

**THE POLITICAL ECONOMY ANALYSIS OF ANTI-CORRUPTION REFORMS
IN MALAWI
A CASE OF THE NATIONAL ANTI-CORRUPTION STRATEGY**

**MASTER OF ARTS (PUBLIC ADMINISTRATION AND MANAGEMENT)
THESIS**

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**UNIVERSITY OF MALAWI
CHANCELLOR COLLEGE**

FEBRUARY, 2018

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THESIS**

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Submitted to the Department of Political and Administrative Studies, Faculty of Social
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Administration and Management)

**UNIVERSITY OF MALAWI
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FEBRUARY, 2018

DECLARATION

I the undersigned hereby declare that this thesis is my own original work which has not been submitted to any other institution for similar purposes. Where other people's work has been used acknowledgements have been made.

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CERTIFICATE OF APPROVAL

The undersigned certify that this thesis represents the student's own work and effort and has been submitted with our approval.

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DEDICATION

To my children Grace and Joel you are my inspiration.

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ABSTRACT

This study is a political economy analysis of anti-corruption reforms in Malawi. The study is significant because there is a corruption problem in Malawi stifling development and there is need for a deeper analysis of the factors that are causing corruption to rise. The study adopted a qualitative research design using analysis of documents, key informant interviews and Focus Group discussions to obtain information. The study established that there has been an array of anti-corruption reforms in Malawi since 1995. Laws have been enacted, policies put in place, and governance institutions established to combat corruption. However, most of these reforms have not registered meaningful results as corruption is still on the rise in the country as demonstrated by various surveys. The study points to several factors being the cause for this outcome these include: the stakeholders who hold various interests, the structural features including politics and the weakness of institutions mandated to fight corruption. The study, therefore, concludes that despite efforts put in place to combat corruption, there are underlying factors that stifle the performance of reforms. These are embedded in the systems, the culture, the institutions and the people. The study further proposes further research to understand the deep factors that guide the behaviour of agents.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACA	Anti-Corruption Agency
ACB	Anti- Corruption Bureau
APNAC	African Parliamentarians Network Against Corruption
AU	African Union
AUCPCC	African Union Convention on Preventing and Combating Corruption
BAAC	Business Action Against Corruption
CABS	Common Approach to Budgetary Support
CPA	Corrupt Practices Act
CSAAC	Civil Society Action Against Corruption
CSO	Civil Society Organisation
CSR	Centre for Social Research
CPI	Corruption Perception Index
DCEC	Directorate on Corruption and Economic Crimes
DFID	Department for International Development
DoC	Drivers of Change
DPP	Democratic Progressive Party

DPP	Director of Public Prosecution
ICAC	Independent Commission Against Corruption
IIC	Institutional Integrity Committee
FGD	Focus Group Discussion
FIA	Financial Intelligence Authority
GoM	Government of Malawi
KII	Key Informant Interview
MACRA	Malawi Communications Regulatory Authority
MCP	Malawi Congress Party
MDA	Ministries Departments and Agencies
MGDS	Malawi Growth and Development Strategy
MoJ	Ministry of Justice and Constitutional Affairs
MP	Member of Parliament
NACS	National Anti-Corruption Strategy
NGO	Non-Governmental Organisation
NIC	National Integrity Committee
NIS	National Integrity System
ORT	Other Recurrent Transactions
OSISA	Open Society Initiative for Southern Africa

PEA	Political Economy Analysis
PETS	Public Expenditure Tracking Surveys
PP	Peoples Party
ODI	Overseas Development Institute
OECD	Organization for Economic Cooperation and Development
QSDS	Quantitative Service Delivery Surveys
TI	Transparency International
UDF	United Democratic Front
UN	United Nations
UNCAS	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
USAID	United States Aid Agency for International Development

CHAPTER 1

INTRODUCTION

1.1 Introduction

Corruption is not a new phenomenon; it is an omnipresent and universal problem which has co-existed with human society for a long time. Zamahani (2016) points out that corruption dates back to ancient civilizations of Rome, China, India, and Greece. In recent years, especially in the decade of the 1990s, corruption has attracted a great deal of attention. OECD (2006) attributes this increased attention to a growth of global economic activity and development as such corruption is seen as a threat to good governance, sustainable economic development, democratic process and fair business practices. In today's interconnected world, corruption's corrosive effects are experienced not only where corruption is perpetrated, but also reverberate throughout the global economy and society. Isbell (2017) assert that corruption has become a global problem because it is a major obstacle to economic growth, human development, and poverty reduction. It is estimated that the cost of corruption equals more than 5% of global GDP (\$ 2.6 trillion) with over US\$ 1 trillion paid in bribes each year (World Bank, 2010).

In Malawi, there is a widespread perception among citizens, businesses and public officials that the incidence of corruption has become more serious and its frequency has increased (Nawaz, 2012; Chinsinga et al, 2014).Strasser (2016) points out that in

Malawi over the past decade, studies have consistently found that corruption is entrenched, systemic, and getting worse. Afrobarometer findings covering the period between 2003 and 2016 show that, significant proportions of Malawians believe that corruption is prevalent in public offices including the presidency (Chingaipe, 2017). The findings of the 2014 Governance and Corruption survey conducted by Centre for Social Research indicate that up to 92% of Malawians feel that the state of corruption is worse than it was ten years before. In supporting this notion, Chingaipe (2017) highlights that in the aftermath of the Cashgate scandal,¹ there is widespread consensus in the country that corruption is endemic; this is reflected in reports filed by numerous media outlets in nearly all governance assessments and narratives in the public domain.

This study focuses on anti-corruption reforms in Malawi from 1995 to date, examined through a Political Economy Analysis (PEA) lens. Political Economy Analysis is concerned with the interaction of political and economic processes in a society, the distribution of power and wealth between different groups and individuals, and the processes that create, sustain and transform these relationships over time (Collinson, 2003). This chapter presents the background of the study, problem statement, objectives, justification, and significance of the study. It also highlights the outline of the thesis.

¹This is the looting of government funds from Capitol Hill by Bureaucrats. This came to light in 2013 after the shooting of the former Budget Director Mr Paul Mphwiyo.

1.2 Background

Results from the 2016 Transparency International (TI) Corruption perception index – which placed Malawi on number 120 out of 176 countries and media reports – suggest that the public believes that corruption is a serious problem in Malawi. In recent years, Malawi has seen the degradation of public service delivery which most of it can be attributed to corruption. In a recent study, Khunga (2017) highlights how Malawian society has allowed corruption to flourish at every level, and that corrupt acts have become systemic. This is also reflected in the Audit report on the Accounts of the Government of Malawi for the year ending 30th June 2016, released by the Auditor General in August 2017, where close to MK 4 billion² has been reported either misallocated, misappropriated or unaccounted for, all this is attributed to corruption. Another article in the *Weekend Nation newspaper*³ also points out that corruption dominated the headlines of 2016 in Malawi mainly because it has become systemic in the country.

According to Ministry of Justice (2017), the fight against corruption has taken center-stage since the advent of multiparty democracy in Malawi in 1994, with several anti-corruption reforms being initiated to address the problem of corruption. While some of the corruption measurement metrics indicate that Malawi has been making progress on the anti-corruption front in recent years, the country is still marred by high levels of corruption (OSISA, 2017). As Chimjeka (2017) points out, the country suffers from various types of corruption, from high level political corruption to petty bribery. This

²Equivalent of \$ 5,300,000.00

³ ‘*Weekend Nation*’ News Paper of 7th – 14th January, 2017.

impedes service delivery and encourages patronage and nepotism that exacerbate inequality and poverty in society.

From the recent National Anti-Corruption Conference held in Lilongwe in April 2017, there was a consensus by stakeholders that the state of corruption is getting worse in Malawi; the anti-corruption reforms which Government has initiated from 1995 are not yielding notable results. In view of this, the pervasiveness of corruption in Malawi requires a deeper analysis aimed at understanding why current reforms are yet to produce the desired outcomes.

1.3 The anti-corruption agenda in Malawi

Upon changing to a multi-party democratic system of government in 1994, there was a new commitment towards combating corruption in Malawi. The anti-corruption reform agenda in Malawi picked up the pace with the introduction of a new constitution, which highlighted democratic Malawi's commitment to increasing public trust and promoting good governance. Section 13 of the Constitution committed the country to introduce measures which guarantee increased accountability, transparency, integrity and financial probity (GoM, 1995). On 1st December 1995, the President of Malawi assented to the Corrupt Practices Act no 18 of 1995, which criminalizes various corrupt practices, including attempted corruption, extortion, active and passive bribery, bribing a foreign official, and abuse of office.⁴ This Act is one of the several legal frameworks established to combat corruption. Other legal frameworks against corruption include Malawi's Penal Code (Section 90)

⁴Corrupt Practices Act, Section 23.

which also criminalises active and passive bribery, the Money Laundering, Proceeds of Serious Crime and Terrorist Financing Act (2006),⁵ the Public Procurement Act,⁶ the Public Audit Act no. 12 (2003), the Public Finance Management Act (2003),⁷ and the Declaration of Assets, Liabilities and Business Interests Act (2013).⁸

In addition to the legal framework, there have been several anti-corruption reform initiatives in Malawi with the aim to combat corruption in the country. Firstly, the establishment of the Anti-Corruption Bureau (ACB): The ACB was established under the Corrupt Practices Act (CPA) of 1995 and became operational in 1998. It uses the traditional three-pronged approach—law enforcement, prevention, and public education—modelled on Hong Kong’s Independent Commission Against Corruption (ICAC) (Johnson, 2012). The ACB is an institution mandated by law to prevent corruption in the country.

Other anti-corruption reform initiatives in Malawi include the Malawi Growth and Development Strategies (MGDS I & II) adopted by the government in 2006 and 2011 respectively. The Strategies included “Good Governance” as one of the five themes instrumental in Malawi’s economic growth. In addition to this, in 2007 Malawi

⁵ This is an Act to enable the unlawful proceeds of all serious crime and terrorist financing to be identified, traced, frozen, seized and eventually confiscated; to establish a Financial Intelligence Unit for the better prevention, investigation and prosecution of money laundering, terrorist financing and other financial and serious crime, to require financial institutions to take prudential measure to help combat money laundering and terrorist financing.

⁶ This is an Act to provide for the principles and procedures to be applied in, and to regulate, the public procurement of goods, works and services.

⁷ This is an Act to regulate financial management in the national government and provincial governments; to ensure that all revenue, expenditure, assets and liabilities of those governments are managed efficiently and effectively; to provide for the responsibilities of persons entrusted with financial management in those governments.

⁸ This is an Act to make provision for the declaration of assets, liabilities and business interests by certain public officers and for connected matters.

adopted a Zero Tolerance stance on Corruption, which placed the fight against corruption a top Government agenda.

The National Anti-Corruption Strategy (NACS) launched in 2008 is another major anti-corruption reform initiative aimed at expanding the anti-corruption mandate beyond the Anti-Corruption Bureau. This meant involving other sectors of the society in the fight against corruption. Previously the nation was not actively involved in the fight against corruption as there was no guiding policy on how other stakeholders could get involved. The NACS, therefore, identified areas and activities in which the executive, legislature, judiciary, private sector, civil society, faith-based organisations, traditional leaders and the media (namely the eight pillars) can play a role in fighting corruption. According to GoM (2008), the focus of the strategy was the development of a National Integrity System (NIS).⁹

Other anti-corruption initiatives include the establishment of an Alternate Dispute Resolution mechanism (ADR) within the judiciary, the Business Action Against Corruption (BAAC), and the Civil Society Action Against Corruption (CSAAC). The Malawian Parliament has also established the Malawi Chapter of the African Parliamentarians Network Against Corruption (APNAC) to fight corruption within the legislature (World Bank, 2010).

⁹The NIS has eight pillars that recognise the public as a launch pad for spearheading a national anti-corruption drive. NIS will institute anti-corruption reforms and promote ethical culture in all the sectors of the economy and in institutions which were perceived as more corrupt during the Governance and Corruption Baseline Survey of 2005.

It is evident therefore that there has been a wide spectrum of anti-corruption reform initiatives in Malawi. Nonetheless, according to the Transparency International (TI) data on Corruption Perception, Malawi shows signs of getting worse than better as compared to other countries in the region. TI has been publishing the Corruption Perceptions Index (CPI) since 1996, annually ranking countries by their perceived levels of corruption, as determined by expert assessments and opinion surveys. Data for the past four (4) years indicates that Malawi continues to be ranked highly on the perception index. See figure 1 below:

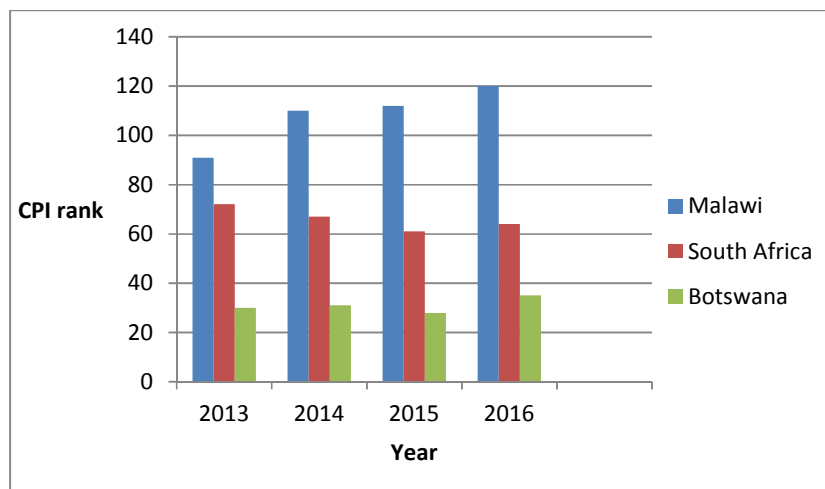


Figure 1: Corruption Perception Index for Malawi, South Africa, and Botswana

Source: Generated from TI data

The data indicate that there is high perceived corruption in Malawi and such perception is growing every year. Although the TI corruption perception index has been criticised for relying on people's perception in coming up with the indexes, it still remains a trusted indicator on corruption. This is because there is no meaningful way to assess absolute levels of corruption in countries or territories on the basis of hard empirical data. Possible attempts to do so, such as by comparing bribes reported,

the number of prosecutions brought or studying court cases directly linked to corruption, cannot be taken as definitive indicators of corruption levels (TI, 2017).

