

Annual review of DFID/RNE Malawi's Anti-corruption bureau support programme

Annual review

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Hannes Hechler (Chr. Michelsen Institute, Norway) and Bea Parkes (DFID)

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Norad

Norwegian Agency for Development Cooperation

P.O. Box 8034 Dep, NO- 0030 OSLO

Ruseløkkveien 26, Oslo, Norway

Phone: +47 22 24 20 30 Fax: +47 22 24 20 31

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ANNUAL REVIEW OF DFID/RNE MALAWI'S ANTI-CORRUPTION BUREAU SUPPORT PROGRAMME

22 February – 2 March 2010

Hannes Hechler (Chr. Michelsen Institute, Norway)

Bea Parkes (DfID)

LIST OF ABBREVIATIONS

ACB	Anti-Corruption Bureau
ACC	Anti-Corruption Commission
ADMARC	Agricultural Development and Marketing Corporation (state-owned)
BACC	Business Action Against Corruption
CABS	Common Approach to Budget Support
CPI	Corruption Perception Index
DfID	Department for International Development (UK)
DPP	Director of Public Prosecutions
EU	European Union
GI	Global Integrity
GoM	Government of Malawi
IIC	Institutional Integrity Committee
KPK	Komisi Pemberantasan Korupsi (Indonesian Corruption Eradication Commission)
NACS	National Anti-Corruption Strategy
NGCS	National Governance and Corruption Survey
NIC	National Integrity Committee
NICE	National Initiative on Civic Education
NIS	National Integrity System
OPC	Office of the President and Cabinet
RNE	Royal Norwegian Embassy
TI	Transparency International

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1 BACKGROUND

DfID has been supporting the Malawian Anti-Corruption Bureau (ACB) since shortly after its inception in 1998, the Royal Norwegian Embassy (RNE) started supporting it in 2001. In 2007, the RNE and DfID joined into a funding agreement. The current programme phase runs until the end of 2011 and implies 2.5 million British pounds from DfID and an additional 20 million Norwegian Kroner from RNE (together an equivalent of approximately 7 million US-Dollar). The goal of this phase is “The elimination of corruption in all its forms in order to enhance the socio-economic well-being of all the people of Malawi”, the purpose is “to prevent and reduce corrupt practices in Malawi”. Both are aligned with the vision of the ACB five-year Strategic Plan 2007-2011. In February 2010, the review team was tasked by DfID/RNE to review the progress of the ACB over the last 1.5 years.

Scope of Work

Specifically the team was asked to assess:

- progress since the 2008 review, the likelihood of the achievement of outputs, the suitability of project objectives and indicators, as well as risk rating;
- lessons learned from the project in terms of working with partners, as well as the ACB's contribution to the wider anti-corruption agenda;

Methodology

The review was carried out by a small team comprised of Hannes Hechler (lead), researcher with the Chr. Michelsen Institute in Bergen/Norway, and Bea Parkes, Governance Advisor, DfID Malawi. The team analyzed key project documents, reports and surveys on the ACB and corruption in Malawi. Interviews took place with ACB management and staff in Lilongwe and Blantyre, as well as with key informants from the national integrity system pillars (public and private sector, civil society) and donors.¹ The recommended changes have been integrated into a new project log frame (annex 1) which will be discussed by the ACB management in March 2010, before final agreement with the donors.

Acknowledgements

The review team expresses its thanks to the ACB management and staff (especially Alexius Nampota, Victor Banda and Tokha Manyungwa) for their availability and cooperation.

¹ For a full list, see annex 2.

Furthermore, we would like to thank Britt Hilde Kjølås of the Royal Norwegian Embassy, as well as the supporting team in DfID Malawi.

2 EXECUTIVE SUMMARY

On behalf of DfID and Norway as supporting partners to the ACB, this review mainly assessed progress since the last ACB review in 2008, the likelihood of the achievement of outputs, the suitability of project objectives and indicators, as well as risk rating. The ACB is progressing well in developing its institutional capacity. The political climate seems conducive to giving the Bureau space to manoeuvre. However, challenges lie in the mixed public perception of the ACB, in little available knowledge of its impact, and in improvable cooperation with key partners.

Key findings

1. **ACB documentation and overall achievement on goals and indicators is satisfactory.**
2. **On the donor side programme documentation needs improvement.** Re-organization of DfID's log frame has not been finalized, resulting in inconsistent indicators and baselines.
3. **Over the last two years the ACB management has remained stable to positive effect. Government (GoM) commitment to fight corruption is visible, but competes with other interests and priorities.** The National Anti-Corruption Strategy (NACS) has been launched, but key processes, such as an implementation plan and secretariat, are not in place yet.
4. The ACB has in place a **robust staff capacity appraisal and development system.**
5. **GoM approved a new ACB staff establishment, doubling staff over the next 5 years.** However, unsecure funding calls for more donor engagement, risking ACB's independence.
6. **The ACB still has a strong focus on investigation and prosecution. Little is publicly known about its prevention or education work.**
7. **The implementation of the communication strategy has not progressed well.** It lacks responsibilities related to ACB divisions and indicators in the ACB Strategic Plan.
8. Despite an increasing number of complaints, **the number of complaints with corruption relevance remains at a low level. This points to a gap in bringing key messages about corruption and complaints mechanisms across to the general public.**
9. The **prosecution database** has been developed but is not fully operational yet. A **senior prosecutor** has been employed to take some workload off the ACB director. A **prosecution strategy** as proposed by the last review has not been developed and is seen as controversial within the ACB.
10. **The ACB has staff retention problems, most severe in the prosecution division,** as the ACB is not in a position to raise their lawyer's salaries to a competitive level.
11. **The general public acknowledges the achievements of the ACB, but scepticism lingers of its ability to engage impartially in the fight against corruption.**
12. The ACB's performance is affected by a **political context where politics and institutions are highly personalized,** and a **political culture which tends to discourage impartiality,**

i.e. actions taken are seen to be influenced by political preferences (towards government or opposition).

13. **The ACB produces many outputs, however, little is known of their impact.** Indicators are still mostly input or output based, but not looking at impact.
14. **Donor coordination** in governance related fields is functioning, but there is further **need to address anti-corruption in a more holistic manner using NACS as a framework.**

Key recommendations to the ACB

1. **Prevention goals (strategic pillar/output 2) should be merged with the development of a National Integrity System (strategic pillar/output 3)** in the log frame and Strategic Plan.
2. **The ACB needs to strengthen its prevention capacity considerably and to communicate prevention work more actively to the public.** The ACB also needs to **prioritize NACS focus areas** and to **extract lessons learned** from current prevention activities to streamline guidance on NACS implementation to other institutions.
3. There's need to **increase cooperation with all eight NIS pillars** for NACS implementation.
4. The ACB needs to continue lobbying for NACS implementation through the establishment of the **National Integrity Committee** which will set priorities and improve coordination.
5. **The ACB needs to increase research on the impact of its activities.** The Research Unit and the Monitoring & Evaluation Unit need to be installed and become functional.
6. **The ACB communications strategy needs to have indicators and responsibilities attached to it.** This is key to achieving an improvement in the public awareness of the ACB.
7. The **quality of investigations has scope for further improvement** through better cooperation with the prosecution division. The ACB should establish in-house forensic skills.
8. **The prosecution database needs to become fully operational.** Case information should be extracted and analyzed more strategically.
9. **The ACB needs to increase efforts to improve its image as worthwhile, performing, and impartial.** Public expectations need to be better managed, procedures guarding the ACB's independence and accountability ensured and communicated. **The ACB should establish a public relations position as a matter of urgency.**

Recommendations to the GoM, donors and other actors

10. As the goal and purpose of the programme are as broad and ambitious as to free Malawi from corruption altogether, their achievement depends on the establishment of a National Integrity System (NIS) beyond the ACB. Thus, **the reduction of corruption should also be incorporated into the visions and objectives of other NIS institutions.**

11. **The ACB, civil society, and donors need to convince the GoM and Parliament to install checks and balances to ensure independent and unbiased decision making by the ACB management**, e.g. by employing a deputy director and creating a supervisory board.
12. **Donors should think about ways to include NACS implementation in their work.** Donor staff need to be made aware of NACS contents and their implications for its implementation. Donors also need to coordinate among themselves, and scrutinize government coordination.
13. **Donors should critically evaluate the distribution of support given directly to the GoM as distinct from that given to actors set out in the NIS framework.** Support to watchdog institutions, in particular, should be strengthened and become more predictable.
14. **Donors should engage with the GoM/Parliament to encourage the passing and implementation of the proposed asset declaration legislation.**
15. **Donors should jointly conduct an updated political economy and/or a governance/corruption analysis** in order to assess the quality of the current window of opportunity and implications in due time before the next elections in 2014.

