

U4 Expert Answer



Overview of corruption and anti-corruption in Malawi

Query

What is the status of corruption and anti-corruption in Malawi?

Purpose

I would like a country corruption profile for Malawi to help us compile our anti-corruption strategy.

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Summary

Corruption poses a serious challenge in the development of Malawi. The country suffers from various types of corruption – from high level political corruption to petty bribery that impedes service delivery and patronage and nepotism that exacerbates inequality and poverty in Malawi society.

Corruption is seen to be particularly severe in the police, registry and permit services, customs, and the judiciary. There are also reports of widespread

corruption and extortion by public officials in procurement.

While some of the corruption measurement metrics indicate that Malawi has been making progress on the anti-corruption front in recent years, the country is still marred by high levels of political corruption. Institutions such as the judiciary, the office of the ombudsman and the anti-corruption bureau are seen as being effective in investigating and prosecuting lower level corruption cases. However, experts have raised strong concerns about their treatment of politically significant persons and interests.

The launch of the National Anti-Corruption Strategy in 2008 is thought to have brought many improvements to the anti-corruption framework of the country. Malawi is seen to have strong anti-corruption laws and institutions and initiatives by the private sector complement the governmental efforts. However, experts state that there is still a significant gap between law and practice. For example, civil society and media are two areas where there are adequate laws to protect their independence and freedom, but where the government exerts a strong influence. Lack of adequate funding and human

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resources for public institutions also add to the erosion of the accountability mechanisms.

The recent political changes in Malawi, with the death of president Bingu wa Mutharika in early April 2012, and the accession to power of vice-President Joyce Banda is being hailed by some experts as a moment of opportunity for Malawi to purge the legacy of high levels of political corruption. It remains to be seen whether the regime change will translate to actual change on the ground in Malawi to close the gap between the anti-corruption framework and implementation.

1 Overview of corruption in Malawi

Extent of corruption

The reported extent of corruption in Malawi varies, depending on the source. Some of the sources report that corruption is on the decline overall, however, other sources indicate that it remains a serious issue, especially in public service delivery and political corruption. An overview of some of these sources is as follows:

- Corruption Perceptions Index (2011):** According to the 2011 Corruption Perceptions Index, Malawi performs well below average with a score of 3 out of 10 (with a lower score indicating more corruption) and a ranking of 100 out of 183 countries assessed. In the sub-Saharan region, it was found to be the 14th most corrupt country, out of 48. ([Corruption Perceptions Index, Transparency International, 2011](#))
- The World Bank's Worldwide Governance Indicators (2010):** Malawi scores 42.1 percentile on the control of corruption indicator. This shows a large improvement over 2005 when the country scored in the 27.3 percentile. The current ranking, however, remains below that of 2000 when the country scored in the 51.7 percentile. ([Worldwide Governance Indicators, The World Bank, 2010](#))
- World Bank's Governance & Corruption Diagnostic Survey in Malawi (2006):** The survey findings indicated that nearly 9 out of 10 citizens in Malawi believed corruption to be a serious problem and approximately 70 percent of citizens believed that the corruption problem had
 - gotten much worse over the last ten years while only 2 percent believed the situation had gotten better. Nearly 60 percent of citizens believed that it is common for citizens to pay bribes to public officials. Interestingly, the survey found that ordinary citizens perceived a higher level of corruption than either businesses or public officials. ([Malawi Governance and Corruption Baseline Survey, The World Bank, 2006](#))
- Transparency International's Daily Lives and Corruption, Public Opinion in Southern Africa survey (2011):** It was found that around 57% of Malawians surveyed believe that corruption in public service delivery has increased in the past 3 years. 58% of the respondents reported having paid a bribe to access public services in the 12 months prior to the survey. ([Daily Lives and Corruption: Public Opinion in Southern Africa, Transparency International, 2011](#))
- Heritage Foundation's Index of Economic Freedom (2012):** In the 2012 Heritage Foundation Index of Economic Freedom, "freedom from corruption" in Malawi received a score of 34 out of a possible 100 (with higher numbers indicating less corruption). Their assessment found that corruption remains widespread, and there are allegedly serious problems in agencies handling customs, taxes, and procurement. The score, however, shows relative improvement over 2011 and 2010 when the country scored 33 and 28, respectively, in the "freedom from corruption" category. ([2012 Index of Economic Freedom, Heritage Foundation, 2012](#))
- Ibrahim Index of African Governance (2011):** Malawi ranked 17th out of 53 Sub-Saharan countries assessed in the 2011 Ibrahim Index of African Governance. The overall score for the country was 57 out of 100 (with a higher score indicating better performance) which is above the continental average of 50. However, the country score is slightly below the Southern African region average score of 58. The overall country score also indicates a slightly positive yearly trend (it scored 54 and 56 in 2008 and 2009, respectively).
- Malawi performs particularly well in the category of safety and rule of law with a country score of 65, which is well above the continental average