Apart from the TI data, the Afro-barometer surveys and Governance and Corruption Surveys, including media reports, indicate that the impact of anti-corruption reforms in Malawi has been limited. This study therefore examines the factors that have prevented anti-corruption reforms in Malawi from reducing corruption in the country. These will be examined through three lenses of Political Economy Analysis, namely: (1) *Structural features*; these include foundational features which relate to contextual aspects such as history and certain deeply ingrained economic characteristics. (2) *Formal and informal institutions*; which are ‘rules of the game’. These are important because failure to understand such interactions between formal and informal political and other institutions may lead to failure to examine and identify where opportunities lie in support of policy reforms and (3) *Actors*; different actors pursue different interests and are influenced by different formal and informal institutional arrangements and incentives in policy implementation.

The study will focus on the National Anti-Corruption Strategy (NACS) as a case study of anti-corruption reforms in Malawi. The NACS has been chosen as a case study in this thesis as it espouses a holistic approach to fighting corruption since it addresses all sectors of the Malawian society through the eight pillars of the National Integrity System.

1.4 Problem Statement

Data from the 2016 Transparency International corruption perception index ranks Malawi 120 down from 112 in 2015 (OSISA, 2017; TI, 2017). This is a sign that Malawi is not doing well in fighting corruption. This is substantiated by media reports and public perception through the Governance and Corruption perception survey which indicate that corruption is on the rise and is getting sophisticated by the day. In April 2017, the Ministry of Justice and Constitutional Affairs (MoJ) in Malawi organised a National Anti-Corruption Conference in Lilongwe.¹⁰ Stakeholders from all the three arms of government (Executive, Judiciary and Legislature) agreed that there is need to re-think on how the nation has been fighting corruption because the fight against corruption has proven elusive.

In supporting this assertion, Chingaipe (2017) points out that the looting of government money at Capital Hill is an example of how corruption has become entrenched in the Malawian society. The malfeasance that has come to be known as ‘Cashgate’ validated repeated findings of governance surveys that claimed that corruption in Malawi was endemic and dovetailed with the social fabric, such that it is a part of life.

In addition to statutes, policies, and legislation, several offices have emerged to fight corruption – The Anti-Corruption Bureau, The Directorate of Public Declarations, The Director of Public Prosecutions, The Auditor General and The Financial

¹⁰The objectives of the conference were to: build consensus on the issues in need of review and agree on the strategic direction with respect to review of the instruments on corruption; provide a forum to consolidate the views from all stakeholders; and provide an opportunity for soul searching regarding the lack of progress in the fight against corruption.

Intelligence Authority, but the incidence of corruption is on the rise as highlighted in the various surveys and the TI corruption perception index.

Several studies have examined the causes of corruption in Malawi, which range from the corruption of need to the corruption of greed. In addition, periodic surveys have been conducted by Afro-barometer, Transparency International (TI), University of Malawi's Centre for Social Research, and various NGOs to determine the extent of corruption in the country. However, there are virtually no studies that have focused on the underlying macro-level factors that promote or hinder the efficacy of anti-corruption reforms in Malawi.

In addition, previous studies and analyses on corruption in Malawi have not adequately explained the persistence of corruption in the country. This is mainly because; there hasn't been a deep analysis like the one which PEA offers to interrogate intertwining factors like politics, behaviour of agents and structural features that work together either perpetrating or curbing corruption.

This study therefore grapples with the following question: Why does corruption continue to prevail in Malawi despite many efforts to fight it? Further, the study explores the problem by asking: What are the factors that have contributed to the abysmal performance of anti-corruption reforms in Malawi?

In tackling these questions the study engages a Political Economy Analysis approach. Chene (2009) points out that the problem of corruption should be looked at through the political economy lens. This is because political economy analysis strives to

identify reform opportunities and threats by providing an in-depth analysis of the factors, structures, formal and informal institutions that shape the incentives and behaviours of political actors. It also explains weak governance, lack of political will for reform and poor development outcomes. In doing so, it provides a more systematic framework to take into account the incentive structure, power relationships and the structural and institutional factors underlying resistance to change in the design of anti-corruption strategies.

1.5 Main objective of the study

The overall objective of the study is to conduct a political economy analysis aimed at analysing the factors that hinder effective implementation of Anti-Corruption reforms in Malawi.

The specific objectives of the study are to:

- i. Investigate the drivers of anti-corruption reforms in Malawi;
- ii. Analyse the interests of critical actors in the anti-corruption reform agenda;
- iii. Assess the influence of the actors in the anti-corruption reform implementation;
- iv. Assess the influence of structural features of stateformation in anti-corruption reform; and
- v. Analyse the role that institutions play in the anti-corruption reform agenda in Malawi

1.6 Justification and significance of the study

The incidence of corruption has been on the rise in Malawi in recent times. Corruption issues involving politicians, public servants, and the general public have dominated headlines in both local and international media. Corruption has therefore generated national discussion and debate in Malawi. At the National Anti-Corruption Conference in April 2017 the Minister of Justice and Constitutional Affairs stirred discussion by asking delegates to reflect on whether the country is winning the fight against corruption. In addition, President Mutharika at a political rally held in Mangochi on March 26, 2017 reiterated his government's commitment to the fight against corruption and mentioned that the fight needs engage into anew gear to register gains.¹¹ It is evident therefore that the issue of corruption is worth discussion.

The significance of the study lies in the fact that it will reveal the underlying interests, incentives, rent, rent distribution, prior experiences with governance reforms, and how these factors affect or impede effective policy implementation of anti-corruption policies. As pointed out in a DFID report (2009), the interests and incentives facing different groups in society (and particularly political elites), and how these generate policy outcomes may encourage or hinder development. In addition, this study has uncovered the role that formal institutions and informal social, political and cultural norms play in shaping human interaction and political and economic competition which provides an understanding of why the reforms have registered limited gains in Malawi. The study therefore offers insights into how to design and implement effective anti-corruption reforms and ultimately better fight against corruption.

¹¹(Daily *Times Malawi*, dated 28th March 2017).

Most studies of corruption in Malawi have primarily focused on the causes of corruption (e.g. Nawaz 2012); assessing the levels of corruption (e.g. Hussein 2005; Chinsinga et al 2014); and the numerous challenges actors and institutions face in the fight against corruption (e.g. OSISA, 2017). However, there are virtually no studies that have focused on the underlying macro-level factors that promote or hinder the efficacy of anti-corruption reforms in the country. A major goal of this study is to fill the above cited gaps in the literature by contributing to knowledge that is critical in understanding anti-corruption efforts in Malawi.

1.7 Organisation of chapters

The study is divided into five chapters. Chapter one is the Introduction and the background of anti-corruption reforms in Malawi; Chapter two critically reviews the literature on anti-corruption reforms and discusses a theoretical framework which anchors the research study; Chapter three provides an overview of the research design and methodology; Chapter four presents and discusses the findings of the study following the PEA on anti-corruption reforms in Malawi. The final chapter summarises the research findings.

CHAPTER 2

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

International institutions, in particular, the World Bank and the IMF are giving a great deal of attention to issues of governance in developing countries, and particularly corruption (Khan, 2006: 9). As such the anti-corruption discussion has dominated the policy arena in many countries for the past three decades. The topic of corruption therefore, has so many inferences that require careful exploration and study.

This chapter reviews the literature that relates to anti-corruption reform. It will discuss concepts that are essential in understanding anti-corruption reform such as drivers of anti-corruption reform and models of anti-corruption reform. The chapter also highlights the dominant themes in the anti-corruption reform which include the understanding of corruption through definitions of corruption, types of corruption and causes of corruption. The chapter further discusses DFID's Drivers of Change framework which is the conceptual framework on which the analysis of the findings will be based upon.

2.2 Definitions of Corruption

Corruption has been defined in many different ways because it is a multi-faceted phenomenon. Balboa & Medalla (2006) assert that the concept of corruption contains too many connotations to be analytically functional without a closer definition. The forms of corruption are diverse in terms of who are the actors, initiators, and profiteers, how it is done, and to what extent it is practiced. Banik (2010) and Brinkerhoff (2000) support this assertion by pointing out that corruption is a broad term subsuming a wide variety of illegal illicit dishonest irregular and or unprincipled activities, as well as behaviors and most definitions share an emphasis on the exploitation of public position resources and power for private gain.

Transparency International defines corruption as the abuse of entrusted power for private gain while Klitgaard (1997: 13) defines corruption as “the misuse of office for unofficial ends” and includes such acts like bribery, extortion, influence peddling, nepotism, fraud, speed money, and embezzlement. World Bank (2006) defines corruption as the abuse of power for private benefit and Myint (2000) describes corruption as the use of official position, rank or status by an office bearer for his own personal benefit. Various other authors such as Johnson (1997); Brinkerhoff (2000) and Marquette (2003) also define corruption as the abuse or misuse of power for private gain. In this regard, Balboa & Medalla (2006) conclude that broadly, corruption involves the misuse and abuse of office for personal gain. The office is a position of trust, where one receives authority in order to act on behalf of an institution, be it a private, public, or non-profit.

Corruption can be classified into three categories namely: Grand, petty/bureaucratic, and legislative corruption. Jain (2001) explains that:

Grand corruption generally refers to the acts of the political elite by which they exploit their power to make economic policies. Corrupt political elite can change either the national policies or the implementation of national policies to serve its own interests at some cost (Jain, 2001: 73).

Bureaucratic corruption refers to corrupt acts of the appointed bureaucrats in their dealings with either their superiors (the political elite) or with the public. In its most common form, usually known as petty corruption, the public may be required to bribe bureaucrats either to receive a service to which they are entitled or to speed up a bureaucratic procedure. While legislative corruption refers to the manner and the extent to which the voting behaviour of legislators can be influenced. Legislators can be bribed by interest groups to enact legislation that can change the economic rents associated with assets. This type of corruption would include 'vote-buying', whether by legislators in their attempt to be re-elected or by officials in the executive branch in their efforts to have some legislation enacted (Rose-Ackerman, 1998: 42; Rose-Ackerman, 1999: 142).

Other definitions of corruption entail acts of omission or commission. It can involve legal or illegal activities. However, the effects of various kinds of corruption vary widely. Although corrupt acts sometimes may result in a net social benefit, corruption usually leads to inefficiency, injustice, and inequity. Johnston (2005) argues that some systemic corruption problems might involve uses of wealth and power that are legal but still impair institutions and pre-empt the participation of others.

From a social and cultural perspective, certain types of corruption may not necessarily involve money. It may involve gift giving or influence-peddling. It can also come in the form of future benefits. With this type of corruption, the boundary between a corrupt and a non-corrupt behaviour becomes quite thin. For example, the act of giving a gift to a public official as a token of appreciation for services done. In some cultures, this may be ethically condoned (Balboa & Medalla, 2006). Laws and definitions of corruption, in this regard, become culturally bound.

From an economic theory perspective, Tanzi(1995) defines corruption as the intentional non-compliance with the arm's-length principle aimed at deriving some advantage for oneself or for related individuals from this behaviour. It is also linked to the notion of 'rent-seeking', a "situation where people use resources both for productive purposes and to gain an advantage in dividing up the benefits of an economic activity.

Literature highlights several definitions of what constitutes corruption, nonetheless the debate of the best definition of corruption still linger on. It is this debate over what really constitutes corruption that affects the treatment of corruption. As such the anti-corruption reform agenda faces an uphill struggle in coming up with comprehensive strategies against corruption. Jain (2001) asserts that, the question of definitions still derails many a promising scholarly discussion in corruption studies. With this view in mind, the study advances the argument that corruption needs to be taken in context of the culture and society. Without which scholars risk mis-conceptualizing the concept. As Tambulasi (2009: 4) points that corruption depends on the context and subject of

the particular study under investigation because the concept of corruption has ‘cultural and moral connotations’.

2.3 Types of corruption

Corruption takes many shapes and entails a large variety of acts involving several stakeholders. Vargas-Hernández (2009) notes that corruption manifest through the political, economic, and the public administration sphere. Vargas-Hernández further explains that different forms of corruption emanate from various spheres, for example, politicians wanting to gain power as manifested in clientelism and patronage; principals and agents wanting to part away with something of value as manifested in bribery; or the failure public administration machinery to efficiently serve principals as manifested in such acts as extortion. Some common forms of corruption in the literature include the following:

Bribery: This is the most widespread form of corruption driven by lucrative profits and the giving of some form of benefit to unduly influence some action or decision on the part of the recipient or beneficiary (Klitgaard, 2010). Bribery provides incentives for over-regulation and over-bureaucratization of procedures.

