Plan. The development of the NAP was inclusive as it received inputs from different stakeholders some of which are key ministries and policy holders who took a sense of ownership to develop, own and commit to the implementation of the commitments.

In essence, the NAP development process adopted a Multi Stakeholder Processes (MSPs) in order to provide space for all major stakeholders to input into Malawi's National Action Plan. This process provided a platform for dialogue, information sharing and decision making on the commitments. The processes enabled recognition of the importance of achieving equity and accountability in communication between stakeholders, involving equitable representation of stakeholder groups and their views.

The multi stakeholder process was premised on the fact that everyone involved in the processes has a valid view, relevant knowledge and experience to bring to the NAP. The approach also sought to generate buy in, create trust among and tease out solutions that provide mutual benefits. Because of the inclusive and participatory approaches used, stakeholders will have a greater sense of ownership and recognize the relevance of the commitments to their daily lives.

Much as the development of the NAP was supposed to receive feedback from a wider selection of society, it was mostly civil society, the private sector and government departments that had access to the draft NAP considering that most rural people in Malawi have limited access to means of communication like the internet, newspapers etc. There are suggestions that in the future, we can use public libraries and community halls to receive public feedback and then input into such processes.

In terms of how long the draft NAP was presented, it has been in a draft format since September 2015 and the current draft has been reviewed in between January to March 2016 after incorporating some views from different stakeholders.

3.3 NAP Endorsement

The draft NAP was presented to the OGP National Steering Committee for a review and endorsement after public consultations. This was then presented during a meeting of Principal Secretaries, Heads of Independent and Constitutional bodies and senior government officials who reviewed and checked with relevant policy-holders to assure commitment and implementation of the key commitments relevant to their Ministries. After the Principal Secretaries made some observations and comments, all those were incorporated into the final version of the National Action Plan, which has now been presented to the OGP Support Unit.

MALAWI'S OPEN GOVERNMENT PARTNERSHIP COMMITMENTS

Commitment Template		
Name and number of the Commitment		
No. 1: Freedom of Information		
Lead implementing agency	Ministry of Information, Civic Education and Tourism	
Name of responsible person/officer from implementing agency	Secretary for Information, Civic Education and Tourism – Mr. Justin Saidi	
Title, Department	Directorate of Information	
Email	saidijustin@yahoo.co.uk	
Phone	+265 1 773 233 +265 888873567	
Other actors involved	Government	Office of the President and Cabinet, E Government Department Ministry of Justice and Constitutional Affairs.
	CSOs, private Sector, working Groups, Multilaterals	Media Institute of Southern Africa-(MISA Malawi), Citizens For Justice, Malawi Human Rights Commission, Malawi Broadcasting Corporation, National Initiative for Civic Education, Zodiac Radio and TV, Malawi Communications Regulatory Authority-(MACRA), Council for Non-Governmental Organization- (CONGOMA), Daily Times – Print and TV and National Newspapers Limited.
Status quo or problem/issue to be addressed	Section 37 of the Malawi Constitution guarantees the right to information. However, there is no enabling legislation to regulate and operationalize access to information. Government adopted a policy on access to information. The Access to Information I Bill has been approved by Cabinet, its been gazetted and its awaiting enactment by the Malawi Parliament.	
Main Objective	To improve the flow of information from the government to citizens and ensure that citizens access the information held by government	
Brief Description of Commitment	The enactment of the access to information law underpins the need to realize	

(140 character limit)	the constitutional principles on right to information. Easy access to information increases transparency, which in turn, promotes accountability by enabling citizens to hold duty bearers to account for their actions		
OGP challenge addressed by the commitment	Limited access to relevant information by citizens of Government actions undermines achievement of development outcomes, weakens democracy and frustrates enjoyment of all rights. Limited public access to information on Government actions perpetuates a culture of secrecy, which undermines public confidence in public institutions and its officials.		
<i>Briefly describe the intended results of the commitment and how it will either make government more open or improve government through more openness.</i>	<p>Increasing citizen access to information improves the quality of development and governance outcomes. Information enables citizens to know what is happening. Such knowledge increases citizen's ability to hold duty bearers to account for their commitments and responsibilities as well as demand for enforcement of sanctions whenever accountability deficit occurs. Availability of information on human rights and breaches of these rights helps citizens to secure the protection of their rights.</p> <p>Access to information is also fundamental in delivering deeper, inclusive and more participatory forms of governance. By providing information on development and service delivery and obtaining feedback on matters that affect them, citizens are able to make more informed choices and decisions as well as respond better to opportunities.</p>		
Verifiable and measurable milestones to fulfill the commitment	New or ongoing commitment	Start Date:	End Date:
Cabinet approves Access to Information Bill and the Bill is gazetted	New		-
Parliament enacts the Access to Information Law	New		