3 ACB PERFORMCANCE AGAINST OBJECTIVES AND INDICATORS

The 2008 review was based on assessing progress against baseline indicators as identified in the ACB Strategic Plan and the project log frame based on it. In between reviews DfID had reorganized its log frame structure, resulting in a revised log frame (dated December 2009). However, this had not been finalized and reconciled with the ACB's Strategic Plan. As a consequence, not all of the achievements, indicators and risks could be adequately assessed against a baseline. This report assesses progress against state of affairs at the time of the 2008 review in terms of the different strategic pillars of the ACB Strategic Plan.

Overall Programme Goal and Purpose

The DfID/RNE support goal (the elimination of corruption in all its forms in order to enhance the socio-economic well-being of all the people of Malawi) and purpose (to prevent and reduce corrupt practices in Malawi) are aligned with the mission and vision of the ACB's Strategic Plan 2007–2011. While objectives at such high level of ambition may be useful as a vision and a mission statement for the ACB, they should not be seen as attainable within the current phase of the Strategic Plan (end 2011). In addition, the ACB is only one of many actors – although the main one – involved in achieving a corruption free Malawi. **Therefore, the reduction of corruption should also be incorporated into the visions and objectives of other institutions of the National Integrity System (NIS), a specific responsibility for the Office of the President and Cabinet could be incorporated into the CABS (Common Approach to Budget Support) agreement between donors and GoM.**

Since donor support to the ACB can only indirectly be contingent on such broad and ambitious development goals, the existing log frame needs some clarification as to how one can best assess observable changes. We therefore recommend the following:

- As for goal achievement, “overall improvement of governance and socio-economic indicators for Malawi” should be measured by a set of socio-economic indicators to be agreed between the ACB and DfID/RNE.
- For measuring progress in terms of the purpose, we propose two indicators: (i) “National Anti-Corruption Strategy being implemented” (Milestone 2010: NIC operational, priorities and indicators agreed; Milestone 2011: first NIC/NACS assessment and progress report available); and (ii) “Positive perception of the performance and political impartiality of the ACB in relation to fighting corruption”. The latter requires the **integration of according questions in the 2010 Second National Governance and Corruption Survey (NGCS)**, which then can serve as a baseline for target 2011.

Strategic Pillar 1: “To maximize the potential of the human and capital resources to the Bureau for the efficient execution of its activities”

The ACB reviewed its establishment, salaries and conditions of service in early 2009 to look at career incentives for staff and staff retention. At the time of the review the ACB had 124 positions of which 12 were vacant. This remains the current status and the only key positions filled are those of a Chief Legal and Prosecutions Officer, a Senior Investigations Officer and a Senior Accountant. Other key positions remain vacant, such as the Deputy Director, the Assistant Director Prosecutions and a procurement officer. In addition, in order to fulfil its mandate, the ACB was advised to create 57 new positions. This proposal has been adapted to meet increasing demands² and the ACB has tabled a new establishment framework for 244 staff to the Government of Malawi (GoM), an increase of 119 new positions over five years. The framework also entails changes in key positions, such as abolishing the position of Assistant Director Prosecutions and creating the position for a Senior Public Relations Officer. While this framework has been formally accepted by the GoM, this doubling of staff is contingent on additional funding from sources outside the GoM. **This staff expansion calls for increased donor involvement and will not only jeopardize the envisaged independence of the ACB from donor funding, but also risks diverting donor funding from other pillars of the national integrity system.** Currently, donor contributions (mainly DfID, Norway, European Union) amount to around 40% of the ACB’s budget.

The ACB has also developed and implemented a competency framework taking account of individual staff skills and gaps, a training needs assessment according to the identified gaps, and annual performance appraisals. The latter have been rolled out widely and today all staff are appraised annually (indicator one). In response to criticism raised in the above mentioned 2009 review about lack of openness and appeal opportunities in the appraisal system, the ACB has now installed bilateral assessments, ensuring clear communication of annual individual goals and their achievement, giving staff the opportunity to comment.

The ACB seems to have put in place a robust capacity development system. The indicators in the 2009 revised log frame are appropriate for the moment. However, should the ACB staff increase considerably, capacity to train new staff may need strengthening. A milestone of 70 trained officers (indicator two) in 2011 might need revisiting. Also, the indicator should in the future better reflect training that contributes to the skills needed to fulfil the ACB’s mandate. The competency framework should allow for extraction of information on advanced training carried

² The increasing demands were said to come from the upcoming implementation of the National Anti-Corruption Strategy, the establishment of a monitoring and evaluation unit, increased complaints through heightened awareness programmes, as well as necessary administrative support staff.

out (level 2 and 3 of mandatory staff training). The ACB is facing difficulties in retention of staff, most severe in the area of prosecutors. The capacity development system is trying to address this, however, might have to be adapted in the near future if problems persist or even increase.

The risk of not achieving this output by the end of the project phase is considered low, which is a downgrade from the last review, due to the above stated achievements in staff capacity building.

Strategic Pillar 2: “To proactively prevent corrupt practices in public and private bodies”

During the period under review, the prevention division continued its advice to a number of institutions on the development of corruption prevention policies. In addition, new key institutions came on board, such as the Agricultural Development and Marketing Corporation (ADMARC), the Malawi Police Service and the Road Fund Administration. Other activities included the development of codes of conduct, client service charters and Institutional Integrity Committees³ (IIC), and the conducting of institutional audits. The latter are based on complaints and meant to identify corruption risk areas in an institution’s systems. Such audits were done in 2009, for example, in the Ministry of Health; the Ministry of Women, Child Development and Community Services; the Ministry of Local Government; and the National Statistics Office.

The prevention division is currently staffed with five people, leaving one post vacant. Under these circumstances, it is remarkable that the division can serve a rather high number of institutions and tasks with seemingly good and consistent quality. However, the processes it guides are time-consuming and slow. Examples from the Northern and Southern Regional Water Boards show that it can take between 2–4 years from beginning the development of a policy until it is ready for implementation. Once started, the implementation process is meant to be jointly reviewed every six months with the ACB. Reviews seem to take place in a timely fashion and appear to give a fair picture of shortcomings.

While the reasons for long policy development periods are probably external, the ACB needs to guarantee timely support in order to exploit the commitment by management within the partner institution while it exists. **However, the prevention division is severely understaffed** – especially in light of the upcoming task of implementing the National Anti-Corruption Strategy (NACS). The ACB has realized this and is seeking the following solutions:

- Increase of prevention staff to 14 in the new establishment. These positions will be filled at once, unlike other positions which will be staggered over a period of five years.

³ Pending a circular by the President – which was issued only in February 2010 – the committees approached in 2009 were temporarily termed “Corruption Prevention Committees”.