Collusion: Involves under dealings that lead to the subversion of the flow of information within an economic, societal or political unit. It involves ‘rent-seeking’ – a situation where people use resources both for productive purposes and to gain an advantage in dividing up the benefits of an economic activity (Rose-Ackermann, 1999).

Fraud: The term includes trickery, swindle or deceit (Banik, 2010:51). It also consists of the use of misleading information to induce someone to turn over the property voluntarily, such as the case of misrepresenting a number of people in need of a particular service.

Extortion: Involves coercive incentives such as the use of threat of violence or the exposure or damaging information in order to induce cooperation (Vargas-Hernández, 2009). The typical extortion is a small-scale bribery such to pay to pass security check points or the soliciting of money by low-level official where the office holders can be either the instigators or the victims of extortion.

Patronage and clientelism: This is the support given by a patron affiliated to a particular political party. In government, it refers to the practice of appointing people directly with an aim of them serving the interests of the appointing authority (DFID, 2015).

State capture: This is a type of systemic political corruption in which private interests significantly influence a state's decision-making processes to their own advantage (Johnston, 2005).

These forms of corruption, therefore, can be found in both the developed and developing world. It is important to highlight the forms of corruption because they are crucial in understanding anti-corruption reform. Different forms of corruption require

different strategies of combating them. Therefore, the point of departure for anti-corruption reform machinery is the understanding of the prevalent forms of corruption in a given territory.

2.4 Drivers of Corruption

While there is a consensus among policy makers and informed members of the public that corruption involves the use of public office for private motives or gains, there is a lack of agreement on its causes (Hussein, 2009). One reason for this state of affairs is because corruption manifests in different shapes and different classifications, as a result the causes also vary. According to Hussein (2009), a range of propositions are advanced as the cause of corruption, including greed, immorality and unethical conduct by leaders and centralised power.

DFID (2015) points out that weak governance is one of the fundamental causes of corruption because in such states there is a weak separation of the public and private spheres, which results in the widespread private appropriation of public resources. Montinola & Jackman, (2002) purport that countries undergoing processes of political and economic transition (due to struggles over sources of accumulation, distribution of access, cost of buying legitimacy, among others) are particularly susceptible to corruption. In such settings, formal and informal institutions interact in ways that are not mutually reinforcing, and informal behaviour (e.g. paying a bribe to get a passport or drivers' licence, or, in more extreme cases, striking a deal to gain preferential access or favourable terms to compete in the market) trumps formal rules (e.g. completing a formal application for a drivers' licence or competing for market access

through officially sanctioned and regulated contests based on clear rules that apply to all equally) (DFID, 2015).

Khan (2006) argues that corruption is largely caused by the greed of public officials who have the discretion to offer citizens benefits or cause damage to their activities but who are inadequately monitored or face inadequate punishments for violating laws. He further asserts that:

If bureaucrats or politicians have the power to offer selective benefits or cause selective damage, and if their risk of detection or risk of punishment is low, they are likely to engage in corruption to enrich themselves (Khan 2006:5).

This analysis of the causes of corruption is also supported in the literature by such authors like Rose-Ackerman (1978) and Klitgaard (1988; 2005). Klitgaard summed up his perspective on the causes of corruption in a formula:

$C = M + D - A$ (corruption equals monopoly plus discretion minus accountability). Illicit behaviour flourishes when agents have monopoly power over clients, when agents have great discretion, and when accountability of agents to the principal is weak (Klitgaard, 1988:75).

Causes of corruption vary from country to country. However there is general consensus in literature that conditions that promote its growth and advancement include unethical individual behaviour, out dated policies, structural and administrative deficiencies in the management of public affairs, chronic shortages, high inflation and low salaries in the public services, greed, poor internal controls, lack of supervision, uncontrolled and unaccountable centres of power, long and cumbersome procedures, insecurity of tenure of office, and meagre pensions (Hussein, 2009; TI, 2015; World Bank, 2010).

Isaksen (2008) sums up the causes of corruption into two – ‘people and systems’. It can be argued that where systems are weak people take advantage in abusing them and finding loopholes for corruption. But on the other hand when people are unethical and greedy they find ways to beat even the most water tight systems. The anti-corruption reform discourse therefore takes into consideration both scenarios by strengthening systems and reforming people’s mind set (Isaksen, 2008).

2.5 The surge of the anti-corruption discourse

Historically, corruption can be found in all eras and all political administrative systems and throughout history, efforts have been made to combat corruption (Brinkerhoff, 2000). However, there has been a significant increase in the international community’s interest in addressing corruption-related challenges in the past three decades. Fighting corruption surfaced as a priority in large parts of the globe and became noticeable mainly in the 1990’s, the decade which saw the establishment of Transparency International (TI) in 1993 (TI, 2017).

According to Brinkerhoff (2000), fighting corruption is now central to the agendas of both good governance and economic growth. This is the case because corruption is seen by many actors as becoming even more entrenched within many societies and adversely impacting economic development and the provision of social welfare to large groups in the population. As pointed out by TI (2017), failing to address corruption inhibits sustainable, long-term growth, infringes on human rights and undermines human development; therefore tackling corruption is one of the highest

priorities on the world's agenda and is expected to remain so for years to come. This is also reflected in the Sustainable Development Goals (SDGs), which set out the global framework for development until 2030. The inclusion of a stand-alone governance goal and a specific target to reduce bribery and corruption in the SDGs is an indicator that fighting corruption is an important factor in the development discourse (UN, 2016).

2.6 Corruption in Africa

Isbell (2017) highlights that according to Afrobarometer survey the incidence of corruption in Africa has increased. He notes that across 36 surveyed countries, 55% of Africans say corruption increased “somewhat” or “a lot” over the previous year. This is the majority view in 23 of 36 surveyed countries. While this is the case, fighting corruption has taken centre stage in Africa in recent times. A study commissioned by OSISA in 2017 highlights that, in July 2013, the African Union adopted the AU Convention on Preventing and Combating Corruption (AUCPCC), which seeks to, *inter alia*, ‘promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in the public and private sector’ (OSISA, 2017: iv).

Recently headlines have pointed toward a stronger stance against corruption in Africa.

According to Isbell:

In South Africa, Ghana, Sierra Leone, and other countries, scandals and government responses have placed corruption at centre stage. In Nigeria, President Muhammadu Buhari's winning ticket in 2015 included zero tolerance for corruption, and he has taken several steps to try to fight what

he calls the “hydra-headed monster”. In Tanzania, President John Magufuli won the 2015 election after a campaign denouncing corruption and misconduct among civil servants (Isbell, 2017: 2).

In addition, on July 11th 2017 the Chairperson of the African Union Commission (AUC), Moussa Faki Mahamat, during his inaugural African Anti-Corruption Day speech announced an Executive Council decision to declare 11th July of every year as the “African Anti-Corruption Day” to commemorate the adoption of the African Union Convention on Preventing and Combating Corruption (AUCPCC). President Muhammadu Buhari of Nigeria was endorsed to champion the fight against corruption in the African Union; this is because he has been a major inspiration to Africa in frontally combating corruption and bringing positive change towards building a sustainable and prosperous continent (AU, 2017).

Apart from the AUCPCC, the establishment of anti-corruption bodies across many countries in Africa is another indicator of the dominance of the anti-corruption agenda in Africa. With such innovations in place, it is evident that the fight against corruption in Africa is taking centre stage. Brinkerhoff (2000) points out that this is the case because the trends towards democratization have opened the door to citizens demands for a more active say in the ‘*what and how*’ of governance. Therefore governments are constantly under pressure because citizens are no longer tolerant of abuses of public trust and of the malfeasance of the past they expect accountability and transparency (Ibid).

The demand to fight corruption has also increased due to the fact that foreign donor aid in Africa is often tied with good governance. Banik & Chinsinga (2016: 194)

highlight that financial support from donors has often come with strings attached for example demands for good governance and combating corruption. For this reason, many states in Africa will put it as a priority to implement anti-corruption measures in order to access donor aid. Donors increasingly demand anti-corruption measures because of the view that the potential for corruption to compromise the outcomes of development programmes is significant and corruption within aid recipient countries can seriously undermine the achievement of intended result (TI, 2007). With this in mind, one wonders whether there is indeed political will for the anti-corruption measures or perhaps they are forced upon governments by donors.

2.7 Anti-Corruption Reforms

Martini (2009) defines anti-corruption reforms as measures developed by governments to mainstream and prioritise processes and reforms to fight corruption in a given national context. Fjeldstad & Isaksen observe that:

Such measures may be, but are not limited to, the establishment of anti-corruption commissions, strengthening of audit functions, and legislative reviews (Fjeldstad & Isaksen, 2008:30).

In addition to these, donor agencies have advocated various tools and strategies to tackle corruption, which is also grouped as anti-corruption reforms. For example, as Fjeldstad & Isaksen (2008) point out, the World Bank has been instrumental in developing tools aimed at improving transparency and societal accountability, including the public expenditure tracking surveys (PETS)¹² and quantitative service

¹²Public Expenditure Tracking Surveys (PETS) are surveys that measure the amount of funds received at each point in the chain of public service delivery, from a nation's treasury to the classroom or health clinic where the funds are intended to be spent. Citizens are involved in monitoring a sample of schools or clinics. See World Bank (2010)

delivery surveys (QSDS).¹³ Some of the instruments used by the Bank and bilateral donors for assessment of fiduciary risk have clearly been useful in identification of institutional weaknesses of the public financial management systems in developing countries as a way of preventing corruption.

Over the past two decades, curbing corruption has become a key objective of development reforms all over the world (World Bank, 2010). Disch et al (2009) note that anti-corruption efforts became a more visible part of the development community's agenda when the then President of the World Bank, James Wolfensohn addressed what he termed "*the cancer of corruption*" at the Bank's Annual Meeting in Hong Kong in October 1996. With the realization that corruption is one of the major contributing factors to underdevelopment, curbing corruption has become important for most countries that seek to realise economic growth. Agencies such as the World Bank, IMF and the donor community have put an emphasis on good governance as a pre-condition to donor aid; in this regard most countries in the developing world want to be seen to be doing something in curbing and preventing corruption. Mungiu-Pippidi et al observe that:

Once it became apparent that development resources could potentially disappear in environments characterized by weak governance and corruption, anti-corruption developed into a specific approach to development assistance (good governance as means). Promoting good governance, however, also become an objective in itself (good governance as an end), as donors realized that the economy of aid could not be separated from the broader country governance (Mungiu-Pippidi et al, 2011:21).

¹³ A QSDS examines the efficiency of public spending and incentives, and various dimensions of services delivery in provider organizations, especially at the level of the service facility. It quantifies the factors affecting quality of service such as incentives, accountability mechanisms, and the relationship between agents and principals. See World Bank (2010)

In addition to donor demands for good governance, the enactment of the United Nations Convention against Corruption (UNCAC)¹⁴ in 2003, encouraged governments to develop and implement coordinated anti-corruption policies and reforms. The UNCAC provides a comprehensive and integrated global legal framework to fight corruption (UN, 2004).

Against the above background, governments started instituting anti-corruption reforms with the aim of fighting against corruption. The fight against corruption therefore has become a major industry, involving most international organizations. The African continent has been the major target of this anti-corruption movement so much so that, in the last fifteen years most African states have initiated anti-corruption reforms, supported by the international community (Persson et al, 2010). International organisations such as the World Bank, DFID, EU, NORAD and Irish Aid have taken a centre stage in financing anti-corruption initiatives in the developing world. For example, NORAD and DFID have funded the development of National Anti-Corruption Strategies in Malawi and Tanzania; DFID, Irish Aid, EU have supported Anti-Corruption agencies in Malawi, Tanzania, Zambia, Ghana, Uganda; and USAID has supported capacity building initiatives for anti-corruption practitioners in South Africa, Botswana, Lesotho and Malawi.¹⁵

¹⁴The United Nations Convention against Corruption (UNCAC) is a multilateral treaty negotiated by member states of the United Nations (UN) and promoted by the UN Office on Drugs and Crime (UNODC). It is one of several legally binding international anti-corruption agreements.

¹⁵See 2015 – 2016 reports from ACB.

2.7.1 Types of Anti-Corruption Reforms

A review of the literature shows that there are various approaches for formulating and implementing anti-corruption reforms within the public administration sphere.

Heilbrunn states that:

A range of policies have been identified to improve public administration including reforms of public expenditure management, procurement procedures, auditing functions, and rules governing conflicts of interest (Heilbrunn, 2004:5).

In addition to policies, the UNCAC has encouraged the creation of specialised bodies responsible for preventing corruption and for combating corruption through law enforcement; this is another approach for anti-corruption reform (OECD, 2008). The establishment of anti-corruption bureaus or commissions/authorities (ACAs) is part of strategies that can reduce venality in a government (Heilbrunn, 2004). Another type of anti-corruption reform is the National Integrity Systems (NIS) (Stapenhurst and Langseth, 1997). This thesis will briefly discuss the ACAs and the NIS to highlight how literature has outlined how corruption can best be reduced. The ACAs and NIS have been particularly chosen because they are being implemented in a majority of countries across the globe.

