

Independent Reporting Mechanism

Results Report:
Malawi 2023–2025

Open
Government
Partnership



Independent
Reporting
Mechanism

Table of Contents

Executive Summary..... 2

Section I. Key Observations..... 5

Section II. Early Results 8

Section III. Participation and Co-Creation 17

Section IV. Methodology 21

Annex I. Commitment Data 23

Executive Summary

Malawi’s second action plan advanced key government anti-corruption reforms by increasing transparency around public contracts, beneficial ownership, and natural resources. Progress centred on strengthening laws and institutions expected to open government to citizens in the longer term. During implementation, Malawi formed its National Steering Committee and Technical Working Groups.

Implementation

Malawi’s second action plan (2023–2025) achieved notable progress on flagship anti-corruption reforms.¹ It featured government priorities of political party finance and public debt transparency, digital governance, and mining sector governance reforms.²

Commitment 1 on open contracting and beneficial ownership transparency as well as Commitment 5 on natural resource governance achieved the most progress. The remaining commitments made important foundational strides but had not yet achieved notable results by the end of the implementation period.

Under this action plan, new laws and institutions strengthened accountability and transparency. These included amendments to the Public Procurement and Disposal of Assets Authority Act and the Ombudsman Amendment Act,³ drafting the Whistleblower Protection Act,⁴ and creation of the Mining and Minerals Regulatory Authority.⁵ These legal changes are expected to increase public access to information on who is doing business with the government and report potential suspect dealings.

Commitments 1 and 5 were flagged as promising and clustered in the Action Plan Review as they pursued a similar policy goal of establishing beneficial ownership transparency in the mining sector and government procurement. Upon reviewing adjustments made to the commitments during implementation, the IRM decided to de-cluster them and assess the results separately. Notably, the ambition of Commitment 1 was strengthened by additional objectives that were added through the Open Gov Challenge.⁶

At a Glance

LEVEL OF COMPLETION

3/5

Complete or substantially complete commitments

EARLY RESULTS

2/5

Commitments with early results

2/5

Commitments with significant results

KEY OBSERVATIONS

- The ‘Presidential Commitments’ contributed to greater early results but decreased civil society’s role in designing and implementing reforms.
- Establishment of Malawi’s OGP structures was a positive step, but opportunity remains to strengthen government and civil society collaboration.
- Anti-corruption reforms in this action plan set a strong foundation for transformative results in the long-term.
- Funding availability strongly influenced which reforms made progress.

Met the minimum requirements during implementation: No

Participation and Co-Creation

Malawi made notable progress in establishing OGP coordinating bodies and ways of working during the implementation period. The OGP Secretariat is administered through the Office of the President and Cabinet, working in collaboration with the national steering committee and technical working groups (TWG).⁷ The steering committee comprises five representatives each from government and civil society organisations.⁸ This is an improvement from the informal steering committee that led the co-creation process, which comprised mostly government stakeholders. The steering committee now has basic rules of participation and terms of reference to guide their scope of operation.⁹ Similarly, there was noteworthy progress towards developing the terms of reference for the technical working groups,¹⁰ which oversaw the implementation of respective commitments with government and civil society members from relevant policy areas that extended beyond those in the steering committee.¹¹ During the implementation period, the working groups provided a structured way of ensuring that key actors remain formally engaged in tracking progress and jointly problem-solving.

Implementation in Context

During the official launch of Malawi’s OGP action plan in 2023, the steering committee and technical working groups co-chairs added ‘Presidential Commitments’ to each thematic area in the action plan. Co-chairs of the technical working groups pledged and signed before the president to implement these activities along with the action plan.¹² This initiative enhanced the ambition of each commitment and more closely aligned the action plan with government priorities, as articulated in Malawi Vision 2063—its national development framework. In this report, the IRM uses the original action plan text as the basis of its assessment and takes into consideration the added ‘presidential commitments’ in determining the level of early results.

Strong support from the Office of the President and Cabinet revived Malawi’s OGP process after a period of inactivity from 2018 to 2022.¹³ The OPC mobilised government institutions to participate in OGP activities and ensured that engaged institutions allocated the necessary financial and human resources.¹⁴ However, the pace of implementation—particularly in the early stages of the action plan—faced challenges, including financial constraints,¹⁵ a lack of permanent personnel, and inconsistent coordination between government and civil society.¹⁶ Partner support from organisations such as the National Democratic Institute, Chandler Foundation, the World Bank, and Open Ownership contributed to the ensuing process and reform implementation. As Malawi did not have an online repository of their OGP activities, they fell short of the minimum requirements under the OGP Participation and Co-Creation Standards.¹⁷ However, this action plan falls under a grace period, and therefore there are no implications for their status in the partnership.

¹ “Malawi National Action Plan for the Open Government Partnership 2023–2025,” Office of the President and Cabinet of Malawi, accessed 3 January 2025, https://www.opengovpartnership.org/wp-content/uploads/2023/01/Malawi_Action-Plan_2023-2025.pdf.

² “Review of the Status of the Open Government Partnership 2023-2025 National Action Plan,” shared with IRM Researcher, 10 January 2025.

³ Mandy Pondani, “President Chakwera Assents to Ombudsman Amendment Bill,” Office of the Ombudsman of Malawi, accessed 9 March 2025, <https://www.ombudsmanmalawi.org/media/news/president-chakwera-assents-ombudsman-amendment-bill>.

⁴ Anti-Corruption Bureau Malawi, “Anti-Corruption Bureau Malawi,” Facebook, accessed 10 March 2025, https://www.facebook.com/permalink.php/?story_fbid=496192816267658&id=100076308308191.

⁵ “CMA: Malawi’s New Mining Regulator Accelerates Projects,” Malawi African Mining Week, 3 March 2025, <https://african-miningweek.com/news/cma-malawis-new-mining-regulator-speeds-up-projects>.

⁶ “Open Gov Challenge: Malawi,” Open Government Partnership, accessed 3 January 2025, <https://www.opengovpartnership.org/stories/open-gov-challenge-malawi>.

⁷ “OGP National Steering Committee Membership,” Malawi OGP Secretariat, accessed 20 February 2025, <https://www.ogp.gov.mw/index.php/component/content/article/19-joomla/104-national-steering-committee-membership?Itemid=437>; “Terms of Reference for the Technical Working Groups (TWGs) on Open Government Partnership in Malawi,” shared with IRM Researcher, 18 February 2025.

⁸ “OGP National Steering Committee Membership,” Malawi OGP Secretariat.

⁹ “Report on the 1st Meeting of the National Steering Committee on OGP,” Malawi OGP Secretariat, accessed 18 March 2025, <https://www.ogp.gov.mw/index.php/downloads/category/17-nsc-meetings>.

¹⁰ “Terms of Reference for the Technical Working Groups (TWGs) on Open Government Partnership in Malawi,” shared.

¹¹ Kennedy Rashid (Natural Resources Justice Network), interview by IRM researcher, 14 February 2025.

¹² “Open Government Partnership Malawi: Presidential Commitments,” shared with IRM Researcher, 11 March 2025.

¹³ Willy Kambwandira (Centre for Social Accountability and Transparency), interview by IRM researcher, 14 February 2025; Frank-Tisu Kalowamfumbi (Technical Person of Contact & Deputy Director of Policy at the Office of the President and Cabinet of Malawi), interview by IRM researcher, 9 February 2025.

¹⁴ Kambwandira, interview; Kalowamfumbi, interview.

¹⁵ Kalowamfumbi, interview.

¹⁶ Dennis Mwafulirwa (Centre for Human Rights and Rehabilitation), interview by IRM researcher, 17 February 2025.

¹⁷ “OGP Participation and Co-Creation Standards,” Open Government Partnership, 2021, <https://www.opengovpartnership.org/ogp-participation-co-creation-standards>.

Section I. Key Observations

The key observations below offer reflections from Malawi's second action plan cycle. These lessons aim to support Malawi's future action plans and broader open government journey.

