

**MINUTES OF THE FOURTH MEETING OF THE NATIONAL STEERING COMMITTEE FOR OPEN GOVERNMENT**  
**PARTNERSHIP IN MALAWI**

**Date:** Wednesday, 6<sup>th</sup> November, 2024

**Venue:** Bingu International Conference Centre (BICC), Lilongwe

**1.0 Welcome Remarks and Opening Prayer**

- 1.1 The Chairperson, Dr. Janet L. Banda, SC, called the meeting to order. She welcomed participants to the fourth meeting of the National Steering Committee (NSC) for the Open Government Partnership (OGP) in Malawi and thanked all for their dedication and commitment to OGP.
- 1.2 A word of prayer was offered by Vincent Kumwenda.
- 1.3 The meeting was convened before the expiry of the current National Action Plan (NAP), which will expire on 31st December 2024. Substantive progress has been made in the implementation of both the NAP commitments and the signed Presidential commitments and the meeting was used to take stock of progress made since the last meeting.
- 1.4 The TWGs were reminded that the deadline for submission of final progress reports by the TWGs is 30<sup>th</sup> November and that preparations for the 4-year successor NAP have begun.
- 1.5 The participants at the meeting at the meeting were requested to participate fully in the meeting as their inputs would be valuable as the expiry of the current NAP draws closer and as the successor NAP is developed.

**2.0 Adoption of the Agenda of the Meeting**

- 2.1 The following items were added to the agenda: Adoption of the Agenda, Consideration of Minutes (from the previous NSC meeting) and Adoption of Minutes.
- 2.2 The agenda was adopted.

### **3.0 Consideration and Adoption of Minutes of the Previous Meeting and Matters Arising from the Minutes**

- 3.1 Members of the NSC acknowledged receipt of the Minutes and Matters Arising prior to the meeting.
- 3.2 The participants observed the Minutes, and the following changes were made:
- a. Under 1.8: Monitoring and Mobilization Matrix was changed to Monitoring and Evaluation Matrix.
  - b. Under 4.1.iv: Removal of "... and ACB comments" as the draft MOU was not submitted to ACB.
  - c. Under 4.2: Items that were under the Right to Information TWG but belonging to the Digital Governance TWG were moved respectively.
  - d. Under 4.2: The creation of a cost centre for the ORPP under the RTI TWG was included in the minutes as it was discussed during the meeting but not included in the minutes.
  - e. Under 4.6.ii: The opening ceremony was presided over by the Minister of Mining and not the Deputy Secretary to the President and Cabinet.
  - f. Under 5.0: The discussion around the inclusion of the National Planning Commission as a member of the NSC was omitted.
- 3.3 Following these changes, the Minutes were formally adopted.
- 3.4 The participants observed the Matters Arising, and the following updates were given:
- a. Under 3.2: Input on the draft Resource Mobilization Strategy will be given when it is developed along with the successor NAP.
  - b. Under 4.1 (ii): The Mines and Minerals Regulatory Authority Board was appointed. They are now awaiting the official announcement.
  - c. Under 4.1 (iii): The final report on the Situation Analysis on Mining Contracts was submitted to the Ministry of Finance and Economic Affairs/Malawi Extractive Industries Transparency Initiative (MWEITI).

- d. Under 4.2 (iv): The Office of the Registrar of Political Parties is now operating from its offices at Golden Peacock House.
- e. Under 4.2 (vii): The Functional Review for the Dept. of e-Government was conducted. However, the department had some suggestions for improvements. In the meantime, the current establishment is being implemented and the suggestions for corrections were collected by Human Resources who will schedule a meeting with the Department of Human Resource Management and Development to go through the proposed amendments.
- f. Under 4.3 (i): The data center is now at 90% completion. The equipment which was delayed at the border has now been cleared and delivered to the data center. It is currently in the process of final installation and is expected to be operational in 2025.
- g. Under 4.3 (ii): Construction of the Internet Exchange Point (IXP) is still in progress and it is expected to be fully operational by December 2024.
- h. Under 4.3 (ii): The responsible party for the Action Item is the Digital Governance TWG and not the Secretary for Justice.
- i. Under 4.4 (i): Phase 1 features for the e-Government Procurement system have been deployed. However, it can only be piloted after it has gone through security tests. MACRA has been engaged and is expected to start testing next week. The launch of the Open Contracting Data Standards (OCDS) portal is dependent on the launch of the system.
- j. Under 4.4 (iv): The responsible Cabinet Committee approved and recommended the Lifestyle Audit Manual to the full Cabinet.
- k. Under 4.4 (v): The revised PPDA Bill is on the priority list for the November sitting of Parliament.
- l. Under 4.5 (i): The Debt Situation Analysis Report was validated by both the Legal Affairs Committee and the Budget and Finance Committee. It is now finalized

m. Under 4.5 (iv): The standalone Loan Authorization Procedures were drafted by the Secretariat at Parliament. They are targeting the 2024 Mid-Year Budget Sitting of Parliament, starting 25<sup>th</sup> November 2024, to have the Legal Affairs Committee adopt these procedures.