of 53. It performs below the continental average (54, compared to 56) in the area of human development. ([2011 Ibrahim Index of African Governance, Mo Ibrahim Foundation, 2011](#))

- **Global Integrity Report (2011):** The 2011 assessment by Global Integrity found that, overall, Malawi experiences moderate levels of corruption. It was found that a relatively sound legal framework exists to protect against corruption, which received a score of 87 out of 100. On the other hand, actual implementation of anti-corruption measures received a score of 60 out of 100, leading to an implementation gap of around 26. ([Integrity Indicators – Malawi, Global Integrity, 2011](#))

Main causes of corruption

While there is no consensus on the causes of corruption in Malawi, research indicates that important drivers of corruption include - high levels of poverty and inequality, insufficiently funded and inefficient public sector, and extensive patronage networks.

Poverty and inequality

Malawi is one of the least developed countries in the world. In the 2011 Human Development Index (HDI), Malawi's received a score of 0.400, which gives the country a rank of 171 out of 187 countries with comparable data and places Malawi below the Sub-Saharan Africa region average of 0.463. Moreover, when inequality is taken into account, the HDI falls to 0.272, a loss of 32.0 percent. The average loss due to inequality for low HDI countries is 33.3 percent and for Sub-Saharan Africa it is 34.5 percent. ([International Human Development Indicators – Malawi, UNDP, 2011](#))

Insufficiently funded public sector

According to a 2006 World Bank survey, low salaries, lack of incentive mechanisms for public officials, and lack of corruption reporting systems were found to be the top three reasons for public sector corruption in Malawi. Other important reasons cited were poor economic policies, lack of transparent political process, acceptability of the practice, and lack of independent and effective media. ([Malawi Governance and Corruption Baseline Survey, The World Bank, 2006](#)) Others have also pointed to the imbalance between basic needs and the material resources available to public officials (especially in the lower ranks) as an important driver of corruption. On the other hand, maintenance of status and an affluent life-style was pointed out as a reason

for corruption among top-level officials. ([Combating Corruption in Malawi, Mustafa Hussein, 2005](#))

Patronage networks

Patronage and clientelist networks have been seen to play an important role in fostering corruption in the bureaucracy and political circles in Malawi. Patronage works through appointments in public sector positions, awards of lucrative contracts, and enticements of party loyalists and opposition MPs with cash and favours. In previous administrations, political circles were also characterised by according protection and benefits to the allies of the president and the ruling elite. ([Combating Corruption in Malawi, Mustafa Hussein, 2005](#))

Sectors most affected by corruption

Police

The TI Daily Lives and Corruption survey of 2011 found that the Police is perceived by Malawians to be the most corrupt sector. ([Daily Lives and Corruption: Public Opinion in Southern Africa, Transparency International, 2011](#)) A 2008 Afrobarometer survey also found that 68% of the surveyed citizens believe that police officials are involved in corrupt practices. ([Afrobarometer: Summary of Results Malawi, 2008](#)) Similarly, according to the 2010-2011 Global Competitiveness Report, business executives give the reliability of the police services to enforce law and order a score of 4.6 on a 7-point scale (1 being 'cannot be relied upon at all' and 7 'can always be relied upon'). ([Global Competitiveness Report 2010 – 2011, World Economic Forum](#))

Inefficiency, poor training, and lack of funding are some crucial reasons cited for corruption in this sector. The levels of funding are almost always inadequate, and as a result, the police are often short of staff and resources to carry out the full range of their responsibilities. ([Malawi – Scorecard 2011, Global Integrity, 2011](#); [2010 Human Rights Report, Malawi, US Department of State](#)) Although, the police have received support from donors such as the DFID ([The Development Situation in Malawi, U.K. Parliament Publication, 2012](#)), it is not clear whether this has led to concrete improvements in service.