Observation 1: The 'Presidential Commitments' contributed to greater early results but decreased civil society's role in designing and implementing reforms

The Government of Malawi formally launched the action plan six months into the implementation period. At the launch ceremony, co-chairs of the technical working groups signed agreements with the President of Malawi to implement 'Presidential Commitments' related to the five thematic areas in the action plan. These Presidential Commitments were created by the Office of the President and Cabinet and introduced additional activities that expanded the scope and ambition of the action plan commitments.¹ For instance, Commitment 1 was expanded to include strengthening whistleblower and corruption reporting channels. Activities indicated as Presidential Commitments were prioritised during implementation, potentially at the expense of the co-created milestones in the initial action plan text.² Reflecting on future processes, representatives from civil society organisations (CSOs) pointed out that preferential treatment for particular activities could undermine the purpose of inclusive co-creation and adherence to OGP standards. Consequently, non-governmental members could feel sidelined as their input were seemingly subordinated by what the government deemed as priorities.³ At the civil society OGP symposium in September 2024, civil society representatives identified the importance of defining clear roles for CSO engagement and processes to ensure CSO input is reflected in the next action plan.⁴

Observation 2: Establishment of Malawi's OGP structures was a positive step, but opportunity remains to strengthen government and civil society collaboration

The creation of a formal space for ongoing government and civil society collaboration on reforms is a notable step for Malawi. During the implementation period, a formal national steering committee was established with equal government and non-government members, as well as technical working groups led by co-chairs for each commitment. The technical working groups carried forward the implementation of their respective commitments, while the steering committee monitored the overall progress through quarterly meetings. Malawi's OGP Point of Contact noted that this action plan marked the first time that the government openly invited CSOs to collaborate as equal partners, while acknowledging there was lingering mistrust between the two parties.⁵

Some CSO members felt detached from the process, as they were not aware of their roles and did not have the resources to contribute to implementation.⁶ As a result, civil society largely took a backseat during implementation.⁷ A lack of clarity around roles and responsibilities affected implementation progress and coordination, especially in the Open Parliament Technical Working Group.⁸ For the next action plan, reformers can work together to strengthen communication and clarify the division of responsibilities between government and civil society. For instance, the steering committee can identify ways for CSOs to contribute to monitoring implementation progress and helping implementers to address challenges as they arise.

Observation 3: Anti-corruption reforms in this action plan set a strong foundation for transformative results in the long-term

Commitments 1 and 5 made significant progress strengthening laws and institutions to fight corruption. These included amendments to the Public Procurement and Disposal of Assets Authority Act, the Ombudsman Amendment Act, and the Procurement Act, as well as the creation of the Mining and Minerals Regulatory Authority. These reforms set strong institutional and legal frameworks to tackle corruption through open government. As seen across OGP members, cumulative progress across action plans often leads to the greatest results. For instance, Nigeria has gradually advanced beneficial ownership transparency (BOT) across all its OGP action plans to date. In the first plan, Nigeria began publishing beneficial ownership (BO) information for the extractive sector and made legal amendments to support BOT.⁹ Under the second plan, reformers drafted BOT implementing regulations and prepared to launch a public BOT register.¹⁰ The third plan then sought to launch the register and publish data under the Beneficial Ownership Data Standard.¹¹ By this time, BO data were already being used to shed light on suspected corruption.¹² Reformers in Malawi can consider how to use the next action plan to solidify and implement new anti-corruption laws and institutions. For instance, this can include activities to shift culture and practices in government as much as continuing to reinforce formal anti-corruption institutions.

Observation 4: Funding availability strongly influenced which reforms made progress

Civil society and government stakeholders who participated in the OGP process, particularly during the implementation period of this cycle, were affected by a lack of financial resources to support OGP activities. According to Malawi's OGP Point of Contact, the Office of the President and Cabinet mobilised government institutions that were closely inclined to certain thematic areas or relied on lead implementers to assist with funding.¹³ For example, the funding responsibility for Commitment 4 on Open Parliament was directed to government bodies closely related to finance. Some government entities did not have the capacity to take over financial responsibility since implementation began when the budget for the fiscal year was already submitted.¹⁴ Reformers undertook a resource mobilisation strategy to address these challenges, but it was only finalised near the end of the implementation period.

Concurrently, CSOs also lacked the financial capacity to fund action plan activities.¹⁵ Some civil societies in both the steering committee¹⁶ and technical working groups¹⁷ noted their inability to fully influence decision-making because of limited financial capacity. They did not have the resources to initiate activities such as raising public awareness or monitoring and evaluation programs.¹⁸ Consequently, some milestones in Commitments 2, 3 and 5 failed to achieve their maximum potential for early results. Partners such as the Tony Blair Institute, the National Democratic Institute, and the Chandler Foundation provided financial and technical support through organising meetings of the technical working groups and steering committee.¹⁹

¹ "Open Government Partnership Malawi: Presidential Commitments," shared with IRM Researcher, 11 March 2025.

² "Review of the Status of the Open Government Partnership 2023–2025 National Action Plan," shared with IRM Researcher, 10 January 2025.

³ "Review of the Status of the Open Government Partnership 2023–2025 National Action Plan," shared.

⁴ "Outcome Document Symposium: Strengthening and Broadening CSO Participation in Open Government Partnership (OGP) in Malawi," shared with IRM Researcher, 18 February 2025.

⁵ "Review of the Status of the Open Government Partnership 2023–2025 National Action Plan," shared.

⁶ Willy Kambwandira (Centre for Social Accountability and Transparency), interview by IRM researcher, 14 February 2025.

⁷ Dennis Mwafurwa (Centre for Human Rights and Rehabilitation), interview by IRM researcher, 17 February 2025; Chizaso Nyirongo (Director of Legal Services at the Office of the President and Cabinet), interview by IRM researcher, 10 February 2025.

⁸ “Open Parliament: TWG Assessment,” shared with IRM Researcher, 18 February 2025.

⁹ “Beneficial Ownership Register (NG0006),” Open Government Partnership, accessed 25 June 2025,

<https://www.opengovpartnership.org/members/nigeria/commitments/NG0006>.

¹⁰ “Establish Beneficial Ownership Registry (NG0020),” Open Government Partnership, accessed 25 June 2025,

<https://www.opengovpartnership.org/members/nigeria/commitments/NG0020>.

¹¹ “Public Register Following Beneficial Ownership Data Standard (NG0039),” Open Government Partnership, accessed 25 June 2025, <https://www.opengovpartnership.org/members/nigeria/commitments/NG0039>.

¹² Agustina De Luca & Kathryn Davies, “The Nigerian Data Challenge – Two examples of how public access and data quality influence investigations,” Open Ownership, 20 November 2023, <https://www.openownership.org/en/blog/the-nigerian-data-challenge-two-examples-of-how-public-access-and-data-quality-influence-investigations>.

¹³ Frank-Tisu Kalowamfumbi (Technical Person of Contact & Deputy Director of Policy at the Office of the President and Cabinet of Malawi), interview by IRM researcher, 9 February 2025.

¹⁴ Kalowamfumbi, interview.

¹⁵ “Outcome Document Symposium: Strengthening and Broadening CSO Participation in Open Government Partnership (OGP) in Malawi,” shared.

¹⁶ Kambwandira, interview.

¹⁷ Kennedy Rashid (Natural Resources Justice Network), interview by IRM researcher, 14 February 2025.

¹⁸ Rashid, interview.

¹⁹ Timothy Kalembo (Public Procurement and Disposal of Assets Authority of Malawi), interview by IRM researcher, 20 March 2025; “NSC Meetings,” Malawi OGP Secretariat, accessed 13 March 2025, <https://www.ogp.gov.mw/index.php/downloads/category/17-nsc-meetings>.

Section II. Early Results

This section analyses commitments that achieved the strongest early results in the action plan. To assess early results, the IRM considers commitments' objective, the country context, the policy area, and the evidence of changes. The IRM early results assessment is determined by the depth of change that occurred, and evidence that the change is expected to be sustained in time.

Table 1. Commitments with Early Results

Commitment 1 made progress towards beneficial ownership transparency, open contracting, and strengthening protections for whistleblowers and corruption reporting channels.
Commitment 5 increased transparency in natural resource governance through setting comprehensive legal and financial frameworks.

Commitment 1: Open Contracting and Beneficial Ownership Transparency

Implementer: Public Procurement and Disposal of Assets Authority (PPDA)

Context and Objectives

Commitment 1 aimed to strengthen the legal framework for open contracting and transparency of companies' beneficial owners. Prior to implementation, the Public Procurement and Disposal of Assets Authority (PPDA) did not have legal provisions to collect beneficial ownership information beyond company directors or publish an open beneficial ownership (BO) registry. Commitment 1 also pushed for the mainstreaming of transparency, accountability, and public participation in Malawi's public procurement system. These reforms aligned with the government's priority to address corruption and nepotism. An Anti-Corruption Technical Working Group (TWG) was established to implement the commitment, co-chaired by the PPDA alongside the Malawi Economic Justice Network.¹

At the formal action plan launch ceremony in June 2023, the Anti-Corruption TWG committed to undertake additional activities in a signed agreement with the President of Malawi. These activities significantly increased the scope and ambition of this reform and included to:²

- Institutionalise and operationalise—by collecting, publishing, verifying, and using—the 2022 Companies (Beneficial Ownership) Regulations for beneficial ownership transparency of all legal entities in Malawi engaged in public procurement.
- Issue a public notice of and reiterate compliance requirement for submission of a list of beneficiaries by all registered companies.
- Assess and verify reporting of compliance by registered companies to the 2022 Companies (Beneficial Ownership) Regulations.
- Biannually publish a list of compliant companies under the BO regulations.
- Conduct a legislative mapping of legal provisions that support BO transparency, public procurement policies, regulations and processes, access to information, and corrupt practices for the development of public service announcement communication materials.
- Review whistleblowing and corrupt practices reporting and response mechanisms available within institutions such as the Anti-Corruption Bureau (ACB), Deloitte's anonymous tip-offs mechanism, Competition and Fair-Trading Commission (CFTC), and the Office of the Ombudsman.
- Facilitate the development and revision of Public Procurement Guidelines.