#### **4.0 Presentation of Self-assessments from TWGs**

Prior to the meeting, the five TWGs were provided with self-assessment templates to track the progress they have made on both the Presidential and National Action Plan commitments. The TWGs completed the templates and made presentations on the progress made on each commitment. The following was reported at the time of the meeting:

##### **4.1 Anti-corruption TWG**

- Fully achieved 1/7 Presidential Commitments
  - PPDA circular issued to all controlling officers regarding the compliance requirement for beneficial ownership declaration by all bidders participating in public procurement and disposal of assets.
- Moderate and significant progress has been made on 4/7 Presidential Commitments and 5/6 NAP Commitments.

The following updates were given:

- The e-Government Procurement system is now called Malawi National e-Procurement System (MaNePS). PPDA is developing guidelines for the operationalization of the system.
- Deployment of the OCDS portal is awaiting the finalization of Phase 1 system development of MaNePS.
- Training of Civil Society Organizations to empower them to monitor procurement processes is also awaiting the deployment of the OCDS portal because procurement data will be extracted from the portal.

- The Law Commission is in the process of developing a report on the proposed Whistleblower Protection Act. Regional consultation meetings have been done but the final production of the report is yet to be completed due to financial challenges.
- Phase 1 of the e-Government Procurement System has been deployed and PPDA has trained 15 pilot institutions. (The initial target was 30 institutions but was reduced due to resource constraints.) Once the pilot testing has been completed and the system is fully online, the 15 institutions will be onboarded and the remaining 15 will be trained and onboarded later. The pilot is expected to launch by 25<sup>th</sup> November, with the official launch expected in December 2024.
- Integration between the e-GP and the Malawi Business Registration System (MBRS) has been done on the certification level only. Validation of Beneficial Ownership will be done in Phase 2 of the e-GP system when the MBRS includes the Beneficial Ownership module. This is expected to be completed by 13 December 2024.
- The update on the status of the Lifestyle Audit Manual and the revised PPDA Act and can be found in sections 3.4.j and 3.4.k, respectively.
- The TWG noted the following as the main challenges they have faced in the implementation of the current NAP and support areas that will be needed in the successor NAP:
  - Resource mobilization for the MBRS and MaNePS
    - MBRS – funding needed to engage their vendor to include the Beneficial Ownership module
    - MaNePS – funding needed for mass awareness campaigns and further training of more institutions

## 4.2 Digital Governance TWG

- Fully achieved 2/4 Presidential Commitments

- Cabinet approved the National Digitalization Policy
- Since the development of the National Digitalization Policy, strategies are being aligned to the policy including the Digital Economy Strategy.
- Moderate and significant progress has been made on 2/4 Presidential Commitments and all 3 NAP Commitments. The following updates were given:
  - The update on the status of the Lilongwe Data Center can be found in section 3.4.f.
  - Some government systems/applications are yet to be completed, for example:
    - Office of the Director of Public Officers' Declarations (ODPOD) system – a consultant's assessment report is yet to be submitted from which the system can begin to address issues
    - Prison System – awaiting specifications (collecting user requirements)
    - National Single Window – in the process of installing the system at the data center
    - MaNePS (as explained under section 4.1)

13 systems were chosen to be completed by end of the NAP – only 4 systems are yet to be completed.

  - Increasing internet bandwidth for government was initially being implemented under the Digital Malawi Project. However, there is not enough time to complete this activity within the project execution period and will, therefore, be done in the next phase of the project.
- The TWG noted the following as the challenges they have faced in the implementation of the current:
  - Lack of awareness/sensitization among MDAs on OGP lengthened the data collection process and led to missed reporting opportunities.
  - Lack of resource mobilization from CSOs to convene meetings, for example.

### **4.3 Natural Resources TWG**

- Fully achieved 2/5 Presidential Commitments
  - The Mines and Minerals Act, 2023 was published in the Government Gazette on 28 June 2024.