Commitment Template	
Name and number of the Commitment	
No. 2 Citizen Participation	
Lead implementing agency	Ministry of Local Government and Rural Development
Name of responsible person/officer from implementing agency	Secretary for Local Government and Rural Development- Mr. Stuart. Ligomeka
Title, Department	(1) Directorate of Rural Development (2) Directorate of Local Government and

		Decentralization (3) Directorate of Chiefs Administration
Email		sligomeka@yahoo.com
Phone		+265 1 789 388
Other actors involved	Government	Office of the President and Cabinet, Ministry of Finance, Economic Planning and Development, Ministry of Information, Civic Education and Tourism; Ministry of Gender, Women and Children Affairs; Ministry of, Sports and Culture, Ministry of Labour, Youth and Manpower Development and various city, municipal and local councils
	CSOs, private sector, and traditional leaders systems	National Initiative for Civic Education-(NICE), Council for Non Governmental Organizations-(CONGOMA), Citizens for Justice-(CFJ), Catholic Commission for Justice and Peace-(CCJP), Institute for Policy Interaction-(IPI), Ministry of Local Government , National Libraries and the National Integrity Platform
Status quo or problem/issue to be addressed		There are mechanisms for engaging citizen's democratic process through regular elections, participation in local government development planning and consultations on policy frameworks. However, the levels of citizen's participation are still limited and the government does not adequately reflect the issues raised by citizens in its final policies and decisions that affect them. Apart from limited consultations, there is lack of mechanisms for providing feedback on performance duty bearers and government.
Main Objective		Create awareness and empower citizens to promote equal, inclusive and informed participation of citizens to seek increased transparency, accountability and good governance
Brief Description of Commitment (140 character limit)		Informed participation is essential for thriving democratic state. Citizen participation in a functioning democracy requires that they are fully engaged in the processes of identifying their needs and priorities and feedback is provided on performance. This ensures that citizens become partners with their governments and other service providers in a manner that promotes good governance and human rights. If citizens fail to actively participate, there is a danger that policies, programmes and interventions implemented at community levels will be simply imposed upon them. Such top-bottom approaches more often fail to realistically and accurately incorporate the most pressing needs of these communities
OGP challenge addressed by the commitment		Increasing space for citizen participation to ensure that inputs from service users are obtained. Such inputs will enable duty bearers to be more informed about the wishes of the communities they service. This will create opportunities for better decisions being made regarding what needs to done to improve the quality, efficiency and effectiveness of service provisions in communities that have diverse social needs, improved promotion and protection of human rights and deepening of good governance.

<p><i>Briefly describe the intended results of the commitment and how it will either make government more open or improve government through more openness.</i></p>	<p>This commitment will foster effective participation and engagement between citizens and decision-makers in order to strengthen transparency, accountability, increase responsiveness and encourage political representatives to address people's concerns in an open manner. It is anticipated that increasing public participation in local governance and democratic processes will ensure that citizens are involved in actual decision-making on issues that affect them and hold duty bearers accountable. It will speak to the realization of Section 12(1)(c) of the Malawian Constitution, which provides that the authority to exercise power of State is conditional upon the sustained trust of the people of Malawi and that trust can only be maintained through open, accountable and transparent Government and informed democratic choice</p>		
<p>Verifiable and measurable milestones to fulfill the commitment</p>	<p>New or ongoing commitment</p>	<p>Start Date:</p>	<p>End Date:</p>
<p>Annual change in knowledge and attitudes among citizens leading to demand for their rights, services and accountability</p>	<p>New</p>		
<p>Proportion of citizens expressing satisfaction with results of their participation in development and democratic processes</p>	<p>New</p>		
<p>Proportion of the population confirming having received feedback following their consultation or participation</p>	<p>New</p>		