- Merger of the prevention and public education division.⁴

The division is well positioned to guide public institutions under NACS, which requires among other things, the establishment of IICs, institutional prevention policies, institutional system reviews and citizen service charters. Demand is already rising since the Office of the President and Cabinet (OPC) issued a circular in February 2010 demanding the establishment of IICs in all public institutions. However, as the division will also continue supporting current partner institutions, it needs to be strategic about its resource use and capacity.

Therefore, it is recommended that the ACB follows the priority areas listed in the NACS itself. As important as it is to respond to all willing institutions, the ACB should be very strategic about further engagement so as not to overstretch its capacities. **It could be useful to extract common patterns and challenges in those institutions where policies are already in operation,** in order to optimize policy advice.

This is a potential task for the research unit, which is being revamped.

We recommend for the log frame and potentially for ACB's Strategic Plan as well that this strategic pillar be merged with strategic pillar 3 concerned with the development of a national integrity system development, as the latter was mainly concerned with setting

Table 1: KPK ranking of department's integrity

Department	Experienced Integrity	Potential Integrity	Score of Integrity	Rank
BKN	5,89	7,34	6,31	1
Dep. Dalam Negeri	6,14	6,49	6,25	2
PT. PERTANI	6,02	6,52	6,17	3
Dep. Perdagangan	5,99	6,59	6,17	4
TASPEN	6,02	6,37	6,12	5
Dep. Koperasi & UKM	5,91	6,52	6,09	6
B POM	5,79	6,81	6,09	7
Depdiknas	5,82	6,49	6,02	8
PT. ASKES	5,80	6,37	5,97	9
Jasa Raharja	5,82	6,22	5,94	10
BKPM	5,73	6,20	5,87	11
Dep. Sosial	5,65	6,35	5,86	12
Dep. Perindustrian	5,52	6,59	5,84	13
TELKOM	5,49	6,38	5,75	14
Departemen Keuangan	5,60	6,05	5,73	15
PERTAMINA	5,44	6,29	5,69	16
BRI	5,40	6,19	5,63	17
RSCM	5,55	5,80	5,62	18
PT. Jamsostek	5,52	5,84	5,62	19
Dep. Kelautan dan Perikanan	5,28	5,72	5,41	20
Mahkamah Agung	5,30	5,24	5,28	21
Departemen Kesehatan	4,85	6,21	5,25	22
PT. PLN	4,95	5,64	5,15	23
Departemen Agama	4,92	5,71	5,15	24
Dep. Nakertrans	4,40	5,93	4,85	25
Kepolisian RI	4,80	4,84	4,81	26
PT. Pelindo	4,50	5,39	4,76	27
Dep. Perhubungan	4,18	4,38	4,24	28
BPN	3,88	4,84	4,16	29
Dep. Hukum & HAM	3,92	4,70	4,15	30
Rata-rata	5,34	6,00	5,53	

the stage for NACS. As the NACS has now officially been launched, and as it is predominantly a preventive strategy, it should become the focus of the ACB's preventive work and overall

⁴ The public education division will increase its staff complement from 6 to 13. The justification for merging is that both areas are closely related and public education officers, constantly exceeding their targets can slow down their activity rate and instead engage in preventive work.

mission. We propose to give the merged output 2 an impact weight of 30% in view of its importance in achieving the project purpose. We estimate a risk rise to medium as the ACB is only a facilitator of the NACS and many external factors will affect implementation.

We recommend that indicators move away from merely counting “service agreements” and “prevention policies” being in place, and that they rather align with the NACS requirements. As IICs will be key actors for implementing NACS, we propose to take as one indicator that functional Institutional Integrity Committees in NACS focus areas are to be in place”. Another indicator should look at the ACB’s engagement with all of the eight National Integrity System pillars in order to support NACS implementation. As the first one is for the time being also numeric, we suggest aligning it with qualitative impact measurement once the IICs are up and running. This can best be done at the client level, for example through institutional integrity surveys⁵, which could then, as has been done by the Indonesian Anti-Corruption Commission KPK (see table 1), be used to rate public institutions, thus giving them incentives to improve.

Strategic Pillar 3: “Develop the National Integrity System (NIS) through policy leadership and enhanced collaboration”

Under this pillar, ACB staff was mainly engaging with public institutions in setting up IICs. Priority institutions mentioned in the NACS have all been contacted during the period under review, except Parliament and the Office of the Director of Public Procurement. It is unclear to what extent these IICs have become operational. However, the quarterly reports of the ACB, as well as interviews we conducted, indicate the assignment of staff to form those committees, some sensitization and the development of action plans. Management commitment on the part of partner institutions is believed to be high by those involved, which should be observed in further work with the NACS and the IICs.

The ACB reports few activities under sub-pillar 3B on enhancing collaboration with NIS pillars. Cooperation has occasionally happened, such as a symposium on NACS in the private sector together with Business Action Against Corruption (BAAC), and the involvement of faith-based organizations on the National Anti-corruption Day. **However, as the NIS will only succeed with active involvement from each of the eight pillars⁶, cooperation needs to increase.** We

⁵ The 2005 Governance and Corruption Baseline Survey already assessed the integrity of key public institutions. This would just have to be formed into asking a specific institution’s customers on an annual basis.

⁶ Executive, Judiciary, Legislature, civil society, private sector, media, traditional leaders, faith-based organizations.

recommend introducing this as an indicator for the merged strategic pillar, e.g. that each NIS pillar sets up its action plan for NACS implementation – a task that the ACB should guide.

Sub-pillar 3C (lobbying for an improved legal framework) has high significance given the legislative improvements needed for corruption prevention.⁷ As mentioned in the 2008 review, it might make sense to keep this task in a “strengthened Prevention Department Research Unit and provide it with expert inputs from the prosecution department when necessary”, rather than move it to the prosecution division as planned. The ACB together with other stakeholders drafted an asset declaration law and system⁸ which is now with Cabinet. The ACB anticipates opposition, as declarations will also have to be made by the very same people now deciding upon the matter. Donors could play a role in pushing for asset declaration – e.g. through integration in the CABS indicators – as such declarations are a way (if scrutinized) of tracing grand corruption.

A one-year delay by the OPC in issuing the IIC circular (despite preparation and pushing by the ACB) shows the need for constant high-level lobbying. Also, recent conflicts between the OPC and the ACB on who is to introduce service charters⁹ reveal the challenge of NACS coordination. Therefore, we recommend including an indicator at the purpose level related to the establishment of the NACS supervising and coordination body NIC (National Integrity Committee).

Strategic Pillar 4: “Enhance public awareness of corruption and of the Anti-Corruption Bureau's work”

In sheer numbers, this pillar is probably the most efficient in terms of outputs. According to the quarterly reports, the public education division has during the time period under review conducted at least 144 rallies, 19 workshops, and aired more than 1300 radio and TV programmes/jingles. **Little is known, however, about the impact of such activities.** The level of complaints is said to be rising especially after public rallies, but this does not necessarily indicate an increase in corruption related complaints. Therefore, we propose to measure the

⁷ E.g. NACS mentions legislation on access to information, declaration of assets, liabilities and business interests, and political corruption.

⁸ Among others measures, establishing a separate body dealing with asset declarations of all public officials.

⁹ The OPC has started its own service charter programme, responding to requirements from regional civil service agreements. The ACB is following its commitment under NACS to do the same. This shows a serious lack of coordination and integrating NACS in ongoing governance reforms.

“Percentage of complaints leading to investigation by ACB” as a proxy of increased corruption-relevant complaints through targeted messages to the public.

