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SUNY/CID  
Legislative Strengthening Program/Malawi

**QUARTERLY PROGRESS REPORT, VOL.2/1:  
QUARTER ENDED MARCH 31, 2007**

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**OVERVIEW**

- As in the previous reporting period, the Malawi National Assembly Legislative Strengthening Program continued to make good progress. The number of requests for support continues to grow. It is evident from the reactions from the National Assembly – both Staff and Members - that they find the program helpful.
- This report firstly provides an analysis of events in the political and economic arena in Malawi that have a bearing on the environment in which the program is being implemented, and it covers program activities that have been implemented under the period under review.

**A. HIGHLIGHTS OF THE QUARTER**

- *Parliament to Change Committee Membership*
- *New Committee Clerks sworn in*
- *Official Visit to the Project Offices by the US Ambassador and the Speaker*
- *MCC Vice President visits Malawi*
- *Budget and Finance Committee reviews Supplementary Budget Estimates*
- *Report of the Auditor General for year ended 30<sup>th</sup> June, 2002 and 2003 is considered by the Public Accounts Committee*
- *Project assists Committees to produce Reports for Tabling in the National Assembly*
- *Women's Parliamentary Committee holds meeting to consider the Wills & Inheritance Act*
- *Project assists Committees to hold meetings*



## **B. THE POLITICAL AND ECONOMIC CLIMATE**

### **POLITICS:**

#### **1. Registrar yet to register former DPP's Vice President's Party**

During the last quarter, President Bingu wa Mutharika fired Honorable Uladi Mussa and Honorable David Faiti from the Cabinet. They were Ministers of Agriculture, and of Economic Planning and Development respectively. The former was also Deputy President of the DPP. Hon. Mussa now seeks to register his own party to be called Malawi People's Party (MPP). The Registrar-General is yet to register MPP ostensibly because the word 'Malawi' in the party's name is similar phonetically to 'Malawi' which is a protected name under the laws of Malawi. The former Minister is seeking legal redress.

#### **2. 2009 Presidential Elections**

Despite the fact that 2009 is still very far off, it has not stopped one of the main parties in Malawi –the MCP - to “endorse” its president as its sole presidential nominee. Equally, after some initial power struggle in the UDF, the former president of Malawi Bakili Muluzi has been “accepted” to contest again. Commentators have expressed concern over the non-democratic manner in which the two candidates were identified. They claim that the two leaders imposed themselves on their parties.

#### **3. No Jury in Vice President's Case**

The Minister of Justice and Constitutional Affairs, Hon. Bazuka Mhango has issued a certificate, directing that the need for a jury should be dispensed with in the treason case involving Vice-President Cassim Chilumpha. Under the law the Minister has powers to dispense with the jury in selected cases. It is expected that the defense will fight this.

#### **4. Former President is denied use of VVIP Lounge**

Former President of Malawi and UDF National Chairman Bakili Muluzi was refused use of the Very Very Important Persons lounge at Chileka Airport on his return from Namibia. The former president's decision to run again for the high office of President seems to have irked the authorities whom have reiterated the position that the former President should retire from active politics. Mr. Muluzi was returning from Namibia where he had gone at the invitation of that country's former president. It is said that he, too, is desirous of standing again for the position of President. The suggestion is that Mr Muluzi had gone to Namibia to compare notes with his counterpart there.

#### **5. Kamuzu Day Holiday**

Parliament resolved that May 14 (Kamuzu Day) be brought back as a public holiday in honor of former president Dr Kamuzu Banda. The resolution was made after MCP MP tabled the motion. It was seconded by Finance Minister Goodall Gondwe. During the Kamuzu era, 14<sup>th</sup> May was a public holiday but it was removed by the Bakili Muluzi era.