(1) Anti-Corruption Agencies (ACAs)

ACAs are organisations specifically dedicated to combating corruption. They are called different names in different countries. According to TI (2014), a well-financed and independent anti-corruption agency or commission can be a strong weapon in the fight against corruption. At the anti-corruption community meeting held in Jakarta in

2012, a set of standards and principles on what makes a good anti-corruption commission or agency were agreed upon. TI (2014) lists them as:

A broad and clear mandate, legally guaranteed permanence, the neutral appointment of ACA heads, security of tenure for ACA leadership, and ethical conduct and governance (TI, 2014:2).

In addition to their respective specific mandates, one of the general objectives of these commissions is to promote transparency and accountability in public institutions (OSISA, 2017:8). The first anti-corruption commission was set up in Singapore in 1952, followed by Malaysia and Hong Kong, giving Asia the reputation as the “cradle” of anti-corruption agencies (ACAs) and today there are nearly 150 such entities throughout the world (TI, 2014). An OECD report notes:

One of the best known specialised anti-corruption institutions – the Hong Kong’s Independent Commission against Corruption – was established in 1974. The Commission has contributed significantly to Hong Kong’s success in reducing corruption. Inspired by this success story, many countries around the world, including in Eastern Europe, decided to establish specialised bodies to prevent and combat corruption. Establishing such bodies was often seen as the only way to reduce widespread corruption, as existing institutions were considered too weak for the task (OECD, 2008:14).

According to Heilbrunn (2004), the Hong Kong Independent Commission Against Corruption (ICAC) has enjoyed resounding success in fighting corruption since 1974. The ICAC controls corruption through three functional departments: investigation, prevention, and community relations. Heilbrunn (2004) further notes that:

The repatriation and successful prosecution of Peter Godber increased the ICAC’s credibility and Hong Kong’s citizens began to report incidents of bureaucratic corruption. Since that time, the ICAC has built an impressive record of investigations that have resulted in numerous convictions. Nowadays, Hong Kong ranks one of the least corrupt

jurisdictions in East Asia, and this reputation is despite its free-wheeling market economy (Heilbrunn, 2004:8).

Apart from Hong Kong, several ACAs have also registered success in reducing corruption. Examples cited in the literature include: Singapore where the Corrupt Practices Investigation Bureau (CPIB) has been successful in carrying out investigations of corruption. Evidence of the CPIB's success in reducing corruption is present from Singapore's highly favourable investment climate that typically ranks among the top twenty recipients of foreign investment in the world in absolute terms.¹⁶ Botswana is another example where the ACA has registered success. Directorate on Corruption and Economic Crimes (DCEC) in Botswana has a strong prevention and investigative units; that conduct preliminary inquiries and investigations under various sections of the Corruption and Economic Crimes Act.¹⁷

However, Heilbrunn (2004) argues that, despite the numerous ACAs being established across the globe, the level of success registered is rather minimal. Consequently, the value of ACAs has been a hotly debated topic for several decades in the anti-corruption field (Johnson, 2012). Johnson further observes that:

There is little solid research and evidence on how anti-corruption interventions create change. Most experts seem to agree that “firmly grounded theories of corruption” are lacking and that the “shortage of analytically informed empirical inquiries continues” (Johnson, 2012:8).

¹⁶See: Linda Kim, Pang Eng Fong, and Ronald Findlay, “Singapore” in *Five Small Economies*, eds. Ronald Findlay and Stanislaw Wellisz (New York: Published for the World Bank by Oxford University Press, 1993), 127.

¹⁷See: DCEC annual reports (2015/16).

Different stakeholders have very different expectations for ACAs, which may help explain why agreement still cannot be reached on whether ACAs have been successful or not in most cases. Johnson (2012) further elaborates that there is no standard theory of change underlying the work of ACAs. Agreeing on a Theory of Change for an anti-corruption authority can help clarify the assumptions of different stakeholders, identify which outcomes are under the ACA's control and which are not, and specify the causal pathways from the everyday activities of ACA staff to the desired impact, leading to more realistic expectations and better-coordinated work. That is why Camerer (2001) claims that assessing the effectiveness of ACAs is difficult.

Some ACAs have also been criticised for their lack of independence. Heilbrunn (2004) reiterates that a commission must be independent of interference by the political leadership. In some circumstances, a commission linked to the executive branch is used to settle old scores with political rivals. Such cases have been cited in Malawi, Zambia, Lesotho and South Africa (OSISA, 2017). The lack of independence affects the ACAs performance as elaborated by OSISA that:

When political elites are facing allegations of corruption and impropriety; they tend to launch an attack on state institutions that are tasked to investigate corruption. This undermines genuine investigations into corruption (OSISA, 2017:4).

According to Heilbrunn (2004) evidence of dysfunctional anti-corruption commissions is manifest in the numerous agencies that lack independence from the executive, receive no budgetary support from the legislature to investigate venal officials, and have no procedures for forwarding cases of corruption for prosecution by the relevant judicial authorities. In supporting this assertion, Johnson (2012) states

that anti-corruption commissions, rarely succeed since they often lack the required support from political elites and the judicial system. ACAs rely on the judiciary to prosecute corruption cases. Therefore according to OSISA (2017), a weak judiciary is a recipe for the institutionalisation of political corruption and abuse of human rights.

Nevertheless, despite the compelling arguments on the limitations of the ACAs, governments still pour in resources to keep the ACAs afloat, although the resources are often times negligible. As noted by Heilbrunn (2004) that governments in poor countries need international investments and donors require that they reduce corruption and improve their management of the economy as such, the anti-corruption commission may therefore represent an effort to satisfy international donors and placate domestic calls for reform. It can be concluded therefore that according to literature, the ACA approach in anti-corruption reform is a mixed bag, filled with successes and limitations.

(2) The National Integrity System (NIS)

Another approach to anti-corruption reform is the NIS. This approach has been adopted by a number of countries including Tanzania, Malawi, Bangladesh, United Kingdom, New Zealand and others. The National Integrity System concept was originally created in the late 1990s and was designed to look at the institutional arrangements within a country that was divided into a number of different institutional “pillars” (Macaulay, 2014). The concept of the NIS has been developed and promoted by Transparency International (TI) as part of TI’s holistic approach to combating

corruption.¹⁸ While there is no absolute blueprint for an effective anti-corruption system, there is a growing international consensus as to the salient aspects that work best to prevent corruption and promote integrity (TI, 2011). Accordingly the NIS was portrayed as a Greek temple as illustrated in figure 2 below:

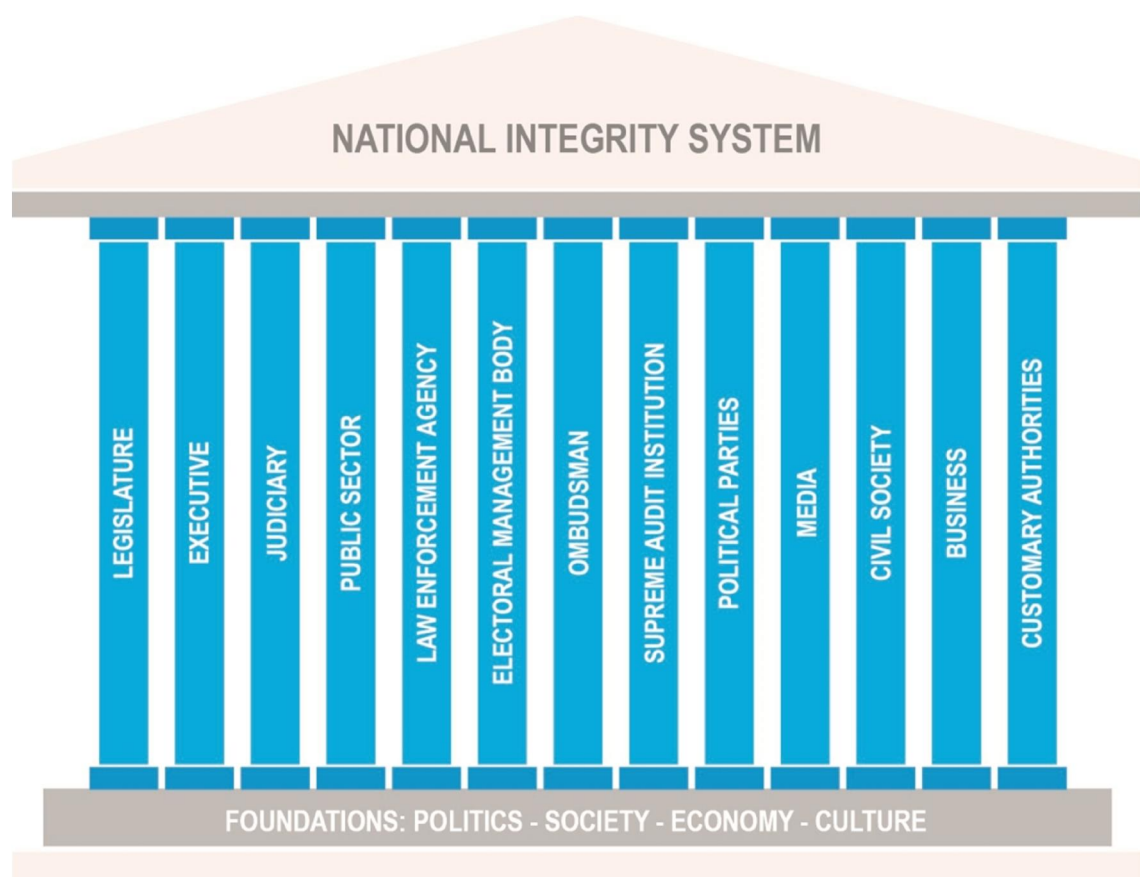


Figure 2: The National Integrity System Model

Source: Transparency International (2011)

¹⁸For further information on the NIS Methodology see: <http://archive.transparency.org/policy> - Accessed 9/12/2017

While there are variations around the world, the most recognized ‘integrity pillars’ of a society seeking to govern itself in an accountable fashion include the following as noted by TI:

The Executive, Parliament, the Judiciary, the Civil Service, ‘Watchdog’ agencies (Public Accounts Committee, Auditor-General, Ombudsman, Police, Anti-Corruption Agency, etc.), Civil Society (including the professions and the private sector), the Mass Media, customary authorities and businesses (TI, 2011).

UNDP (2017) explains that a ‘National Integrity System’ reform programme can accommodate a piecemeal approach, but this must be coordinated within the bounds of a holistic programme which embraces each one of the relevant areas and their interrelationships. Underpinning the integrity system approach is the conviction that all issues of contemporary concern in the area of governance—capacity development, results orientation, public participation, and the promotion of national integrity—need to be addressed in a holistic fashion.

Macaulay (2014) points that, the Transparency International’s National Integrity System (NIS) model has become an increasingly important, and well-established, tool for assessing good governance and anti-corruption activities throughout the world. Over eighty countries have conducted an NIS assessment since its inception in 2001, around half of which have utilised a more refined methodology that was developed in 2008. However, Brown et al (2009) argue that:

Integrity systems need no such design: “every society already has some kind of ‘integrity system’, even if not widely understood, or recognized, or respected for its achievements. If there were no elements of an integrity system in place, then social and political order itself would collapse” (Brown et al, 2009: 5).

Such an argument seems to suggest that, the NIS exists in an un-codified or even unrecognised manner. Bearing this in mind the NIS approach to anti-corruption reform therefore has the support of an already existing system. However, whether the system is able to fight corruption is an area that deserves further study. Macaulay (2014) supports this notion by pointing out that the impact of the NIS remains to be seen. Since the NIS is based on a holistic approach to preventing corruption, it looks at the entire range of relevant institutions and also focuses on the relationships among them and presupposes that a lack of integrity in a single institution would lead to serious flaws in the entire integrity system. This in itself is a weakness, because in any given society the performance of different sectors cannot be the same.

2.7.2 Anti-corruption reform: What works?

Anti-corruption reforms differ from country to country depending on historical, social, economic, institutional and political circumstances. However, it appears that anti-corruption measures are too often proposed by donors without considerations of the political economy and strategies to win the support of a critical mass of key leaders who would be able to overcome the inevitable opposition of vested interests (Fjeldstad & Isaksen, 2008). This has been a major setback of most anti-corruption reforms. Johnson (2012) supports this notion by highlighting that donors in many cases have either failed to recognise or have ignored the likelihood that support to, for example, anti-corruption authorities, public financial management initiatives, and civil service reform could fail because of a lack of independence, capacity, and professionalism. It is observed therefore that anti-corruption reforms that work are

those that take into the country context and place the people in the driving seat of the reforms.

2.8 The National Anti-Corruption Strategy in Malawi

The National Anti-Corruption Strategy (NACS) is a policy document which was designed to coordinate a holistic approach in fighting corruption in Malawi (GoM, 2008). Following the Governance and Corruption Baseline survey conducted in 2005 which revealed that 9 out of 10 Malawians felt that corruption was on the rise, there was a general consensus from stakeholders during the dissemination of survey results, that Malawi needed a holistic approach to fighting corruption. This saw the birth of the NACS. According to the NACS:

The strategy is a result of the then State President's Zero Tolerance stance on corruption, and an effort to translate theme five of the Malawi Growth and Development Strategy (MGDS) into action. Theme five of the MGDS recognises that corruption retards economic growth and development by diverting resources for socio-economic development activities into the coffers of a few (GoM, 2008:5).