The establishment of local Anti-Corruption Clubs – a key activity under this pillar – is underreported in the quarterly reports. At present 53 such clubs exist, with activities partly funded by the ACB. The log frame target is to establish 50 clubs by 2010/11. The second log frame indicator – “increased number of contacts with the public by 2010 through drop-ins, hotlines and other contacts” – has no baseline or annual milestones. This indicator is in any case too blurry to be followed up, and the one on AC Clubs is exceeded and does not tell much about their impact. A visit to a club in the village of Mvera showed the review team the commitment of the people involved. The clubs can be a key player in promoting the NACS, for instance in addressing the traditional leaders. However, the clubs are in a difficult situation as they operate between raising awareness and addressing corruption within communities. They should be advised to stay out of investigative activities or forwarding complaints to the ACB. The ACB continues to use NICE structures (local groups, meeting rooms and trainers) for their public awareness programmes and establishment of AC Clubs. There is a slight risk in that cooperative venture, as NICE – an EU-funded civic education programme – may not continue in its current form. **As it is very difficult to assess the impact of the clubs’ work, we recommend the future ACB Monitoring and Evaluation Unit to look into this.**

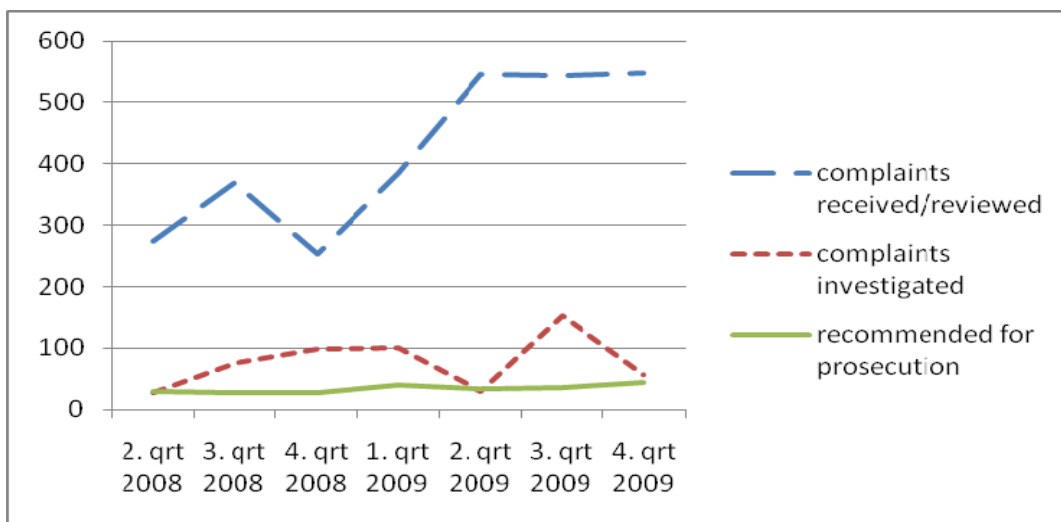
Implementation of the **ACB’s communication strategy** also falls under this pillar. The strategy sets out key messages and activities aimed at target groups. The implementation of the strategy will be reviewed by the end of 2010. However, **it seems as if implementation has not progressed far.** Unfortunately, the strategy did not assign activities or responsibilities to the different divisions of the ACB. The Strategic Plan and quarterly reports feature no indicators, mainly because the communication strategy was developed at a later stage than the ACB Strategic Plan. Realizing this, the ACB management is planning a logical framework for improved implementation. **We recommend prioritizing this task, as the perception of the ACB’s work and achievements among the public is problematic and needs to be addressed** (see below). Also, the cross-cutting issue of improved communication should not solely be assigned to the public education division. **We recommend integrating an indicator from the communication strategy into the log frame, which measures the “Number of positive and negative press stories, case related or general information, on ACB”.**

Strategic Pillar 5: “Effectively and efficiently investigate allegations of corruption”

For this Strategic Pillar, the indicators are the “number of concluded investigations”, the “proportion of completed investigations leading to good prosecution or referral”, and the “total number of complaints received”. According to the quarterly reports ACB still targets an average of 90 completed investigations per quarter, a goal which is constantly being exceeded. **We repeat the recommendation of the 2008 review to raise the level back up again to 120 investigations per quarter.**

The investigation division reports on a range of further issues, such as complaints received and reviewed, complaints authorized for investigation, investigations completed, recommended for prosecution, number of cases/dockets handled, and number of cases recommended for closure/referral. This list is only partly telling, especially if listed quarterly, as most likely investigations will be closed in a different quarter than in the one they began. **Therefore it would be of value to include an indicator on how long an average case/investigation takes** (as suggested by the 2008 review). This should also include the stage of prosecution, if possible. **The ACB should also distinguish between cases recommended for closure and those recommended for referral, as the implications are different.** The question of what is understood as referral needs clarification; it could mean that cases be handled by other law enforcement institutions, or at another administrative level through the Ombudsman or the respective public institution itself. The data collected are good, but could be even more sophisticated to be useful for research and performance assessment purposes.

Graph 1: Number of complaints investigated and forwarded for prosecution



number of

complaints with corruption relevance is not and actually stays at a very low level compared to

other anti-corruption agencies.¹⁰ This points to a serious communication issue in the outreach and awareness programmes of the Bureau. The management pointed out that the public would direct non-corruption complaints to the ACB, knowing it was the inappropriate body, yet anticipating a better follow-up than for example with the Office of the Ombudsman. Partly this is because other public institutions have failed to set up complaints reporting channels or at least to effectively communicate their existence. Even so, this puts a severe burden on the ACB and consumes resources, which, in turn, prevents it from fulfilling its mandate, especially as outreach yields results and complaints are likely to increase with the roll-out of the NACS. The National Integrity Committee, once in place, should consider ways to improve complaints systems in general within the public institutions addressed by the NACS, enabling the separation between corruption relevant and non-relevant complaints at an early stage. This should include strategies about responding to corruption complaints through administrative actions by the public institution itself, where criminal investigation and sanctions are not appropriate.

The organization of investigators in teams, as well as their consistent training seems to improve the quality of investigations. However, as the head of the prosecution division pointed out, **there is still room for improvement in the legal capacity of investigating staff. Also, capacity in forensic investigation is still not available**, making the ACB dependent on the Malawi Police, which is also under-resourced in this area. As a result, many prosecutions rest mostly on witnesses, thus potentially weakening the case success rates as witness drop-out is not uncommon. Both aspects should be taken up in the ACB's staff competence framework. The ratio of cases recommended for prosecution to all investigated cases was satisfactory at 44.5% in 2009. However, it is unclear why the relatively high number of cases recommended by the ACB investigation division for prosecution end up in a rather low number of cases taken to court by the ACB prosecutors. A future review should look in more detail into internal (e.g. low investigation quality) and external (e.g. influence of the Director of Public Prosecutions - DPP) reasons for this (see section below). **We recommend retaining the indicator on completed investigations, increasing the annual target number to 480. As a second indicator we propose to look at the number of cases recommended for prosecution which actually lead to prosecution** (not referral) in order to better assess the quality of investigations and the cooperation between investigation and prosecution.

¹⁰ For example, the ACC in Zambia in 2007 received a total of 2011 reports, 44% of which were corruption related, as opposed to the ACB with a percentage of only 17% corruption related cases in 2008 (measuring all cases investigated as opposed to those not investigated).

