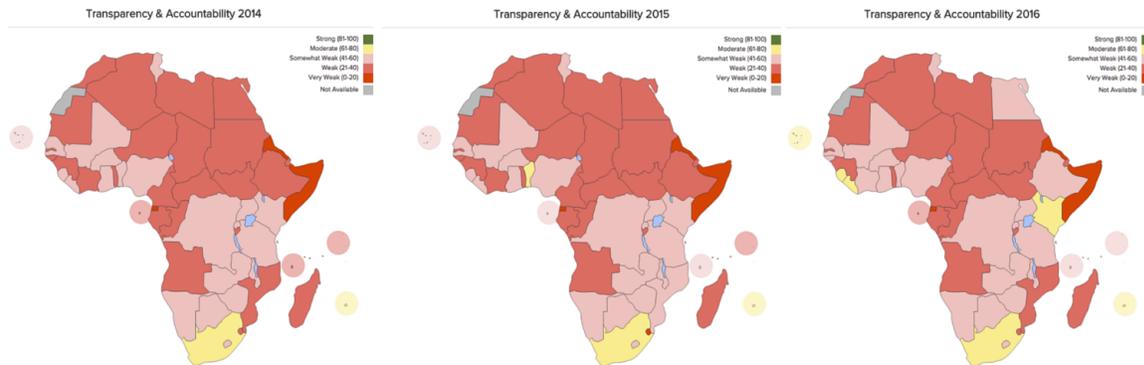


Africa Integrity Indicators – Country Findings



Who is Global Integrity?

Global Integrity supports progress toward open and accountable governance in countries and communities around the world. We focus on generating research and data, supporting the work of country-level reformers, and influencing global conversations on open governance. Our work covers a number of themes, with data, learning and citizen engagement at the core of everything we do. To know more about us, visit our website at www.globalintegrity.org.

What are the Africa Integrity Indicators?

In 2012, Global Integrity embarked on a five-year collaboration with the Mo Ibrahim Foundation to generate the Africa Integrity Indicators (AII), which assesses key social, economic, political and anti-corruption mechanisms at the national level across the continent. Global Integrity staff recruits and manages teams of in-country contributors in 54 countries to generate original governance data on an annual basis.

The questionnaire has 114 indicators and is divided in two main categories: Transparency & Accountability and Social Development. The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information. The Social Development indicators category consists of 51 indicators about gender, rights, welfare, rural sector, business environment, health and education.

The rich data set is designed to be particularly fruitful in identifying both bright spots as well as areas for improvement at the country level. The years of data include [2013](#), [2014](#), [2015](#), [2016](#); the next round of research will begin later in 2016 and be published in April 2017. To access our data, visit our project website at <http://aii.globalintegrity.org>.

Note: Each round of research is named from its year of publication. Thus, the 2016 round of research covers the period from September 2014 to September 2015, with only sources relevant to this period of study being accepted.

Get in touch with us

Global Integrity is dedicated not only to producing high quality data, but ensuring that it is as useful as possible for reformers (both inside and outside of government) around the world. If you're interested in working with this data to identify opportunities to support open governance efforts in your country, contact us at aai@globalintegrity.org.

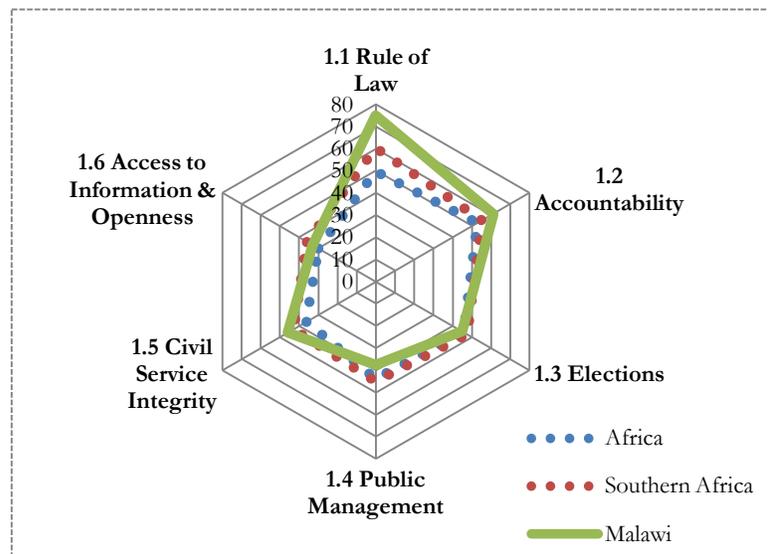
Malawi – Country Findings Summary

1. Transparency & Accountability

The Transparency & Accountability category consists of 59 indicators examining issues divided in the thematic areas of rule of law, accountability, elections, public management, civil service integrity, and access to information & openness. The indicators look into transparency of the public procurement process, media freedom, asset disclosure requirements, independence of the judiciary, and conflict of interest laws, among others.

