



Malawi CoST Malawi

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Citizen engagement and participation is a key ingredient for building accountability, driving improvements and innovation, and increasing trust between actors within the public contracting process.

This case-study is part of a larger study that explores and compares the direct results and benefits of this citizen engagement and participation, and the various strategies adopted by different open contracting initiatives to achieve these benefits. The complete study and results are found [here](#).



Sources

To produce this case study, Hivos interviewed personnel at the CoST Malawi Secretariat and personnel of the Council of Non-Governmental Organizations of Malawi (CONGOMA) about the open contracting initiative. Additionally, this report relies on information from annual editions of the CoST Assurance Report and other secondary sources outlined in the bibliography attached in Annex 1.

Context and Beginnings

Malawi is a landlocked country in Southern Africa with an estimated population of 17.5 million, which is expected to double by 2038. 88% of the population live in rural areas, and almost 80% are employed in agriculture.¹ This makes transport links between the rural population and cities vital to sustain growth. However, in the World Economic Forum's Global Competitiveness Index Malawi ranks 129 out of 140 countries in infrastructure development.² CoST Malawi themselves state that current infrastructure levels are insufficient to support citizens in rural areas.³

The World Economic Forum further reports that an inadequate supply of infrastructure remains one of the greatest barriers to Malawi's development.⁴ Although the government has gradually invested more into public infrastructure projects, with annual growth in infrastructure investment moving from 2.5% to 5.6% from 2012 to 2015, there is continued evidence of project mismanagement and corruption.

Since the return of multi-party democracy to Malawi in 1994, successive Malawian governments have undertaken important steps to combat corruption. A number of anti-corruption measures have been put in place, such as the Corrupt Practices Act⁵ and the establishment of the Anti-Corruption Bureau in 1995, which has the 'function of investigating corruption in public and private bodies...[and] Allows the Bureau to investigate public officials who appear to be living beyond their means'.⁶ This includes the new National Anti-Corruption Strategy II (2019).⁷ For procurement, the Office of the Director of Public Procurement (ODPP) (now known as the Public Procurement and

¹ "Overview." World Bank, 2018, www.worldbank.org/en/country/malawi/overview

² Calderón, César, et al. "Infrastructure Development in Sub-Saharan Africa: A Scorecard." The World Bank Group: Africa Region, May 2018.

³ "Country Context." Construction Sector Transparency Initiative, 25 Oct. 2017, cost.mw/about-us/country-context/.

⁴ WEF, Malawi Global Competitiveness Index, 2017 - 2018. http://www3.weforum.org/docs/GCR2017-2018/03CountryProfiles/Standalone2-pagerprofiles/WEF_GCI_2017_2018_Profile_Malawi.pdf, p.1

⁵ C.f. Malawi Corrupt Practices Act, 1995, malawilii.org/system/files/consolidatedlegislation/704/corrupt_practices_act_pdf_90548.pdf

⁶ "Malawi - Corrupt Practices Act, 1995 (No. 18 of 1995)." www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=44862&p_classification=22

⁷ "Malawi's new National Anti-Corruption Strategy: a state-of-the-art approach?". Basel Institute on Governance. 11 Dec. 2019, <https://www.baselgovernance.org/news/malawis-new-national-anti-corruption-strategy-state-art-approach>

Disposal of Assets Authority) was established in 2004 within the framework of the Public Procurement Act (2003), the foundational legal framework that regulates public procurement.⁸

Global Integrity's 2012 assessment indicates that Malawi has a good legal framework in place for ensuring public procurement effectiveness. The country received a score of 90 (strong) for transparency, fairness, and conflict of interest safeguards in government procurement.⁹ However, enforcement of this framework is poor. Section 26 of Malawi's Public Procurement Act (2003) only encourages disclosure to the award stage. Officials can still engage in corruption with impunity and corrupt practices and extortion by public officials in the procurement of goods and services are still said to be particularly widespread.¹⁰

The most notorious example of public corruption and mismanagement in infrastructure in Malawi was the 2013 'Cashgate' scandal, where government officials were involved in the siphoning of more than US \$32 million from public infrastructure projects over the course of six months. In response many western donors, who provide about 40 per cent of the country's budget, stopped donations worth \$150m.¹¹ The World Bank notes, however, that public scandals such as Cashgate are viewed by many as merely the tip of the iceberg: i.e., high profile cases reflecting a more pervasive everyday reality.¹²

Project development

In 2008, as well as publishing the National Corruption Strategy, Malawi joined a 3-year pilot of the Construction Sector Transparency Initiative (CoST) program to tackle this issue.¹³