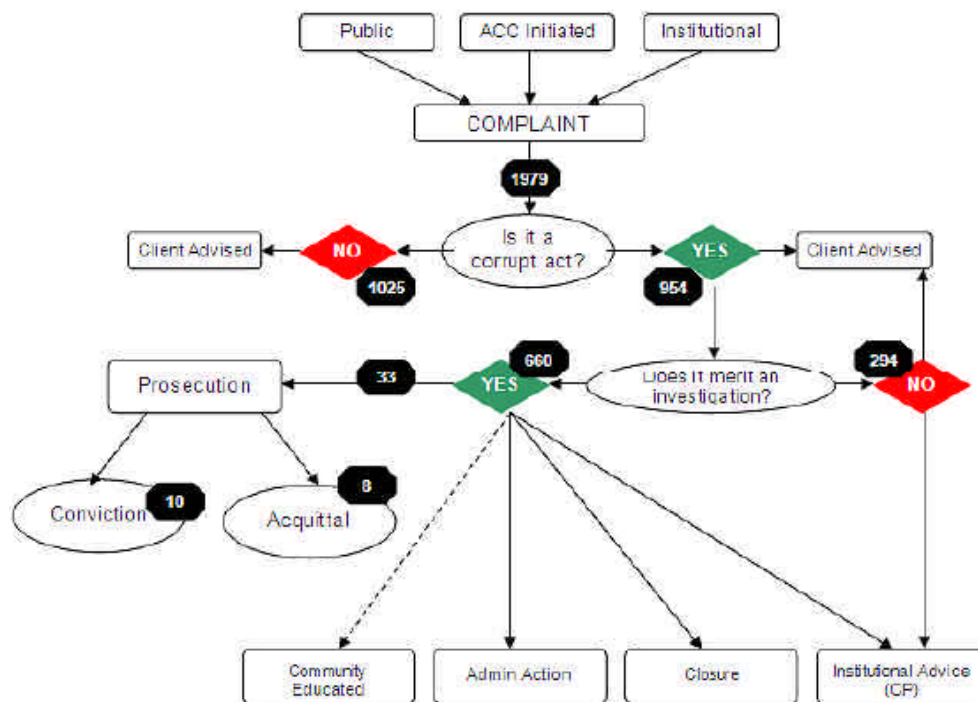
Strategic Pillar 6: “Effectively prosecute corruption cases”

Since the 2008 review, key issues in the prosecution division have been addressed and discussed, but not necessarily solved. **The prosecution database has been developed but is still not fully operational yet.** What is remaining is to connect all in-house users to be able to access the database at their workstations. A senior prosecution officer has been employed as head of the division taking some off the ACB director’s workload, who continues to keep a focus on prosecutions. A **prosecution strategy**, as the last review proposed, has not yet been developed and is seen as controversial within the ACB. The director sees difficulties in selecting and applying criteria for judging whether or not a case warrants prosecution, pointing to the impact that even so-called “petty” corruption has on the poor. The ACB head of prosecution, on the other hand, acknowledges the resources spent on “petty” cases and would not discard a more strategic approach towards prosecuting cases – a course of action recommended by the 2008 review.

The prosecution division still has the most serious staff retention problem, owing mostly to the uncompetitive salaries the ACB can offer to lawyers in comparison with the private sector. Unfortunately, this issue was not discussed in detail by the 2009 review of the conditions of service, which “only” suggested a general pay raise of ACB salaries by 25%. The ACB is not in a position to raise their lawyers’ salaries to a competitive level and is trying instead to remedy the retention problem by granting leave of absence for long-term training opportunities in law (master programmes) with a required subsequent working period at the ACB for a minimum duration of two years.

The 2009 review also pointed out that “Based on the case load figures from 2005 to 2008, there is no need to increase the number of posts of prosecutors, if the current establishment is filled. However, when the establishment of the Legal and Prosecution Division is viewed on the basis of the projected investigation cases for 2009 (824), 40% of which are supposed to result in prosecution, then the current establishment would not be adequate” (p. 13). The current staff for prosecutions – excluding the director – is 11, one position being vacant. The new establishment proposed to be filled over the next five years foresees 33 prosecutorial positions.

Graph 2: Zambia ACC - Exemplification of Corruption Data Process Mapping (2006)



(Source: Mufalo, M.; Chikalanga, D. 2008, p 41)

From the quarterly reports it is not clear how many cases actually go to court. This needs clarification for follow-up, as it is one indicator in the log frame. However, with 22 completed prosecutions out of 151 investigations recommended for prosecution in 2009, the proportion stood at a low 14,5%.¹¹ The number of nine convictions in 2009 is not an indicative figure, as those are cases likely to have been started in 2008 or earlier. **The prosecution as the conviction ratio should be followed up in the next review**, which would better allow for assessing timelines and prosecution results stemming from the 2009 rise in complaints and investigations recommended for prosecution. However, it should be kept in mind that the outcome on this indicator is largely not under the control of the ACB, which is why an alternative indicator should be found. **We propose to measure the percentage of cases where significant assets have been involved and/or seized in order to create an incentive and show commitment to high-level cases.** It would thus be appropriate to make use of the prosecution database for the extraction of information for this purpose, as well as other useful information, such as the average duration of prosecutions. In many countries, criminal convictions make up only a small proportion of possible redresses against corrupt behaviour. It

¹¹ The Corrupt Practices Act grants the ACB prosecutorial powers. The Director of Public Prosecutions (DPP) needs to give consent to prosecutions and can only reject them on firm grounds and within 30 days. While ACB staff during this review indicated no problems, it is not entirely clear to what extent the DPP actually interferes in the decision to prosecute.

would also be useful to acquire a picture of the proportion of cases by sanctions channel (for instance administrative sanction mechanisms), as graph 2 shows for the Zambian ACC.

4 LARGER INSTITUTIONAL AND POLITICAL CONTEXT

We identified a number of cross-cutting issues that affect the ACB's work, its reputation and independence. They should be subject to deeper analysis, but merit highlighting here.

The ACB's public image vs. public expectations

Discussions outside the ACB – with the general public, other NIS pillars such as watchdog institutions and civil society, ACB partner institutions, and donor staff – gave a mixed picture. On the one hand, acknowledgement of ACB's achievements so far, but, on the other hand, widespread scepticism of its power and willingness to engage **impartially** in the fight against corruption. This is common in other countries as well and points to high and diverse public expectations, institutional rivalries not least about public funding, and a potential lack of knowledge about how ACCs are performing and what impact they have. It is beyond the scope of this review to assess in detail public expectations of the ACB, or the nature of its relations towards public institutions. Nevertheless, **it seems clear that the ACB needs to increase its efforts to come across in the eyes of the public as a worthwhile, performing, and, above all, an impartial institution**, to the extent it has not been done so far. This would entail:

1. **Knowing public expectations:** The ACB should be aware of what the public, partner institutions and decision makers expect from the ACB.
2. **Managing public expectations:** The ACB then needs to address these expectations in a strategic way, fulfilling and exceeding them where possible, but also clearly pointing out where and why it is not able to live up to expectations (be it for reasons of inadequate funding, staffing, leverage, cooperation), and not least raising discussion where public expectations are too high and/or shifting over time.
3. **Ensuring and displaying independence and accountability:** Especially in a highly politicized context like that of Malawi the ACB needs to lobby for and strive at its utmost to safeguard its independence (see point below for more detail).

For example, the annual reports of the ACB are submitted to the President and tabled in Parliament for approval. Frequent changes in the ACB management are blamed for the fact that reports were not tabled for several years. The reports for the financial years 2001/02 to 2006/07 were finally tabled in 2009 and the director was questioned by the Parliament's Legal Affairs Committee. **The ACB should strive for regular and timely reporting in the future and more**

importantly seek additional means to report to the wider public on its achievements.

Public relations, especially with respect to high-level cases such as those against former President Bakili Muluzi and former ADMARC general manager, Friday Jumbe, need to be treated with care and professionalism. Currently, the ACB is using a public education officer as its PR officer, and much of the press relations are handled by the director himself. **The ACB should seriously prioritize establishing a senior position or even a unit for public relations.** Specialized anti-corruption bodies are under persistent public scrutiny and political crossfire and need to manage constantly changing public expectations in addition. Relieving the director from some of these duties will not only ease his workload, but also help shaping an institutional image that is less connected to the top manager as an individual. This is essential in a political-institutional system where institutions and their success or failure are highly personalized. Also, the ACB's website is currently getting a desperately needed overhaul, but future continuous updating with reports, statistics, press releases, case up-dates, etc. should be seen as key to the ACB's public awareness.