<p>Commitment Template</p>	
<p>Name and number of the Commitment</p> <p>No. 3 National Integrity System and Fight Against Corruption</p>	
<p>Lead implementing agency</p>	<p>The Anti-Corruption Bureau and Office of the President and Cabinet, Good Governance Unit</p>
<p>Name of responsible person/officer from implementing agency</p>	<p>(a) The Director General of the Anti-Corruption Bureau- Mr. Lucas Kondowe (b) Office of the President and Cabinet- Principal Secretary Responsible for Good Governance- Mr. Wezi Kayira</p>

Title, Department		(a) The Anti-Corruption Bureau (b) Good Governance Unit
Email		wezikayira@yahoo.co.uk
Phone		+265 1 789 411 +265 1 770 166
Other actors involved	Government	Anti- Corruption Bureau, National Audit Office, Public Sector Reform Commission, The Judiciary, Parliament, The Office of the Ombudsman, Malawi Police Service, Malawi Electoral Commission, Ministry of Home Affairs and Internal Security, Immigration, Office of Director of Public Procurement, Ministry of Justice and Constitutional Affairs, Directorate of Public Prosecutions, Directorate of Public Assets declaration.
	CSOs, private sector, working groups, multilaterals	Malawi Economic Justice Network-(MEJIN), Media Institute of Southern Africa-(MISA), Council for Non-Governmental Organizations of Malawi)-CONGOMA, Citizens for Justice-(CFJ), Catholic Commission for Justice and Peace-(CCJP), National Construction Industry Council-(NCIC/COSTI Steering, Committee), Office of the Declaration of Asserts, Malawi Judiciary, and Malawi Police. Malawi Confederation of Commerce and Industry –(MCCI), General public
Status quo or problem/issue to be addressed		<p>The National Integrity System in Malawi constitutes all branches of government, the public, the private sector the media and civil society involved in prevention corruption and promotion of integrity. Corruption is a significant challenge in Malawi despite public support and government commitment to address the problem. The national anti – corruption effort has yielded mixed results as demonstrated by Malawi’s low ranking in international indices on corruption and integrity.</p> <p>Although a law requiring declaration of assets by senior elected representatives and public officials has now been enacted, the law itself is deficient, there is limited public awareness and the Office of the Director for Declaration Public Assets does not yet have adequate capacity to be fully functional and deliver on its mandate. The Access to information Bill has not yet been enacted to guarantee public access to information to ensure transparency and accountability. The Anti-Corruption Bureau lacks adequate resources to effectively deliver on its mandate of fighting and preventing corruption. The law establishing Anti-Corruption Bureau and governing its work has gaps that affect its efficiency and effectiveness. The Directorate of Public Prosecutions also lacks capacity and resources to effectively fight corruption and prosecute corruption cases. The Judiciary also lacks capacity and resources to try timely corruption cases. Weak coordination and inadequate resources undermine the national integrity system’s operations and effectiveness.</p>

Main Objective	To improve the effectiveness of the national integrity system in preventing and fighting corruption and promoting transparency, accountability and integrity in Malawi.		
Brief Description of Commitment (140 character limit)	This commitment requires urgent attention to ensure effective coordination and harmonization of the national effort to combat corruption and promote integrity, reviewing and addressing deficits in legislation of key accountability institutions to ensure that they are able to execute and fulfill their mandate, enhancing ethical conduct of political representatives and public officials and increasing public education and awareness on the prevention of corruption and reporting abuse of public resources.		
OGP challenge addressed by the commitment	The strengthening of the national integrity system is a cross cutting issue as it contributes to improved and equitable delivery of public services, entrenches public integrity, ensures efficient and effective use of public resources to deliver equitable, adequate and quality services and also contributes to greater corporate transparency and accountability.		
<i>Briefly describe the intended results of the commitment and how it will either make government more open or improve government through more openness.</i>	The operationalization of this commitment will ensure that the country has the ability to prevent corruption and enhance integrity thereby contributing to better governance and a just society. It is envisaged that national accountability institutions will be capacitated in terms of having adequate resources to perform their functions efficiently and strengthened their independence in order to effectively fulfill their mandates. In addition, there will be improved internal governance regulations, procedures and practices among all institutions to ensure transparency and accountability. Finally, commitment to national integrity system will generate focused actions by all key stakeholders to advocate to legal, policy and broader governance reforms necessary for improved development outcomes.		
Verifiable and measurable milestones to fulfill the commitment	New or ongoing commitment	Start Date:	End Date:
National accountability institutions progressively having adequate resources to operate effectively	New		
Reviewed legislation to remedy deficits in laws impacting on the fight against corruption	New		