CoST is a global initiative which seeks to improve transparency and accountability in public infrastructure projects. They work through multi-stakeholder groups (MSGs) with members from government, industry and civil society to enhance the disclosure, interpretation and validation of data from infrastructure projects.¹⁴ For Malawi, CoST is a specific initiative to address the problems of mismanagement and overspending in one of the country's most fraught sectors: construction. According to the CoST Malawi Chairperson 'construction translates national budget into tangible physical infrastructure'.¹⁵

⁸ Public Procurement Act. 12 June 2003, malawilii.org/mw/legislation/act/2003/8

⁹ Nawaz, Farzana. "Overview of Corruption and Anti-Corruption in Malawi." Transparency International, 11 May 2012, p. 6.

¹⁰ "Malawi Corruption Report." GAN Integrity, www.ganintegrity.com/portal/country-profiles/malawi

¹¹ Blas, Javier. "Subscribe to Read | Financial Times." www.ft.com, 19 Nov. 2013, www.ft.com/content/c17480e0-50fb-11e3-b499-00144feabdc0

¹² Bridges, Kate, and Michael Woolcock. "How (Not) to Fix Problems That Matter: Assessing and Responding to Malawi's History of Institutional Reform." World Bank Group: Development Research Group, Poverty and Inequality Team, Dec. 2017.

¹³ "Report on Baseline Studies: International Comparison." CoST, Jan. 2011.

¹⁴ "About Us | CoST – Infrastructure Transparency Initiative." CoST, infrastructuretransparency.org/about-us

¹⁵ Interview with interviewee P1, 2019.

Following their official launch in 2012, CoST has expanded their partners to include countries across four continents. Despite a lack of political will for CoST, the MSG continued operating after the pilot concluded in 2012 and Malawi is now a full member of the global initiative.

CoST Malawi is comprised of a secretariat and a Multi-Stakeholder Group, with members from the government, private sector and civil society, as well as sectoral representatives from construction and the media. As of 2019, the MSG has 12 members and 2 observers. It is broad and multi-sectoral. All but one member (soon to be two) of the secretariat are volunteers, including all members of the MSG. They meet at least quarterly, based on need, to discuss project progress and any developing issues.¹⁶ They produce annual assurance reports that measure the progress of a number of projects and highlight emerging issues in government infrastructure projects and procurements. For this, they engage an assurance consultant to conduct the assurance reporting to ensure they have the right skills, and that the organization is distanced from any suspicion of corruption.

CoST Malawi works out of the offices of the National Construction Industry Council (NCIC), a quasi-government body established in 1996 to develop, promote and regulate the construction industry, and are supported by an NCIC secretariat. CoST Malawi has also had two 'champions' who advocated for their work in government: Minister Abbie Shawa from 2010-2011, and the Vice President Dr Saulos Chilima from 2015-2018.

Notable achievements of CoST Malawi now include the launch of an innovative SMS platform to provide citizens with a real-time reporting mechanism for infrastructure issues affecting their local area.¹⁷ In 2017 they also launched an Information Platform for Public Infrastructure (IPPI) which aims to provide a platform for citizens to engage with public procurement data.¹⁸ In the same year, they confirmed a strengthening of the disclosure laws with the Public Procurement and Disclosure of Assets Act (PPDA), which mandates certain government entities disclose their data. Now they are working on bringing the CoST and transparency agenda into schools and universities across the country to train the next generation to believe in integrity and transparency.

Project goals

The CoST Malawi project is principally designed to facilitate transparency in the construction sector through the release of project information into the public domain. The Global CoST Initiative has four core features:¹⁹

1. **Multi-stakeholder working** – where projects enhance transparency and accountability by ensuring that representatives of government, private sector and civil society organizations collaborate together in the assurance process.

¹⁶ Interview with interviewee P7, 2019.

¹⁷ CoST Malawi. "Spot an Infrastructure Issue? Text CoST Malawi! | CoST – Infrastructure Transparency Initiative." CoST, 12 July 2016, infrastructuretransparency.org/news/spot-an-infrastructure-issue-text-cost-malawi

¹⁸ CoST Malawi. "Home." Ippi.Mw, ippi.mw

¹⁹ "Our Approach | CoST – Infrastructure Transparency Initiative." Infrastructuretransparency.Org, 2020, infrastructuretransparency.org/our-approach/.