The major focus of the Strategy was the development of a National Integrity System which would span sectors of the Malawi society into action. The sectors include all branches of Government, civil society organizations, media, traditional leaders, and the private sector. The National Integrity System was to facilitate the establishment of Institutional Integrity Committees in the sectors with a view to promoting transparency and accountability.

2.8.1 Objectives of the NACS

The NACS has the following objectives: (1) Promoting integrity, transparency, accountability and improving service delivery in all sectors; (2) Promoting involvement of the public in fighting corruption; and (3) Strengthening corruption prevention and promoting integrity in all sectors. It was envisaged that implementation, monitoring and evaluation of the Strategy will be done by a National Integrity Committee (NIC) comprising members drawn from all sectors of Malawi. The NIC was mandated to get reports from Institutional Integrity Committees for evaluation and informing the public on the progress. The NIC reports to the State President and Cabinet on the implementation of the Strategy.

2.8.2 Progress of the NACS

According to ACB annual reports of year 2016/17, so far there are over fifty (50) institutional integrity committees (IIC) across various sectors in Malawi. The government gave a directive to all Ministries, Departments and Agencies (MDAs) to apportion 1% of their annual other recurrent transactions (ORT) to the operationalization of the IICs.¹⁹ To date the National Integrity Committee (NIC) has been constituted twice; first during the time of late Bingu wa Mutharika and secondly during the Peoples Party Government. However at this moment in time there is no functional NIC.

The NACS was supposed to be reviewed after five years of its implementation in 2013, with the midterm review around 2011. However, both the midterm and the final

¹⁹See Government of Malawi Budget guidelines by Ministry of Finance and Economic Planning (2017).

review did not take place therefore proper assessment of its performance has not been done.

2.9 Theoretical framework

The main thrust of the study is an analysis of the factors that affect the successful implementation of anti-corruption reforms in Malawi. Therefore the theoretical context of the study is based on the Political Economy Analysis (PEA) framework. According to Huci et al (2013:18) political economy is an established academic field that studies the intersection (or the relationship) between politics and economics. PEA focuses on how power and resources are distributed and contested in different contexts, and the implications for development outcomes. It gets beneath formal structures to reveal underlying interests, incentives and institutions that enable or frustrate change. In addition, it looks at the informal and formal rules that govern behaviour in the public policy arena (Huci et al, 2013). The study has chosen to use PEA as an analytical framework because as stated by ODI (2012) that:

PEA provides an analytical approach that helps organise knowledge (tacit and other) into consistent causal stories. In doing so, it can help validate assumptions, explain outcomes and identify potential entry points for interventions to facilitate changes of and/or within the political system (ODI, 2012:7).

According to Hudson & Leftwich (2014), a good political analysis should provide a forensic understanding of the cause and nature of a particular set of political constraints on institutional or policy change in a country, sector, or issue area, and also help to spot the room for manoeuvre.

Understanding corruption in real social settings, and identifying the variations among cases that are most important, requires careful study of the contrasting political and economic opportunities available in various societies, of the people and groups who seek and use (or who are closed out of) them, and of the institutions and norms that influence their choices (Johnson, 2005).

Hence the key to understanding the contested dynamics of political and developmental change lies in understanding how political actors interact and jostle not only with each other but also against, around and with the structural and institutional context they operate in, using the resources and opportunities it provides.

According to Hudson & Leftwich (2014), the PEA framework offers a much more detailed and granular way of getting to grips with the processes that drive and constrain development. It sees politics as the dynamic and contingent relationship and the seat of the action between power, structure, and agency. PEA complements conventional governance assessments by providing a deeper level of understanding about power, state capability, accountability and responsiveness. PEA differs from governance and institutional analyses in the following ways: while analysis of institutions is an integral part of governance and institutional analyses as well as PEA, the latter goes a step further. Governance and institutional analyses do not attempt the explanation of underlying drivers of political economy, namely: underlying interests, incentives, rent, rent distribution, historical legacies, prior experiences with reforms, social trends, and how all of these factors affect or impede change. These factors play a key role in explaining why things are as they are.

In this study, the PEA framework was an anchor in analysing why corruption continues to thrive in Malawi. It guided the study in answering the research question by looking into the issues that constrain anti-corruption reforms. Under the PEA framework the key concepts used are: ‘structure’, ‘agents’, ‘institutions’, ‘interests’, ‘ideas’, ‘incentives’ and, ‘power’. Looking into these concepts and how they affect the reforms offers a deep analysis which may not be given in other types of analyses.

On the other hand, PEA has been criticised for its broadness. Hudson & Leftwich (2014), observe that PEA tends to offer undifferentiated and un-disaggregated concepts as tools for analysis which sometimes produces generalised results. This problem was mitigated by embedding the governance assessment within the PEA. Governance assessments offer disaggregated information on particular issues within the PEA.

According to Huci et al (2013), there are several PEA frameworks that offer different levels of analysis. These include: DFID’s Drivers of Change – this seeks to identify the opportunities, incentives and blockages to pro-poor change at the country level. DFID’s Politics of Development Framework –this focuses on how political decisions are made. SIDA’s Power Analysis - focuses on understanding structural factors impeding poverty reduction as well as incentives and disincentives for pro-poor development. Dutch Government’s Strategic Governance and Corruption Analysis - designed to shed light on the historical context and the informal and formal factors that shape the governance climate. Lastly, World Bank’s Problem Driven Governance and Political Economy Analysis, which seeks to contribute to smarter, more realistic

and gradual reforms in developing countries. The study used the DFID Drivers of Change (DoC) framework to analyse the factors affecting the anti-corruption reforms in Malawi. The study chose the DoC framework because it analyses factors at a macro level e.g. at country level and it offers a step by step guide in analyzing the key concepts of PEA. This is found lacking in other PEA frameworks highlighted above.

2.9.1 DFIDs Drivers of Change Framework

DFID's Drivers of Change methodology analyses political economy at three levels: structural, institutions, and agents. Agents can affect structural features and vice versa. However, the impact of one on the other is mediated through institutions. This leads to the conclusion that institutional performance is important to understanding change processes (Warrener, 2004).

The DFIDs drivers of change framework use three lenses to conduct a political economy analysis. First it analyses the *Structural features*; these include foundational features which relate to contextual aspects such as history, geography or certain deeply ingrained economic characteristics. Secondly, the *Formal and informal institutions*; these are defined as 'rules of the game'. These are important because failure to understand such interactions between formal and informal political and other institutions may lead to failure to examine and identify where opportunities lie in support of policy reforms and thirdly, *Actors*; different actors pursue different interests and are influenced by different formal and informal institutional arrangements and incentives in policy implementation (ODI, 2012; Freckleton, 2004).

The study identified the drivers of anti-corruption reforms in Malawi by interviewing agents/actors in order to understand their underlying interests and incentives in the anti-corruption drive. A sample of agents was purposively chosen in order to understand the drivers of anti-corruption reform. In understanding the drivers of reform, issues of economic and political influence came into play as these agents operate in a political and economic atmosphere. In addition, the agents operate in environments governed by structural features, informal and formal rules which affect how the agents implement policy. DoC emphasises the importance of institutions playing an intermediary role between structural features and agents (Warrener, 2004).

The DoC framework has been criticised as being too general and lacking operational relevance. According to Hudson & Leftwich (2014), the findings from the country studies that use the DoC are too general in terms of describing the political context. They failed to identify actual actors, political strategies, and a clear theory of change. Bearing this in mind the study incorporated governance assessment²⁰ to complement the DoC. The study maintained the DoC framework despite knowing its limitation because the DoC encourages holistic analysis which the study wanted to harness. In addition, the DoC is methodologically and substantively inclusive and incorporates a wide range of societal and historical factors which allows considerable latitude for general political analysis.

²⁰ Governance assessment contains four key steps, the first of which is to identify the main barriers to democratic transition or consolidation. The second and third steps are to provide an inventory of the key actors – their interests, resources, and strategies – and of the institutional context which channels the behaviour of political actors. Fourth and finally, this information is linked to the interests and resources of the donor to provide a set of normatively desirable but politically feasible interventions – See: Hudson & Leftwich (2014:20)

2.10 Chapter Summary

As highlighted in this chapter, corruption and anti-corruption reform are issues that have dominated the public policy arena in the last two decades. This is the case because corruption is detrimental to development and governments are realising the need to curb corruption as one way of ensuring economic development. In this regard curbing of corruption has become a key objective of development reforms in third and second World countries. Against this background, governments started instituting anti-corruption reforms with an aim of fighting against corruption (World Bank, 2010). However as noted by Persson et al (2013), anti-corruption reforms in countries ridden with rampant corruption have a rather dull track record when it comes to actually preventing the spread of corruption. It is seen therefore that the anti-corruption reforms do not yield the expected results. This then brings the study to a conclusion that there are factors that cause reforms not to work, and a deep analysis of those factors is what this study sets out to do.

CHAPTER 3

METHODOLOGY

3.1 Introduction

The study uses a qualitative methods approach. This chapter will highlight the population and sample of the study; the data-collecting methods; how the data was analysed; ethical considerations; and limitations of the study.

3.2 Rationale for a qualitative research approach

Conducting a PEA involves a careful investigation of how political and economic processes interact in a given society. This investigation therefore necessitates an in-depth understanding of the narratives from the actors and stakeholders. With this in mind it was befitting to adopt a qualitative research approach. As Creswell (1994:173) points out, qualitative research approach can be defined as “an inquiry process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants and conducted in a natural setting”.

3.3 Study Population

Creswell (1994) defines a study population as the total of all the individuals who have certain characteristics and are of interest to a researcher. In this study the population included policymakers and policy implementers in the anti-corruption reform. In this regard, members of the donor community, heads of institutions, office bearers of Integrity Committees and staff members from institutions implementing the NACS form the population of the study including other stakeholders such as the Civil Society and the media.

3.3.1 Population Sample

From the population, the study used a purposive sampling technique to come up with a sample for the study. After a review of the reports on anti-corruption reform in Malawi the study chose a sample from the actors in the anti-corruption reform field. A total of Eighteen (18) people were interviewed individually and seventeen (17) people were engaged in three Focus Group discussions. The actors were interviewed in order to understand their underlying interests and influence in the anti-corruption drive.

3.4 Data collection methods

3.4.1 Literature Review

The study began with a review of various documents on anti-corruption reform including the National Anti-Corruption strategy, legislations related to fighting corruption such as, the Corrupt Practices Act, Public Procurement Act, Money Laundering and the Proceeds of Crime Act and the Penal Code. In addition, reports

obtained from the Anti-Corruption Bureau on the operationalization of the NACS and media reports from 2012 – 2017, journal articles and text books were also analysed. These reports focused on the anti-corruption reforms at Malawi Immigration Department, Judiciary, Legislature, Registrar General's Department, Malawi Communications Regulatory Authority (MACRA), Mzuzu City Council and the ACB. The review of documents was undertaken to gain an in-depth understanding of the concept of anti-corruption reform as well as to fish out the required data.

3.4.2 Key Informant Interviews

Key informant interviews are one-on-one in-depth interviews held with individuals who have been purposively selected based on the rich information and experience that they have on a particular topic or domain (Patton, 1990). The aim is to capture insights and experiences about a particular phenomenon which could not otherwise be captured using quantitative instruments.

The study conducted key informant interviews (KIIs) with key stakeholders involved in the anti-corruption reforms in Malawi who were purposively selected by virtue of the office which they hold. The KIIs established an understanding of the role of various stakeholders in the operational mechanisms of the reforms. Eighteen (18) KIIs were conducted with the purposively sampled key informants. These included: two (2) representatives from the donor community (Irish AID and DFID);²¹ three (3) heads of institutions implementing the NACS (ACB, Immigration and Registrar General), two (2) representatives from the media, one (1) representative from the civil

²¹Irish Aid and DFID have supported the Anti-Corruption reform in Malawi and have funded various capacity building exercises for ACB.

society organisations, one (1) governance expert, one (1) member from faith-based organisations, four (4) chairpersons of Institutional Integrity Committees (Judiciary, Mzuzu City Council, Registrar General and MACRA); and four (4) members of Institutional Integrity Committees. Interviewing these people was important because they possess knowledge on the anti-corruption reforms in Malawi. The aim was to obtain in-depth data related to the interests, motivations, ideological positions of the actors involved in the process as well as their views and experiences on how different actors used or were constrained in utilising their power in influencing the implementation of reforms.

The interviews were carried out using an interview guide with more open-ended questions designed to provoke debate so as to unearth more intricate information about anti-corruption reforms. These interviews were electronically recorded and later on transcribed.

3.4.3 Focus Group Discussions

Focus group discussions (FGDs) are considered as one of the best qualitative data collection methods to get rich data and information due to their potential for generating social construction (Patton, 1990). Social construction is achieved when interviewees in a group are reminded of and discuss issues that they could not remember if they were interviewed individually. Focus Group Discussions (FGDs) comprised of an average number of five (5) targeted participants involved in roundtable participatory discussions on issues pertaining to anti-corruption reform.

The aim was to gather information from frontline staff members on how the anti-corruption reforms have fared in their respective institutions.

Well-designed open-ended questions were used to spark in-depth discussions. Three (3) FDGs were conducted with front line staff from Immigration and Registrar General's Department, and officers of the ACB. These institutions were purposively chosen because they have been implementing anti-corruption reforms.