Early Results: Significant

Commitment 1 led to notable changes in Malawi’s open contracting and BO transparency practices. Now all companies engaging in public procurement and re-registering in the Malawi Business Registration System must disclose their beneficial owners. Malawi also amended the PPDA Act as well as the Malawi Procurement Act to better counter corruption in procurement. The passage of the 2023 amendment of the Ombudsman Amendment Act and drafting of the Whistleblowing Protection Bill are notable progress towards legal protections for whistleblowers. This commitment achieved a substantial level of implementation. However, while reformers made progress implementing an e-Government Procurement System, this milestone was not yet completed at the time of this assessment.

Beneficial Ownership Transparency

This commitment strengthened the laws and processes for BO information collection and disclosure. Previously, companies bidding for government contracts and tenders were only legally obligated to register with the Department of the Registrar General (DRG) and disclose information about their company directors. According to the OGP Point of Contact, bidders were taking advantage of the loopholes to such an extent that some individuals would create numerous companies that would compete against each other in a procurement process.³ Additionally, there were incidents where bidding companies bribed officials, or the officials allocated government contracts to their kin.⁴ These changes sought to add a layer of security against corruption and nepotism.

This commitment advanced implementation of the 2022 Companies (BO) Regulations⁵ and BO Form 1, which collects BO information when a company is incorporated. The regulations were incorporated into the Malawi Business Registration System and the Malawi Companies Registry began enforcing compliance with the regulations.⁶ Now, all companies in Malawi seeking to re-register in the system and bid for public procurement must provide their BO information.⁷ The PPDA also carried out training courses,⁸ provided circulars,⁹ and adopted revised Standard Bidding Documents¹⁰ and Public Procurement Guidelines.

Amendments to the PPDA¹¹ and the Malawi Procurement Act¹² further laid legal foundation for integrity in the procurement process. The PPDA Act amendment, passed by the parliament in December 2024 and was signed into law by the president after the implementation period in January 2025,¹³ increased checks on procuring and disposing entities during single-source procurement¹⁴ by requiring their clearance from the Anti-Corruption Bureau. Implementation support was provided by Open Ownership in collaboration with the World Bank to develop a comprehensive BOT legal framework, support capacity building, and strengthen the BOT system development.¹⁵

Implementers did not achieve their aim to publish a list of beneficial owners for procuring companies by the end of the implementation period. However, the PPDA published a list of registered suppliers containing company names, addresses, and PPDA certificate expiration dates online in October 2024.¹⁶ According to an expert from Open Ownership, this list could enhance transparency in Malawi’s procurement system because it is openly accessible to other government agencies, civil society, and the public; allowing them to monitor and highlight discrepancies in the system. When released, Financial Intelligence Authority and Anti-Corruption Bureau investigations will also greatly benefit from access to BO data.¹⁷

Open Contracting

Reformers made progress towards the development of an open contracting portal. Malawi advanced its transition from a manual public procurement system to an electronic Government Procurement (e-GP) System.¹⁸ By the end of the implementation period, Phase 1 of the e-GP system was completed and integrated with the Malawi Business Registration System.¹⁹ During the implementation period, the Anti-Corruption TWG also began developing an Open Contracting Data Standards (OCDS)²⁰ portal. This was designed to complement the e-GP system by publishing public procurement data. Implementers noted that releasing information that meets international open contracting standards is a priority, which includes BO data. At the time of writing, they anticipated completing the OCDS system by the end of May 2025 and to begin publishing procurement data.²¹ Following the implementation period, reformers commenced the second implementation phase to validate data in the e-GP portal in mid-January 2025.²²

Development of the e-GP system was stalled by a lack of resources and technical expertise. Despite these challenges, notable progress was made towards a system expected to increase transparency and accountability in procurement processes. For example, the PPDA, under the manual system, uses single-source and exclusionary methods to award contracts, resulting in long processing times and vulnerability to corruption.²³ The new e-GP system aims to curb these challenges by enabling procuring and disposing entities to announce tender notices, receive bids from suppliers and manage public contracts digitally.²⁴

Corruption Reporting and Whistleblower Protections

The Anti-Corruption TWG advanced corruption reporting mechanisms and whistleblowing protection laws. As of December 2023, the National Assembly had passed the Ombudsman (Amendment) Act,²⁵ which “clarifies the type of organs of government over which the Ombudsman has jurisdiction and enumerates the nature of inquiries and investigations which the Ombudsman may undertake in relation to organs of the government.”²⁶ Additionally, Sections 12A and 12B designed for protecting whistleblowers were added to the main act.²⁷ They define whistleblowers and informers, emphasise the protection of their identity, and specify sanctions for false allegations and for those who retaliate against whistleblowers and informants. This law shows a substantial departure from the old legal framework in which a lack of clarity left whistleblowers vulnerable.

By the end of the implementation period, the ACB and the Malawi Law Commission were leading the development of the Whistleblower Protection Act²⁸ and engaging several institutions to develop corruption reporting mechanisms.²⁹ As of December 2024, they had established a Special Law Commission, engaged in nationwide consultations, and conducted a national validation workshop to draft the bill.³⁰ They emphasised the importance of these legal reforms, citing that “other whistleblowing laws such as the Access to Information Act and Corrupt Practices Act failed to provide comprehensive protection for whistleblowers.”³¹ On corruption reporting mechanisms, institutions like the Office of the Ombudsman, Central Medical Stores Trust, Parliament, Ministry of Lands, Ministry of Tourism, Malawi Energy Regulatory Authority, and Lilongwe Water Board had adopted corruption reporting mechanisms by the end of the implementation period.³²

Support and attention from the Office of the President and Cabinet contributed to this commitment’s expanded ambition and high level of implementation.³³ Consequently, there was a high level of commitment from government and non-government reformers to implement these measures.³⁴ Although resource constraints limited progress in some areas, support from partners

such as the World Bank and Chandler Foundation contributed to implementation.³⁵ Activities within this commitment also fall under Malawi’s Program for Results agreement with the World Bank, providing further incentive for continued implementation.³⁶

Looking Ahead

Commitment 1 is expected to continue strengthening Malawi’s public procurement and beneficial ownership practices in the longer term. Reformers’ modification of legal provisions for open contracting and beneficial ownership indicates resolution to restructure the status quo.³⁷ The Government of Malawi is not only digitising their procurement systems but also embedding transparency and accountability. As this reform area will be continued in the next action plan, reformers can consider the following:

- **PPDA can strengthen enforcement mechanisms for new regulations.** For example, enacting penalties for noncompliance and falsification of beneficial ownership data. Likewise, implementers could consider mechanisms for data verification and validation at the point of submission to improve data accuracy. For instance, Armenia’s public BO register automatically updates data entries and verifies and cross-checks submissions.³⁸
- **PPDA can publish accessible data that a wide range of people can analyse and make use of.** For instance, Nigeria published a company BO register on a free and publicly accessible platform usable by non-experts.³⁹
- **PPDA can align published data with data protection standards.** This entails protecting personal details like home addresses and mobile phone numbers. Open Ownership offers further guidance on balancing privacy and public interest.⁴⁰
- **The government along with development partners can invest in information technology infrastructure.** Resources and technical expertise slowed progress of the e-GP system rollout. Investing resources in the maintenance of servers and websites hosting data enables information to be constantly available.
- **The Anti-Corruption TWG can publicise the legal protections granted through whistleblower laws.** This could incentivise CSOs and the public to provide checks and balances on public officials and corporations without fear of victimisation. The implementers could consider raising public awareness in local languages to inform the public of their protections and rights when reporting suspected crimes.

Commitment 5: Transparency in Natural Resource Governance

Implementer: Ministry of Mining

Context and Objectives

Commitment 5 aimed to enhance accountability and public oversight in the mining sector, given its contribution to Malawi’s revenue.⁴¹ Milestones included developing regulations to implement the Mines and Minerals Act, strengthening parliamentary oversight in natural resource governance, creation of a sovereign wealth fund, and disclosure of all extractive sector contracts and licenses. Implementation of Commitment 5 was overseen by the Resource Governance Thematic Working Group (TWG),⁴² co-chaired by the Ministry of Mining and the Natural Resource Justice Network. In June 2023, the following activities were added through a signed agreement between the TWG and the President of Malawi:⁴³

- Facilitate the operationalisation of the 2023 Mines and Minerals Act.
- Ensure that a list of registered, licensed, and operational mining companies is published.
- Carry out consultative meetings with relevant ministries, departments, and agencies (MDAs) and Chairs of the Parliamentary Committee for Natural Resources and Climate

Change to inform situational analysis of challenges faced and propose solutions to issues relating to transparency in mining contracts.

- Conduct a Situational Analysis Report on mining contracts.
- Present situational analysis report findings and consultations with MDAs and parliamentary committee chairs to inform the process of development of templates for committee briefs on mining contracts.

