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## **COMMENTS MADE ON INDEPENDENT REPORTING MECHANISM (IRM): MALAWI END-OF-TERM REPORT 2016-2018**

### **Comment 1 (Page 2)**

It builds on the IRM midterm progress report on the country's OGP performance after one year of the plan's implementation.

***This is the first review that Malawi has undergone for the 2016 to 2018 NAP***

### **Comment 2 (Page 2)**

Office of the President and Cabinet has the authority to allocate funds for activities based on the necessary votes and use the authority of the Chief Secretary to implement these activities even when individual ministries are facing budget cuts from the Treasury.

***Political will did not translate into a priority for budget support***

### **Comment 3 (Page 2)**

Overall, two out of the five commitments were not directly relevant to OGP values, as they focused on the funding of government institutions

***Partly yes but OGP is premised on accountability through:***

1. .... Budget transparency;
2. .... Access to information;
3. .... Citizen engagement;
4. .... Asset disclosure;

***And Malawi's commitment through:***

- 1..... Freedom of information;
- 2..... Citizens participation;
- 3..... National Integrity systems and fight against corruption;
- 4..... Public sector reform and public service delivery;
- 5..... EITI

**All but do to contribute to accountability and transparency so a bit difficult to agree that they are not relevant to OGP when they were accepted by the OGP secretariat when the NAP was submitted in 2016.**

**Comment 4 (Page 3)**

Do the self-assessment

**GoM through the multi-stake forum that will be initiated will develop a mechanism for self-assessment.**

**Comment 5 (Page 4)**

Although the government established the National OGP Steering Committee consisting of government, civil society, and private sector representatives to monitor the action plan's implementation, it did not meet during the implementation period. It should be noted that some civil society organizations (CSOs) have been independently highly involved in the progress made towards implementing some of the action plan's commitments, particularly the passage of the Access to Information (ATI) Bill and Malawi's participation in the Extractive Industries Transparency Industry Standard (through their role in the EITI multi-stakeholder group).

**EITI, Access to Information and Public sector reform were deliberately put in the NAP because they had on-going activities that were already funded and CSOs were already supporting them.**

**Comment 6 (Page 4)**

While consulted CSOs expressed appreciation to the government for informing them on Malawi's progress in these thematic areas, the one-on-one meetings were informal and were not designed to serve as a substitute for the multi-stakeholder consultations in the National OGP Steering Committee. Because of the informal nature of these meetings, civil society as whole could not provide

input on implementation progress for the specific commitments in the action plan.

***CSOs were involved in the developing of the NAP at the inception of the OGP but indeed there was no space to sit and monitor progress of the OGP implementation. The reasons for that have been well articulated.***

**Comment 7 (Page 6)**

The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability

***Malawi should have earned a star on the Access to Information and EITI***

**Comment 8 (Page 12)**

At the time of writing this report, Malawi has not developed its next action plan.

***The second NAP may carry this forward but all depends with what the multi-stakeholder forum will decide.***

**Comment 9 (Page 12)**

Malawi's ATI Bill is a major achievement for civil society

***GoM deserves accolades for making this bill possible as some governments have been reluctant to pass this bill.***

**Comment 10 (Page 14)**

Annual change in knowledge and attitudes among citizens leading to demand for their rights, services and accountability

***Malawians are able to participate in:***

- 1.....Budget planning and implementation through VDCs, ADCs and DEC at district levels in LDF and CDF projects;***
- 2.....NGOs are exercising their civil and political rights through statements, demonstrations and through media with very critical voices towards government;***

**Comment 11 (Page 14)**

Did It Open Government?

***Its not true that `Govt didn't change. Malawians are accessing and enjoying civil and political rights now more than ever in the history of the country.***

**Comment 12 (Page 15)**

This commitment aimed to raise awareness and empower citizens to promote equal, inclusive and informed participation of citizens to seek increased transparency, accountability and good governance. The commitment was a result of some studies including one that showed that most citizens did not contact a local government councillor, a Member of Parliament, or official of a government agency about an important problem or to give their views.<sup>1</sup>

***This is an on-going activity at a local level and most Districts are engaged in this activity***

**Comment 13 (Page 15)**

By the end of the action plan, few activities were carried out for this commitment. The civil society members who had been involved in similar project by German Corporation for International Cooperation (GIZ) that covered nine districts emphasised the importance of this commitment.<sup>2</sup> However, the government point

***Beyond the GiZ funded project, the involvement of the ADCs and VDCs is quite critical and still on-going.***

**Comment 14 (Page 15)**

Civic Participation: Did Not Change

***This is not accurate as civic participation is on-going and Malawians are enjoying civil and political rights as we speak.***

**Comment 15 (Page 20)**

Did It Open Government?

***The PSR has contributed to the change of mindset in Malawi among the civil servants and it has to be acknowledged.***

**Comment 16 (Page 21)**

However, the move from the Vice President's Office to the Office of the President saw few senior positions created

***The VP is an office under the Office of the President and Cabinet, therefore. There was no movement. It's in the same office.***

#### **Comment 17 (Page 22)**

Malawi's public service sector has suffered from a deterioration of work ethics, indiscipline and absenteeism,

***Where is the evidence of this? This is a general statement that is not backed by facts and proof.***

#### **Comment 18 (Page 23)**

Extractive Industries Transparency Initiative- (EITI)-

***Malawi registered more progress in EITI than any other commitment in the 1<sup>st</sup> OGP NAP.***

#### **Comment 19 (Page 23)**

Did It Open Government?

***The EITI did open Government as revenue from the extractive industry sector was made available publicly to the citizenry. It also showed where the funds were deposited and it was account # 1.***

#### **Comment 20 (Page 24)**

Moors Stephens International Limited published the second Malawi EITI (MWEITI) report for the 2015/16 financial year which discloses material payments made to the government by companies operating in the oil, gas and mining sectors.<sup>3</sup>

***This did open Government as it was the first time such information was made publicly available.***

#### **Comment 21 (Page 25)**

While information is now available in the public domain regarding different contracts between the government and extractive industry companies, it was published prior to the official start date of the OGP action plan. Therefore, compared to status quo prior to the action plan, the commitment has not resulted in improved access to information.

***If information is publicly available, it means citizens can access it and that means progress.***

**Comment 22 (Page 25)**

Member of MSG felt that the only way the extractive industry can improve is through revisions in the Mining Act (1981) and address issues related to transparency in handling the mining contracts.<sup>4</sup>

***EITI starts after a mining contract has been signed hence applying the EITI standards to look at contracts may not be the best benchmark to assess its progress.***

**Comment 23 (Page 25)**

At the time of writing this report, Malawi has not started development of the next action plan.

***Possibility that it can be carried forward***