2. **Disclosure** – all projects work to ensure that data such as the purpose, scope, costs and implementation of infrastructure projects is open, accessible and more readily available to the public.
3. **Assurance** – through the CoST assurance process members focus on creating a detailed review of sample projects and monitoring compliance of procuring entities to the country's legal framework or the [CoST Infrastructure Data Standard](#) (CoST IDS). This is done by assurance teams appointed by CoST national programs and ensures that the public can understand the data disclosed.
4. **Social accountability** – CoST works closely with stakeholders who have the ability to hold the government to account and influence the public, such as the media and civil society. They incentivize and educate these stakeholders to bring CoST issues to the public domain and apply pressure to the government to deal with problems.

Within the key CoST features, CoST Malawi has specific aims for their country. They aim to 'support sustainable economic growth and development of the country'²⁰ through their work. They believe that transparency makes the government more responsible for public infrastructure projects, ensuring reduced corruption and better value-for-money for taxpayers. CoST Malawi also aims to get Procuring and Disposing Entities (PDEs) to disclose data on public infrastructure projects, so that the public is better informed about the purpose, scope, costs and delivery of these projects. This goes hand in hand with educating the public about infrastructure, so that they can hold the government to account and understand how, why and where their money is being spent.

²⁰ Cost Assurance Report Part, 2019. p. 16.

Impacts

Impacts on Civil Society

Training citizens to understand procurement procedures is bringing about a gradual culture shift in their attitude to evidence and data. Public infrastructure projects involve a high level of technical detail and knowledge of engineering. This means that for the process to be truly effective, the Malawian public need to have a better grasp of what exactly constitutes a ‘good’ and ‘successful’ infrastructure project. To achieve such standards of public awareness, CoST Malawi has proactively sought to promote both an awareness of the value of public infrastructure projects and a working knowledge of how public infrastructure works.

This promotion involves training individuals and organizations in the process of infrastructure procurement and delivery. They target community organizations, advocacy groups and other sectoral charities in healthcare, agriculture and trade. These are split into three categories: media, civil society and government. Each year, CoST Malawi trains 75 to 90 individuals from these groups in the intricacies of the procurement process and the details of public infrastructure projects. Over time they have reached out to a total of 175 interviewees in each of these groups.²¹ They hope to run more, resources permitting. These individuals then return to their own organizations, where they have the capability to pass on this knowledge to much larger numbers of people. Such ‘teach a man to fish’ initiatives allow CoST to educate and empower increasing parts of civil society to hold the government to account in the public procurement process and to increase participation in democratic processes.

The impacts of this approach are hard to quantify, and the process is “slow”. One interviewee from CoST Malawi conceded that although such education is a slow process, it nevertheless has a gradual ‘trickle down’ effect. Another says that they have noticed a gradual cultural shift in the way people now look for information to base their decisions upon, and comment on the evidence that they have access to.²² Only time will tell.

Innovative outreach strategies have helped CoST Malawi overcome ICT infrastructure barriers and engage rural citizens. As of 2017, internet penetration in Malawi is low, ranking at 13.8%, well below the average of 48.6%.²³ Ordinary citizens may not have the capacity to contact any organization over the internet.²⁴ However, unique mobile subscriber penetration in Malawi is 30% as of 2017, seeing gradual growth over the past decade.²⁵ Citizens may not have smartphones, but mobile penetration is relatively high.

In early 2016, CoST also launched an SMS service through which citizens could text a toll-free number to report concerns about particular infrastructure projects. The service has proven very

²¹ Email from interviewee P6, [31/10/2019]

²² Interview with interviewee P2, 2019.

²³ “Utilisation d’Internet.” 2000. Available at: http://data.un.org/ Docs/SYB/PDFs/SYB62_314_201904_Internet%20Usage.pdf

²⁴ Interview with interviewee P1, 2019.

²⁵ Handforth, Calum, and Matthew Wilson. “Digital Identity Country Report: Malawi.” GSMA, 2019. p.13

popular, with over 1,000 texts received since the service launched. CoST Malawi compiles the information into themes and submits it to the relevant authorities, who are given the opportunity to respond through a radio panel discussion.²⁶ Individuals involved in the construction project are also invited to respond, as well as affected citizens. The public broadcaster Medium has been an enthusiastic partner on this project. According to the Malawi Communications Regulatory Authority (MACRA), through this service they have been consistently commanding a listener ship of over 80% of the Malawian population over time.²⁷ However they recognize that a thorough survey may have to be employed in this regard.

They also hold public 'disclosure day' events to launch their assurance reports, as publishing online will not reach a majority of the population. Stakeholders from the media, relevant sectors, and government are invited to share findings.