Name and number of the Commitment		
No 4: Public Sector Reforms and Public Service Delivery		
Lead implementing agency	Public Sector Reforms Unit in the Office of the Vice President	
Name of responsible person/officer from implementing agency	Secretary for Public Sector Reforms- Ms. N. T. Mnthambala	
Title, Department	Public Sector Reforms Department	
Email	tamanyax@yahoo.co.uk	
Phone	+265 1 788 444	
Other actors involved	Government	Office of the President and Cabinet, Public Sector Reforms Department, Ministry of Local Government and Rural Development –(MOLGRD), Ministry of Information-(MOI), Malawi Revenue Authority-(MRA), and Ministry of Health, Ministry of Home Affairs and Ministry of Education, the Director of Public Safety and Road Traffic and Ministry of Finance and Economic Development, Department of Statutory Corporations and various ministries, departments and agencies of government
	CSOs, private sector, working groups, multilaterals	Council for Non-Governmental Organizations of Malawi-(CONGOMA), Malawi Confederation of Commerce and Industry –(MCCI), Economic Association of Malawi
Status quo or problem/issue to be addressed	Public sector reforms have been an on -going process since independence. However they have generated mixed performance characterized by inadequate and low quality of public services, a deterioration of work ethics, indiscipline and absenteeism, and a proliferation of fraud and corruption due to, among other things, lack of political will, insufficient resources, absence of a robust results oriented performance management system for individuals and public agencies, weak incentives to reward productivity and low remuneration. Consequently, the citizenry has lost trust and confidence in the government's delivery of public service. Public service has turned out to be a favor that Malawians have to seek in hospitals, road traffic, immigration department and various public services.	
Main Objective	To provide adequate and high quality services to the public at all times	
Brief Description of Commitment (140 character limit)	An efficient and effective public sector is a bedrock for sustainable development. A robust public service provides a sufficient capacity necessary to retain a competent	

	<p>workforce and achieve national development outcomes.</p> <p>This commitment enjoins government and all stakeholders to pursue and implement concrete and results oriented reforms that will revitalize the public service delivery machinery, process and systems. Specifically, improvements of the public sector delivery will be underpinned by the broader public reforms currently being championed by the Office of the Vice President through the Public Service Sector Reform Commission. These reforms seek to generate improvements through:- depoliticizing the public service, entrenching ethics, integrity and discipline, systematic development of human resource, harmonizing remuneration and conditions of service, rightsizing, harmonizing human resource management systems, effective implementation of performance management systems, establishing efficient and effective funding and payment systems, decentralizing service delivery, fostering efficient utilization of public resources, adopting technological innovations that improve efficiency and effectiveness of public service delivery and undertaking public service legal reforms.</p>		
OGP challenge addressed by the commitment	Improving efficiency and effectiveness of quality public services is essential in sustainable economic development of Malawi.		
<i>Briefly describe the intended results of the commitment and how it will either make government more open or improve government through more openness.</i>	Actions on this commitment will ensure that government is more responsive to citizen's needs by prioritizing equitable and increased access to public services required to improve and sustain a decent livelihood for the majority of ordinary people in their communities. It is therefore expected that the effective implementation of public sector reforms will enable the Government to meet high expectation and demands of the public, transform the work culture of the public service, promote ethics and integrity in the public service, promote transparency and accountability and ensure prudent management of public resources.		
Verifiable and measurable milestones to fulfill the commitment	New or ongoing commitment	Start Date:	End Date:
Annual budget allocation for public services matched with funding needs	New		
Government maintains adequate funding to key public services	New		
Proportion of the public expressing satisfaction with public service delivery	New		