Early Results: Significant

Commitment 5 significantly strengthened accountability and transparency mechanisms in the mining sector through the creation of the Mining and Minerals Regulatory Authority (MMRA) in the Ministry of Mining to enforce the Mining and Minerals Act. The Ministry of Mining operationalised the act by initiating reforms that ensure its applicability and compatibility to Malawi's mining sector. The commitment also facilitated collaboration between the Ministry of Mining and the Parliamentary Committee on Natural Resources and Climate Change. Moreover, the publication of mining contracts online points to the formation of an environment that supports trust between the government and its citizens. This commitment was substantially completed by the end of the implementation period.

Previously, Malawi's mining sector had limited mechanisms to ensure accountability and transparency. Data on mining revenue and contracts were not disclosed to the public or oversight authorities such as Parliament.⁴⁴ Although the sector contributes 1% of Malawi's GDP, the mineral sector was identified as a harbour for corruption, costing the country significant revenue annually.⁴⁵ According to the 2022 Malawi Extractive Industries Transparency Initiative (MWEITI) report, it had made moderate progress but could strengthen compliance and collection of beneficial ownership (BO) data.⁴⁶ Malawi developed its first set of BO regulations in 2022, although they remained unaligned with EITI standards.

In April 2023, Malawi enacted the Mines and Minerals Act (MMA), which specifies the need for the establishment of the MMRA to regulate mineral governance in Malawi.⁴⁷ The act replaced the Mineral Resources Committee as the sole administration authority of the mining industry and transferred their power to the MMRA. The MMRA was introduced as a solution to the long-term and prominent corruption and resource mismanagement in the mining sector.⁴⁸ Likewise, the authority and responsibilities of the Commissioner for Minerals and the Director for Geological Surveys were also transferred to the MMRA.⁴⁹ To increase transparency and accountability in the mineral sector, the act mandated the MMRA to maintain a public registry of mining licenses and to disclose license holders data.⁵⁰ The public can now request a copy of a license from the MMRA for a fee, which is an improvement from the old system where this data was not shared with the public.

Under Milestone 1, the Mines and Mineral Act was published in the government gazette through continued advocacy from the Natural Resources TWG by June 2024.⁵¹ The MMRA was created in October 2024,⁵² whereas the Director General, supported by an interim secretariat, was operating in Lilongwe by December 2024.⁵³ The MMRA has the authority to process and approve mining license applications and can revoke and amend the licenses under MMA. It is mandated to approve taxes and enforce compliance with licensing conditions granted.⁵⁴ EITI supported the establishment of the MMRA in the initial stages by facilitating peer learning between Malawi and Ghana.⁵⁵ The MMRA marks an important step towards minimising corruption and enhancing transparency and accountability in the mining sector. An EITI representative applauded the introduction of more robust institutions to administer resource governance.⁵⁶

Milestone 2 strengthened parliamentary involvement and oversight in natural resource governance. The added ‘Presidential Commitment’ expanded this aim by including consultative meetings with oversight institutions and mandating the Ministry of Mining to update them on challenges faced and propose solutions to issues relating to transparency in mining contracts.⁵⁷

The Ministry of Mining appears before the Parliamentary Committee on Natural Resources and Climate Change to explain development or production agreements. Through radio and TV meetings, which are open to the public, the terms of engagement on each component in the resource chain are discussed. By the end of the implementation period, the Ministry of Mining had conducted three meetings with the parliamentary committee.⁵⁸ To ensure the effectiveness of these engagements, the Natural Resources Justice Network and MWEITI conducted a sensitisation meeting with the parliamentary committee in December 2024. Additionally, Publish What You Pay conducted a consultation meeting with the parliamentary committee.⁵⁹

Progress was made towards enhancing transparency of companies operating in Malawi’s extractive sector. A list of registered, licensed, and operational companies was published under the Mining Cadastre Portal⁶⁰ on the website of the Ministry of Mining during the implementation period. However, at the time of review, the list was not accessible as the cadastre was undergoing review and update to match the new MMA stipulations.⁶¹ Implementers confirmed that this reform would be sustained in the future,⁶² and a consultant was hired to align the cadastre portal with the MMA.⁶³ Work was also underway for the development of an online portal for resource contracts and licenses in the natural resource sector.⁶⁴

Concurrently, MWEITI conducted a situational analysis study and produced a contract transparency report⁶⁵ in September 2024. They also published a list of mining contracts and agreements, and mining beneficial ownership data.⁶⁶ By the end of the implementation time frame, the Resource Governance TWG had engaged with the Registrar of Companies on BO disclosure of natural resources extraction companies.⁶⁷ This has the potential to address Malawi’s lowest score under the EITI 2022 validation report, scoring 30/100 for beneficial ownership transparency (BOT).⁶⁸ Implementers of Commitments 1 and 5 planned to collaborate closely to achieve this reform in the future. Moving forward, the data published through MWEITI could enhance accountability and transparency by external auditors such as civil societies, investigative journalists, researchers, and lobby groups. These stakeholders can hold the government accountable by independently analysing this data to detect corrupt practices such as opaque ownership of mining licenses, unfair contracts, and revenue leakages within the sector.⁶⁹

A lack of funding prevented the creation of a mining sovereign wealth fund (Milestone 3). According to the CSO co-chair, the TWG developed a concept note and terms of reference for managing the fund. However, they failed to secure sufficient resources from both the government and development partners to move forward with implementation.⁷⁰

Looking Ahead

This commitment laid institutional and legal groundwork for greater transparency and oversight of the mining sector in Malawi. While the MMRA signifies an institutional change with the potential to reform the mining sector, the implementers could invest in strong monitoring and evaluation mechanisms that ensure the MMRA maintains exceptional standards of integrity. Experts from EITI also pointed out the importance of creating safeguards that ensure that the new MMRA also undergoes a cultural shift away from the old systems.⁷¹ As this reform will be continued in the next action plan, reformers could consider:⁷²

- **Building stakeholder engagement into MMRA process.** The Ministry of Mining can work with the Resource Governance TWG to build participation with non-government stakeholders and other government entities into MMRA’s standard procedures.
- **Carrying forward efforts to create the Sovereign Fund.** Reformers could facilitate a dialogue and build consensus on the purpose and benefits of the fund. If created, reformers can build in strong transparency and accountability mechanisms.
- **Increase awareness of natural resource management reforms in communities where these resources are extracted.** Implementers could consider alternative methods to keep communities in mining areas updated, such as how extractive revenues are used for local development.

¹ “Anti-Corruption: TWG Assessment,” shared with IRM Researcher, 18 February 2025.

² “Open Government Partnership Malawi: Presidential Commitments,” shared with IRM Researcher, 11 March 2025.

³ Chizaso Nyirongo (Director of Legal Services at the Office of the President and Cabinet), interview by IRM researcher, 10 February 2025.

⁴ Nyirongo, interview.

⁵ “Malawi Companies (Beneficial Ownership) Regulations,” Government of Malawi, accessed 17 January 2025, <https://www.fia.gov.mw/publications/beneficial-ownership-regulation.pdf>.

⁶ Timothy Kalembo (Public Procurement and Disposal of Assets Authority of Malawi), interview by IRM researcher, 20 March 2025.

⁷ “Malawi Legal Update: Compliance of Disclosure of Beneficial Ownership Regulations,” Lex Africa, July 2024, <https://lexafrica.com/2024/07/compliance-beneficial-ownership-regulations>; “Declaration of Beneficial Ownership and or Shareholders of Bidders in Public Procurement and Disposal of Public Assets,” Public Procurement and Disposal of Assets Authority of Malawi, accessed 2 March 2025, <https://ppda.mw/storage/documents/resources/PPDA%20CIRCULAR%20-%20DECLARATION%20OF%20BENEFICIAL%20OWNERSHIP%20AND%20OR%20SHAREHOLDERS%20OF%20BIDDEERS%20IN%20PUBLIC%20PROCUREMENT%20AND%20DISPOSAL%20OF%20PUBLIC%20ASSETS.PDF>.

⁸ “General Resource: Training in Public Procurement for Micro Small Medium Enterprises (MSMES) - List of Participants,” Public Procurement and Disposal of Assets Authority of Malawi, accessed 2 March 2025, 6 December 2024, <https://ppda.mw/storage/documents/resources/PPDA%20Training-List%20of%20MSMEs.pdf>.

⁹ “Public Procurement and Disposal of Assets Authority Circulars,” Public Procurement and Disposal of Assets Authority of Malawi, accessed 2 March 2025, <https://www.ppda.mw/circulars>.

¹⁰ “General Resource: Standard Bidding Documents Template,” Public Procurement and Disposal of Assets Authority of Malawi, accessed 2 March 2025, <https://www.ppda.mw/general-resources>.

¹¹ Earlene Chimonyo, “Procurement professionals welcome amended PPDA Act,” Malawi Broadcasting Cooperation, 3 March 2025, <https://mbc.mw/procurement-professionals-welcome-amended-ppda-act>.