Translating assurance reports into vernacular has significantly increased citizen awareness of infrastructure issues. CoST Malawi have seen considerable success from translating their assurance reports into vernacular. In the words of the Chairperson, this is 'giving a voice to the once voiceless citizens.' Resources permitting, they also serialize the assurance report and broadcast sections on public or private radio stations in vernacular. They address projects individually giving citizens all the facts without jargon. This has "energized" the people, and given them the knowledge to understand and ask questions about other projects too.²⁸

The quality and quantity of citizen queries about infrastructure projects have increased. However, this puts a strain on CoST Malawi's resources. CoST Malawi have commented that the quality of questions that citizens ask, both on the radio and directly to CoST, have become more complex and nuanced.²⁹ This suggests that their education and outreach programs have successfully increased citizen awareness of infrastructure issues. More citizens are also actively reporting infrastructure issues to CoST, especially after they release their assurance reports.³⁰ However, their enthusiasm does put strain on CoST. CoST's profile in Malawi has grown considerably over their lifetime. According to one interviewee, citizens now view CoST Malawi as a 'big brother' with eyes on corruption all over the country, but this means that citizens have high expectations of their work and capacity. After releasing their assurance reports they get calls from citizens asking why they haven't mentioned certain projects. While this is a clear vote of confidence, it is putting pressure on CoST Malawi's already strained resources. However, they are in a strong position to capitalize on this citizen support.

Directed training for media organizations has improved the way construction issues are reported. CoST Malawi runs specific briefings for the media where they give them the tools and

²⁶ CoST Malawi use Zodiac Broadcasting Station and Youth Network FM for these programs.

²⁷ The CoST Malawi secretariat quote these numbers in the understanding that they may not provide a full picture of their citizen engagement, and suggest that a survey is needed to support the claims.

²⁸ Interview with interviewee P1, 2019.

²⁹ Interview with interviewee P2, 2019.

³⁰ Interview with interviewee P1, 2019.

knowledge to accurately report the details of public infrastructure projects. One interviewee was keen to emphasize that CoST does not tell newspaper journalists what or how to write. Instead, the organization seeks to provide journalists with the knowledge to access and analyses relevant information. Most journalists in Malawi are not subject specialists; they do not have the prior knowledge of the construction sector to inform their work. Therefore, CoST Malawi's approach is to develop the expertise of journalists and media organizations so that they can become highly skilled at construction reportage.³¹

The result of this work with the media has been an increase in the quality of coverage of the construction industry. Our interviewee suggests that although once the reportage of procurement was sensationalist and distorted, CoST's engagement with the media produces more accurate and more sophisticated analysis of the procurement process. This in turn gives the public higher quality information about infrastructure projects and creates a relationship of positive reinforcement between the two elements.

Continued engagement and incentives for the media have made them public CoST supporters. It is not just training, but continuous engagement that CoST Malawi say is the key to their close and productive relationship with the media. They aim to create a "two-way relationship" that promotes personal engagement, rather than a passive skimming of their database and assurance reports. This encourages the media to address multiple sources and become supporters of the CoST Malawi cause.³² CoST Malawi has launched several media awards to incentivize media organizations, such as the Public Infrastructure Management Award.³³ These are given out to the best radio program or documentary that covers CoST's work. The aims of the awards are twofold: to promote professional and excellent reporting on CoST issues; and to inspire other reporters to do better. They believe that this has contributed to the strengthened media engagement.³⁴

It is interesting to note that Malawi is the highest ranking country for press freedom out of this collection of case studies, according to the World Press Freedom Index. As of 2019 they rank 68th out of 180 countries. This is far higher than, for example, neighboring countries such as Zambia (117), Tanzania (118) or Mozambique (103).³⁵

CoST Malawi have launched a platform for data disclosure, but are still waiting for legislative reforms before it can become fully operational. CoST Malawi has established the Information Platform for Public Infrastructure (IPPI) platform. This is based on CoST Honduras' pioneering SISOCS (Sistema de Información y Seguimiento de Obras y Contratos de Supervisión, or Information and Monitoring System for Works and Supervision Contracts) platform. They engaged a local consultant to adapt this platform to Malawi's needs. The IPPI Platform will enable members

³¹ Interview with interviewee P7, 2019.

³² Interview with interviewee P7, 2019.

³³ Chitete, Suzgo. "'Ghost' Project Draining Millions – The Nation Online." The Nation, 22 Apr. 2018, [mwnation.com/ghost-project-draining-millions/](http://www.nation.com/ghost-project-draining-millions/).

³⁴ Interview with interviewee P7, 2019.