### **THE ECONOMY:**

#### **6. Strong Performance of the Economy**

For the second year running in over 10 years, Malawi will have enough grain to feed its people. The price of maize has thus come down significantly and the buoyancy of the agricultural sector has been responsible for the strong performance of the economy which grew by 8.5 percent in 2006. In turn, the inflation rate has for the first time in a long time come below the double digit

figure in January. The prospects for the future look good with the economy expected to grow by about 5.7 percent in the current year.

### **7. *Uranium Mining***

The Minister of Mines delivered a Ministerial Statement regarding Uranium mining in Karonga in the Northern part of Malawi. An agreement has been concluded with Paladin Resources of Australia for the mining of the resource. This is the first serious mining investment in the country. The statement which provoked heated debate, outlined the scope of the investment, the projected benefits and the safeguards which had been put in place against the dangers attendant to the mining of uranium. Members were mostly interested in having the MOU tabled in Parliament and revising upwards the government stake in the project. The statement follows concerns raised by Civil Society and Members on environmental impact issues.

## **PARLIAMENTARY ISSUES:**

### **8. *Impeachment Procedures***

During the last meeting of Parliament, the Legal Affairs Committee gave the indication that it was ready to table new impeachment procedures for the president and his deputy. This is a matter that seemed to have died down when it was last debated in the House. Its resurrection has given rise to fresh speculation that probably the MCP and the UDF whose leaders are reported to have met recently may be considering another attempt to impeach President Mutharika.

### **9. *Parliament to Change Committee Membership***

The Speaker of Parliament announced during the last meeting of Parliament that the House is to rationalize membership of its 13 committees. This exercise is intended to ensure that membership to the various committees is proportional to the party representation in the House. It is understood that in the newly constituted committees, there was a marked presence of DPP Members. In terms of the list released as the House rose, DPP now has at least four seats in each of the committees while MCP and UDF still command the majority by virtue of their numbers in the Assembly. Before this reconstitution, DPP, had very little presence in almost all the committees.

The committees are yet to meet to elect Chairpersons and it is to be seen whether the growing presence of DPP will influence the leadership of these committees. The generally held view is that the opposition will gang up to ensure that they hold on to all the leadership positions.

### **10. *Committee Clerks sworn in***

Parliament swore in 10 committee clerks who were hired to serve in its 13 committees which oversee various government ministries and departments. Chief Justice Unyolo presided over the function in the Chamber at Parliament building at the New State House in Lilongwe. Seven of the Committee clerks are supported by the Project for the duration of the project.

### **11. *MP files Motion to impeach Clerk of Parliament***

MP for Blantyre South West Gerald Mponda filed a motion to remove Clerk of Parliament Matilda Katopola accusing her of working for the Executive and disrespecting MPs. But MP for Blantyre Central Gift Mwamondwe called on the House to dismiss the motion, arguing that it was an embarrassment to the National Assembly.

## **B. PROGRAM ACTIVITIES**

### **OFFICIAL VISITS**

#### ***1. Official Visit to the Project Offices by the US Ambassador and the Speaker***

The US Ambassador and the Speaker of Parliament visited the Project Offices to obtain, first hand, an update on the achievements that the Project had made. Additionally, the two guests also visited the offices at Kang'ombe House which are being used by the Committee Clerks. The Project is supporting the renting of this office space as well as the payment of salaries of the new clerks. The visit took place on Friday 9<sup>th</sup> March.



*Ambassador Eastham delivering his speech after the Tour; to his immediate left is the Speaker*

#### ***2. Visit of Ms Copson to Malawi***

Ms Marjorie Copson who is USAID's Country Development Officer for Malawi and Zambia visited Malawi in January to review some of USAID's projects in this country. The National Assembly was privileged to be one of the projects to be inspected by Ms Copson on her brief tour of Malawi. Besides seeing the Project offices (including the Committee meeting room and the Resources Center), she was able to see the Budget & Finance Committee meeting in session.