- Through MWEITI, a Situational Analysis on Mining Contracts was completed and a report was produced.
- Moderate and significant progress has been made on 2/5 Presidential Commitments and 2/3 NAP Commitments. The following updates were given:
  - The Mining Cadastre Portal (<https://portals.landfolio.com/malawi/>) is publicly available and it provides information on current mining licenses in the sector. However, the Cadastre Portal will need to undergo review to be updated in line with the new Mines and Minerals Act, 2023.
  - The findings of the Situational Analysis report on Mining Contracts have not been disseminated due to funding constraints.
  - The TWG has developed Terms of Reference for a feasibility study on the creation of a Sovereign Wealth Fund and a concept note has also been developed for a peer learning/study visit. These activities will inform the next steps in terms of the process for the creation of a Sovereign Wealth Fund. The TWG is currently looking for resources for these activities.
  - Consultative meetings on issues relating to transparency in mining contracts with relevant MDAs and the Parliamentary Committee for Natural Resources and Climate Change are continuously being done.
  - The Ministry of Mining has developed regulations.
  - MWEITI is developing a Beneficial Ownership registry for companies in the mining and forestry sector. The consultant developing this registry is expected to submit the final report by the end of November 2024 since the validation workshop already took place. The registry will be made available on the MWEITI website.
- No progress had been made towards the NAP commitment to require draft contracts to be scrutinized by the Parliamentary Committee on NRCC. The implications of this commitment extend beyond policy reform but will also include changing the mandate of Parliament. Some participants remarked that this commitment may have been misplaced. The fiscal matters regarding mining contracts are already provided for under Schedule 16 and 17 of the Taxation Act.

- It was also noted that although progress has been made towards the development of a Sovereign Wealth Fund, this commitment may have also been misplaced as the revenues from Malawi's mining activities are quite meagre.

#### **4.4 Open Parliament TWG**

- Fully achieved 2/5 Presidential Commitments
  - Consultative meetings with relevant MDAs and the Parliamentary Committee on Budget and Finance were held to inform the challenges and proposed solutions to issues relating to public debt transparency and loan authorizations.
  - A Situational Analysis on Public Debt and Loan Authorization was completed.
- Moderate and significant progress has been made on 1/5 Presidential Commitments and all 4 NAP Commitments. The following updates were given:
  - The update on the Standalone Loan Authorization procedures can be found in section 3.4.m.
  - The Standalone procedures that have been developed were based on a benchmarking study on other Parliaments within the region.
  - Following the adoption of the procedures, Members of Parliament, Clerks and TWG members will be oriented on the new procedures.
  - The findings, including the recommendations, of the Debt Analysis report will be disseminated to relevant MDAs and CSOs by the end of November.
  - Parliament is producing fact sheets on the report findings and will engage the National Initiative for Civic Education (NICE) Public Trust to support these dissemination activities in all districts.
    - There was a suggestion to produce a TV program, with both OPC and the TWG, to further disseminate the findings of the report.



- Parliament will also conduct public hearings on the Debt Analysis report to bring further awareness to the issues. They will be conducted by the Legal Affairs Committee through a series of workshops. However, this will not be completed in the implementation period of the current NAP.
  - There was a suggestion to allow for online contributions for the hearings.
- The TWG noted the following challenges in the implementation of their activities:
  - Initial misunderstandings of the roles of various TWG members – which delayed implementation in the beginning.
  - Need for close collaboration in the development of the next NAP commitments
  - Need for advance sharing of work plans and reporting templates.
  - Conducting the Debt Situation Analysis was delayed due to a lack of resources.
- The Chair informed the participants at the meeting that Members of Parliament, due to a lack of interest, had missed an opportunity to be trained by the Commonwealth Secretariat (free of charge) to develop skills for assessing debt sustainability. She remarked that this was a low-hanging fruit and it would have shown the impact of the work being done to address debt issues in Parliament.

#### **4.5 Right to Information TWG**

- Moderate and significant progress has been made on 1/5 Presidential Commitments – specifically related to the operationalization of the Office of the Registrar of Political Parties. The following updates were given:
  - The update on the physical office for the ORPP is under section 3.4.d
  - The TWG has been in discussion with National Democratic Institute (NDI), who is now an ex-officio member of the TWG, to support some of the TWGs activities such as engaging a consultant to undertake the Functional Analysis, Organizational Design and Development of the ORPP and Sensitizing Political Parties on the Access to Information Law. For the latter, the TWG will submit a

concept note to NDI by the end of the week to facilitate the process and complete this activity by the end of the current NAP's implementation period.