³⁵ RSF, 2019.

of the public to access information on infrastructure projects and anonymously rate how they are progressing, or how well they are providing public services. This resource will transform CoST's work by making it easier to provide feedback on ongoing projects. IPPI platform has not yet become operational because delays in fully implementing the 2017 PPDA Act mean that government officials are still wary of publishing data on the platform. However, CoST Malawi believes that when the act does become operational government officials will be willing to use the platform.

Impacts on Government

Impacts on the government are hard to measure in Malawi. CoST reports that they monitor policy changes, legal framework changes, changes to contracts, and policy statements by government officials. However, capacity issues mean that drawing evidenced conclusions from these sources is difficult. We rely in this section on reports from the MSG and CoST secretariat members themselves, who have witnessed these changes.

Over time, CoST Malawi has fostered greater acceptance of their goals among government organizations. Interviewees have reported a gradual shift in government attitudes to the work of CoST Malawi, commenting that while once the government was reluctant to be subject to scrutiny, they now voluntarily bring cases to be analyzed by CoST Malawi. They are also asked to train civil servants on the use of their disclosure platform IPPI. Training for the Roads Authority is currently underway.³⁶ The Vice President included CoST as part of his Public Sector Reform Commission, which recommends how reforms should take place. The 2019 assurance report notes that 'during the 9 years of so that CoST Malawi has been in existence, there has been noticeable positive change in the response by PDEs to requests for disclosure of information on publicly funded projects.'³⁷

CoST Malawi's "no blame" culture has helped improve their working relationships with government officials. During interactions with the government and other stakeholders they say their work is 'not about witch hunting, not about a blame game', which helps maintain a focus on positive development and encourage an appetite for change among public officials. Previously, narratives in the media used to challenge officials. However, now these narratives are both more informed and less focused on 'sensationalist' scandal stories that blame public officials.³⁸

CoST Malawi has helped the government identify and reassess several corrupt infrastructure projects. For example, CoST Malawi identified a 262% increase in cost, or more than US\$7.4 million on the rehabilitation of the Nkhotakota-Msulira Road. The Ministry of Transport subsequently cancelled the contract on the 33km road, as well as two other road contracts, reducing waste and mismanagement.³⁹ A number of specific examples where CoST Malawi identified a cost overrun

³⁶ Interview with interviewee P1, 2019.

³⁷ CoST Assurance report 2019. p.3

³⁸ Interview with interviewee P7, 2019.

³⁹ Citizens in La Paz-Tutule-Marcala Monitoring Their Local Infrastructure Projects. Available at: <https://cost.mw/wp-content/uploads/2019/09/CoST-Success-Stories-English-1.pdf>

or other mismanagement are published on their website, including the upgrading of Njakwa-Livingstonia Road in Rumphi, and the maintenance of Chingeni-Zalewa section of the M1 Road.⁴⁰

CoST Malawi's recommendations for changes to the bidding process are being actioned. There remain some problems with fairness and transparency at the bidding stage. The 2019 Assurance report notes that 3 out of 4 Road Authority projects went to a single contractor. It also notes that there are persistent problems with cost overruns for projects, due to them (a) being started before reliable funding is secured; (b) experiencing major scope changes; (c) being started when designs are incomplete.⁴¹ However, interviewees have reported that the government is 'embracing' some CoST recommendations from their assurance reporting. For example, the government no longer tenders projects unless they have the funds available - this previously was not the case. Interviewees also report that their recommendation that procuring entities outsource supervision and design services has been actioned. Previously this was done in house and resulted in many projects suffering bad management. Now, we hear, they have increased the number of outsourced projects.⁴² These are positive signs of progress at this stage.

CoST Advocacy has led to the government reforming the legal framework to enforce data disclosure. According to our interviewees, the legal framework for disclosure by PDEs put in place by the 2003 Public Procurement Act was 'active but not operational'.⁴³ This made CoST's work extremely challenging as they could not rely on the law to enforce their requests for disclosure of data and project progressions. Through CoST Malawi's advocacy, and as a result of gradual attitudinal shifts in government, Parliament passed the revised PPDA 2017, which provides a legal mandate to disclose data in the CoST Infrastructure Data Standard format. This became operational in 2018 and has full provision of mandatory disclosure across the government in all public procurement projects, including sanctions for non-compliance. The regulations that go together with the act are yet to be gazetted, which means that the law is not yet fully operational. CoST Malawi have assurance that this will be published and clarified early in 2020. These legislative changes are both enabling and constitutive of CoST Malawi's campaigning.