The ACB's independence

Two main points need consideration with regard to the independence issue. First, the political context in Malawi suggests that **politics and institutions are highly personalized.** Second, the prevailing **political culture tends to polarise positions and action as either strongly anti-government or anti-opposition** – a polarisation which is also affecting the ACB.

As to the first point, informants as well as the literature indicate that not only political parties, but also public institutions are based on personalized leadership. This is a characteristic shared with other African countries, with the result that even if formal independence is laid down in the law, it is the President who appoints on grounds that are not necessarily entirely based on professional merit. The history of the ACB and other ACCs shows that with short terms in office or less committed directors in place, the institutional performance is below what it would have been with a more committed leadership. This is to be expected, but it is also a source of concern if institutional performance is linked too closely to individuals. It suggests a low level of institutionalisation. Moreover, institutions do not always function in accordance with the set rules, which are intended to protect them and insulate their leadership from undue external pressure. As one informant put it, "In Malawi it is not likely for anybody to stand up for principles, as the system does not protect you, persons do." This is not to suggest that the current ACB director is not a person of high integrity, in fact it can be argued that ACB performance has improved during his tenure significantly. However, his position should be better guarded from such suspicions and in that light, the ACB, civil society, and donors need to convince Government and Parliament to install checks and balances to ensure independent and impartial decision making

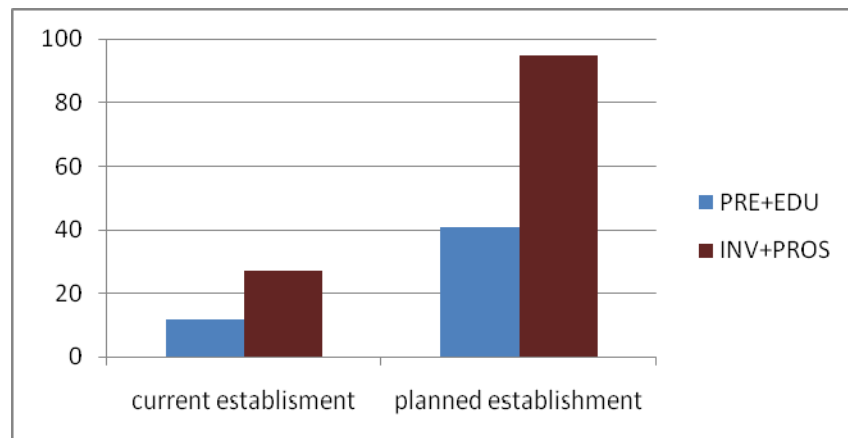
by the ACB management. This includes the employment of a deputy director and the installation of a supervisory board for the ACB staffed with people of high integrity and beyond political bias. This also includes that ACB internal accountability mechanisms are not only applied to ensure fair decisions (for example the decision making process for starting investigations/prosecutions), but are also communicated to the public.

In terms of the second point, **public perceptions of the ACB seem to see it on the government's side**, questioning its ability to investigate and prosecute high-level members of the incumbent regime. The ACB director, Alexius Nampota, has been trying to counter such perceptions in the press, even during the period of review. The persistent perception is, however, that even if the ACB points to investigations of people close to the incumbent regime they are most certainly people who have fallen out with the President anyway. Such claims are difficult to prove and contest, and anti-corruption commissions all over the globe have certainly been victims of and political instruments for removal of “unwanted” people. However, the **ACB needs to make every possible effort to provide a more balanced picture** (to the extent that it can actually release information while investigations are ongoing). **Donors need to find ways to identify such political games if and when they occur and distance themselves from them, and to find ways to support the de-politicization of (especially watchdog) institutions.**

The ACB's focus

Despite earlier intentions to focus more on corruption prevention, the ACB remains perceived as a predominantly prosecution body. Little is publicly known about its prevention or even public education work. Considering the large amount of recent outreach and prevention work, this public perception might vary with the target groups of the ACB and might only slowly trickle down in public perception. It can also be assumed that preventive work is harder to communicate, as prosecution often trigger more public interest. However, staff and to some extent budget allocations (mainly due to high labour intensity) suggest that the ACB has retained a “material” focus on investigation and prosecution (with investigation being highly resource-intensive), as shown in graph 3.

Graph 3: ACB distribution of staff for operations



(Source: author's compilation based on ACB establishment figures)

This imbalance is not unusual for many anti-corruption commissions. It shows, however, how resource-intensive the punitive approach is when considering the small number of resulting convictions, and the unknown impact of the approach as a deterrent. It also shows an under-appreciation of the long time horizon and the resource-demanding implications of adequate prevention work. Public perceptions might also point to another problem: the preventive function of anti-corruption commissions is always likely to be overshadowed by the punitive image of these institutions, as it is difficult for an institution to reconcile a fear-based approach of detecting and sanctioning corruption with the broader, cooperation-based approach to prevent corruption. Impressions gained during the review show that ACB staff see research on prevention to be predominantly a matter of institutional audit and intelligence-based skills – not necessarily trust-building exercises. **We recommend that the ACB rethinks and adjusts the balance of its focus especially in light of the upcoming NACS implementation, and communicates existing prevention work more actively to the public.** This review, however, also recognizes the work that has already been invested so far in developing the NACS as a corruption prevention tool and sees future work on implementing the strategy as potential for balancing out the current focus.

The ACB's impact

As mentioned, **one issue that has not been followed up as a matter of high priority is the 2008 review's recommendation to focus more on the impact of the ACB's activities.** Indicators are mostly input- or output-based. It is true that many institutions world-wide grapple with the task of measuring impact, let alone in a complex field like anti-corruption, where individual behaviour and institutional systems need changing. The National Governance and Corruption Survey is a worthwhile initiative, but it is undertaken too infrequently and is too

aggregate in scope. It is based mainly on perceptions, and leaves out, for example, the ACB when asking citizens and private sector on performance of public institutions. This flaw should be corrected urgently for the next survey planned in 2010. In addition, the ACB needs to monitor impact more closely at the level of institutions and on an annual basis. Client surveys as mentioned above seem most promising here. Care should be taken with the use of composite international indicators, such as Transparency International's (TI) Corruption Perception Index (CPI). An ACB press briefing referred to a recent considerable improvement in Malawi's CPI score between 2008 and 2009. This score has certainly improved, but the CPI methodology is such that CPI scores cannot be compared over time and across countries (validated by an enquiry to the TI Secretariat). In the new establishment, the ACB foresees a Monitoring and Evaluation Unit (staffed with two officers) which should be helpful in measuring impact, as should the revamped Research Unit. Both, however, are not yet operational and rather limited in size to be able to handle such a major task. The ACB is encouraged to engage even more with other ACCs, especially in the region, in order to share experiences in this context.

During the review, Global Integrity (GI) – an international information provider on country anti-corruption status – launched its country report on Malawi and brought ACB into the headlines with allegations that it does not target the “big fish” and all investigations were stalled because a deputy director for authorization was not in place. The overall criticism resulting in a weak rating for ACB might be justified. Unfortunately, ACB's director was put in the spotlight and made to respond to partly wrong analysis concerning the issue with the deputy director. Nevertheless, ACB should take this opportunity and address the sources of criticism in an embracing way. The sources GI uses are genuinely Malawian academia and media and ACB should engage in a country-level political dialogue on ACB performance and challenges with them rather than just defend itself in the press.