- The TWG reported that since the RPP was appointed mid-2024 and there have been some challenges to fully operationalize the office, as a result, the completion of other commitments has been delayed.
- Currently, the Political Parties Act does not have any regulations. Once staff have been recruited or seconded, they will begin to develop the regulations that will be used to engage political parties on compliance and the public on awareness. In the interest of time, a reference group has been put together, with support from the UNDP to fast track the development of the regulations. The reference group includes stakeholders from Malawi Law Society, Ministry of Justice, Department of Registrar General and the Malawi Political Science Association.
- The TWG noted the following as in the implementation of their activities:
  - The TWG needs more members
  - Secondment of temporary staff for the ORPP
  - Secure permanent office space for the ORPP
  - Financial support to engage consultants to support the ORPP on some of its activities including raising awareness on political party financing

Members of all TWGs remarked that the self-assessment templates were limited and resulted to underscoring because they did not allow the TWGs to report against the progress made on the activities under each specific commitment. The Secretariat informed the meeting that the template was deliberately used for this meeting to move the focus from activities (as per the standard TWG reports that have been used thus far) to commitments. The

Secretariat agreed to amend the reporting template accordingly but reminded the TWGs that the Independent Reporting Mechanism (IRM) will assess Malawi solely based on the commitments that have been achieved.

## **5.0 Way Forward**

Following the presentations and the discussions, the NSC meeting further agreed on the following way forward:

- a) The TWGs have until 30<sup>th</sup> November to finalize their activities. The month of December will be used by the Secretariat to tie up loose ends and see what can be pushed/achieved by the end of the implementation period and ahead of the IRM Assessment.
- b) A report will be submitted to the Head of State by December based on the Presidential Commitments that were signed during the launch of the NAP.
- c) The Secretariat to create a schedule for the Dept. of e-Government to meet with each TWG to gather evidence (reports, minutes, pictures, links, etc.) for the OGP Website.
- d) The Secretariat should also meet with the Dept. of e-Government to go through any issues with the website.

## **6.0 Preparations for the Successor NAP**

The Secretariat reminded the meeting that the Terms of Reference and the Workplan for the development of the Successor NAP were presented in the previous NSC meeting in July. Feedback was given by members of the NSC and incorporated, particularly to include a M&E Framework, a Communications Strategy and a Resource Mobilization Strategy in the successor NAP. The consultant to develop the successor NAP has been identified in consultation with The Chandler Foundation. The next step is to have an entry meeting with the consultant and the Secretariat to

agree on the final workplan. The consultant will then have to engage members of the NSC, the TWGs and all other relevant stakeholders as part of the process. Increased involvement in the consultation process will mitigate some of the issues encountered in the current NAP. The consultant will also make use of the final implementation report and the report from the Civil Society Symposium (which includes recommendations and proposals for the successor NAP) to inform the development of the successor NAP.

Following the entry meeting, the Secretariat will report back to the NSC of the timelines for the process. The consultant is currently in the process of conducting a Rapid Political Economy Assessment study.

#### **7.0 OGP 2025 Regional Meeting**

The Chairperson informed the meeting that the OGP Regional Meeting will be held in Nairobi, Kenya from 25 – 27 March 2025. She remarked that these meetings are very important for peer-learning opportunities. The Secretariat is still awaiting further details from the Regional Secretariat but encouraged NSC members to keep the dates in mind and to begin thinking of ways to leverage this opportunity. Once further details have been shared, the Secretariat will send official invitations to the TWGs.

#### **8.0 Closing Remarks**

- a) The Chairperson reminded the members that this was the last NSC meeting under the current NAP.
- b) The Chairperson thanked the NSC for their commitment and teamwork towards the progress made on the ambitious commitments under this current NAP.
- c) The Chairperson also informed the NSC that the Chandler Foundation has provided the Secretariat with full-time technical assistance.
- d) The Chairperson encouraged the members of the meeting to continue thinking about the successor NAP and avail themselves during stakeholder consultations.

## 9.0 Closing Prayer

The meeting was closed with a prayer by Dennis Mwafurirwa.

Dr. Janet L. Banda, SC  
**CHAIRPERSON**



## AGENDA

### FOURTH MEETING OF THE NATIONAL STEERING COMMITTEE ON OPEN GOVERNMENT PARTNERSHIP IN MALAWI, 6<sup>TH</sup> NOVEMBER, 2024, BINGU INTERNATIONAL CONFERENCE CENTER

*Chair:* Dr. Janet Banda, SC, Deputy Secretary to the President and Cabinet and Head of Presidential Delivery Unit

- 1 Opening Prayer
- 2 Welcome Remarks by Chairperson
- 3 Self-Introductions
- 4 Consideration and Adoption of Minutes of Previous Meeting
- 5 Presentation of Reports from TWGs
- 6 Discussion
- 7 Presentation and Adoption of Resource Mobilization Strategy

- 8**    **Way Forward**
- 9**    **Date of Next Meeting**
- 10**   **Closing Remarks**
- 11**   **Closing Prayer**

DRAFT