According to a US Department of State report, the police service maintained a disciplinary committee chaired by the inspector general of police to investigate abuses; however, resources were limited, and it met only sporadically. Officers were disciplined, but punishments often consisted of reassignment to another post or dismissal rather than more stringent

sanctions. (2010 Human Rights Report, Malawi, US Department of State) Other agencies that are mandated to respond to citizen complaints against the police, such as the Ombudsman and the Human Rights Commission are similarly under-staffed, lack resources and are often pressured against acting against officers connected to the senior-level political elites. (Malawi – Scorecard 2011, Global Integrity, 2011)

Registry /permit services and licenses

Registry and permit services were found to be the second most corrupt sector in the TI Daily Lives and Corruption survey. 44% of Malawians who came into contact with these services (for example, obtaining birth or marriage certificates, licenses, etc.) reported to have paid a bribe. (Daily Lives and Corruption: Public Opinion in Southern Africa, Transparency International, 2011)

It is alleged that rules and regulations are applied selectively and discriminatorily, and a regulatory system that continues to be marked by extensive red tape and cumbersome bureaucratic structures presents ample opportunities for public officials to maintain corrupt practices. (Malawi Country Profile, Business Anti-Corruption Portal)

Business licensing and regulation is thought to be a particularly vulnerable area. The process of obtaining a business license in Malawi is very time consuming - among 46 African countries ranked in the World Bank's Doing Business Index, Malawi is ranked 21st. According to the Doing Business Index, overall, doing business in Malawi has actually worsened between 2010 and 2011, with Malawi dropping from a rank of 141 in 2010 to 145 out of 183 countries in 2011. Business executives give government administrative requirements (permits, regulations, reporting) in Malawi a score of 3.7 on a 7-point scale (1 being 'extremely burdensome' and 7 'not burdensome at all'). (Malawi – Scorecard 2011, Global Integrity, 2011 ; Malawi Country Profile, Business Anti-Corruption Portal)

The challenges that are highlighted in the Doing Business Index include: starting a business, dealing with construction permits, getting electricity, and trading across borders. It is alleged that the Office of the Registrar General, which is responsible for registering businesses, is short-staffed and lacks adequate resources to make timely decisions. The office relies on a manual system of registration, which lengthens the

time it takes to register a business. (Malawi – Scorecard 2011, Global Integrity)

Customs

The Daily Lives and Corruption survey found Customs to be the third most corrupt sector in Malawi – of the citizens who came into contact with the Customs authorities, 41% reported having paid a bribe. (Daily Lives and Corruption: Public Opinion in Southern Africa, Transparency International, 2011) Similarly, a 2011 report from the US Department of State also found Customs authorities to be particularly corrupt. A 2010 report from the Heritage Foundation points out that cumbersome regulations and non-transparent and corrupt customs processes add to the costs of trade with Malawi. (Malawi Country Profile, Business Anti-Corruption Portal)

The 2011 Global Integrity assessment found that while the customs and excise agency has a full-time, professional staff and receives regular funding, in practice its work is often marred by favouritism towards individuals that have family or friends within the authority or in government. (Malawi – Scorecard 2011, Global Integrity, 2011)

Judiciary

The available information on the judiciary in Malawi paints a mixed picture. The TI Daily Lives and Corruption survey found that 39% of the citizens who came into contact with the judiciary in Malawi had to pay a bribe. (Daily Lives and Corruption: Public Opinion in Southern Africa, Transparency International, 2011)

Other sources report that there is a general lack of capacity in the judiciary, and cases are often delayed, postponed, and dockets and documents often go missing. Moreover, in the 2011 and 2012 Doing Business survey it was found that in Malawi the cost of contract dispute settlement relative to the value of the contract is one of the highest in the world. (Ease of Doing Business in Malawi, 2012)