3.5 Data Analysis

After collecting data through the review of documents, KIIs and FDGs, the study conducted data analysis. The study used content analysis as a tool for analysing the data collected. According to Mouton & Marais (1996) this involves analysis of the content of texts or documents (such as letters, speeches, annual reports) [whereby] 'content' refers to words, meanings, pictures, symbols, themes or any message that can be communicated.

The recorded human communications from the interviews and discussions form the primary data of the study. Secondary data was collected from the reports and other documents. All this data required reduction, categorisation and interpretation in order to make sense out of it; hence, the use of content analysis was appropriate to achieve all this.

3.6 Ethical Considerations

Mechanisms were put in place to make sure that everyone involved in the research was treated ethically with uttermost respect for human dignity. The study made sure that informed consent was collected from each and everyone involved in the research. Before the interviews, respondents were told the purpose of the study and were asked for their consent to be interviewed. Respondents were also assured that their views will be kept confidential.

3.7 Limitations of the Study

The major limitation of the study was the subject of corruption itself. The subject of corruption poses challenges in the free flow of information. Most people see the subject of corruption as a sensitive topic which makes it difficult to access relevant and unbiased information. This is also embedded in the Malawian culture where people feel the need not to disclose for fear of putting someone in trouble. This was dealt with by assuring the interviewees that the collected data is solely for academic purposes not for investigations and prosecution.

Secondly, the timing of the study came in the wake of calls from various actors, the general public and the media demanding accountability and transparency from office bearers especially regarding the maize procurement saga. This therefore made some key informants become skeptical in providing information thinking the study would be an investigation, since the researcher is also an officer of the ACB. This was also dealt with by assuring the interviewees that the collected data is solely for academic purposes not for investigations and prosecution.

Another limitation was the inability to get hold of politicians for interviews. This was because politicians are usually busy and difficult to get hold off. However the views from politicians on anti-corruption reform were sourced from secondary data using what is available in the media. In addition, the study followed closely the political players by listening to their political rallies and meetings. If time and resources permitted, the study would have interviewed more stakeholders involved in the anti-corruption reform agenda.

CHAPTER 4

FINDINGS AND ANALYSIS

4.1 Introduction

This chapter presents findings and analysis of the study. For each study objective, the chapter first highlights the findings and then advances various explanations justifying the findings by drawing upon relevant literature and the chosen theoretical framework. It also discusses the implications of such explanations on the study's main research question.

4.2 Anti-Corruption Reforms in Malawi

In the aftermath of the Cashgate scandal, there is widespread consensus in the country that corruption is endemic. According to Isbell (2017), 72% Malawians say corruption increased “somewhat” or “a lot” over the previous year. From such data it can be concluded that citizens in Malawi consider corruption as a problem.

Against this background, there have been several efforts and reforms by different governments to address corruption in the country, see Table 1 below:

Table 1: Anti-corruption reforms in Malawi since 1995

Government	Reform Year	Anti-corruption reforms initiated
United Democratic Front (UDF) – Led by Bakili Muluzi from 1994 – 2004	1995	Enactment of the Corrupt Practices Act
	1998	Establishment of the Anti-Corruption Bureau (ACB)
	2003	Enactment of the Public Procurement Act
		Enactment of the Public Audit Act
		Enactment of the Public Finance Management Act
Democratic Progressive Party (DPP) – Led by Bingu wa Mutharika from 2004 – 2012²²	2006	Enactment of Proceeds of Serious Crime and Terrorist Financing Act
	2006	Malawi Growth and Development Strategy (MGDS I) ²³
	2007	Signing of the declaration of “zero tolerance” against corruption
		Designation of 5 th February as the National Anti-Corruption day which has become an awareness tool to tell the nation about the corruption fight.
		Establishment of the Financial Intelligence Unit (FIU) in 2007 following the enactment of the Money Laundering, Proceeds of Serious Crime and Terrorist Financing Act
	2008	Launch of the National Anti-Corruption Strategy (NACS)
People’s Party (PP) – Led by Joyce Banda from 2012 – 2014	2011	Malawi Growth and Development Strategy (MGDS II)
	2012	Assigned a designated Ministry of Good Governance responsible for coordinating Anti-Corruption efforts
	2013	Enactment of the Declaration of Assets, Liabilities and Business Interests Act
Democratic Progressive Party (DPP) – under Professor Peter Mutharika from 2014 - Date	2014	New public sector reform commission with renewed vigour to pursue public sector reforms
	2017	Enactment of the Public Procurement and Disposal of Public Assets Act

Source: Author’s own construction

²²During this period, Malawi’s ranking on the TI Corruption Perception Index improved from 97 in 2005 to 85 in 2010 (TI, 2017).

²³The MGDS included “Good Governance” as one of the five themes instrumental in Malawi’s economic growth.

Despite these efforts to fight corruption, the majority of Malawians (72%) still feel that corruption is getting worse (Isbell, 2017).

4.3 Drivers of anti-corruption reforms in Malawi

The findings on the drivers of anti-corruption reforms in Malawi consisted of two categories: factors determining anti-corruption reforms and interested parties/stakeholders driving the anti-corruption reform agenda. The study also isolated the drivers of NACS reform in Malawi.

4.3.1 Factors determining anti-corruption reforms in Malawi

The study established that there are several reasons why anti-corruption reforms are being initiated across the country. Firstly, the new democratic constitution of 1995 committed the country to introduce measures which guarantee increased accountability, transparency, integrity and financial probity (GoM, 1995). Several acts of parliament have been enacted which have driven reform by establishing institutions like the ACB and FIA to spearhead the anti-corruption fight.

Secondly, there has been a rising incidence of corruption in the country with various corruption scandals involving public officers from all ranks dominating the media. Corruption incidents and reports are being reported in the media recurrently. A review of media reports revealed that since January 2017, issues of corruption appear in the papers on a weekly basis. See below figure 3 a sample of headlines from the press selected from major newspaper publishers:



Figure 3: Newspaper headlines on corruption in Malawi

Source: Weekend Nation, Daily Times, Malawi New and Sunday Times newspapers

With the issues of corruption dominating discussions in the public sphere, instituting reforms to deal with the malpractice becomes vital. As noted by Splichal (1999), consensus in public opinion can be an important mechanism of societal change, starting with its agenda-shaping possibilities. The public through various sectors e.g. the media, civil society and faith-based organisation are on the forefront demanding that government should do something about the rising incidence of corruption. This study therefore established that with growing calls for the government to deal away with corruption, various reforms are being introduced in different government entities with an aim of reducing corruption.

The third reason for anti-corruption reform emanates from poor ratings from surveys like the Corruption Perception survey by TI, Governance and Corruption surveys by CSR and the Afrobarometer. The surveys have consistently revealed that Malawi is

not doing well on the corruption front. Round six (6) of Afrobarometer surveys (2015) reveal that 72% of Malawians feel corruption is rising. In addition, the 2016 TI corruption perception survey which placed Malawi on number 120 out of 176 countries also revealed that Malawi's score on the perception index is getting worse (TI, 2017). See figure 4 below:

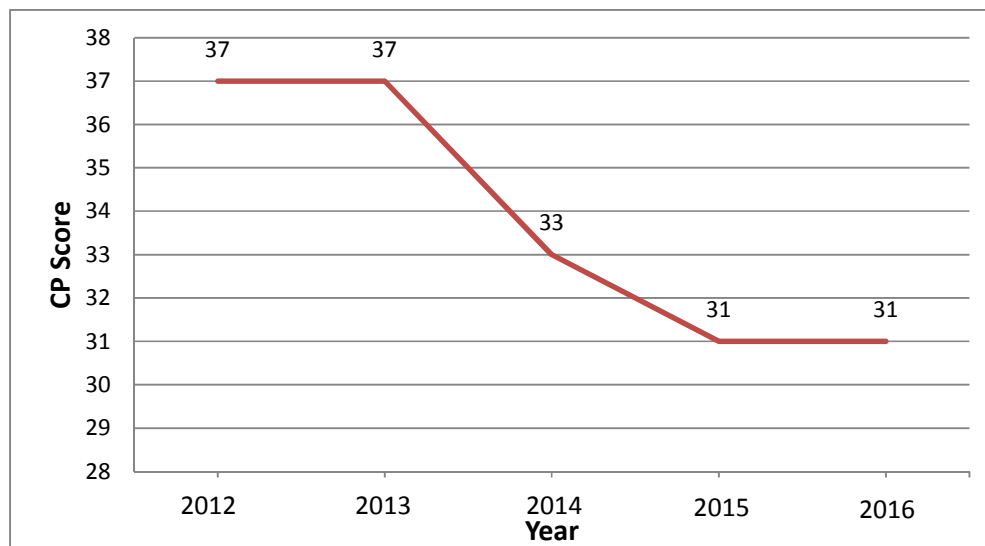


Figure 4: Malawi TI Corruption Perception Score (2012-2016)

Source: Generated from TI 2016 data (Author's own construction)

The data above shows that Malawi's score on the corruption perception index has gone down. According to TI's scale, the score of '0' means highly corrupt and '100' means very clean. Malawi therefore is performing poorly with scores below 50. Since 2012 Malawi's score has consistently plummeted sparking debate in the country about whether anti-corruption efforts are making any positive strides.

The study established that such data bears consequence on the country on two fronts: it hinders foreign investments and affects international aid. Foreign investors and donors are reluctant to get involved with governments that are perceived as corrupt.²⁴ In this regard, the government is advancing the anti-corruption agenda so as to change the poor perception purported against the country.

The fourth reason for anti-corruption reforms is the demand from donors. Demand for good governance has been placed at the centre of donor support. In its '*aide memoire*' of December 2013, the Common Approach to Budget Support (CABS)²⁵ committee called for the government of Malawi to put in measures to address the corruption problem. The '*aide memoire*' stresses that:

Urgent measures to restore the integrity of the public financial management and accountability system should be put in place including conducting fraud and corruption investigations and putting in place urgent actions to address public finance system failures to restore confidence (CABS, 2013: 4).

Such a call from the donor community prompts government to institute reforms in order to gain the donor confidence. This is important because World Bank estimates that 16% of Malawi's Gross National Income (GNI)²⁶ comes from donors. Therefore donors are an important factor in the economy of Malawi. The pulling out of donors from the budget support in 2013 has had diverse effects in Malawi as pointed by

²⁴A classic example is when western donors suspended budgetary aid-circa \$150 million annually upon learning that civil servants and senior cabinet ministers in former President Joyce Banda's administration had manipulated the government's financial management system to embezzle more than \$45 million over an eighteen-month period See: Strasser (2016).

²⁵The CABS is comprised of: African Development Bank (AfDB), European Union (EU), Germany, Norway, United Kingdom (UK) and World Bank (WB), with International Monetary Fund, United Nations Development Programme and Ireland as observers.

²⁶The gross national income (GNI) is the total domestic and foreign output claimed by residents of a country, consisting of gross domestic product (GDP) plus factor incomes earned by foreign residents, minus income earned in the domestic economy by non-residents (Todaro & Smith, 2011: 44).

Dionne (2014) that civil servants have experienced pay-day delays, the government is short on cash, and has had to drastically cut ministry budgets. The study established that these effects are still felt today, payday delays continue to happen and monthly budgets to MDAs continue to be reduced. Against this backdrop, it has become imperative to initiate reforms in an attempt to donors gain donor confidence.

4.3.2 Stakeholders driving the anti-corruption reform agenda

World Bank (2017) defines a stakeholder as any entity with a declared or conceivable interest or stake in a policy concern. Fassin (2009) highlights that; stakeholders can be of any form, size and capacity. They can be individuals, organizations, or unorganized groups. In most cases, stakeholders fall into one or more of the following categories: international actors (e.g. donors), national or political actors (e.g. legislators, governors), public sector agencies (e.g. MDAs), interest groups (e.g. unions), commercial/private for-profit, non-profit organizations (NGOs, foundations), civil society members, and users/consumers.

The study conducted a stakeholder analysis in order to identify the stakeholders in the anti-corruption drive in Malawi and to understand their interests. In accordance with the theoretical framework - the study used a governance assessment framework which complements the drivers of change framework, to conduct the stakeholder analysis.

World Bank states that:

Stakeholder Analysis (SA) is a methodology used to facilitate institutional and policy reform processes by accounting for and often incorporating the needs of those who have a ‘stake’ or an interest in the reforms under consideration. With information on stakeholders, their interests, and their capacity to oppose reform, reform advocates can

choose how to best accommodate them, thus assuring policies adopted are politically realistic and sustainable (World Bank, 2017: 1).

Four major attributes were considered in carrying out the Stakeholder Analysis: the stakeholders' position on the anti-corruption reform agenda, the level of influence (power) they hold, the level of interest they have in the anti-corruption reform, and the group/coalition to which they belong or can reasonably be associated with. These attributes were identified through interviews with key informants who included the actual stakeholders. The study established that the following are the stakeholders in the anti-corruption reforms: government (president and cabinet), donors, civil society organisations, political parties, public servants, media, and the general public. These stakeholders were analysed in accordance with their influence/power and their interests.

The study established that donors are the ones with high interest and high influence over the reforms. As such they are a very important stakeholder that needs to be engaged closely and actively. Donors have such high influence and power because they put in resources for the anti-corruption reform and their interest is to see those resources put to good and productive use. In the same category is the government (ruling party). They are the ones on driving seat of policy therefore they have high interest and high influence on the reforms.