Name and number of the Commitment		
No 5: Extractive Industry Transparency Initiative-(EITI)		
Lead implementing agency	Ministry of Finance, Economic Planning and Development	
Name of responsible person from implementing agency	Secretary to the Treasury- Dr Mangani	
Title, Department	Revenue Division	
Email	eitimw@eitimw.org rmangani@yahoo.com	
Phone	+265 1 789 355	
Other actors involved	Government	Ministry of Energy and Natural Resources, Office of the President and Cabinet-(OPC, Malawi Revenue Authority-(MRA),and Reserve Bank of Malawi and other government , ministries and agencies
	CSOs, private Sector, Reserve Bank of Malawi and Multi-stakeholder Group	Citizens for Justice-(CFJ), Action Aid, Council for Non-Governmental Organizations of Malawi- (CONGOMA). Catholic Commission for Justice and Peace-(CCJP), Institute for Policy Interaction-(IPI), Foundation for Community Support Services-(FOCUS), Paladin Energy Ltd, Mkango Resources Limited and Globe Metals Ltd, Shayona Cement Limited and Malawi Chamber of Commerce and Industry
Status quo or problem/issue to be addressed	Improving transparency and accountability and following the money from the extractive industry-(Mining, Oil and Gas) sector	
Main Objective	To ensure transparency and accountability in the collection and management of revenue from the extractive industry sector and natural resources in Malawi	
Brief Description of Commitment (140 character limit)	The extractive industry sector and natural resources has been associated with a curse instead of a blessing for a lot of African countries and thus partly because of lack of transparency in the sector. To make sure that revenue from the industry contributes to sustainable development, there is need for a tool that tracks revenue collection and where such revenue goes. EITI is such a tool as it provides information to different stakeholders and citizens. Availability of information on revenue transparency will help citizens appreciate how much money the	

	government receives from the sector and how that money contributes to national budget and translating to service delivery.		
OGP challenge addressed by the commitment	Open contracts and revenue transparency in the extractive industry sector		
<i>Briefly describe the intended results of the commitment and how it will either make government more open or improve government through more openness.</i>	<p>Make all rules and regulations for natural resource licenses and concessions available in a public database. This will also involve harmonizing with other laws like the taxation Act, freedom of information and Reviewing of the mineral legislation</p> <p>Publish timely, comprehensive reports on oil, gas and mining operations, including detailed revenue and contracts which government has entered with the industry.</p>		
Verifiable and measurable milestones to fulfill the commitment	New or ongoing commitment	Start Date:	End Date:
Establishment of the Multi-stake holder Grouping	Already done		
Submission of EITI application	Submitted in July, 2015		
Establishing the EITI secretariat	On-going	October, 2015	
Recruitment of staff to work at the secretariat	On-going	October, 2015	

ILLUSTRATIVE COMMITMENTS AND NEXT STEPS

Open Government Guide Topic	Expert organization	Malawi's priority areas	Relevant current steps in The Guide	Relevant future steps?
Right to Information	Access Info Center for Law and Democracy	Pass Right to Information Bill	Adopt a law which recognizes the right to information, in line with section 37 of the Malawian constitution	<p>Establish institutional structures and mechanisms for implementing the RTI</p> <p>Provide training to officials on record management and RTI implementation</p> <p>Ensure that each public authority puts in place core implementation systems on RTI</p>
Extractive Industry	Publish What You Pay	Ensure transparency in the collection and management of the extractives industry	Disclose contracts signed with extractive companies	<p>Make all rules and regulations for natural resource licenses and concessions available in a public database</p> <p>Publish timely, comprehensive reports on oil, gas and mining operations, including detailed revenue and project information</p>
Public Service Delivery	One.org	Adequate and high quality services to the public at all times	Poor public service in hospitals, road traffic, immigration department have subjected Malawians to seeking favors instead of service	Public sector reforms under will commit the public servants to the service charter

National Integrity System	Transparency International	Integrity systems will promote transparency, and accountability in the fight against corruption in Malawi.	The law under declaration of asserts is being implemented	<p>The law establishing ACB and governing its work has gaps that hamper its efficiency and effectiveness.</p> <p>The national integrity system is undermined by weak coordination and inadequate resources</p>
Asset Disclosure	Transparency International	<p>Increase citizens access to asset declarations</p> <p>Ensure validity of information on asset declarations</p>	<p>Establish a system of oversight for asset and conflicts of interest disclosures</p> <p>Verify assets declarations Targeted/Sample verifications of public officials to detect under or over declarations</p>	<p>Publicize procedures for accessing declaration of assets</p> <p>Develop a system of monitoring for assets, income and gift disclosures</p> <p>Make all disclosure data searchable online</p> <p>Use open data principles in making information available online</p> <p>Undertake asset verifications to validate declarations</p> <p>Improve asset declaration system (Is it manual or electronic)</p>