However, data disclosure among PDEs is still poor. In their 2019 assurance report, CoST Malawi state that disclosure rates are still not optimal, with the average rate of data disclosure in line with the CoST Infrastructure Data Standard being 29%. Therefore overall access to open data is still limited. Only between 3% and 11% of data is provided proactively (i.e. without a request being submitted), and only up to 45% in total. Although reactive disclosure of information is better (i.e. in response to a data request), we hear that information is still often complete: the most responsive PDE totaled 36% disclosure to requests.⁴⁴ However, the study finds that the disclosed information was generally accurate. Moreover, interviewees argue that this has little to do with a lack of

⁴⁰ Project Delays Cost Dearly – The Nation Online." Mwnation.Com, 25 Nov. 2019, mwnation.com/project-delays-cost-dearly/.

⁴¹ CoST Assurance Report 2019, pp. 20-23

⁴² Interview with interviewee P1, 2019.

⁴³ Interview with interviewee P2, 2019.

⁴⁴ CoST Assurance Report 2019, p.13

cooperation or resistance and more to do with procuring entities learning to adjust to electronic systems and implement internal measures to respond to disclosure requests.⁴⁵ They anticipate that this will improve with time.

Government training linked to the legal changes has helped gain buy-in for the IPPI platform. CoST Malawi have trained over 30 government officials in the use of the IPPI platform, with the help of funding from the Department for International Development. They received verbal commitments from these officials endorsing the program, and saying that it should have come years earlier. They have permission to train other employees in uploading information. They say that the key to their success was linking their innovations and program initiatives with the PPDA law, and other existing regulations. As a result, they have confidence that when the PPDA regulations are gazetted the government will be willing to disclose data on the IPPI platform.

Enabling factors

Multi-stakeholder working. One interviewee cited the multi-stakeholder nature of the innovation process as key, especially in interactions with the media: ‘a technocrat would want to communicate something that was technical. It would be simplified by the journalist.’ MSG members reach sound understanding and create a community around reform.⁴⁶ Another interviewee identified the inclusion of government ‘voices’ in the MSG as a factor in increasing their reputation in government. Including government officials in the MSG both gives government oversight of the CoST process, lends credence to their suggestions and advice, and includes them in the process of fighting corruption.⁴⁷

Political support. CoST had had two ‘champions’ in government, one from 2010-2012 and another from 2015-2018 in the Vice President, Saulos Klaus Chilima. As a political champion he advocates for the agenda of CoST, meaning that their work is understood and celebrated within the corridors of power. The support of VP Chilima has greatly aided CoST’s support across government: they are no longer ‘demonized or ‘shunned’.⁴⁸ However, interviewees note that political support from their champion is helpful, but not essential. When their first champion fell out of favor with the regime, this did not affect their success.

Resilience of the CoST volunteers. Several interviewees said that the most important factor to CoST Malawi’s success was the multi-stakeholder group (MSG). Multiple interviewees praised the commitment, diversity and excellence of the MSG and their work. One interviewee said that the vibe of the team and the CoST Secretariat was ‘critical’ and that it was their ‘hands-on’ activity which gave the organization its strength and effectiveness.⁴⁹ Multiple interviewees noted that even when under intense pressure, the MSG remained steadfastly committed to CoST’s values. During Cashgate, many MSG members feared for their safety as the media and government placed them

⁴⁵ CoST Assurance Report 2019.

⁴⁶ Interview with interviewee P7, 2019.

⁴⁷ Interview with interviewee P7, 2019.

⁴⁸ Interview with interviewee P1, 2019.

⁴⁹ Interview with interviewee P7, 2019.

under intense pressure. Despite severe threats and danger, the MSG worked together to ensure the resilience and integrity of the organization.⁵⁰

Civil Society relationships. CoST Malawi has invested huge time and resources into engaging and educating the country's **media** on procurement practices. This has paid off, as where there were many distorted and sensationalist stories about public procurement, the media has now developed a strong understanding of the sector and can report accurately and effectively. This has the dual effect of educating the public and promoting CoST's good work.

Support from CoST. Continued support from CoST has been very helpful for CoST Malawi, especially through their regional office in Kampala. This has helped CoST Malawi solve more specific regional problems. CoST Malawi also finds yearly meetings with other regional CoST programs in Uganda, Zambia, Tanzania, Ethiopia once a year very helpful.

Barriers

Lack of procurement expertise among the public. Lack of education around procurement is a significant barrier to effective transparency. CoST Malawi admits that this remains perhaps the greatest obstacle to the organization's success, as without the relevant expertise, there is little that the general public can do to hold its government to account. This is an ongoing challenge that requires continuous and reflective action from CoST Malawi.

