

**MINUTES OF THE THIRD PLENARY MEETING OF THE NATIONAL
STEERING COMMITTEE FOR OPEN GOVERNMENT PARTNERSHIP IN
MALAWI, HELD ON TUESDAY 16TH JULY, 2024 AT THE BINGU
INTERNATIONAL CONVENTION CENTRE IN LILONGWE.**

1.0 WELCOME REMARKS AND OPENING PRAYER

- 1.1 The Chairperson Dr. Janet L. Banda, SC, the Deputy Secretary to the President and Cabinet and Head of the Presidential Delivery Unit called the meeting to order. She welcomed members to the Third Plenary Meeting of the National Steering Committee for the Open Government Partnership (OGP) in Malawi.
- 1.2 She requested Monsignor Dr. Patrick Thawale, Chairperson of the Public Affairs Committee (PAC) to give a word of prayer.
- 1.3 The meeting was reminded that the postponement of the meeting on 12th June, 2024 was due to the tragedy of plane crash where we lost the lives of the former Vice President, the Right Honourable Dr. Saulos Klaus Chilima and eight (8) others.
- 1.4 The Meeting was convened to take stock of the progress made and the challenges encountered while proceeding with the implementation of commitments as Technical Working Groups(TWGs).
- 1.5 The Meeting required the Technical Working Groups to provide relevant responses to the developed action points to fully appreciate the progress by the TWGs.
- 1.6 The Meeting was expected to discuss about the OGP Week and proceed with the identification of OGP Challenges for entry into the OGP Challenge Competition.
- 1.7 The meeting was also expected to start discussions on the development of a 4-year successor NAP to replace the existing one when it expires in December, 2024. The Draft Concept Note and Terms of Reference (ToRs) were shared with the members prior to the meeting.

1.8 The meeting was reminded that the successor NAP will have two components which are missing from the current NAP and they are; a Resource Mobilization Strategy and a Monitoring and Evaluation Matrix.

1.9 The members of the NSC and all the Technical Working Groups who were in attendance at the meeting were urged to work hard for successful implementation of the NAP 2023 -2025 before its expiry in December, 2024.

2.0 ADOPTION OF THE AGENDA OF THE MEETING

2.1 The agenda was adopted with an amendment to Monsignor Dr. Patrick Thawale's email address which was wrongly written as patrickthawale@gmail.com as instead of ptrckthwl@gmail.com The meeting agreed that the deadline for receiving input from the TWGs should be end of April 2024.

2.2 The Agenda was adopted.

3.0 CONSIDERATION AND ADOPTION OF MINUTES OF THE PREVIOUS MEETING AND MATTERS ARISING FROM MINUTES

3.1 The date of the first plenary meeting of the NSC was corrected as 17th November, 2023 and not 17th November, 2024 as it was captured in the Minutes of the Second Plenary Meeting of the NSC.

3.2 The TWGs were reminded that feedback on the Resource Mobilization Strategy was expected on 30th April, 2024.

3.3 The meeting agreed that the Minutes were a true reflection of the deliberations of the second NSC meeting and they were accordingly adopted.

4.0 PRESENTATION OF PROGRESS REPORTS FROM TWGs IN LINE WITH THE DEVELOPED MATTERS ARISING

4.1 Natural Resources TWG

Progress was made by the TWG on implementation of some of the commitments under the NAP 2023 – 2025 and further engagements are needed for successful implementation of the commitments.