The overall category score showed a slight increase by two points from 48 in 2015 to 50 in 2016 (“somewhat weak” on the Global Integrity scale).¹

Most subcategories earned aggregate scores similar to the Southern African and the continental averages. Of all [six subcategories](#), Rule of Law was the only one showing a significant gap with an aggregate score of 75 (“moderate” on the Global Integrity scale), in comparison to the regional average of 60 and the continental average of 50. It was also the highest performing subcategory, followed by Accountability (61), Civil Service Integrity (46), Elections (45) and Public Management (38). With an aggregate score of 33, Access to Information & Openness was the lowest performing subcategory (“weak” on the Global Integrity scale).



< Figure 1 > Malawi’s subcategory scores in comparison to the region and the continent. The radar chart depicts the country’s aggregate scores of each of the six subcategories under Transparency & Accountability, in comparison to average scores of the continent (blue dotted lines) and the country’s region (red dotted lines).

Selected highlights

- **Judges generally operated without fear or favor, and appointments of judges during the study period supported the independence of the judiciary.** The Malawian Constitution, in its Section 103, establishes that “all courts and all persons presiding over those courts shall exercise their functions, powers and duties independent of the influence and direction of any other person or authority” ([indicator 1](#)). In practice, judges were largely able to operate independently from other branches of government, despite occasional attempts of political interference in the form of “court

¹ The Global Integrity scale on the Africa Integrity Indicators website is as follows: 81-100 (Strong), 61-80 (Moderate), 41-60 (Somewhat weak), 21-40 (Weak), 0-20 (Very Weak)

shopping.” As [indicator 2](#) explains, it is a practice by which certain lawyers opt for certain judges to handle cases. In July 2015, the Malawi Revenue Authority (MRA) was accused of “court shopping” when it attempted, but failed to stop a judicial review of the arrest decision regarding Yeremiah Chihana, the valuer of former and late president Bingu wa Mutharika’s property. Chihana had been arrested in June 2015 on charges of tax evasion. While concerns have been raised about the lack of transparency in the appointment process of senior judges, the latest appointment of Andrew K.C. Nyirenda as Chief Justice of the High Court and Supreme Court in May 2015 was reported to be based on merit ([indicator 3](#)). The president’s appointment of Justice Nyirenda was approved by a two-thirds majority of members of Parliament, in accordance to procedures established in the Constitution. Furthermore, the Judicial Service Commission, tasked to manage the appointment, transfer and dismissal of judges, is chaired by the Chief Justice, further guaranteeing the judiciary’s independence from the executive and legislative branches. Judges in Malawi also provide reasoning for their rulings, and these are accessible to the public upon request at individual courts. [Indicator 4](#) on the availability of judgments, therefore, received a high score of 100. Certain judgments can also be accessed on the website of the Malawian Judiciary, although with a delay.

- **Malawi has a strong legal framework to ensure transparency in the public procurement sector. However, the bidding and awarding process is not always transparent in practice.** The Public Procurement Act of 2003 requires major public procurements to follow competitive bidding ([indicator 24](#)). The same Act also empowers the Office of the Director of Public Procurement to exclude any supplier found guilty of violations of procurement regulations from future biddings ([indicator 27](#)). In practice, while an effective system exists to keep guilty suppliers from participating in subsequent bids, the bidding and awarding process in itself is not always transparent. Even though public tenders are published in the country’s newspapers, bidders cannot access the evaluation criteria upon which awards are based ([indicator 25](#)). There were cases of companies winning bids without the necessary experience in the service to be delivered, or contracts were awarded to foreign companies at the expense of local Malawian suppliers. For instance, the Electricity Supply Corp. of Malawi (ESCOM) awarded contracts to two Indian bidders in 2015 despite protests from the Indigenous Businesspersons Association of Malawi (IBAM). As [indicator 26](#) reports, full records of procurement contracts are also not accessible to the public. However, names of companies found guilty of violating procurement regulations are shared by the Office of the Director of Public Procurement (ODPP) in a circular with all procuring entities ([indicator 28](#)). A list is also published on the ODPP’s website and can be obtained by citizens upon request. During the study period, suspended companies included GWH Construction Group, WEK Construction and Madula Building Contractors.
- **Malawi does not have an access to information law and citizens continue to face difficulties in obtaining information.** As reported in [indicator 41](#), an access to information bill is at the cabinet level, but no action was taken until the end of the study period to move it ahead. Thus, in practice, citizens’ requests for public information was not effective and accessing information also remained challenging, as public records are not always available online ([indicator 42](#)). For instance, documents related to legislative processes available on the Parliament’s website or library archive are limited to budgets and summaries of bills/acts, and full transcripts of debates, votes and full texts of bills

remain out of reach for the public ([indicator 43](#)). Financial records of state-owned companies or those associated with natural resources exploitation are also not accessible to citizens (indicators [29](#) and [30](#)). Even in the case of the government's controversial awarding of a mining license to Paladin Energy, an Australian uranium mining company, repeated requests of the public and the media to disclose the agreement in question was met with refusal. Even though Paladin Energy makes financial records available on its website, they are not disaggregated by individual countries the company operates in.