¹² “Malawi Procurement Act,” Government of Malawi, accessed 17 January 2025, https://www.mra.mw/assets/upload/downloads/Public_Procurement_and_Disposal_of_Assets_Act_2017.pdf.

¹³ Chimonyo, “Procurement professionals welcome amended PPDA Act,” Malawi Broadcasting Cooperation; “OGP Implementation Status Report 2024,” shared with IRM Researcher, 18 February 2025; “Public Procurement and Disposal of Assets Act. No. 7 of 2025,” Government of Malawi, 31 January 2025, <https://ppda.mw/storage/documents/resources/PUBLIC%20PROCUREMENT%20AND%20DISPOSAL%20OF%20PUBLIC%20ASSETS%20ACT,%202025.pdf>.

¹⁴ Kalembo, interview.

¹⁵ Favour Ime (Senior Regional Manager for Africa at Open Ownership), interview by IRM researcher, 11 April 2025.

¹⁶ “General Resource: List of Registered Suppliers - October,” Public Procurement and Disposal of Assets Authority of Malawi, accessed 03 March 2025, <https://ppda.mw/storage/documents/resources/List%20of%20Registered%20Suppliers-October.pdf>.

¹⁷ Ime, interview.

¹⁸ “OGP Implementation Status Report 2024,” shared.

¹⁹ “Review of the Status of the Open Government Partnership 2023–2025 National Action Plan,” shared with IRM researcher, 10 January 2025.

²⁰ “Anti-Corruption: TWG Assessment,” shared.

²¹ Frank-Tisu Kalowamfumbi (Technical Person of Contact & Deputy Director of Policy at the Office of the President and Cabinet of Malawi), correspondence with IRM researcher, 20 April 2025.

²² “Anti-Corruption: TWG Assessment,” shared.

²³ Kalembo, interview.

- ²⁴ “Malawi Public Procurement and Disposal of Assets,” Public Procurement and Disposal of Assets Authority of Malawi, accessed 3 March 2025, <https://www.ppda.mw/eGP>.
- ²⁵ “Malawi Parliament Passes Ombudsman (Amendment) Bill,” Office of the Ombudsman of Malawi, accessed 25 February 2025, <https://www.ombudsmanmalawi.org/index.php/media/news/malawi-parliament-passes-ombudsman-amendment-bill>.
- ²⁶ “Malawi Parliament Passes Ombudsman (Amendment) Bill,” Office of the Ombudsman of Malawi.
- ²⁷ “Ombudsman (Amendment) Bill 2024,” Government of Malawi, accessed 13 March 2025, <https://malawilii.org/akn/mw/act/2024/1/eng@2024-02-02>.
- ²⁸ Macdonald Thom, “Stiff Penalties Proposed in Whistleblower Law,” The Times Group, 10 March 2025, <https://times.mw/stiff-penalties-proposed-in-whistleblower-law>.
- ²⁹ Kalembo, interview.
- ³⁰ “OGP Implementation Status Report 2024,” shared.
- ³¹ Thom, “Stiff Penalties Proposed in Whistleblower Law,” The Times Group.
- ³² “OGP Implementation Status Report 2024,” shared.
- ³³ Frank-Tisu Kalowamfumbi (Technical Person of Contact & Deputy Director of Policy at the Office of the President and Cabinet of Malawi), interview by IRM researcher, 9 February 2025.
- ³⁴ Ime, interview.
- ³⁵ Nyirongo, interview.
- ³⁶ “Malawi - Fiscal Governance Program for Results,” World Bank, 26 April 2024, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099050624155539128>.
- ³⁷ Ime, interview.
- ³⁸ “Beneficial Ownership Register (AM0037),” Open Government Partnership, accessed 13 March 2025, <https://www.opengovpartnership.org/members/armenia/commitments/AM0037>.
- ³⁹ “Persons with Significant Control (PSC) Register,” Corporate Affairs Commission of Nigeria, accessed 6 May 2025, <https://bor.cac.gov.ng>.
- ⁴⁰ “Striking a balance: Towards a more nuanced conversation about access to beneficial ownership information,” Open Ownership, accessed 18 March 2025, <https://www.openownership.org/en/blog/striking-a-balance-towards-a-more-nuanced-conversation-about-access-to-beneficial-ownership-information>.
- ⁴¹ “Malawi Government: The 2024/2025 Budget Policy Statement,” Government of Malawi, 2 March 2025, https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.malawi.gov.mw/index.php/resources/documents/statements%3Fdownload%3D131:2024-25-budget-statement&ved=2ahUKewiPn_GblviLaxWD77sIHc7RlnIQFnoECDwQAQ&usq=AOvVaw26fIMHsF4-HxppjCzsMAVv.
- ⁴² “Natural Resource Governance: TWG Assessment,” shared with IRM researcher, 18 February 2025.
- ⁴³ “Open Government Partnership Malawi: Presidential Commitments,” shared.
- ⁴⁴ “Malawi 2020–2021 EITI Report,” Extractive Industries Transparency Initiative, 20 July 2022, <https://eiti.org/sites/default/files/2023-07/6TH%20MALAWI%20EITI%20FINAL%20%20REPORT%20-%20PERIOD%20JULY%202020%20TO%20JUNE%202021.pdf>.
- ⁴⁵ “Malawi Extractive Industries Transparency Initiative (MWEITI) Anti-Corruption Strategy (ACS),” Malawi Extractive Industries Transparency Initiative, 3 March 2025, <https://www.mweiti.gov.mw/documents/uploads/2024-11/MWEITI%20Anti-Corruption%20Strategy.pdf>.
- ⁴⁶ “Malawi 2020–2021 EITI Report,” Extractive Industries Transparency Initiative.
- ⁴⁷ “Malawi Mines and Minerals,” Malawi Extractive Industry Transparency Initiative, 7 June 2023, <https://www.mweiti.gov.mw/documents/uploads/2024-11/Mines%20and%20Minerals%20Act%202023%20published.pdf>.
- ⁴⁸ Alfred Chauwa, “Chakwera Announces major reforms to the mining: Regulatory Authority in the Offing,” Nyasa Times, 3 May 2021, <https://www.nyasatimes.com/chakwera-announce-major-reforms-to-mining-regulatory-authority-in-the-offing>.
- ⁴⁹ “Malawi Chamber of Mines Annual Report for 2023,” Malawi Chamber of Mines, 17 January 2024, https://mineschamber.mw/wp-content/uploads/2024/01/2024_Malawi_Contry_Report- MIASA.pdf.
- ⁵⁰ “Malawi Mines and Minerals,” Malawi Extractive Industry Transparency Initiative.
- ⁵¹ “Review of the Status of the Open Government Partnership 2023–2025 National Action Plan,” shared.
- ⁵² “CMA: Malawi’s New Mining Regulator Accelerates Projects,” Malawi African Mining Week, 12 November 2024, <https://african-miningweek.com/news/cma-malawis-new-mining-regulator-speeds-up-projects>.
- ⁵³ Kennedy Rashid (Natural Resources Justice Network), interview by IRM researcher, 14 February 2025.
- ⁵⁴ Wahard Betha, “Mining Regulatory Authority awaits Board appointment,” Mining and Trade News, 2 March 2025, <https://miningtradenews.net/mobile/view%20article.php?article=442>.
- ⁵⁵ Edwin Wuadom Warden (Country Manager for Anglophone Africa at the Extractive Industries Transparency Initiative), interview by IRM researcher, 6 April 2025.
- ⁵⁶ Warden, interview.
- ⁵⁷ “Natural Resource Governance: TWG Assessment,” shared.

⁵⁸ “Natural Resource Governance: TWG Assessment,” shared; “Review of the Status of the Open Government Partnership 2023–2025 National Action Plan,” shared.

⁵⁹ “Review of the Status of the Open Government Partnership 2023–2025 National Action Plan,” shared.

⁶⁰ “Mining Cadastre Portal,” Ministry of Mining of Malawi, 5 March 2025, <https://www.mining.gov.mw/index.php/cadastre>.

⁶¹ “Natural Resource Governance: TWG Assessment,” shared.

⁶² Rashid, interview; Nyirongo, interview; “Outcome Document Symposium: Strengthening and Broadening CSO Participation in Open Government Partnership (OGP) in Malawi,” shared.

⁶³ “OGP Implementation Status Report 2024,” shared.

⁶⁴ “OGP Implementation Status Report 2024,” shared.

⁶⁵ “Study Report on Contract Transparency and Implementation Roadmap,” Malawi Extractive Industries Transparency Initiative, 17 March 2025, <https://mweiti.gov.mw/documents/uploads/2024-11/Study%20Report%20on%20Contract%20Transparency%20and%20Implementation%20Roadmap.pdf>.

⁶⁶ “Contracts Transparency,” Malawi Extractive Industries Transparency Initiative, 17 March 2025, <https://mweiti.gov.mw/index.php/reports/details/717>; “Beneficial Ownership Disclosure,” Malawi Extractive Industries Transparency Initiative, 17 March 2025, <https://mweiti.gov.mw/index.php/reports/details/714>.