Secondly, civil societies including political parties (in opposition) have an interest in the reforms but their influence is limited. Therefore this group of stakeholders does several activities to get noticed, for example the CSOs organised national

demonstrations in February 2017,²⁷ to express their discontent over the way the government is handling corruption in the country, but the demonstrations were not comprehensively patronised hence their impact is yet to be seen. Although the civil societies have been able to expose issues of corruption their power to influence change is limited. This is mainly the case because most CSOs have their own agendas to accomplish and sometimes they themselves are not clean when it comes to corruption. A representative from the CSO community indicated that:

*“Lack of capacity to follow through on corruption issues, coupled with personal interests and lack of integrity affects how the CSOs fight corruption. Sometimes, the CSOs have their own issues, their houses are not in order, in so doing once they start advocating for change or when they try to make noise about a particular corruption issue involving government, they are silenced when their own issues are brought to light by government”.*²⁸

The third category of stakeholders comprises of the public servants and the general public who have low interest and low influence over the reforms. From the data collected, most public servants expressed sentiments that they work for the government of the day, and that they are there to work and not to engage in anything political. In addition, the general public (at least the majority), have little interest in issues concerning corruption and how it's being tackled in the country.

However, the study found that one of the reasons for this outcome is the lack of vibrant middle class in Malawi who can speak against corruption. According to Tarkhnishvili (2013), a middle class is a class of people intermediate between the classes of higher and lower social rank or standing; the social, economic, cultural

²⁷ See: <https://www.nyasatimes.com/malawi-csos-sets-feb-28-protests-corruption-impunity>

²⁸ Excerpt from an interview with a representative from the CSOs conducted on 18th September, 2017.

class, having approximately average status, income, education and tastes. Analysis of the country profile for Malawi shows that the middle class is in minority. Corcoran (2014) supports this assertion by pointing out that Malawi's middle class is very small. He further highlights that in Malawi there are the very rich, the poor and the very poor, and most people are in the latter two groups. Only 16.3% of the population lives in the urban areas in Malawi primarily in Malawi's four main cities-Lilongwe, Blantyre, Mzuzu, and Zomba. Only 10% of citizens aged eighteen (18) years and above have been able to complete all twelve (12) years of the formal education cycle.²⁹ This data explains why the middle class is in minority in Malawi. This therefore has an effect in terms of the influence of the public in policy reform. Madland (2015) explains that a powerful middle class helps to combat political polarization and promote greater compromise within the government. With this lacking in Malawi, the influence of the public towards policy reform is therefore limited.

Lastly, the stakeholder analysis revealed that the media have high influence over the reforms because of their power to influence public opinion. For example, the media stirred the debate on the maize scandal involving former Minister of Agriculture; the law enforcement agencies only started handling the case after the media had relentlessly pointed out that there was an issue.³⁰ However, the media's interest is selective, meaning they are only interested in the issues that make headlines other than the holistic picture of the reforms hence the study established that overall the

²⁹ Educational attainment correlates with economic status: citizens who have higher levels of income also have higher education levels with very few variations (see: The Local Governance Performance Index (LGPI) in Malawi: Selected Findings on Education, 2016).

³⁰ See ACB reports of 2016/17.

media's interest is low. See Figure 5 which illustrates the rankings of each stakeholder:

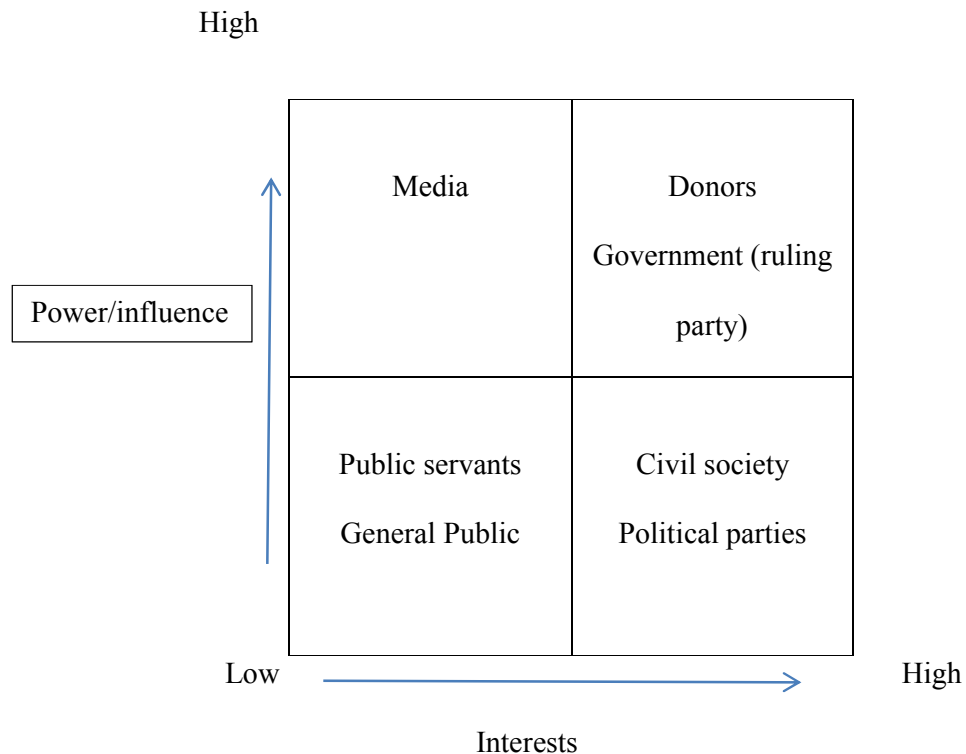


Figure 5: Stakeholder analysis

Source: Field data (Author's own construction)

An analysis of the stakeholders driving the anti-corruption reform agenda reveals a serious inaptness which explains why the corruption continue continues to thrive despite many efforts to fight it. The study established that at the helm of driving the reforms are the donors and the media. The people/general public have not taken a central role in the fight against corruption. The fact that a majority of Malawians live in the rural areas and possess minimal education has contributed to issues of patronage politics whereby people still vote for corrupt officials into power because of the hand-outs that they receive from them. The study established that the corrupt

politicians still remain in power because the majority of the electorate is in the rural areas and most of the rural population in Malawi do not vote in accordance with manifestos, policies or performance of the politicians, but rather on patronage networks.

4.3.3 Drivers of the National Anti-Corruption Strategy (NACS)

The NACS came into being after the Governance and Corruption baseline Survey of 2005 revealed the severity of corruption in the country. The survey highlighted that 9 out of 10 Malawians perceived that corruption was a problem. The Malawi society regarded public institutions as delivering generally inferior services, and the business community in particular viewed corruption as one of the major obstacles to economic development in the country (GoM, 2008). Therefore the development of the NACS was motivated by the rising corruption incidence in the country. The process was supported financially by the British Government through the Department for International Development (DFID), United States Agency for International Development (USAID) and the Governments of the Kingdoms of Norway and Sweden through the Norwegian Agency for Development (NORAD), and World Bank provided technical support.

The study therefore established that the main driver of the NACS reform was the then President Professor Bingu wa Mutharika, who had the political will to see corruption eradicated in the country.

In May 2004, the State President declared a Zero Tolerance stance on corruption. This meant that there was the political will to fight corruption. In February 2007, the State President, and representatives of various sectors renewed their commitment to the fight against corruption by signing a Declaration on Zero Tolerance on Corruption. The signing symbolised the need for a holistic approach in the fight against corruption (GoM, 2008: 12).

Nonetheless, the donor community played a big role in the reform process. It can therefore be seen that the donors also drove the NACS reform agenda. The Malawi government did not have resources or capacity to develop the strategy; this was taken care of by the donor community.

4.4 Interests of critical actors in the anti-corruption reform agenda

In analysing the interests of the critical actors in the anti-corruption reform agenda in Malawi the study identified critical actors through stakeholder analysis. The analysis revealed that the critical actors are: government, donors, media, civil society and the public servants. In addition the study also identified the critical actors in the NACS reform as the controlling officers, IIC chairpersons and IIC members.

4.4.1 Interests of Government in anti-corruption reform

The key element which the study found under the interests of government was the issue of political will. According to World Bank (2010) political will refers to the demonstrated credible intent of political actors to attack corruption. Since 1995 Malawi has seen various governments all claiming to have the political will to fight

corruption however the political will is often driven by particular interests. The main interest that kept on recurring from the findings of the study was the issue of political mileage. The majority of the people interviewed pointed out that government institutes reforms in order to score political points and not to actually fight corruption. The government wants to be seen as champions of good governance to gain public trust. One member of the media fraternity pointed out that:

*“Fighting corruption by the government is one way of hiding what they themselves are doing. It’s like a smoke screen. If they were really serious about fighting corruption, they would not be selective in the way they treat cases”.*³¹

The study established that the motives of government in fighting corruption are questioned mainly because of its interference in the ACB and deliberate destabilization of the ACB by not funding it adequately. These sentiments were echoed from the civil society, donor representatives, the media and some public servants. The general understanding behind this assertion is that government has its own interests in instituting anti-corruption reforms which have nothing to do with fighting corruption. For example, the case of Bakili Muluzi³² is yet to be concluded because of government’s unwillingness to complete the case since the UDF (Bakili Muluzi’s Party) is in coalition with the ruling party. In supporting this claim the stakeholders at the National Anti-Corruption Conference in Lilongwe also pointed out that one of the issues hampering the fight against corruption is selective investigation and prosecution of corruption cases.

³¹ An excerpt from an interview with a journalist who opted for anonymity; interview conducted on 24th August 2017.

³² This is a MK1.7 billion (\$2.1 million) case where former president Bakili Muluzi is charged of unexplained property. The case commenced 10 years ago and is yet to reach a conclusion.

Nonetheless from the Government's point view (ruling party), the anti-corruption reforms are being initiated in a bid to promote good governance and secure the countries resources. As alluded to by the Minister of Justice and Constitutional affairs that government is making sure that corruption is not only curbed but eliminated, and this is being done through the various reforms across the MDAs.³³ However a respondent from the donor community pointed out that:

“As convincing as the Minister's sentiments can be, the Government will only be measured by the actual results which these reforms will produce. For example; speedy prosecution of corruption cases, adequate funding of governance institutions and the independence of the ACB”.

4.4.2 Donor interests in anti-corruption reform

Malawi has had various donors assisting the country in various capacities and sectors. Currently the main donors include, African development bank (AFDB), European Union (EU), Germany, Norway, United Kingdom (UK), and World Bank (WB). These donors have been instrumental in shaping reforms in Malawi by placing a demand of good governance as a prerequisite for aid. It is purported by the donors that their main interest in the anti-corruption drive is promoting good governance which in turn safeguards resources.

However, most respondents interviewed gave a different view from the one advanced by donors. As much as it true that good governance is their significant interest, the study established that the donors have other ulterior motives in financing the reforms. One of the interests identified was the perpetuation of their ideologies. Donors want to push their own agenda hence they have high interests in reform programs. The study

³³Extract from the Minister's speech at the National Anti-Corruption conference, 2017. See conference report by ACB

also found that the interest of the donors is to gain control over the Government. It is evident that because the donors have the resource purse, they are able to influence what government does. Government tends to implement what donors push forward which sometimes is not in tandem with societal needs. Kolstad et al support this finding by pointing that:

Donors have tended to focus on technical reform to formal institutions, paying too little attention to the interests, incentives and informal interactions of implementing parties. When not in the interests of local elites, reform is implemented partially or not at all, and frequently circumvented (Kolstad et al, 2008: 9)

In supporting this view point Chimjeka (2016) cites an example of the reform initiative of the introduction of full board system where civil servants are allowed to eat and sleep at the hotel but not receive cash when attending workshops and seminars. Donors pointed out that the culture of allowances has set wrong incentives in Malawi and therefore asked the government to implement the new guidelines or risk losing donor-funded projects. However, public servants tend to boycott full board programs because as pointed out by Chimjeka (2016), when one leaves their duty station, they incur unplanned expenditure. This is a clear example of a reform which government driven by donors started implementing without taking into consideration the context of the actors and their incentives.

4.4.3 Interest of the media in anti-corruption reform

The coming of multiparty democracy in Malawi in 1994 saw the introduction of freedom of speech which gave the media the freedom which they did not have in the one party regime. Malawi therefore saw the birth of various privately owned media

houses. To date the media has played a role in exposing corruption issues. Examples include the cashgate and the maize scandal.

The interest of the media in the anti-corruption reform is mainly entrenched in gaining popularity and reputation; hence their target is mainly high profile cases. According to GoM (2008) the media is an important tool for promoting public involvement in the fight against corruption. A professional and effective media will solicit support, and involvement of the public in implementing anti-corruption measures. However it can be argued that the media has not done much in promoting public involvement in the corruption fight. An officer from the ACB indicated that:

*“The media is interested in selling stories and making headlines. Therefore they concentrate on stories that involve big politicians in order to make headlines and sell more papers. There are so many activities that are being done in the fight against corruption but they do not get reported in media, most probably because they don’t involve the so called big fishes”.*³⁴

Such information gives a picture as to why the fight against corruption is not registering meaningful gains. It is clear that particular interests of stakeholders have diverse effects on the reforms.