Furthermore, citizens are not able to access information on state funding or private donations received by political parties (indicators [49](#) and [51](#)). This can be attributed to the fact that no law, including the Political Party (Registration and Regulation) Act of 1993, requires such disclosure (indicators [48](#) and [50](#)). All relevant indicators earned a 'No' score. When it comes to asset disclosures of public officials, the Public Officers (Declaration of Assets Liabilities and Business Interests) Act of 2014 requires senior officials to disclose their assets and to make them public ([indicator 44](#)). However, the implementation of the law is not fully effective and no declarations were made available until the end of the study period ([indicator 45](#)). The law also does not apply to all levels of civil servants (indicators [46](#) and [47](#)).

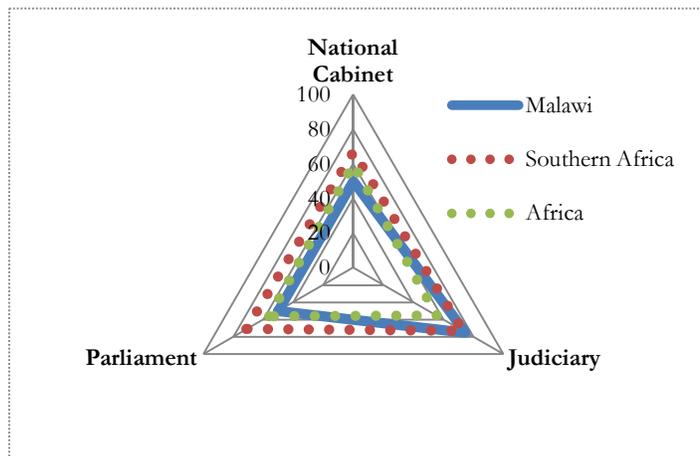
2. Social Development

This category covers seven subcategories, including rights (civil society space and minority rights), gender, business environment and infrastructure, rural sector, welfare, health, education, and civil registration. Because the Social Development portion of the research only includes a small number of questions per each topic area, we only provide the scores for each individual indicator and don't provide aggregated category or subcategory scores. However, the individual indicators themselves contain a wealth of information across a breadth of topics, a select few highlights of which are noted below.

Selected highlights

- Citizens were able to associate freely and NGOs did not face any obstacles in their operations. However, workers were occasionally restricted from organizing themselves.** As reported in [indicator 67](#), citizens were free to express dissent in public settings during the study period. For example, in April 2015, some Malawians protested outside the South African embassy in the Malawian capital Lilongwe against xenophobic attacks on Malawian and other immigrants in South Africa. NGOs also enjoyed a high degree of freedom in their operations, and those getting newly registered did not face any major obstacles ([indicator 68](#)). There were also no reports of NGOs being shut down or harassed with unwarranted administrative burdens ([indicator 70](#)), nor of NGO employees being killed, physically harmed or threatened as a retribution for their work ([indicator 69](#)). Indicators 67-70 all earned high scores of 100. Workers, on the other hand, saw their right to unionize occasionally restricted, generally in cases where they attempted to collectively bargain for better salaries and working conditions ([indicator 65](#)). For example, workers of the Satemwa and Esperaza tea estates were subject to harassment and threats when they tried to join the Plantation and Agriculture Workers Union (PAWU) during the study period.

- Women's representation was low in parliament and the presidential cabinet, but relatively high within the highest branch of the judiciary.** Only three women were among the 20 members (15%) of President Mutharika's cabinet. [Indicator 85](#), thus, earned a 50 score, which was below both the Southern African average of 67 and the continental average of 60. 31 out of 191 members of Parliament were women (16.2%), translating into a 50 score for [indicator 87](#). The regional average on this indicator was 71 and the continental average 56. Female representation was comparatively high within the highest echelon of the judiciary (Supreme Court, Court of Appeal, High Court). Out of a total of 27 judges, eight were women (29.6%). Seven out of these eight women were part of the High



< Figure 2 > Malawi's female representation in the three branches of government compared to the country's region and the continent.

Court. [Indicator 86](#) earned a 75 score, which stood significantly above the continental average of 56 and close to the regional average of 73.

- **The country showed strong statistical capacity.** The National Statistics Office (NSO) of Malawi publishes statistics on youth unemployment and poverty through its annual Welfare Monitoring Survey (WMS) and its quinquennial Integrated Household Survey (HIS), as reported in indicators [91](#) and [92](#). On youth unemployment, the NSO also published a one-time Malawi Labour Survey in 2013. All reports are accessible for free on the Office’s website. The WMS also contains some data on transport, and other statistics on infrastructure, specifically related to water, electricity and telecommunications can be found in the Statistical Yearbook ([indicator 93](#)). Data not covered by the NSO, such as statistics on road networks, rail lines or airports are additionally collected and published by the Ministry of Transport and Public Works. Malawi received 100 scores on all three indicators and alongside Mozambique and South Africa, was one of the only three countries to do so of all countries covered by the research.

The above findings capture selected highlights and are not an exhaustive analysis of the collected data. We encourage interested users to access our website [here](#) for detailed comments and sources for 114 individual indicators.