Low private sector engagement. The CoST Malawi chairperson is the only member of the private sector sitting on the CoST MSG. Despite repeated attempts to reach out to the private sector, professionals are still not comfortable associating themselves with the transparency agenda: it is still "unheard of." One interviewee reported that they do not want to "burn their fingers." Diversity is a crucial component of an MSG and this may limit the CoST Malawi's effectiveness in promoting multi-sectoral reform proposals.

Political shifts in the Central Government. The changing relationship with the government has also proved a barrier to CoST Malawi's success throughout the project. In 2012 the CoST champion was removed from the government and no longer allied to the regime. This produced what our interviewee described as an 'awkward' and 'uncomfortable' situation for CoST, as with the loss of their champion, they worried that they could be perceived as oppositional to the ruling party. Frequent political reshuffles then meant that CoST was without a political champion for around 4 years - a significant period of time to be without a clear support within the government. This political instability prevented CoST from building momentum behind their work and developing long-term relationships with government stakeholders.

Recently their second champion the Vice President Chilima broke away to form a rival party. This has meant that government officials are 'reluctant' to be seen working with CoST because of this

⁵⁰ "Engaging Citizens to Enhance Transparency and Accountability in Public Infrastructure." Available at: http://infrastructuretransparency.org/wp-content/uploads/2018/06/3212_Malawi-case-study.pdf

association. One interviewee reported that this was the reason CoST Malawi was, unexpectedly, not included in civil society consultations for the new National Corruption Strategy (2019).^{51 52}

Resistance to transparency. One interviewee argued that matters of transparency and accountability were treated like ‘a hot potato’ by the government.⁵³ Government officials were reluctant to take on responsibility for CoST and public procurement for long periods. Interviewees also told us that relationships with contractors were often under a lot of strain as contractors did not respond well to scrutiny and actively attempted to avoid CoST Malawi’s analysis.

Policy and Legislative Environment. Barriers relating to the ineffective implementation of the legal framework surrounding disclosure have been mentioned above. One interviewee noted that before the PPDA came into force in 2017, their primary strategy has been using political capital through their champion to promote reform.⁵⁴ Still, however, there is also no statutory requirement for PDEs to comply with CoST.⁵⁵ In order to enforce disclosure, CoST Malawi therefore needs to engage with the Public Procurement and Disposal of Assets Authority (PPDAA) in accordance with Section 57 (2) and (3) of the Access to Information Act. Enforcement has consistently been a costly and inhibiting procedure.

Funding. Financial support has not always been easy to come by for CoST. At the beginning of the project, CoST received considerable support from the African Development Bank (ADB) and Hivos. From 2012-2014, the ADB gave funding to CoST Malawi to help it launch media and community engagement programs. Since this initial funding flow however, it has not always been easy to maintain the finances of the organization. The organization is endeavoring to create an autonomous funding stream.

Poor organizational capacity has resulted in weaker feedback mechanisms. Another internal barrier is organizational capacity. One interviewee reported that the organization does not always have the human resources in order to carry out its work. Many of the contractors do not keep digital records of their work, and everything is kept instead in paper form. This deficit of online information makes keeping track of records much more time consuming for CoST volunteers and makes it that much more challenging to ensure the transparency of records. Interviewees note the wasted potential in records such as the SMSs that citizens submit, which they do not have the capacity to analyse over time for trends and emerging issues. This lack of capacity has also resulted in poor feedback mechanisms and ‘very narrow feedback loop’ within CoST Malawi, which has inhibited their ability to respond constructively to citizen feedback and improve their service delivery.⁵⁶

⁵¹ Interview with interviewee P1, 2019.

⁵² “Malawi’s New National Anti-Corruption Strategy: A State-of-the-Art Approach? | Basel Institute on Governance.” www.baselgovernance.org, 11 Dec. 2019, www.baselgovernance.org/news/malawis-new-national-anti-corruption-strategy-state-art-approach.

⁵³ Interview with interviewee P1, 2019.

⁵⁴ Interview with interviewee P2, 2019.

⁵⁵ CoST Assurance Report 2019. p.38

⁵⁶ Interview with interviewee P2, 2019.

Lessons

In addition to their reflections on what had enabled or hindered CoST Malawi's success, our interviewees offered accounts of what might be applicable to similar initiatives in other countries abroad.

Political support is important. Many interviewees emphasized the importance of political support from the government to CoST's success. Although personnel have changed and levels of support can fluctuate, it is clear that much of CoST Malawi's success is based on the support of their political champion in government, who has helped to develop a legislative and political environment that is conducive to CoST's work.