There are, however, signs of improvement. According to the US Department of State, the judiciary generally acts independently from the government. The Legal Profession's Disciplinary Committee is believed to be fairly independent and has a strong voice in fighting for public and private accountability. (Malawi Country Profile, Business Anti-Corruption Portal) The 2011 Global Integrity assessment also found that judicial fairness, independence and citizen access to justice works fairly well in Malawi, receiving an overall score of 83 out of 100. (Malawi – Scorecard 2011, Global Integrity)

Public financial management

Budget processes

In Malawi, significant public expenditures require legislative approval and a separate legislative committee, the Public Accounts Committee, provides oversight of public funds. However, it is alleged that members of the Malawi legislature lack professional support staff to help them monitor the budget and other legislative processes. ([Malawi – Scorecard 2011, Global Integrity](#))

The law in Malawi provides for public access to budgetary information – both to citizens and non-citizens, including foreign media. Malawi received a score of 47 out of 100 in the 2010 Open Budget Index, which is above the average score of 42 for the countries surveyed worldwide and it places Malawi in 8th position among 27 African countries. Malawi's score increased significantly from 2008 to 2010. Malawi improved the comprehensiveness of the Executive's Budget Proposal. The government started to publish In-Year Reports and the Year-End Report that they previously produced for internal purposes. Malawi also started to produce and publish a Citizens Budget. ([Open Budget Index 2010, Malawi](#)) The minister of finance holds budgetary consultation meetings with various sectors of society for the purpose of soliciting ideas and input from members of the public. Civil society organisations are among the key stakeholders that are consulted in this process. ([Malawi – Scorecard 2011, Global Integrity](#))

Public procurement

Corrupt practices and extortion by public officials in the procurement of goods and services are said to be widespread in Malawi, and tender awards is plagued by patronage. In the 2010 – 2011 Global Competitiveness Report, business executives gave the favouritism of government officials towards well-connected companies and individuals when deciding upon policies and contracts a score of 3.3 on a 7-point scale (1 being 'always show favouritism' and 7 'never show favouritism'). ([Malawi Country Profile, Business Anti-Corruption Portal](#))

Global Integrity's latest assessment indicates that Malawi has a good legal framework in place for ensuring public procurement effectiveness. The country received a score of 90 (strong) for transparency, fairness, and conflict of interest safeguards in government procurement. Laws are in place to address conflict of interest for public procurement officials and

there is mandatory professional training for these officials. Major procurements require competitive bidding and there is strict formal requirements limit the extent of single sourcing. Moreover, unsuccessful bidders are able to instigate official reviews of procurement decisions, and, in law, companies guilty of major violations of procurement regulations are prohibited from participating in future bids.

Implementation of procurement laws and regulations, however, receive a much lower score in the Global Integrity assessment. For example, there are no available records of companies that have been prohibited from participating in future procurement bids on account of having committed major violations of procurement regulations. ([Malawi – Scorecard 2011, Global Integrity](#))

The creation of the Office of the Director of Public Procurement (ODPP) in 2004 within the framework of the Public Procurement Act, which strives to create transparency and competitiveness in the procurement of goods and services in the public sector, was hailed by experts as a step in the right direction. However, doubts still remain about the effectiveness of competition administration and the capacity of the agency to enforce the competition law. ([Bertelsmann Transformation Index, Malawi Country Report, 2012](#))

Revenue administration

It is alleged that enforcement of tax laws by Malawi's national tax collection agency is selective and often favours are given to individuals who have family or friends within the authority or in government. ([Malawi – Scorecard 2011, Global Integrity](#)) According to the 2008 Afrobarometer survey, 21% of citizens believe that most or all tax officials are involved in corruption. Similarly, the US Department of State in a 2007 report stipulated that tax administration is one of the public areas where corruption is most prevalent. ([Malawi Country Profile, Business Anti-Corruption Portal](#))

2 Anti-corruption efforts in Malawi

Overview

The Malawi government adopted a Declaration on Zero Tolerance on Corruption in February 2007. In addition, the Malawi Growth and Development Strategy (MGDS) adopted by the government in 2006 included "Good

Governance” as one of the five themes instrumental in Malawi’s economic growth.