Donor support to anti-corruption work

Donor coordination in several governance-related fields seems to work rather well. The review team was able to share initial outcomes with other ACB-supporting donors, such as Irish Aid and the European Commission. As discussed with them, **there is, however, a need to address the issue of anti-corruption in a more holistic manner.** If donors agree that corruption is a threat to development in Malawi – which is difficult to dispute given the findings of the 2005 NGCS – the NACS should serve as a framework for a concerted anti-corruption endeavour. For it to be successful, it needs, as a minimum, to be sufficiently linked to other governance reforms, and receive adequate commitment and funding, as well as a useful monitoring scheme. Donors can not only contribute to those components, but use their sectoral programmes (many of which are in line with the NACS priority areas) and support to NIS pillars in order to mainstream not only anti-corruption, but integrity and accountability more broadly. For this purpose, **donor staff need to be made aware of the NACS contents and implications. Donors then need to coordinate among themselves, and scrutinize government**

coordination – as the case of service charters between the OPC and the ACB has shown – in order to streamline efforts and prevent duplication.

The new ACB establishment is bound to raise questions among donors as to the legitimacy of increasing ACB support as opposed to support of other NIS pillars. Such questions are valid – especially as the ACB is functioning well in comparison to other essential public institutions. However, since the GoM under pressure from and with the support of donors has engaged in a specialized anti-corruption approach through the ACB, it would be inconsistent to deny this institution the necessary resources to fulfil its mandate. This is a catch 22 situation, which might warrant a closer look at the overall aid allocations. **Donors, together with actors of different NIS pillars, should critically evaluate how much support is going to the GoM (mainly as budget support), and how much is being channelled to the NIS pillar institutions. The outcome is likely to be very unbalanced.** A 7 million US-Dollar DfID/RNE contribution over five years to the ACB has to be seen in this context. **Also, as interviews with civil society have indicated, donor support to demand side reform is not as consistent as may be necessary to sustain a functioning landscape of civil society organizations.** Funding is largely activity- and events-based, not attached to operational costs.

Finally, donors should address some of the deeper issues raised in this report and elsewhere on the current nature of the political system in Malawi. Potentially, an updated **political economy analysis** or a **joint governance and anti-corruption assessment** is needed in order to assess the quality of the current window of opportunity and implications in due time before the next elections in 2014. Donors need to put more thinking into how best to support improvement of domestic accountability in order to achieve development results – which include allowing for sufficient donor staff and expertise to address these issues.

Annex 1: Revised log frame (updated March 2010)

PROJECT TITLE	Malawi Anti-Corruption Bureau Support Programme						
GOAL	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year		
Create a corrupt-free Malawi that promotes good governance through corruption mitigation programmes for the social-economic development of Malawi	Overall improvement of governance and socio-economic indicators for Malawi		in 2009/10	in 2010/11	each year from 2010/11		
		Source					
		WBI Governance Index, Afro barometer, etc					

PURPOSE	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year	Assumptions
To attain of a corrupt-free Malawi	National Anti-Corruption Strategy being implemented			2010: NIC operational, priorities and indicators agreed.	2011: first NIC/NACS assessment and progress report available	Government (esp OPC) and other key stakeholders have political will and capacity to implement appropriate policies, including the provision of adequate resources. The ACB sustains its independence.
		Source				
	Quarterly and Annual ACB Reports, IIC and NIC progress reports					
	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year	
	Positive perception of performance and political impartiality of ACB in relation to fighting corruption			Baseline ?? in 2010	80% ?? in 2011 and every year thereafter	
Source						
Annual perception surveys, CSO reports, media coverage						
INPUTS (£)	DFID (£)	Govt (£)	Other (£)	Total (£)	DFID SHARE (%)	
	£2,500,000 (for 5 years)	£1,500,000/year	£500,000/year (Norway and EU)	£12,500,000 for 5 years and £2,500,00/yr	20% per year	
INPUTS (HR)	DFID (FTEs)					
	10% Prog, 5% adviser					

OUTPUT 1	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year	Assumptions
Potential of the human and capital resources available to the bureau for the efficient execution of its activities maximised	No of bureau staff trained to meet or beat set targets	23 officers in 2006/07	40 officers in 2008/09	50 officers in 2009/10	75 officers in 2010/11	Provision of adequate resources, and continued donor support for the ACB to recruit and retain staff with the relevant skills, esp under the new establishment. Lack of provision of adequate resources
		Source				
		ACB competency framework, Appraisal Reports and Quarterly Reports				
IMPACT WEIGHTING	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year	
10%	Annual staff Performance appraisals	24% in 2006/07	50% in 2008/09	100% in 2009/10	100% in 10/11	
		Source				RISK RATING
		Performance Appraisal Reports				low
INPUTS (£)	DFID (£)	Govt (£)	Other (£)	Total (£)	DFID SHARE (%)	
	100,000	MK80 mil	0.8 mil NK, EU?	MK?	20%	
INPUTS (HR)	DFID (FTEs)					
	10% Prog, 5% adviser					

OUTPUT 2	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year	Assumptions
To proactively prevent corrupt practises in public and private sector bodies	Functional Institutional Integrity Committees in NACS focus areas in place			10 in 2010	in 2011 performance assessed	Cooperation from client institutions and the provision of adequate resources for continued staff capacity and continued political will to implement NACS. NIC is functional.
		Source				
		Quarterly and annual reports, NIC assessment				
IMPACT WEIGHTING	Indicator	Baseline	Milestone 1	Milestone 2	Target (date)	
30%	ACB engages with all 8 National Integrity System pillars to support NACS implementation				anti-corruption action plans in place in 2011	
		Source				RISK RATING
		Quarterly and Annual reports, NIS-Pillar anti-corruption plans, and visits with NIS-Pillar institutions.				medium
INPUTS (£)	DFID (£)	Govt (£)	Other (£)	Total (£)	DFID SHARE (%)	
	100,000	MK80 mil	0.8 NK, EU, Irish		20%	

INPUTS (HR)	DFID (FTEs)	
	10% Prog, 5% adviser	

OUTPUT 3	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year	Assumptions
Enhance public awareness of corruption and of the Anti-corruption Bureau's work	Percentage of complaints leading to investigation by ACB	10% in 2010				Continued goodwill from the public and availability of suitable CSOs to undertake projects
		Source				
		Quarterly and Annual Reports and records of No of complaints effectively lodged within a given time and follow up				
IMPACT WEIGHTING	Indicator	Baseline	Milestone 1	Milestone 2	Target (date)	
20%	Number of positive and negative press stories, case related or general information, on ACB					
		Source				RISK RATING
		Quarterly and annual reports; News/Media archives, Review of communications strategy				medium
INPUTS (£)	DFID (£)	Govt (£)	Other (£)	Total (£)	DFID SHARE (%)	
	100,000	MK80 mil	0.8NK, EU, Irish	?	20%	
INPUTS (HR)	DFID (FTEs)					

OUTPUT 4	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year	Assumptions
Effectively and efficiently investigate allegations of corruption	Number of concluded investigations			480 in 2009/10	480 in 2010/11	Corruption relevance of complaints increases. Investigation and prosecution divisions improve cooperation
		Source				
		Quarterly and Annual Reports and functional IICs				
IMPACT WEIGHTING	Indicator	Baseline	Milestone 1	Milestone 2	Target (date)	
20%	Number of cases recommended for prosecution which lead to prosecution					
		Source				RISK RATING
		Quarterly and annual reports				low
INPUTS (£)	DFID (£)	Govt (£)	Other (£)	Total (£)	DFID SHARE (%)	
	100,000	MK 80 mil	0.8 NK, EU, Irish	?	20%	
INPUTS (HR)	DFID (FTEs)					
	10% Prog, 5% adviser					