- i. The Natural Resources TWG provided feedback on operationalization of the Mines and Minerals Act, 2023 having appointed 28th June, 2024 as the date of commencement of the Act. This is the official date of Appointment of the Act.
- ii. The Appointment of a Board of the Mining Regulatory Authority is in progress.
- iii. On conducting a Situation Analysis on mining contracts, the consultant submitted a zero draft report for comments to be made by MWEITI Secretariat on or about 19th July, 2024. The final report is expected to be submitted in September, 2024.
- iv. The TWG is working together with other TWGs on contract disclosures. For instance, MWEITI is in the process of finalizing and signing a Memorandum of Understanding with the Anti-Corruption Bureau to strengthen ACB's role in the Extractive Industry Transparency Initiative. The Draft MOU is awaiting MSG approval.
- v. MWEITI has engaged an international consultant to undertake a Beneficial Ownership (BO) study and develop a BO register. Stakeholder consultations were done and an inception report was submitted. The work is underway and it is expected to be completed latest November, 2024.
- vi. The Ministry of Mining and MWEITI are coordinating efforts on Beneficial Ownership and Contract Transparency. Several engagement meetings have taken place.
- vii. The TWG has developed draft Terms of Reference (TORs) for the Sovereign Wealth Fund Feasibility study which includes a study tour. Creation of a Sovereign Wealth Fund is still being considered for the future and it is important to carry out the feasibility study.

4.1 Right to Information

Progress was made by the TWG and there are areas where more engagements are needed for successful implementation of the commitments.

- i. The Registrar of Political Parties was appointed and he is Dr. Kizito Tenthani.
- ii. Orientations of the Registrar of Political Parties was done.
- iii. The establishment of the office of the Registrar of Political Parties is mainly to increase public access to information on political party financing. The public has for long been denied the opportunity to know where our political parties get their funds from.
- iv. The TWG is pushing for operationalization of the Office of the Registrar of Political Parties (ORPP) following his appointment.
- v. It would be better retaining this thematic area in our successor NAP in order to push for full Operationalization of the Office of the Registrar of Political Parties.
- vi. A cost centre was created for the ORPP.

4.2 Digital Governance

Progress was made by the TWG on Implementation of some interventions but more action is required if success is to be achieved.

- i. Completion of the data centre is at 90%. Equipment is stuck at the Nacala border. The TWG has engaged the Ministry of Foreign Affairs to assist with clearance at the border.
- ii. The construction of the Internet Exchange Point (IXP) is at an advanced stage. All equipment has been procured and delivered. The TWG is awaiting confirmation of paperwork of the Terms and Conditions from Open Connect Limited (OCL) Data Centre in Kanengo. OCL has been given a deadline of end July to revert. If the project delays, works will continue with the availability of the MTL Data Centre and the Lilongwe Data Centre.

- iii. The construction of the IXP must be completed by August 2024 owing to the fact that the contract with Internet Society, who are partially funding the IXP, will end in September 2024.
- iv. The National Digitalization Policy and the Digital Economy Strategy are expected to be launched on 15th August, 2024.
- v. The structure of the Department of e- Government was developed by the DHRMD and it is contrary to what the Ministry of Information and Digitalization initially proposed. Discussions have been taking place on how the structure is going to be implemented amid those genuine concerns from the Ministry.
- vi. The functional review recommendations on restructuring of the Department of e-Government ought to be considered by the DHRMD.
- vii. The deadline of 31st July was set for the parties to resolve outstanding issues and this matter involves the Ministry of Information and Digitalization and the DHRMD. The Secretariat was tasked to intervene in this matter for expediency.

4.3 Anti-corruption

Progress was made by the TWG and some work is underway as shared below:

- i. Development of the e-Government Procurement System (e GPS) and Open Contracting Data Standards (OCDS) Portal have been given August end deadline.
- ii. The e-Government servers to store the current system are housed in the MRA Data Centre in Blantyre.
- iii. Pilot entities for the e- Government Procurement System are being engaged.

- iv. The Life Style Audit Manual should be one of the agenda items on the Agenda of the Cabinet's next sitting for consideration and approval.
- v. The submitted final draft of the revised PPDA Act is now with the Ministry of Finance and Economic Affairs – the policy holder. There is a board resolution and proposal from the Solicitor General to repeal the Act as opposed to amending it, the MoFEA and the consultant need to decide on the way forward.