#### ***3. MCC Vice President visits Malawi***

Several months ago, a director within the MCC offices in Washington DC, Mr. Malik Chaka, visited Malawi and met with a number of MPs including Chair of Budget & Finance as well as of Legal Affairs. This time round, Ms. Maureen Harrington who is the Vice President of the Threshold Programs at MCC visited Malawi from March 28 - April 1. She toured some MCC-funded facilities starting at Development House (SUNY offices) followed by the offices of the Committee Clerks at Kang'ombe House on Friday 30<sup>th</sup> March, 2007. Ms Harrington had discussions with a number of Members and also some Staff.

### **TRAINING**

#### ***4. National Assembly IT Staff***

With funding from the Project, three members of staff from the IT Department of the National Assembly are currently being trained in web designing, installation, administration and managing of a web site. The training course commenced early in January. After the training,

these three members of staff will work hand in hand with a consultant who has already been recruited to design a website for the Malawi Parliament. Using the skills acquired, the three will ensure that the web site is kept current.

### **5. Orientation for Table Clerks**

The National Assembly had requested the Project to facilitate a two-day orientation for Table Clerks. This was a follow-up to the very successful induction program that the Project supported in October of last year. The National Assembly was very complementary of that exercise, hence the decision to do a similar one, now for Table Clerks.



*One of the resource persons, Mr. Ralph Mhone during the Orientation Workshop*

The workshop underscored the importance of producing accurate Votes and Proceedings of the House. The orientation also focused on practice and procedure and emerging best practices in Table clerking with emphasis on timely production of Votes and Proceedings. It is hoped that the training would make the information in the Votes and Proceedings much more reliable than has been the case in the past.

## **COMMITTEE MEETINGS**

### **6. Budget and Finance**

The committee met with the Minister of Finance to review the proposed Supplementary Budget estimates that were to be presented during the February meeting of Parliament. A consultant funded by the Project assisted the committee in analyzing the Supplementary Budget. In addition, the Committee adopted its first report for this Parliamentary meeting. The report reviewed the implementation and performance of government programs including the Integrated Financial Management Information System (IFMIS), Usage of debt relief resources, the fertilizer subsidy program, Expenditure outturns for the First Quarter of the 2006/2007 budget and performance of some selected statutory corporations.



*The Minister of Finance addresses the Budget & Finance Committee – seen at the head of the Table (middle) holding a sheet of paper. To his left is the Chair of the Committee whilst the Deputy Minister of Finance is to his right.*

## **7. Public Accounts Committee**

- *Report of the Auditor General for year ended 30<sup>th</sup> June, 2002 and 2003*  
 The committee finalized its report on the Auditor General's Report on 2002 and 2003 financial years and also adopted the Report on the Investigations into the Operations and Management of the MARDEF Credit Scheme. In addition, the Committee received reports from a number of key statutory organizations regarding their financial and operational performance. The performance of a number of these parastatals has in the past impinged on the overall performance of the Malawi economy and the PAC had been anxious to ensure that its oversight of the public sector extended to the parastatal sector. This exercise revealed a glaring gap in a number of areas including long delays in the appointment of senior managers and inadequate funding of these entities.
  
- *Report of the Auditor General for year ended 30<sup>th</sup> June, 2004*  
 The Minister of Finance tabled the Auditor General's report for the year ended 30<sup>th</sup> June, 2004. This paves the way for the Accounts to be reviewed by the Public Accounts Committee. The Project will provide technical assistance to the committee to review the 2004 report. There has been talk by the Reforms Committee of the need to amend the requirement for the Auditor General's Report to be tabled in the House by the Minister of Finance for the accounts to be reviewed. The thinking of the Committee is that the report should be tabled to Parliament by the Auditor General to avoid situations where the Minister may withhold tabling the report for political expediency.