OUTPUT 5	Indicator	Baseline + year	Milestone 1	Milestone 2	Target + year	Assumptions
Effectively prosecute corruption cases	Percentage of cases where significant assets have been involved and/or seized					Sustained public support to report all cases of corruption. Efficient judicial systems maintained to treat corruption cases with priority and adequate funds made available to ACB. Retention of prosecutorial staff under control
		Source				
		Quarterly and Annual Reports				
IMPACT WEIGHTING	Indicator	Baseline	Milestone 1	Milestone 2	Target (date)	
20%	% of cases resulting in conviction	Low % in 2007	20% in 2009	30% in 2010	50% in each starting from 2010	
		Source				
		Quarterly and Annual Reports				RISK RATING
						medium
INPUTS (£)	DFID (£)	Govt (£)	Other (£)	Total (£)	DFID SHARE (%)	
	100,000	MK80 mil	0.8NK, EU, Irish	?	20%	
INPUTS (HR)	DFID (FTEs)					

Annex 2: List of Interview Partners

ACB

Alexius Nampota	Director Anti-Corruption Bureau
Victor Banda	Assistant Director ACB
Tokha Manyungwa	Bureau Secretary/Ass. Dir. Finance, Admin.
MacSyd Chalunda	Chief Investigation Officer
Dr. David Bandawe	Chief Prosecution Officer
Mary Phombeya	Principal Corruption Prevention Officer
Enea Katundu	Prevention Officer
Maureen Mwalabu	Prevention Officer
Charity Mphande	Chief Public Education Officer
NN	Public Education Officer
Douglas Tholo	Senior HR Management and Development Officer

Partner Organisations

Alphonso Bhalula	Lilongwe City Assembly
Jones Gondwe	Lilongwe City Assembly
Mvera Anti-Corruption Club	
Washington Kaimvi	Director of Finance and Admin., National Aids Commission
Pike Mtumbuka	Head of Internal Audit, National Aids Commission
NN	Head of HR, National Aids Commission
Daisy Kalima	Business Action Against Corruption

Other NIS-Pillars

R.A. Kampanje and colleagues	Auditor General, National Audit Office
Mavuto Bamusi	Malawi Economic Justice Network (MJEN)
Dr. Augustine Magolowondo	Netherlands Institute for Multiparty Democracy
Robert M. Phiri	Public Affairs Committee
Sophia Nthenda	Public Affairs Committee

Donors

Charlotte Duncan	DfID Governance Advisor Malawi
Peter Killick	Aid Liaison Consultant CIDA Malawi

Annex 3: List of reviewed documents/references

ACB-related

- ACB Quarterly Reports 4/2008 – 4/2009
- ACB Strategic Plan 2007-2011
- ACB Communication Strategy 2007-2010
- Malawi National Anti-Corruption Strategy, 2008
- Draft Estimates on Recurrent and Development Budget for the 2009/10 Financial Year
- Report on Review of the Anti-Corruption Bureau Establishment, Salaries, and Terms of Conditions for Service, 2009
- Review of Financial and Procurement Systems of Anti-Corruption Bureau under DfID/Norway/Sida Financial Support, March 2008
- ACB current establishment
- ACB approved future establishment
- Annual Review of DFID Malawi's Anti-Corruption Bureau Support Programme, 2008
- ACB Responses to Annual Review 2008
- Project Log frame, version December 2009
- Project memorandum
- Project Scoring Assessment, February 2009
- Malawi Governance and Corruption Baseline Survey, February 2006
- Malawi Corrupt Practices Act
- Report on first review of Northern Region Water Board prevention policy
- Report on first review of Southern Region Water Board prevention policy

Miscellaneous

- M. Mufalo, D. Chikalanga: The [Zambia] Anti-Corruption Commission Enhanced Support Project (ACCES) Report of the Review, December 2008
- A. Doig, D. Watt, R. Williams: Measuring Success in five African Anti-Corruption Commissions, U4 Report 2005
- Luis de Sousa: Does performance matter to institutional survival? The method of politics of performance measurement for Anti-Corruption Agencies. EUI Working Paper (RSCAS 2009/09)
- Corruption Eradication Commission of the Republic of Indonesia, Annual Report 2007
- Global Integrity Malawi Score Card 2009
- D. Booth et al.: Drivers of Change and Development in Malawi, 2006

Annex 4: Current and planned establishment ACB

MANAGEMENT AND SUPPORT SERVICES	Grade	planned estmt	current estmt
<u>Directorate and Command</u>			
Director	1	1	1
Deputy Director	2	1	1
Bureau Secretary	3	1	0
Assistant Director (Ops)	3	1	3
Sub Total		4	5
<u>Administration</u>			
Principal Administration Officer	5	1	0
Senior Administration Officer	6	1	1
Administration Officer	7	1	1
Senior Personal Secretaries	6	2	2
Personal Secretaries	7	3	3
Procurement Officer	7	1	1
Assistant Procurement Officer	8	1	0
Shorthand Typist	8	6	6
Administrative Assistant	9	4	1
Senior Stores Assistant	9	1	1
Stores Assistant	10	3	0
Head Messenger	10	2	0
Head Drivers	10	2	0
Receptionist	10	3	2
Office Assistant/Messengers	11	5	5
PABX Operator	11	2	2
Drivers	11	30	20
Registry Clerk	9	0	1
Messengers	11	5	0
Sub Total		73	46
<u>Human Resource</u>			
Chief HR and Administration Officer	4	1	0
Principal Human Resource Management Officer	5	1	0
Senior Human Resource Management Officer	6	1	1
Human Resource Management Officer	7	1	1
Human Resource Planning and Development Officer	7	1	0
Assistant Human Resource Management Officer	8	3	1
Senior Assistant Human Resource Management Officer	9	3	0
Sub Total		11	3
<u>Finance</u>			
Chief Accountant	4	1	0
Principal Accountant	5	1	0
Senior Accountant	6	2	1
Accountant	7	2	1
Assistant Accountant	8	3	2
Senior Accounts Assistant	9	9	2
Sub Total		18	6
<u>ICT</u>			
Principal Systems Analyst/ Programmer	5	1	0
Senior Systems Analyst/ Programmer	6	1	1
Systems Analyst/ Programmer	7	2	1
Senior Assistant Computer Programmer	8	3	0
Senior Library Assistant	8	1	0
Library Assistant	9	1	1
Sub Total		9	3

Internal Audit			
Senior Internal Auditor	6	1	0
Internal Auditor	7	1	1
Audit Assistants	9	2	0
Sub Total		4	1
Public Relations			
Senior Public Relations Officer	6	1	0
Sub Total		1	0
Monitoring and Evaluation			
Senior Monitoring and Evaluation Officer	6	1	0
Monitoring and Evaluation Officer	7	1	0
Sub Total		2	0
TOTAL MANAGEMENT AND SUPPORT		122	64
OPERATIONS			
Corruption Prevention			
Chief Corruption Prevention and Public Education Officer	4	1	0
Principal Corruption Prevention Officer	5	1	1
Senior Corruption Prevention Officer	6	3	1
Corruption Prevention Officer	7	9	4
Sub Total		14	6
Public Education			
Principal Public Education Officer	5	1	1
Senior Public Education Officer	6	3	1
Public Education Officer	7	9	4
Sub Total		13	6
Investigations			
Chief Investigations Officer	4	2	1
Principal Investigations Officer	5	5	1
Senior Investigations Officer	6	12	3
Investigations Officer	7	24	25
Senior Documentation Officer	6	1	0
Documentation Officer	7	3	1
Assistant Documentation Officer	8	6	2
Senior Report Centre Officer	6	1	0
Report Centre Officer	7	3	0
Assistant Report Centre Officer	8	5	0
Senior Documentation Assistant	9	0	2
Senior Data Preparation Clerk	9	0	3
Sub Total		62	38
Prosecutions			
Chief Prosecutions Officer	4	2	1
Principal Prosecutions Officer	5	4	1
Senior Prosecutions Officer	6	9	2
Senior Assistant Prosecutions Officer	8	18	0
Prosecutions Officer	7	0	4
Assistant Prosecutions Officer	8	0	3
Sub Total		33	11
TOTAL OPERATIONS		122	61
GRAND TOTAL		244	125