The National Anti-Corruption Strategy launched in 2008 expanded the anti-corruption mandate beyond the Anti-Corruption Bureau and identified areas and activities by which the executive, legislature, judiciary, private sector, civil society, faith based organisations, traditional leaders and the media can play a role in fighting corruption. The main focus of the strategy is the development of a National Integrity System. In particular it aims to – i) promote integrity, transparency and improve service delivery in all sectors; ii) promote public involvement in the fight against corruption; and iii) intensify prevention of corruption and promotion of integrity in all sectors. The Strategy also spells out the role of the public in the fight against corruption. It encourages the public, through awareness raising campaigns, to report corrupt practices and to demand accountability from service providers.

Other anti-corruption initiatives include the establishment of an Alternate Dispute Resolution mechanism (ADR) within the Judiciary, the creation of the Business Action Against Corruption (BAAC) by the private sector, and the Civil Society Action Against Corruption (CSAAC) by civil society organisations. The Legislature has also established the Malawi Chapter of the African Parliamentarians Network Against Corruption (APNAC) to fight corruption within the Legislature. ([Social Development Notes: Demand for Good Governance, the World Bank, 2010](#))

With respect to implementation of the anti-corruption policy, experts have noted that officeholders who break the law and engage in corruption are generally prosecuted under established laws and often attract adverse publicity. However, it was also pointed out that politically connected individuals can avoid prosecution due to legal or procedural loopholes. The 2012 Bertelsmann Transformation Index reports that a number of cases involving politicians within the governing party currently remain unresolved, and their manner of handling unclear. It is alleged that corruption charges are sometimes used as weapons against opposing politicians. ([Bertelsmann Transformation Index, Malawi Country Report, 2012](#))

Legal framework

Malawi ratified both the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption in late 2007.

The Corrupt Practices Act 1995 became effective in 1996 and established the Anti-Corruption Bureau. The act criminalises attempted corruption, extortion, active and passive bribery, bribing a foreign official, and abuse of office. Malawi’s Penal Code also criminalises active and passive bribery. The Assets Bill of 2002 requires all Members of Parliament to declare their assets, but is yet to be enacted. A Money Laundering, Proceeds of Serious Crime and Terrorist Financing Act, which was passed in 2006 criminalises money laundering. Other laws dealing with corruption include the Public Procurement Act, the Public Audit Act, and the Public Finance Management Act. ([Malawi Country Profile, Business Anti-Corruption Portal](#)) In the 2011 Global Integrity assessment anti-corruption legislation in Malawi received a perfect score of 100. ([Malawi – Scorecard 2011, Global Integrity](#))

The Business Action Against Corruption (BAAC) forum has developed a code of conduct guiding business enterprises to conduct honest and corruption-free business transactions. A few governmental and semi-governmental organisations, such as the regional water boards, and the telecommunication and electricity utilities, have developed corruption prevention policies with the guidance of the Anti-Corruption Bureau to fight corruption from within. ([Social Development Notes: Demand for Good Governance, the World Bank, 2010](#))

One aspect where Malawi’s legal framework is seen to be inadequate is in the regulation of political financing. There are currently no laws limiting individual or corporate political contributions. Moreover, there is no requirement for disclosure of donations or audits of political parties or candidates. ([Malawi Country Profile, Business Anti-Corruption Portal](#))

Institutional framework

Anti-Corruption Bureau

As mentioned previously, the Corrupt Practices Act led to the establishment of the Anti-Corruption Bureau (ACB) in 1995. By law, the ACB is a body under the civil service framework, which uses a four-way approach against corruption: investigations, prosecution, prevention, and public education. However, it does not have budgetary independence or secured tenure of senior management. Critics have contended that this not only contributes to institutional bottlenecks that limit its operations at national and local government levels, but it also leads to bias in prosecutions. ([Combating Corruption in Malawi, Mustafa](#))

Hussein, 2005 ; Malawi Country Profile, Business Anti-Corruption Portal)

A 2010 report by the U.S. Department of State found that while the Malawi ACB was fairly effective in investigating, indicting and prosecuting low-level corruption cases, the bureau generally avoided indictment of high-level government officials. (2010 Human Rights Report, Malawi, US Department of State) These findings were echoed in the 2011 Global Integrity assessment which found that the ACB was not adequately protected from political interference. (Malawi – Scorecard 2011, Global Integrity)