⁶⁷ “Beneficial Ownership Disclosure,” Malawi Extractive Industries Transparency Initiative.

⁶⁸ “Malawi achieves a moderate score in EITI implementation: Outcome of the Validation of Malawi,” Extractive Industries Transparency Initiative, 12 October 2022, <https://eiti.org/news/malawi-achieves-moderate-score-eiti-implementation>.

⁶⁹ Warden, interview.

⁷⁰ Rashid, interview.

⁷¹ Warden, interview.

⁷² “Outcome Document Symposium: Strengthening and Broadening CSO Participation in Open Government Partnership (OGP) in Malawi,” shared; Rashid, interview.

Section III. Participation and Co-Creation

Malawi created spaces for government and civil society to collaborate by formally establishing a National Steering Committee and Technical Working Groups during the implementation period. However, civil society and government reformers were still building trust and ways of working as equal partners. While Malawi created an OGP website, work remains to keep it operational and include up-to-date documentation of implementation and co-creation.

OGP in Malawi

Malawi's open government reforms benefit from strong support from the Office of the President and Cabinet.¹ Its leadership through the re-activation phase strengthened the position of OGP in the country through its ability to rally government institutions to support the agenda.² The Office of the President and Cabinet oversees Malawi's OGP process alongside the National Steering Committee (NSC). In March 2023, the steering committee was reconstituted to include an equal number of government and nongovernment representatives.³

Technical working groups (TWGs) were established for each commitment, which created more opportunities for civil society engagement.⁴ By the end of May 2023, the terms of reference for the working groups were adopted, followed by official orientation for members of the steering committee and working groups.⁵ The technical working groups oversaw commitment implementation and report to the steering committee.⁶ They comprise government agencies, civil society organisations, the private sector, and academia with expertise in the respective thematic areas. The co-chairs were selected based on their expertise in the thematic area and include:⁷

- **Commitment 1:** Anti-Corruption Technical Working Group, co-chaired by the Public Procurement and Disposal of Assets Authority and Malawi Economic Justice Network.
- **Commitment 2:** Right to Information Technical Working Group, co-chaired by Malawi Human Rights Commission and the Centre for Human Rights and Rehabilitation.
- **Commitment 3:** Digital Governance Technical Working Group, co-chaired by the Ministry of Information and Digitisation and Malawi Internet Service Providers Association.
- **Commitment 4:** Open Parliament Technical Working Group, co-chaired by the National Assembly and Child or Youth Parliament.
- **Commitment 5:** Natural Resource Governance Technical Working Group, co-chaired by the Ministry of Mining and Natural Resources Justice Network.

OGP in Malawi does not have a standalone budget to administer its activities. In the current action plan, reformers relied on the budget of participating government institutions to fund activities. This restricted the scope of participation, especially for civil society organisations.⁸ Representatives from civil society organisations noted that their organisations lacked the financial capacity to initiate independent activities such as outreach or monitoring and evaluation programs.⁹ They had to depend on government planning or donations from partner organisations. Likewise, OGP in Malawi lacks dedicated full-time personnel.¹⁰ Meanwhile, government institutions allocated part-time personnel to coordinate the implementation. These factors hindered implementation, although the steering committee and OGP Secretariat are working to find a sustainable solution that mitigates such challenges in the next action plan.

Action Plan Co-Creation

President Lazarus McCarthy Chakwera revived Malawi's OGP process after four years of inactivity.¹¹ This established strong political will behind the relaunch of OGP in Malawi and the

implementation of commitments. The president directed that an action plan should be submitted within five months upon his announcement, leaving a short runway to sensitise and rebuild the OGP community before collaboratively drafting the action plan. To meet the president's directive, an informal national steering committee, comprised of mostly government stakeholders, led the co-creation. Consequently, there was limited time to establish mechanisms for civil society collaboration.¹² A consultant interviewed government entities and drafted the action plan.¹³

Civil society members of the forum participated in a validation meeting on 30 November 2022. However, co-creation consultations largely centred on collecting government input.¹⁴ It also took time to establish processes for communication among key actors and public information on OGP in Malawi. The development of an OGP Malawi website, formal steering committee, and technical working groups mark improvements. As reformers continue to strengthen Malawi's OGP community, opportunity remains to further strengthen coordination and communication between government and civil society.

Participation during Implementation

The national steering committee was responsible for the overall coordination of the implementation process, which was aided by the technical working groups.¹⁵ Notably, the working groups enabled cooperation between civil society and government through co-chairs, who have equal administrative and decision-making powers.¹⁶ Other government and civil society stakeholders outside the steering committee were also included as members. This allowed diverse stakeholders to contribute to the implementation process. At the time of review, the steering committee and the OGP Secretariat were developing terms of reference for the technical working groups.¹⁷

Engagement and collaboration between civil society and government significantly improved compared to the co-creation phase. However, civil society members noted the need for the government to create space for them to be equal partners in identifying and implementing reforms.¹⁸ The technical working groups were envisioned to bridge the existing gaps between civil society and the government. According to the technical OGP Point of Contact in Malawi, there was significant distrust between the government and civil society during the initial stages.¹⁹ Although progress was made during the implementation phase, challenges like poor coordination in some working groups as well as financial and human resource challenges were limiting factors. Moreover, the IRM observed limited cooperation across the working groups, indicated by some stakeholders who only have knowledge of activities happening in their respective working group. The OGP Point of Contact also concurred with this observation, citing the need for more interaction between working groups.

Table 2. Compliance with Minimum Requirements

The IRM uses the OGP Participation and Co-Creations Standards to assess countries' participatory practices throughout the action plan cycle.²⁰ Countries are encouraged to aim for the full ambition of the standards and to comply with the minimum requirements under each standard.²¹

Minimum requirement	Co-creation	Implementation
1.1 Space for dialogue: Malawi's national steering committee ²² played an active role during the implementation period. ²³ A multi-stakeholder workshop was held for the reconstitution of the steering committee in March 2023. By the end of May 2023, the terms of reference were adopted and members of the steering committee were oriented. They met quarterly to assess the progress made through the working groups. ²⁴ At the time of review, a draft document of the terms of reference for the working groups was under development. ²⁵	No	Yes
2.1 OGP website: Malawi has a publicly accessible OGP website. ²⁶ It contains the 2023–2025 OGP Action Plan ²⁷ and other relevant updates related to the implementation process. The website was not updated until midway through the review process, as the OGP Malawi team faced challenges keeping the website updated. ²⁸	No	Yes
2.2 Repository: There was no dedicated repository available online. The OGP Point of Contact noted they were keeping OGP-related records offline. However, they were mapping a plan to address this issue. During the review process, several updates on the implementation process were uploaded on the website.	No	No
3.1 Advanced notice: See the Action Plan Review. ²⁹	No	Not applicable
3.2 Outreach: See the Action Plan Review. ³⁰	Yes	Not applicable
3.3 Feedback mechanism: See the Action Plan Review. ³¹	Yes	Not applicable
4.1 Reasoned response: See the Action Plan Review. ³²	Yes	Not applicable
5.1 Open implementation: Government and civil society collaborated during the implementation period through the technical working groups. ³³ Each technical working group has two co-chairs (one each from the government and civil society). The national steering committee met quarterly with the technical working groups to assess the progress made during implementation. ³⁴ Civil society members provided comments in these meetings.	Not applicable	Yes

¹ Frank-Tisu Kalowamfumbi (Technical Person of Contact & Deputy Director of Policy at the Office of the President and Cabinet of Malawi), interview by IRM researcher, 9 February 2025.

² Chizaso Nyirongo (Director of Legal Services at the Office of the President and Cabinet), interview by IRM researcher, 10 February 2025.

³ "OGP National Steering Committee Membership," Malawi OGP Secretariat, accessed 20 February 2025, <https://www.ogp.gov.mw/index.php/component/content/article/19-joomla/104-national-steering-committee-membership?Itemid=437>; "Report on the 1st Meeting of the National Steering Committee on OGP," Malawi OGP Secretariat, accessed 18 March 2025, <https://www.ogp.gov.mw/index.php/downloads/category/17-nsc-meetings>.

⁴ "OGP Technical Working Group Membership," Malawi OGP Secretariat, accessed 20 February 2025, <https://www.ogp.gov.mw/index.php/pages>.

⁵ "OGP Technical Working Group Membership," Malawi OGP Secretariat.

⁶ “Terms of Reference for the Technical Working Groups (TWGs) on Open Government Partnership in Malawi,” shared with IRM Researcher, 18 February 2025.

⁷ Nyirongo, interview.

⁸ Kennedy Rashid (Natural Resources Justice Network), interview by IRM researcher, 14 February 2025; Dennis Mwafulirwa (Centre for Human Rights and Rehabilitation), interview by IRM researcher, 17 February 2025; Willy Kambwandira (Centre for Social Accountability and Transparency), interview by IRM researcher, 14 February 2025.