## **8. Education Committee**

In this reporting period, the Committee met tertiary institutions to discuss budget estimates for 2007/2008 fiscal year. Tertiary institutions are dogged with under-funding to such an extent that their calendar has had to be reviewed. The hardest hit has been the University of Malawi. The committee provided a platform for the Minister of Education, the Treasury, University officials and other stakeholders to meet and discuss problems besetting these institutions. The principal objective was to improve the quality of education.

### **9. *Commerce, Industry & Tourism Committee***

The Project supported a meeting of the Commerce, Industry and Tourism Committee. The Committee considered, for adoption, a report to the House on Technology Development Transfer in the country. In addition, the Committee also considered topical issues touching on Taxation, Investment, Counterfeit Products and Piracy.

### **10. *Women's Parliamentary Caucus***

The Women's Parliamentary Caucus held a four-day meeting in Blantyre to strategise on what needed to be done to ensure that the proposed Wills & Inheritance Act gets tabled in the House. It was noted that the male majority in the House was rather lukewarm to the practice of property-grabbing that seemed to be gaining momentum despite the criminalization of the activity. The majority of victims are widows and children. The one important aspect that seem not to have been addressed in new Act relates to estate duty. The consensus was that this remained very high and it the grouping would attempt to convince the Minister of Finance to lower this rate. Realising however that this initiative would be addressed through the amendment of a different Act (the Estate Duty Act) the meeting agreed to separate the two matters: move on with the lobbying of relevant authorities to ensure that the proposed Act is presented to the House whilst simultaneously taking up the matter of the estate duty with the Finance Minister.

The meeting also reviewed the draft SADC Protocol on Gender and Development which sought to harmonise national and regional policies, strategies and programmes related to ensuring gender equality and the empowerment of women. The Protocol would bring together in one legally binding regional instrument all the commitments to gender equality that have been made over the years such as the Beijing Declaration, the SADC Declaration on Gender and Development, and the Protocol to the African Charter on Human and People's Rights on the Rights of Women's in Africa. Other topics covered included good governance and reproductive health, HIV/AIDS.

### **11. *Production of Reports for Tabling in the National Assembly***

- *Agriculture Committee*

The Project supported the production of the Report of the Parliamentary Committee on Agriculture and Natural Resources Committee on the food security situation, tobacco marketing and monitoring and implementation of the fertilizer subsidy program, amid resistance from the Government. In his contribution, Deputy Agriculture Minister, among other things, questioned the methodology used in gathering information that was used to reach the findings in the report. After heated debate however, the report was adopted.

- *Other Committee Reports*

The House did not have time before it rose to consider other reports from a number of Parliamentary Committees such Report of the Budget and Finance Committee; Report of the International Relations Committee on the Training of Members on issues of International Relations; Report of Education, Science and Human Resources Committee on the Assessment of Infrastructure, Implementation of Budgets, Policies and Programs of some Educational and Vocational Training Institutions in the country; Report of Public Appointments Committee to the National Assembly for the period September, 2005 to June 2006; Report of the Public Appointments Committee for the Period June to December, 2006; Report of the Parliamentary Committee on Transport and Public Works on the Consultative Meetings with Stakeholders and Assessment of Rural Roads Projects

in Malawi; and Report of the Social and Community Affairs Committee on cultural and Individual Practices that promote the spread of HIV and AIDS. The Project supported the production of a majority of these reports. It is expected that the House will consider these reports for adoption at its forthcoming meeting in June/July.

The unprecedented number of reports awaiting adoption by the House is indicative of the positive impact of Project on the activities of the House.

## **INFRASTRUCTURE**

- During the quarter under review, the Project also supported the networking of Kang'ombe House from where the Committee Department is operating. The service provider has completed the work and internet connection has been installed..
- At the request of the National Assembly, the Project has agreed to procure a Video Camera, a Digital Camera and an LCD Projector for Parliament. The Project is waiting for the finalization of specifications from the National Assembly in order to commence the procurement process.
- Five computers and associated chairs and computer stands have been moved from the Resource Center in Development House to the Kang'ombe House Library. This was done following the request from Parliament to help the Members of Parliament who are using the Library to also access the internet.
- At the request of the National Assembly, the Project has provided office accommodation to the Chair of the Reforms Committee. This will facilitate the Project's collaboration with the Reforms Committee.