Office of the Ombudsman

Another institution that promotes accountability and investigates maladministration, including corruption, is the Office of the Ombudsman which has been operational since 1995. The office makes its findings known to the public which helps increase accountability of public officials. (Combating Corruption in Malawi, Mustafa Hussein, 2005)

An assessment by Global Integrity in 2011 found the Office of the Ombudsman as being moderately effective. Lack of resources is cited by many sources as a big problem for this institution. Since the Ombudsman Act empowers the Ombudsman to hire his/her own staff, it is alleged that these discretionary powers are often abused to appoint unqualified or under-qualified individuals into key positions in this office in return for a variety of patronage favours. (Malawi – Scorecard 2011, Global Integrity; Bertelsmann Transformation Index, Malawi Country Report, 2012; Malawi Country Profile, Business Anti-Corruption Portal)

Lack of funding especially affects the capacity of the office to investigate injustices and corruption in rural areas. The Ombudsman has few regional offices and consequently, accessibility to and communication with the local people tend to be limited owing to the unavailability of structures at the local level. Its effectiveness at the local level is further hampered by high levels of illiteracy, widespread ignorance of the existence of the office, and poor communication systems. (Combating Corruption in Malawi, Mustafa Hussein, 2005)

The Office of the Ombudsman also suffers from ambiguity in its jurisdiction. It is seen to have overlapping jurisdiction with other institutions such as the judiciary, and the Legal Affairs Committee of parliament. Moreover, although the Office of the

Ombudsman makes investigations and reports the findings publicly, it does not have adjudicative powers or statutory authority to enforce its findings. All of these issues lead experts to stipulate that the capacity of the Ombudsman to influence enforcement and compliance with its recommendations is limited. (Combating Corruption in Malawi, Mustafa Hussein, 2005; Malawi – Scorecard 2011, Global Integrity)

The National Audit Office

The National Audit Office (NAO) aims to contribute to the principles of good governance, transparency, accountability and sound financial management in Malawi's public sector. The NAO is headed by the Auditor General and reports to Parliament through annual reports. The NAO established under Section 184 of the Constitution. Section 6 of the Public Audit Act (2003) spells out in greater detail the functions and duties of the Office of the Auditor General, including the mandate to "undertake a program of audits, examine transactions, books and accounts, and other public records of every ministry, statutory office, agency, board, commission and bureau of the government, and public funds received by non-profit organizations, including relevant international organizations." Instances of fraud, corruption and other types of crime are reported to the responsible authorities. (Malawi – Scorecard 2011, Global Integrity; Malawi Country Profile, Business Anti-Corruption Portal)

The NAO receives high grades in the 2011 Global Integrity assessment for independence, both in law and practice. The head of the audit agency is protected from removal without relevant justification and records of the appointments to the NAO confirm its independent state. For the most part, the agency is also able to initiate its own investigations. The reports that are published on the National Audit Office website are available for free to the public. (Malawi – Scorecard 2011, Global Integrity)

However, the NAO's work faces a number of challenges. It is alleged that the office is unable to audit all institutions in a timely manner due to human resource constraints. Failure to audit financial accounts in time seriously hampers financial accountability of government institutions and the effective prevention of corruption. (Combating Corruption in Malawi, Mustafa Hussein, 2005) It is also alleged that while misuse of public funds has been raised over the years in audit reports, few actions has been taken against the perpetrators. (Malawi Country Profile, Business Anti-

Corruption Portal; Combating Corruption in Malawi, Mustafa Hussein, 2005)

Other stakeholders

Civil society

Malawi is considered to be “partly free” in the 2011 assessment by Freedom House. ([Malawi, Freedom in the World 2011, Freedom House](#)) Citizens have a right to form NGOs focused on anti-corruption or good governance and these NGOs are free to accept funding from any domestic or foreign sources. However, in practice, registration of new NGOs has to be approved by the government ministry that has responsibility for the activities to be undertaken. In addition, new NGOs have to provide evidence of membership to the Council for Non Governmental Organizations (CONGOMA), which serves as the coordinating body for all NGOs in Malawi. CONGOMA membership currently costs \$150, payable in the local currency. It is claimed that in order to get around the long process of registering under the NGO Act and the prohibitive cost, many new NGOs register their organizations under the Companies Act of 1984. ([Malawi – Scorecard 2011, Global Integrity](#))

