

# REPUBLIC OF MALAWI

## DEMOCRACY COMMITMENTS FROM THE MALAWI GOVERNMENT UNDER THE CHAKWERA ADMINISTRATION

### I. COMMITMENTS FOR STRENGTHENING DEMOCRACY AND DEFENDING AGAINST AUTHORITARIANISM

#### 1. Conducting Free and Fair Elections

- **Funding:**

Malawi is committed to fully funding democratic elections at councilor, parliamentary, and presidential levels, not only at the end of electoral terms, but also when seats fall vacant.

- **Legality:**

Malawi is committed to following every provision of the Constitution and other subsidiary laws that regulate the conduct of elections, as well as respecting the independence and judgments of the courts in resolving electoral disputes

- **Equality:**

Malawi is committed to allowing every person eligible to vote to do so, regardless of gender or ethnicity or place of origin.

- **Peacefulness:**

Malawi is committed to ensuring that all campaigning is done in a secure and peaceful environment that allows voters to exercise their right to vote without fear.

- **Fairness:**

Malawi is committed to the re-demarcation of constituency boundaries as required by law to ensure fair and equitable distribution of voters per constituency, as well as to the enforcement of laws proscribing the use of handouts and other inducements to solicit votes.

- **Transparency:**

Malawi is committed to free and full media coverage of all stages of the electoral process, as well as the deployment of observers and monitors throughout that process.

- **Reforms:**

Malawi is committed to implementing electoral reforms by improving legislation that regulates elections and removing administrative inefficiencies in the Electoral Commission.

## **2. Strengthening Independent Oversight Bodies**

- **Ombudsman:**

Malawi is committed to ensuring that the Office of the Ombudsman is fully funded and staffed to check against abuses of public office that have the potential to oppress citizens.

- **Legal Aid:**

Malawi is committed to ensuring that Legal Aid is fully funded and staffed to check against violations of the rights of citizens by public institutions.

- **Parliament:**

Malawi is committed to ensuring that the President appears before every session of Parliament to answer questions from the people's representatives as required by law.

- **Judiciary:**

Malawi is committed to the establishment of additional courts, the recruitment of additional judicial staff thereto, and the promotion of qualified judges, to ensure that there is an independent judiciary that can check against illegal uses of public office.

- **Police:**

Malawi is committed to enforcing a policy of no political interference in the operations and investigations of the Malawi Police Service to ensure there are no incidents of abuse.

- **Free Press:**

Malawi is committed to hold government accountable through the promotion of a free press and easing access to public officials by journalists, including regular and live press briefings at the State House to give account of the President's actions and decisions and regular and live press briefings at the Ministry of Information to give account of the actions and decisions of state institutions and senior Government officials.

### **3. Promoting Democratic Values and Principles in the SADC Region**

Malawi, as Chair of Southern Africa Development Community, is committed to engaging and lobbying regional counterparts in promoting democratic values and practices within the SADC region, including supporting the aspirations of the people of Eswatini to a more democratic system of government.

## **II. COMMITMENTS FOR ADDRESSING AND FIGHTING CORRUPTION**

### **1. Strengthening Public Finance Governance**

- **Revenue:**

Malawi is committed to strengthening revenue systems in revenue generating agencies such as Malawi Revenue Authority (MRA), Malawi Bureau of Standards (MBS) -levies on all imports and exports, MERA (MARIP levy), MACRA, ESCOM, Illovo, Water Boards, Roads Fund, Resource licenses, Road Traffic, Diplomatic Missions, etc.

- **Expenditure:**

Malawi is committed to allocating strategic financial resources to deliver on priority areas, curtailing wastage in all MDAs and parastatals, tracking and enforcing recommendations of annual audit reports on wasteful, unauthorized, and undocumented expenditures, and promoting a national culture of financial integrity.