⁹ “Review of the Status of the Open Government Partnership 2023–2025 National Action Plan,” shared with IRM researcher, 10 January 2025.

¹⁰ Kalowamfumbi, interview.

¹¹ Independent Reporting Mechanism, “IRM Action Plan Review: Malawi 2023–2025,” Open Government Partnership, 18 July 2023, https://www.opengovpartnership.org/wp-content/uploads/2023/07/Malawi_Action-Plan-Review_2023-2025.pdf.

¹² Rashid, interview.

¹³ “IRM Action Plan Review: Malawi 2023–2025,” Open Government Partnership.

¹⁴ Mwafulirwa, interview.

¹⁵ Nyirongo, interview.

¹⁶ “Terms of Reference for the Technical Working Groups (TWGs) on Open Government Partnership in Malawi,” shared.

¹⁷ “Terms of Reference for the Technical Working Groups (TWGs) on Open Government Partnership in Malawi,” shared.

¹⁸ “Review of the Status of the Open Government Partnership 2023–2025 National Action Plan,” shared.

¹⁹ Kalowamfumbi, interview.

²⁰ “OGP Participation and Co-Creation Standards,” Open Government Partnership, 2021,

<https://www.opengovpartnership.org/ogp-participation-co-creation-standards>.

²¹ “IRM Guidelines for the Assessment of Minimum Requirements,” Open Government Partnership, 2022,

https://www.opengovpartnership.org/wp-content/uploads/2022/05/IRM-Guidelines-for-Assessment-of-Minimum-Requirements_20220531_EN.pdf.

²² “NSC Meetings,” Malawi OGP Secretariat, accessed 13 March 2025,

<https://www.ogp.gov.mw/index.php/downloads/category/17-nsc-meetings>.

²³ Mwafulirwa, interview.

²⁴ Nyirongo, interview.

²⁵ “Terms of Reference for the Technical Working Groups (TWGs) on Open Government Partnership in Malawi,” shared.

²⁶ “Malawi Open Government Partnership,” Malawi OGP Secretariat, accessed 25 June 2025,

<https://www.ogp.gov.mw/index.php>.

²⁷ “Malawi National Action Plan for the Open Government Partnership 2023–2025,” Office of the President and Cabinet of Malawi, accessed 3 January 2025, <https://www.ogp.gov.mw/index.php/downloads/category/3-national-action-plan>.

²⁸ Nyirongo, interview; Kalowamfumbi, interview.

²⁹ “IRM Action Plan Review: Malawi 2023–2025,” Open Government Partnership.

³⁰ “IRM Action Plan Review: Malawi 2023–2025,” Open Government Partnership.

³¹ “IRM Action Plan Review: Malawi 2023–2025,” Open Government Partnership.

³² “IRM Action Plan Review: Malawi 2023–2025,” Open Government Partnership.

³³ Nyirongo, interview; Rashid, interview; “Terms of Reference for the Technical Working Groups (TWGs) on Open Government Partnership in Malawi,” shared.

³⁴ Mwafulirwa, interview.

Section IV. Methodology

This report supports countries' accountability and learning through assessment of the action plan's level of completion and early results. The report provides in-depth analysis of commitments or clusters that achieved the strongest early results in the action plan. It also assesses the country's participation and co-creation practices throughout the action plan cycle.¹

The IRM products provided during a national action plan cycle include:

- **Co-Creation Brief:** A concise brief that highlights lessons from previous IRM reports to support a country's OGP process, action plan design, and overall learning.
- **Action Plan Review:** A technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process.
- **Midterm Review:** A review of four-year action plans after a refresh at the midpoint. The review assesses new or significantly amended commitments in the refreshed action plan, compliance with OGP rules, and provides an informal update on implementation progress.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning.

In Results Reports, the IRM assesses commitments using two indicators:

Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.² The level of completion for all commitments is assessed as one of the following:

- No Evidence Available
- Not Started
- Limited
- Substantial
- Complete

Early Results

The IRM assesses the level of early results from implementation for each commitment or cluster. To do so, the IRM considers commitments' objective, the country context, the policy area, and the evidence of changes. The Early Results indicator is determined by the depth of change that occurred and the evidence of whether the change will be sustained in time. The early results indicator establishes three levels of results:

- **No Notable Results:** According to the evidence collected (through desk research, interviews, etc.), the implementation of the open government commitment led to little or no positive results. After assessing the activities carried forward during the period of implementation and its outcomes (if any), the IRM did not find meaningful changes towards:
 - improving practices, policies or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.
- **Moderate Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to positive

results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:

- improving practices, policies or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.
- **Significant Results:** According to the evidence collected (through desk research, interviews, etc.) the implementation of the open government commitment led to significant positive results. After assessing the activities carried forward during the period of implementation and its outcomes, the IRM found meaningful changes towards:
- improving practices, policies or institutions governing a policy area or within the public sector, or
 - enhancing the enabling environment to build trust between citizens and the state.

Significant positive results show clear expectations for these changes (as defined above) will be sustainable in time.

This report was prepared by the IRM in collaboration with Blessmore Nhikiti and was reviewed by Brendan Halloran, IRM external expert. The IRM methodology, quality of IRM products and review process is overseen by the IRM's International Experts Panel (IEP).³ For more information, refer to IRM webpage⁴ or the glossary of IRM and OGP terms.⁵

¹ For definitions of OGP terms, such as co-creation and promising commitments, see "OGP Glossary," Open Government Partnership, accessed 25 June 2025, <https://www.opengovpartnership.org/glossary>.

² The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses "Potential for Results" and "Early Results" at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology in the Action Plan Review.

³ "International Experts Panel," Open Government Partnership, accessed 25 June 2025, <https://www.opengovpartnership.org/about/who-we-are/international-experts-panel>.

⁴ "IRM Overview," Open Government Partnership, accessed 25 June 2025, <https://www.opengovpartnership.org/irm-guidance-overview>.

⁵ "OGP Glossary," Open Government Partnership.

Annex I. Commitment Data¹

Commitment 1: Open Contracting and Beneficial Ownership Transparency	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial 	<ul style="list-style-type: none"> • Completion: Substantial • Early results: Significant Results
This commitment is assessed in Section II.	
Commitment 2: Access to Information: Increasing Public Access to Information on Political Party Financing	
<ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Modest 	<ul style="list-style-type: none"> • Completion: Limited • Early results: No Notable Results
<p>This commitment sought to enhance political party and campaign finance transparency by operationalising the 2018 Political Parties Act. During the implementation period, progress was made towards establishing the institutional and legal foundations for political party oversight in the longer term. However, more advanced and ambitious steps to strengthen political party finance transparency were not achieved during the implementation period.</p> <p>Notably, the Office of the Registrar of Political Parties (ORPP) was established (Milestones 1 and 2). In 2023, the Office of the Prime Cabinet Secretary approved its structure, and the Ministry of Justice issued a warrant of establishment. In April 2024, a Registrar of Political Parties was appointed by the President and confirmed by the parliamentary Public Appointments Committee. The ORPP was also granted a budget vote and office space.² By the end of the implementation period, two technical support members were recruited to assist the registrar in operationalising and designing the organisational structure.³ Reformers noted a need for additional full-time personnel for the reform to reach its full potential.⁴</p> <p>In October 2024, the Registrar of Political Parties established a multi-stakeholder reference group to develop regulations for the 2018 Political Parties Act. The group included representatives from the Electoral Commission, Ministry of Justice, Department of the Registrar General, Malawi Law Society, and Political Science Association. In May 2025, after the implementation period, the Political Parties (Complaints Handling) Regulations were entered in the gazette, just before the start of the formal campaign period for the September 2025 general elections. The regulations establish a process for the submission and processing of complaints in the ORPP regarding allegations of political party handouts in exchange for votes.⁵</p> <p>While important steps were made, the commitment had not yet made progress towards its ambitious aim of increasing the transparency of political party finances within the implementation period. Political party reports and disclosures were not yet publicly available, as foreseen under Milestone 3 or the added ‘Presidential Commitments’.⁶ Resultantly, public awareness sessions on political party financial reports were not yet possible (Milestone 4).</p>	
Commitment 3: Adoption of E-Government and Digital Inclusion	