Create strong partnerships. It is evident that partnerships with the media and with international organizations have been critical to CoST's success. The media enabled the organization to both promote and augment their work through public education and engagement. Secondly, partnerships with international organizations gave CoST the financial resources to build capacity and develop expertise.

Build capacity and diversity within the organization. Perhaps the most critical ingredient to CoST's success has been their creation of a diverse and committed Multi-Stakeholder Group. The MSG has formed the core contingent of CoST's work, and it is their commitment and drive that has helped to make meaningful change to public procurement in Malawi.

Bibliography

"About Us | CoST – Infrastructure Transparency Initiative." CoST, infrastructuretransparency.org/about-us/.

"ASSURANCE REPORT 'Better Lives from Better Infrastructure' with Support from CoST International Secretariat and Hivos." CoST, 2019.

Basel Institute on governance "Malawi's new National Anti-Corruption Strategy: a state-of-the-art approach?" 11 Dec. 2019, <https://www.baselgovernance.org/news/malawis-new-national-anti-corruption-strategy-state-art-approach>.

Blas, Javier. "Subscribe to Read | Financial Times." Wwww.Ft.Com, 19 Nov. 2013, www.ft.com/content/c17480e0-50fb-11e3-b499-00144feabdc0.

Bridges, Kate, and Michael Woolcock. "How (Not) to Fix Problems That Matter: Assessing and Responding to Malawi's History of Institutional Reform." World Bank Group: Development Research Group, Poverty and Inequality Team, Dec. 2017.

Calderón, César, et al. "Infrastructure Development in Sub-Saharan Africa: A Scorecard." The World Bank Group: Africa Region, May 2018.

Chitete, Suzgo. "'Ghost' Project Draining Millions – The Nation Online." The Nation, 22 Apr. 2018, mwnation.com/ghost-project-draining-millions/.

Citizens in La Paz-Tutule-Marcala Monitoring Their Local Infrastructure Projects. http://infrastructuretransparency.org/wp-content/uploads/2018/06/2186_CoST-Success-Stories.pdf

CoST Malawi. "Home." Ippi.Mw, ippi.mw/.

CoST Malawi. "Spot an Infrastructure Issue? Text CoST Malawi! | CoST – Infrastructure Transparency Initiative." CoST, 12 July 2016, infrastructuretransparency.org/news/spot-an-infrastructure-issue-text-cost-malawi/.

"Country Context." Construction Sector Transparency Initiative, 25 Oct. 2017, cost.mw/about-us/country-context/.

"Engaging Citizens to Enhance Transparency and Accountability in Public Infrastructure." http://infrastructuretransparency.org/wp-content/uploads/2018/06/2186_CoST-Success-Stories.pdf.

Handforth, Calum, and Matthew Wilson. "Digital Identity Country Report: Malawi." GSMA, 2019.

"Malawi - Corrupt Practices Act, 1995 (No. 18 of 1995)." Wwww.Ilo.Org, www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=44862&p_classification=22.

Malawi Corrupt Practices Act. 1995, malawilii.org/system/files/consolidatedlegislation/704/corrupt_practices_act_pdf_90548.pdf

"Malawi Corruption Report." GAN Integrity, www.ganintegrity.com/portal/country-profiles/malawi/.

"Malawi's New National Anti-Corruption Strategy: A State-of-the-Art Approach? | Basel Institute on Governance." Wwww.Baselgovernance.Org, 11 Dec. 2019, www.baselgovernance.org/news/malawis-new-national-anti-corruption-strategy-state-art-approach.

Nawaz, Farzana. "Overview of Corruption and Anti-Corruption in Malawi." Transparency International, 11 May 2012.

"Our Approach | CoST – Infrastructure Transparency Initiative." Infrastructuretransparency.Org, 2020, infrastructuretransparency.org/our-approach/.

"Overview." World Bank, 2018, www.worldbank.org/en/country/malawi/overview.

"Project Delays Cost Dearly – The Nation Online." Mwnation.Com, 25 Nov. 2019, mwnation.com/project-delays-cost-dearly/.

Public Procurement Act. 12 June 2003, malawilii.org/mw/legislation/act/2003/8.

"Report on Baseline Studies: International Comparison." CoST, Jan. 2011.

"Utilisation d'Internet." UN Data, 2000.

WEF, Malawi Global Competitiveness Index, 2017 - 2018. http://www3.weforum.org/docs/GCR2017-2018/03CountryProfiles/Standalone2-pagerprofiles/WEF_GCI_2017_2018_Profile_Malawi.pdf.

Colophon

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Photo on first page: Construction workers in sunset. (photo from Unsplash)

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