4.4 Open Parliament

Progress was made by TWG and some work is underway as shared below:

- i. A draft Debt Situational Analysis Report on public debt was produced. A meeting with the Legal Affairs and Budget Committees of Parliament was set for 16th July, 2024 to go through the draft report. A final report was expected by end July 2024.
- ii. The TWG engaged the National Initiative for Civic Education (NICE) to assist with publicity of the TWG's activities.
- iii. The TWG has been lobbying the Legal Affairs Committee to support the efforts leading to drafting and adoption of new Loan Authorization Procedures (Standing Orders) contrary to generic ones to maximize scrutiny of Loan Authorization Bills.
- iv. Secretariat at Parliament has started the process of drafting standalone Loan Authorization Procedures by conducting desk research to benchmark best practices in the region.

4.5 OGP Week and OGP Challenge

The week presented a great opportunity for Malawi to be spotted on the World Map for its active involvement in OGP. Recognition was indeed earned at the international level. Our participation in the Challenge showed the existence of the country's political will in supporting the implementation of OGP commitments. This is how the week progressed in summary:

- i. The Head of State Dr. Lazarus McCarthy Chakwera made an opening Statement to kick start the OGP Week.
- ii. The Statement was followed by an opening ceremony presided over by the Minister of Mining, Hon. Monica Chang'anamuno.
- iii. Only one TWG namely Open Parliament was not in attendance and its activities were presented by the Tony Blair Institute who are part of the OGP Secretariat.
- iv. Interactions of individual TWGs commenced in the afternoon of the opening day up until Thursday of that week.
- v. A panel discussion concluded the OGP Challenge Week on Friday.
- vi. Coincidentally we saw the appointment of the Registrar of Political Parties within the OGP Challenge Week.
- vii. We participated in the Challenge and entered the Open Contracting and Beneficial Ownership Transparency commitment from the Anti-Corruption TWG.

5.0 Resolutions of the Meeting

The NSC meeting further agreed on the following and resolved that:

- i. The successor 4-year NAP needs to have a Resource Mobilization Strategy, Monitoring and Evaluation Matrix and a Communications Strategy.
- ii. There is need to organize a meeting of the Co- Chairs of all the TWGs who will be expected to encourage coordination of the TWGs.

- iii. Plans to establish a Sovereign Wealth Fund for the future cannot be dispensed with. The Natural Resources Technical Working Group has already developed TORs to support the study on Sovereign Wealth Fund establishment.
- iv. The thematic areas to be prioritized in the successor NAP should align with the National Priority Areas.
- v. The cost element for the development of the successor NAP should be included.
- vi. We need to publicize our achievements as the OGP Malawi. We have registered so much success in a number of notable interventions.
- vii. The Internal Institutional Integrity Committees established within MDAs need resources to effectively resolve integrity issues which are on the rise.
- viii. It really does not make sense repealing the whole PPDA Act. It was previously noted that there was an issue to do with numbering of the Bill and not necessarily repealing it.
- ix. There is a proposal to include the National Planning Commission on the National Steering Committee.

6.0 Date of the next meeting

The next Steering Committee meeting will be held on 27th September, 2024.

7.0 Closing Remarks

- i. The Chairperson thanked the members who were in attendance for the fruitful deliberations and resolutions.
- ii. She also thanked the TWGs for sharing progress and updates on implementation of commitments under the current NAP. Members were urged to publicize our achievements as OGP Malawi. There is little or no awareness of OGP activities taking place in our districts across Malawi.
- iii. Through the Chair, the meeting had an idea of where implementation of OGP commitments will take us by December, 2024 when the current NAP is going to expire.

- iv. The Chairperson urged the members to consider the issue of funding seriously knowing that the availability of resources will result in successful implementation of OGP interventions.
- v. The Chairperson thanked the development partners including the Chandler Foundation for continuously working with the OGP Secretariat, CSOs and other important stakeholders on this initiative in Malawi.
- vi. She specifically thanked Mr. Tim and the entire Chandler Foundation Staff for footing almost all the bills of the meeting. This was against the short notice that was given to them.

8.0 Closing Prayer

The closing prayer was also given by Monsignor Dr, Patrick Thawale, Chairperson of PAC.

The list of names of attendees is attached to these minutes.

Dr. Janet L. Banda, SC
CHAIRPERSON

Mr. Muhammad Selemani
SECRETARY