NGOs are often consulted to provide input during the development of various government policies. However, there is often no guarantee that the final outcome will incorporate of the suggestions made by the NGOs. In recent history there have been several instances of conflict between governance NGOs and the government. Although NGOs have not been shut down for their work, the relationship between NGOs and government has been often strained. For example, it is alleged that in the run up to, and the immediate aftermath of civil society-organised street demonstrations in July 2011, former President Mutharika threatened to arrest several civil society leaders. ([Malawi – Scorecard 2011, Global Integrity](#)) According to Amnesty International, five civil society activists were arrested in October 2011 for exercising their right to peaceful protest. ([Amnesty International Calls on Malawi to Release Activists, Nyasa Times, 17 October 2011](#)).

Media

The Press in Malawi is considered to be only partly free, with a score of 55 (out of 100) in the Freedom House report on Press Freedom around the world. Malawi ranked 118 among 196 countries worldwide and 22nd among the 48 countries in Sub Saharan Africa for

Press Freedom. ([Freedom of the Press 2011, Freedom House](#))

While Malawi has strong constitutional guarantees for freedom of the press, it is alleged that the government continues to employ a strong hand in the operations of the media. Libel is not usually treated as a criminal offense, but publishing “false information likely to cause public alarm” is. In November 2010, the National Assembly approved an amendment to the Penal Law which will allow the minister of information to ban publication deemed “contrary to the public interest”. The Freedom House report predicts that this law has the potential to severely hamper the free activities of the press. ([Malawi, Freedom of the Press 2011, Freedom House](#))

The government of Malawi controls the major broadcasting station, which is the only news provider in rural areas. Critics have noted that this outlet is only used to disseminate information favourable to the government. It is illegal for privately-owned radio stations to broadcast political content, and it is alleged that the major daily newspapers are owned or co-owned by politicians. ([Malawi Country Profile, Business Anti-Corruption Portal](#))

Other Private Initiatives

- **Public Affairs Committee (PAC):** The Public Affairs Committee (PAC) is a civil society, interfaith organisation made up of the main Protestant, Catholic and Muslim faith groups in Malawi. It operates in the areas of good governance and human rights. PAC is composed of the Malawi Council of Churches (MCC), Episcopal Conference of Malawi (ECM), Evangelical Association of Malawi (EAM), Muslim Association of Malawi (MAM) and Quadria Muslim Association of Malawi (QMAM). The PAC is known to provide regular critical appraisal of government policies and their work focuses on governance and human rights. ([Public Affairs Committee](#))
- **Business Action Against Corruption Malawi (BAAC Malawi):** BAAC is a governance programme involving both public and private sectors in Botswana, Cameroon, Malawi, Nigeria and Zambia. As mentioned previously, in Malawi, the activities have included the drafting of a Business Code of Conduct for Combating Corruption. The programme is managed by

the Commonwealth Business Council and cooperates with the ACSF. It also has professional links to Business Action for Africa (BAA), which is a network of African companies and business organisations that supports various objectives, including good governance and transparency. In May 2009, the BACC won the 2nd Prize in the World Bank's Anti-Corruption Collective Action Competition. ([Malawi, Business Action Against Corruption](#))

- **Human Rights Consultative Committee (HRCC):** The HRCC is a network committed to the protection of human rights in Malawi. The organisation works with advocacy, monitoring, information-sharing and accountability for member institutions in coordination with public stakeholders. One of their key areas of interest is governance. ([Malawi Country Profile, Business Anti-Corruption Portal](#))
- **Youth Initiative Against Corruption (YIAC):** The YIAC in Malawi works for the promotion of democracy and good governance. The organisation's mission is to have a youthful and corruption-free leadership in Malawi by 2020 through the empowerment of the youth to raise awareness about corruption. The YIAC partners with several different public and private stakeholders on issues of governance and accountability. The YIAC drafted a whistleblower manual in 2005. ([Youth Initiative Against Corruption, Malawi](#))