- **Procurement:**

Malawi is committed to curtailing perverse incentives and supply cartels in all MDAs i.e., Central Medical Stores (CMS), NOCMA, ESCOM, MDF, Police, Water Boards, ADMARC. This will be done by initiating a functional review of and overhauling legislation for the PPDA; ensuring PFM is amenable to conventional accountability practice in/by all MDAs. To this effect, I commissioned a taskforce led by my Vice President to review the procurement and contract systems and recommend ways of ensuring that taxpayers are getting value for money throughout the procurement processes. These recommendations are being used by my Administration to implement public sector reforms for better service delivery.

- **Independent Investigations:**

Malawi is committed to strengthening, protecting, and respecting the independence and effectiveness of investigative agencies that focus on corruption. This year, particular focus will be given to enhancing the independence of the Anti-Corruption Bureau through legislative and administrative reforms; establishing mechanisms for collaboration between the ACB and the Office of the Attorney General and Director of Public Prosecutions; and filling the vacant positions of Director at the Financial Intelligence Authority and Auditor General at the National Audit Office.

## **2. Implementing Public Sector Reforms.**

- Malawi is committed to requiring the Boards of Directors for State Owned Enterprises to formulate KPIs, targets and reporting systems for their office tenure in order to enhance their oversight function and achieve effective and efficient service delivery.

The KPIs will be used as a performance index in assessing the quarterly and annual performance of the Boards and SOEs.

- Malawi is committed to commencing the phased implementation of Public Sector Reform recommendations made by the special Taskforce commissioned by President Chakwera in 2021 and delegated to Vice President Chilima to overhaul the structure, the procurement system, the contract culture, and the allowance culture across the public sector to cure it of wasteful spending, fraud, and defective and unlawful appointments of senior officers.
- Malawi is committed to developing a new National Action Plan for practicing the principles of transparency, accountability, and public engagement in consultation with the Private Sector and Civil Society as a precursor to reactivating its membership in the Open Government Partnership (OGP) following its expiry in 2018.

3. Appointing more judicial officers, establishing new Financial Crimes Court. Malawi is committed to the appointment of additional judges to the High Court for the establishment and operationalization of a Financial Crimes Court for the speedy prosecution and disposal of financial crimes.

4. Improving operations of the Directorate of Public Prosecution (DPP) through the strengthening of the Asset Forfeiture Unit. This will enable the Directorate to recover and forfeit to the State, all unexplained or illicitly obtained wealth, assets or property determined by a due process of law and transparent prosecution.

5. Enforcing the Access to information Act to enhance public accountability in tendering, procurement, recruitment, and contractual arrangements in public institutions. This is intended to increase transparency, improve the quality and quantity of service delivery, while removing perverse incentives for corruption, wastage, and business collusions. One key initiative to effect this is our plans to roll out a beneficial ownership registry that tracks who the ultimate beneficiaries of companies doing business with the State are, and to identify and close any emerging conflicts of interest there in.

6. Local Government. As the primary framework for service delivery of public goods and development, LG is where the government and the governed connect. Malawi is committed to improving accountability of public resources by investing in the capacity development for an efficient local assembly delivery system and a functional review of the role of District Commissioners.

### **III. COMMITMENTS FOR PROMOTING RESPECT FOR HUMAN RIGHTS**

1. Malawi is committed to strengthening the Malawi Human Rights Commission with additional funding to regulate human rights matters in the country and recommend improvements to be implemented by State actors.
2. Malawi is committed to protecting the rights of citizens to protest and take strike action, as well as protecting public and private property during protests.
3. Malawi is committed to regular contact and dialogue between Civil Society Organizations and Government to address issues affecting the lives and rights of ordinary citizens.
4. Internationally, Malawi is committed to using its UN Human Rights Council membership to contribute towards the promotion and consolidation of human rights worldwide.
5. Internationally, Malawi is committed to using its chairship of the Southern Africa Development Community (SADC) and the Least Developed Countries (LDCs) to speak out against threats to human freedom posed by strong economies bent on abusing their power and money against the weak and call on those nations to account on their obligations to humanity in addressing global crises they created, such as Climate Change, nuclear proliferation, and economic inequalities.