## **OTHER MATTERS**

### ***12. Confirmation of Auditor General denied***

During the last meeting of parliament, the opposition used its numerical superiority to vote against the appointment of the Presidential nominee for the position of Auditor General, Mr. Saulos Mchenga. Observers are agreed that there could have been no better candidate for this position.

### ***13. Members hold a Digital Video Conference with Rep. McCollum***

USAID/Malawi in conjunction with the US Embassy arranged a Digital Video Conference (DVC) for a selected number of MPs, mostly specifically committee chairs. This was at the request of the Chair of the Reforms Committee of Parliament. He had requested an opportunity for the MPs to learn about how the committee system works in the US Congress since they were just beginning to use such a system in Malawi.

## **C. UPCOMING EVENTS - SECOND QUARTER 2007:**

The Project has agreed to fund the following upcoming activities:

### ***1. Workshop for Committee Clerks.***

The NA management has decided to build on the success of the induction of the Committee Clerks to stage a two-day workshop that will seek to enhance the skills of the clerks in such

areas as report writing, protocol, elements of Law, team building. The Project will support this training. The workshop is expected to be held in early April.

## **2. Study Tour to Ottawa, New York and Washington**

As part of capacity development of Members, the Malawi National Assembly Support Project had programmed a study tour to Canada and the United States of America towards the end of April. Preparations are currently underway. A very representative delegation has been formed that seeks to include the interests of the Reforms Committee, and the three major Committees covering governance; Budget & Finance, Public Accounts and Legal Affairs. The delegation of roughly ten people including National Assembly management will also ensure gender balance.

## **3. Study Tour for Committee Clerks**

During the initial planning of the activities under the MCC Malawi National Assembly Support Project, the project was to support the National Assembly in the recruitment of a number of Committee staff. Having recruited them, it is proposed to expose the staff to other Parliaments particularly those that are implementing some reforms. Work is in hand to expose the new staff to some Parliaments in the region.

## **4. Anti-Corruption Conference in Johannesburg**

The fifth Global Forum is one of the premier international anticorruption events and the only inter-governmental forum regarding anticorruption efforts world-wide. This year, the event will be held in Johannesburg, South Africa. The theme is "Fulfilling our commitments: Effective action against corruption" with a view to addressing the links between corruption and poverty and the strengthening of anticorruption institutions. The overall objective of the event is to discuss practical and effective measures for preventing and fighting corruption. The Project will support two Members to this conference which is planned for 2<sup>nd</sup> to 5<sup>th</sup> April.

## **5. Review of Standing Orders**

Under the auspices of the Reforms Committee and Legal Affairs Committee the Project Office is working with the National Assembly's Legal Counsel to develop the terms of reference for a consultant who will work with the two committees to review Parliament's Standing Orders. The House seeks to take a fresh look at the Standings Orders in order to (a) undertake a comprehensive examination of the Orders with the view to ensuring their efficacy in enabling Members to effectively perform their Parliamentary Mandates; (b) streamlining the procedures under the Orders in line with practices that have developed over the past several years and also to realign them with international best practices; and (c) rationalizing the Standing Orders in order to remove those of the Orders which are no longer of relevance to the National Assembly.

## **6. Strategic Plan**

The National Assembly plan to launch its Strategic Plan during the Budget meeting of Parliament. The Project is working with Management to organize a retreat for staff and Members with the view to secure "ownership" of the plan and also to get an order of priority to the many activities contemplated in the report in readiness for implementation.

## **7. Committee Meetings**

A number of Committees plan to meet. Included are Legal Affairs, Budget and Finance, Public Accounts, Committee on Agriculture etc to deal with a variety of oversight issues.