3 References

- Malawi Notebook, Global Integrity, 2011
<http://www.globalintegrity.org/report/Malawi/2011/notebook>
- Malawi: Country Brief, The World Bank, 2012
<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/MALAWIEXTN/0,,menuPK:355882~pagePK:141132~piPK:141107~theSitePK:355870,00.html>
- To Malawians, Joyce Banda's Presidency Brings Relief, Hope, Brookings Institute, 18 April 2012
http://www.brookings.edu/opinions/2012/0419_banda_malawi_kimenyi.aspx
- Corruption Perceptions Index, Transparency International, 2011
<http://cpi.transparency.org/cpi2011/results/>
- Worldwide Governance Indicators: Malawi, The World Bank, 2011
<http://info.worldbank.org/governance/wgi/index.asp>
- Malawi: Governance and Corruption Baseline Survey, The World Bank, 2006
http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/1740479-1143042582963/malawi_final_survey.pdf
- Daily Lives and Corruption: Public Opinion in Southern Africa, Transparency International, 2011
http://www.corruptionwatch.org.za/sites/default/files/ti_public_opinion_corruption_sa_111122.pdf
- 2012 Index of Economic Freedom: Malawi, The Heritage Foundation, 2012
<http://www.heritage.org/index/country/malawi>
- 2011 Ibrahim Index of African Governance, Mo Ibrahim Foundation, 2011
http://www.moibrahimfoundation.org/en/media/get/20111009_2011-Southern-Africa.pdf
- Scorecard 2011: Malawi, Global Integrity, 2011
<http://www.globalintegrity.org/report/Malawi/2011/scorecard>
- International Human Development Indicators: Malawi, the United Nations Development Programme, 2011
<http://hdrstats.undp.org/en/countries/profiles/MWI.html>
- Combating Corruption in Malawi, Mustafa Hussein, African Security Review 14:4, 2005
<http://www.iss.co.za/pubs/ASR/14No4/EHussein.htm>
- Drivers of Change and Development in Malawi, the Overseas Development Institute, 2006
<http://www.odi.org.uk/resources/docs/1957.pdf>
- Summary Results: Malawi, Afrobarometer, 2008
<http://afrobarometer.org/index.php>
- Global Competitiveness Report 2010 – 2011, World Economic Forum, 2011
http://www3.weforum.org/docs/WEF_GCR_Report_2011-12.pdf
- 2010 Human Rights Report: Malawi, US Department of State, 2010
<http://www.state.gov/j/drl/rls/hrrpt/2010/af/154356.htm>
- Report on 20 July 2011 Demonstrations, Malawi Human Rights Commission, 2011
<http://www.osisa.org/sites/default/files/article/files/MHRC%20report%20on%2020%20July%20demonstrations.pdf>
- Malawi Country Profile, Business Anti-Corruption Portal
<http://www.business-anti-corruption.com/en/country-profiles/sub-saharan-africa/malawi/>
- Ease of Doing Business in Malawi, IFC / The World Bank, 2012
<http://www.doingbusiness.org/data/exploreeconomies/malawi/>
- Open Budget Index 2010, International Budget Partnership, 2011
<http://internationalbudget.org/wp-content/uploads/2011/04/OBI2010-Malawi.pdf>
- Bertelsmann Transformation Index 2012: Malawi, Bertelsmann Stiftung, 2012
<http://www.bti-project.org/countryreports/esa/mwi/>
- Social Development Notes: Demand for Good Governance, The World Bank, 2010
<http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1193949504055/4348035-1298566783395/7755386-1301510956007/GACInnovationsinMalawi.pdf>
- Freedom in the World 2011: Malawi, Freedom House, 2011
<http://www.freedomhouse.org/report/freedom-world/2011/malawi>
- "Amnesty International Calls on Malawi to Release Activists", Nyasa Times, 17 October 2011
<http://www.nyasatimes.com/malawi/2011/10/17/amnesty-international-calls-on-malawi-to-release-activists/>
- Freedom of the Press 2011: Malawi, Freedom House, 2011
<http://www.freedomhouse.org/report/freedom-press/freedom-press-2011>