<ul style="list-style-type: none"> ● Verifiable: Yes ● Does it have an open government lens? Yes ● Potential for results: Modest 	<ul style="list-style-type: none"> ● Completion: Limited ● Early results: No Notable Results
<p>Commitment 3 aimed to integrate technology to strengthen government service provision. The government sought to enhance transparency and accountability by making government information and services accessible online. This commitment is a part of Malawi's broader digital transformation efforts.⁷</p> <p>According to the Digital Governance Thematic Working Group Assessment, the government had made some progress on milestone 1 for an institutional review and restructuring of the e-Government Department. A functional review was conducted, but the final report did not meet what was required. With regard to Milestone 2, no information was provided on changes to the use of websites by government ministries, departments, and agencies to comply with the Access to Information Act or to provide services.⁸ However, the government developed and piloted the Boma Lathu e-services platform, which offered a handful of services as of June 2025.⁹ No information was provided on the extent of citizen and civil society use of online government services and information (Milestone 3). Financial and technical resource constraints further limited progress.¹⁰</p> <p>Four overarching 'Presidential Commitments' were added to the commitment that aimed to (i) enhance government capacity to use ICT, (ii) align strategies with National Digitalisation Policy, (iii) approve the National Digitalisation Policy, and (iv) promote citizen use of ICT to access information and services. Activities carried out towards these objectives included strengthening technical infrastructure and skills training for civil servants as well as increased Wi-Fi connectivity in government institutions, public institutions, and schools.¹¹ Reformers strengthened the legal framework through approval of the 2023–2028 National Digitalisation Policy and the 2023–2028 Digital Economy Strategy as well as passage of the Data Protection Bill 2023.¹² Of its seven priority areas, the National Digitalisation Policy includes Priority Area 5: Digital Government, aiming to digitise and automate key government functions and services.¹³</p> <p>Reformers made notable steps towards strengthening ICT infrastructure, legal framework, and government capacity. However, by the end of the implementation period, evidence was not yet available that the public had greater access to government services or information as a result of implementation.</p>	
Commitment 4: Legislative Oversight of Public Debt	
<ul style="list-style-type: none"> ● Verifiable: Yes ● Does it have an open government lens? Yes ● Potential for results: Modest 	<ul style="list-style-type: none"> ● Completion: Substantial ● Early results: Moderate Results
<p>This reform aimed to strengthen parliamentary oversight and public transparency on Malawi's public debt. Milestones sought to ensure that money bills were referred to the parliamentary Budget and Finance Committee for hearings. Parliamentarians would be equipped to contribute to debt management and information disclosure through publications such as debt analytics and audits.</p> <p>Notably, the Budget and Finance Committee commenced reviewing money bills and publishing</p>	

reports, starting with Bills No. 14 (USD 30 million for financial services to rural households and enterprises) and No. 15 (USD 27.7 million for irrigation and agricultural support) in 2023. The committee adopted both bills with no amendments, but requested more in-depth information in the future.¹⁴ The reports were not publicly accessible due to the absence of a working parliamentary website.¹⁵ Chairpersons of the Budget and Legal Affairs Committees benefited from peer exchange and orientation from partner organisations on public debt management.¹⁶ According to the government, parliamentarians were also sensitised on their constitutional role in authorising loans and the current procedures. The government reports that following the orientation, committee members demanded that all bills be referred to the committee.¹⁷ Public hearings were broadcast on TV and online, although reformers noted a desire for an opportunity to increase public awareness of these platforms.¹⁸

‘Presidential Commitments’ added during implementation sought to strengthen the legal framework for public debt management and to conduct a situational analysis reporting on public debt and loan authorisation, which would inform the development of templates for committee briefs. Money Bill Procedures were developed in 2024, which awaited adoption by the Legal Affairs Committee as of June 2025. The procedures have the potential to ensure that Loan Authorisation Bills are referred to the relevant committees with sufficient time and supporting materials for their scrutiny.¹⁹ While the government stated a Debt Situation Analysis Report was completed, it was not made available to the IRM beyond a fact sheet outlining parliament’s role in OGP and debt management reforms.²⁰

Malawi strengthened parliamentary oversight of public debt during the implementation period by reinforcing procedures and parliamentarians’ capacity to review loan authorisations. While the commitment made less progress towards increasing public awareness of Malawi’s public debt, it laid important groundwork for continued efforts.

Commitment 5: Transparency in Natural Resource Governance

- | | |
|---|---|
| <ul style="list-style-type: none"> • Verifiable: Yes • Does it have an open government lens? Yes • Potential for results: Substantial | <ul style="list-style-type: none"> • Completion: Substantial • Early results: Significant Results |
|---|---|

This commitment is assessed in Section II.

¹ Editorial notes:

1. For commitments that are clustered, the assessment of potential for results and early results is conducted at the cluster level, rather than the individual commitment level.
2. Commitments’ short titles may have been edited for brevity. For the complete text of commitments, please see “Malawi National Action Plan for the Open Government Partnership 2023–2025,” Office of the President and Cabinet of Malawi, accessed 3 January 2025, https://www.opengovpartnership.org/wp-content/uploads/2023/01/Malawi_Action-Plan_2023-2025.pdf.
3. For more information on the assessment of the commitments’ design, see, “IRM Action Plan Review: Malawi 2023–2025,” Independent Reporting Mechanism, Open Government Partnership, 18 July 2023, https://www.opengovpartnership.org/wp-content/uploads/2023/07/Malawi_Action-Plan-Review_2023-2025.pdf.

² “Financial Statement 2025–26,” Ministry of Finance and Economic Affairs of Malawi, accessed 25 June 2025, <http://www.finance.gov.mw/index.php/our-documents/budget-statements?start=80>; comments submitted to the IRM by the Office of the Prime Cabinet Secretary during the pre-publication review period for this report June 2025; Dennis Mwafurirwa (Centre for Human Rights and Rehabilitation), interview by IRM researcher, 17 February 2025; Serah Makondesa Chilora,

“Government appoints Kizito Tenthani as Registrar of Political Parties,” The Times, 27 April 2024, <https://times.mw/government-appoints-kizito-tenthani-as-registrar-of-political-parties>.

³ “OGP Implementation Status Report 2024,” shared with IRM Researcher, 18 February 2025.

⁴ Mwafulirwa, interview.

⁵ “Handouts regulations ready in weeks,” Nation Online, 17 January 2025, <https://mwnation.com/handouts-regulations-ready-in-weeks>; “Handouts law guidelines ready, says registrar,” Nation Online, 5 June 2025, <https://mwnation.com/handouts-law-guidelines-ready-says-registrar>.

⁶ “Right to Information: TWG Assessment,” shared with IRM Researcher, 18 February 2025.

⁷ Richard Chirombo, “Malawi leaves mark on digitising services,” The Times Group, 23 September 2024, <https://times.mw/malawi-leaves-mark-on-digitising-services>; “Digital Malawi Acceleration Project (DMAP),” World Bank, 20 August 2024, <https://projects.worldbank.org/en/projects-operations/procurement-detail/OP00306493>.

⁸ “Digital Governance: TWG Assessment,” shared with IRM Researcher, 18 February 2025.

⁹ “Boma Lathu e-Services Portal,” Department of e-Government of Malawi, accessed 9 June 2025, <https://bomalathu.gov.mw>.

¹⁰ “Digital Governance: TWG Assessment,” shared.

¹¹ Chirombo, “Malawi leaves mark on digitising services,” The Times.

¹² “2023 Data Protection Bill,” Government of Malawi, February 2024, <https://digmap.pppc.mw/wp-content/uploads/2024/02/Data-Protection-Bill-2023-Correct.pdf>.

¹³ See the National Digitisation Policy (2023–2028) and Digital Economy Strategy (2023–2028) on: “Policies and Laws,” Ministry of Information and Digitalisation, accessed 25 June 2025, <https://ict.gov.mw/index.php/blog/downloads/policies-and-laws>.

¹⁴ “Report of the Budget Committee on Its Consideration of Bill No. 14 of 2023: International Fund for Agricultural Development (Additional Financing for the Financial Access for Rural Markets, Smallholders, and Enterprise Programme) Loan (Authorisation) - Report No. 1,” National Assembly of Malawi, 10 August 2023, shared with IRM researcher during the pre-publication review period of this; “Report of the Budget Committee on Its Consideration of Bill No. 15 of 2023: International Fund for Agricultural Development (Additional Financing for the Programme for Rural Irrigation Development) Loan (Authorisation) - Report No. 2,” National Assembly of Malawi, 10 August 2023, shared with IRM researcher during the pre-publication review period of this report.

¹⁵ “Parliament of Malawi,” National Assembly of Malawi, accessed 9 June 2025, <https://www.parliament.gov.mw> (also reviewed using the Wayback Machine).

¹⁶ “Supporting Malawi’s Parliament to Apply a More Critical Eye to Public Debt,” National Democratic Institute, 24 October 2023, <https://www.ndi.org/our-stories/supporting-malawi-s-parliament-apply-more-critical-eye-public-debt>.

¹⁷ Moffat Makande, “Loan Authorisation Process in Malawi Parliament Current Practices,” Assistant Clerk to the National Assembly of Malawi, presentation deck shared with IRM researcher during the pre-publication review period of this report.

¹⁸ “Review of the Status of the Open Government Partnership 2023–2025 National Action Plan,” shared with IRM researcher, 10 January 2025.

¹⁹ “Open Parliament: TWG Assessment,” shared with IRM Researcher, 18 February 2025.

²⁰ “Fact Sheet on Debt Situation Analysis in Malawi,” National Assembly of Malawi, June 2025, document and information shared with IRM researcher by the Office of the Prime Cabinet Secretary during the pre-publication review period of this report.