4.4.4 Public servants’ interests in anti-corruption reform

Public servants are those individuals employed by government Ministries, Departments and Agencies. According to the stakeholder analysis conducted, public servants are ranked as having low interest in the anti-corruption reforms. Most public servants interviewed indicated that they are involved in the reforms just because they

³⁴Taken from an interview with an officer from the ACB; conducted on 16th August 2017.

were appointed to do so. Some public servants are involved in the reforms by virtue of the office which they hold. Only one respondent in the study indicated that they are involved in anti-corruption reforms because they feel they can make a difference.

In analysing the underlying interest of the public servants the study established that most public servants are interested in raising their professional profiles and some anticipate promotion to a higher office hence their involvement in the reforms. With such passive interests it explains why reforms have not yielded much within the public service. Arguably it can be pointed out the most important group in the reform agenda are the public servants because they are the bureaucrats who are responsible for policy implementation. The bureaucrats can sabotage a reform agenda causing reforms to fail. This insight was pointed out by a journalist whom the study interviewed:

*“The whole focus of the fight against corruption has missed the point. We have focused much on politicians neglecting the middle-level bureaucrats who are at the helm of policy implementation”.*³⁵

Supporting this view is an example of cashgate, where the middle-level bureaucrats were the ones who abused their positions by manipulating the IFMIS³⁶ to loot government coffers.³⁷

³⁵Excerpt from an interview with Mr. Rex Chikoko an investigative journalist from Nation Publications, conducted on 18th September, 2017.

³⁶Integrated Financial Management System.

³⁷See ACB reports 2015 – 2017 on cashgate arrests.

4.4.5 Interests of critical actors in the NACS reform

Under the NACS reform, the study identified three critical actors namely the controlling officers of MDAs, Chairpersons of the IICs and members of the IICs.

4.4.5.1 Interests of controlling officers of MDAs

A controlling officer in Malawi's public service is a head of an institution tasked with the responsibility of managing the institution. The Malawi public service has: Ministries which are headed by a Minister (politically) and by a Principal Secretary (administratively); Departments headed by Directors or Director Generals; and Agencies which are headed by Chief Executive officers, Commissioners or any other designation in accordance with the laws of their establishment.

According to the NACS all controlling officers in the MDAs are supposed to form IICs which will be required to collaborate with the ACB in developing anti-corruption measures. The study established that most controlling officers are appointed to their positions by the Executive arm of government; the study interviewed three controlling officers which were all appointed by the President. Against this backdrop the controlling officers act in the best interests of the appointing authority. This is compounded by the fact that for most controlling officer positions there is no security of tenure. A good example is whenever there is a regime change; there is also a change in office holders of the controlling officers' positions. The study interviewed controlling officers from ACB, Department of Immigration and Registrar General's Department who were all appointed in 2014 when the new DPP government came to power.

The interest of controlling officers in the NACS reform is mainly preserving the image and reputation of their institution. This is vital because according to government organisational performance assessment which is done by the Office of President and Cabinet, organisations are rated on how well they are executing anti-corruption activities. Therefore most controlling officers want to be rated highly hence they comply. However the study established that for some, the compliance is merely on paper, the actual implementation is problematic. For example, the Government issued a circular to all controlling officers in 2014, to apportion 1% of their annual budgets to anti-corruption activities; however this has not been fully implemented as evidenced by the lack of funds to carry out anti-corruption activities in most MDAs. Arguably, part of the problem is that the 1% is not ring-fenced or protected under a particular budget code, hence controlling officers abuse the allocation by using the funds for other things other than anti-corruption activities.³⁸

4.4.5.2 Interests of IIC chairpersons and IIC members in MDAs

The IICs are committees mandated to implement the NACS in the MDAs by spearheading and coordinating anti-corruption programs within their institutions. According to the NACS the composition of the IIC should include at least five officers appointed by the controlling officer. Serving in the committee is not by choice but rather by appointment. Therefore the interest of the members and the chairpersons is mainly to serve the organisation as part of their duties assigned by the controlling officer.

³⁸See ACB NACS reports from MDAs

One IIC chairperson however pointed out that although he was chosen by the controlling officer but his main interest was to bring about change in attitudes of the people on issues of corruption. The study found that view to be rare; most of the members are serving just because they were assigned.

With such attitude it becomes problematic to register meaningful change. One IIC member stated that:

“This IIC work is not part of my job description, I was not employed to work as an IIC member, and since I do this as a volunteer with no incentive I find it hard to be motivated”.

Such a view presents a challenge to the NACS reform. It is clear that a person who is not motivated to work cannot produce meaningful results.

4.5 Influence of the actors in the anti-corruption reform implementation

The implementation of policy reform is influenced by various factors; one of them is the actors. Different actors exert different influence which has a bearing on reform outcomes. Cochran et al (2009) define policy outcomes as the observable and measurable effects that policy outputs have on society. The study revealed that the actors which had a notable influence on anti-corruption reform are the donors, government, politicians (political parties) and the media. Table 2 lists the actors and influence they exert:

Table 2: Influence of actors on reform implementation

Actor / Player	Influence exerted
Donors	They dictate the extent and parameters of reforms.
Government	Influences which areas reforms should target depending on governments agenda .
Politicians (political parties)	Political influence on how the reforms should be implemented and who should the reforms fish out.
Media	Influences public opinion which sometimes dictates the areas of reform.

Source: Field data (Author's own construction)

The influence which these actors exert on the anti-corruption reform has an effect on the outcome. The donors set the parameters for reform, dictating which areas the reforms should target. This has an effect on the implementation level. For example, the current approach to aid disbursement by donors is through projects. Donors identify a sector or a project to fund. The study found that as much as this approach better suited for easy control of the outcomes, it sometimes neglects the needs of the aid recipients. An example, is when donors stopped funding the ACB, they opted to fund CSOs to carry out governance programs in the process incapacitating the ACB even further.

The government exerts its influence by dictating the areas where the reforms should take place. Government acts in areas where they feel they gain political mileage as such there is selective implementation of the reforms which affect the outcomes. For

example, the amendment of the CPA; the government is unwilling to change the powers given to President for appointing ACB top leadership. This is so because the ruling party wants to maintain control over the ACB.

The media influences public opinion. Once public opinion has grown it influences reforms. The media therefore influence the reform implementation by pointing out the failures and successes of the reforms. For example, the media has constantly pointed out that the ACB is a toothless dog because it is not independent from the ruling party. This has affected the way the public perceives the ACB.

4.6 Influence of structural features of statebuilding in anti-corruption reform

Structural/foundational features are factors shaping the major features of a political system such as territorial integrity, history of state formation, and social-economic structures. Structural features are crucial in understanding reforms as they give insight as to why reforms perform in such a manner. The study looked at two dimensions of structural features namely the history of state formation and socio-economic structures in trying to investigate why corruption is still on the rise in Malawi despite many efforts to fight it. In addition to these two dimensions the study also highlighted how politics influence the reform agenda.

4.6.1 History of state formation in Malawi and its influence on reform

The history of state formation in Malawi contributes to the way the Malawian society behaves today. The modern political history of Malawi can be traced to 1893 when the Nyasa Districts were formally named as the British Central African Protectorate

(Tenthani & Chinsinga, 2016). During this time the state machinery served the interests of European settlers and Africans remained peripheral if not irrelevant in the organization of government. In supporting this assertion Nkhata (2014: 2) explains that the political order that was introduced following the declaration of the protectorate did not reflect the interests of the vast majority of the people of Malawi and was merely designed to further the interests of the colonial regime. This state of affairs had an implication on the nation. Wanjala observes the following about colonial governments:

Herein lies the beginnings of the institutionalization of corruption in Africa; a government only accountable to itself in all respects as to how it governed, a government only accountable to the motherland in terms of how it exploited the resources of the governed and a government totally unaccountable to those it governed in all respects (Wanjala, 2012: 101).

This lack of accountability became embedded in the government system and in government transactions. This did a disservice for the native Malawians. Several attempts for independence from the British rule were made until 1964. However as highlighted by one key informant that:

*“Independence was an inheritance not a deconstruction of the colonial state. The elements of the colonial state such as exploitation and lack of accountability, continued in the new dispensation”.*³⁹

With such traits of exploitative politics soon after the independence of 1964, Banda enacted a new constitution in 1966 which declared Malawi a single party state (Mariyamkono and Kanyongolo, 2003). The new constitution removed the Bill of rights which meant freedom of expression and freedom of association including the

³⁹ Governance expert who has worked with various sectors in Malawi; Interviewed on 2nd September, 2017 in Lilongwe.

freedom to form political parties were removed. This remained the case for close to 30 years until 1992 when Malawians voted against the one-party rule in a referendum. This triumph meant the coming back of freedoms that were taken away.

In gaining back the freedoms, some features that were good for governance were also thrown away. For example the country began to do away with the so called bad laws that infringed the freedom of the people. An example of such a law was the Forfeiture Act of 1966.⁴⁰ Although the Act was abused by Banda's regime, the law in itself served the purpose of deterring people from accumulating wealth through dubious means. As pointed out by a key informant of the study:

*“The Forfeiture Act was a strong deterrent measure against corruption; it made people think twice about abusing public resources for private gain”.*⁴¹

The Forfeiture Act was repealed in 1994 during the transition to multi-party democracy. This was a time when people saw an opportunity to make wealth and this fuelled plundering of government resources. According to Tenthani & Chinsinga (2016), the transition to multi-party democracy was considered to be an opportunity that would lead to political emancipation and economic development. However while the transition from one-party to multiparty democratic dispensation took place, it was not accompanied by discernible transformation, particularly in terms of how the day to day governance activities in various spheres were conducted. Although

⁴⁰ An Act to empower the Minister to declare certain persons subject to forfeiture: to provide for the forfeiture and disposition of the property of such persons: to provide that such persons shall be disabled to sue for or alienate property and to enforce judgments: to provide for indemnity of any person disposing or otherwise dealing with such property: and for matters incidental thereto and connected therewith.

⁴¹ Excerpt from an interview with a Governance expert who has worked with various sectors in Malawi; Interviewed on 2nd September, 2017 in Lilongwe.

accountability and transparency in the management of public affairs were infused by the Bretton Woods Institutions the multi-party era saw the rise of corruption (Wanjala, 2012). With the inherited tendencies from the colonial and one party system of using the state machinery to further own interest, any allegation of corruption in government was met with state hostility orchestrated by the patrons of corruption and the dominant political class.

As pointed out by Cammack (2017), the people who designed the new constitution decided on a strong presidency and rejected a parliamentary form of government. This resulted in a National Assembly with relatively little power and independence, setting the formal stage for what has become a highly centralised presidential system. As seen throughout the study, the executive branch of government has powers to influence reform. With the relatively less power of the legislature, the study established that this has an influence in the way reforms are implemented.

The centralised power of the executive sets a tone in how the MDAs operate. Government workers/employees and the general public are afraid to speak out against the establishment even after noticing or witnessing a corrupt act for fear of repercussions. This attribute is a typical trait of the one party state where dissenting voices were silenced or eliminated. This finding is supported by the findings of the round six (6) Afrobarometer surveys of 2015 where 59% of Malawians said they fear to report corruption because of the consequences that may follow.

From the focus group discussions conducted, most respondents pointed that it is not easy to report corruption against your own boss even if the channels for reporting are there. One responded stated that:

“What will happen to you if your friend or your boss discovers that you are the one who reported?”⁴²

There is therefore a residual fear of going against the establishment as such the anti-corruption reform agenda has challenges to register meaning gains. This emanates from the history of the state, how the state machinery operates and how citizens view the state.

4.6.2 Socio-economic structures and its influence on reform in Malawi

Ogoko (2016) defines the socio-economic structure of a country as the integrated system of production relations that determines the societal pattern of productive activities. It relates to both economic and social factors and explains how economic activity affects and is shaped by social processes.

According to World Bank (2006), economic factors and processes are affected by social structures. The allocation of factors of production and the access to goods and services across social groups is often shaped by their social characteristics and the social relations established among them. These relationships, in turn, are influenced by the resulting distributional structure. Political economists point to the interdependence of social and economic equity and political institutions. Resource

⁴²Focus Group Discussion excerpt from Immigration Department conducted with 5 officers on 9th August, 2017.

distribution affects political institutions, which in turn influence the future allocation of goods. It is observed by World Bank that:

Power relations circumscribe the opportunities available to specific social groups to advance their interests. Similarly, social structures determine the reallocation of resources (inputs) and the distribution of goods and services (outputs) either through markets or other mechanisms. In other words, power relations shape economic exchanges and vice versa (World Bank, 2006: 7).

In Malawi, the ability to create wealth or own means of production lies in the hands of a few. The socio-economic country report of Malawi for 2017 indicates that poverty and inequality remain stubbornly high in Malawi. Poverty has been increasing in rural areas where 85% of the population lives, compared to urban areas. A key obstacle to reducing poverty is low agricultural productivity. The majority of the poor remain locked in low productivity subsistence farming hence they are powerless when it comes to their influence on policy reform and in politics. Cammack (2016) notes that in Malawi since the 1994 democratic transition the centralisation of power lies in leaders whose economic and political power is dependent on commerce, construction and rents and hardly at all on big domestic (industrial or finance) capital, which are relatively underdeveloped and divorced from the political arena.

With such inequality in the social-economic structure of Malawi, specialists have traced linkages between rent seeking and poor policymaking by 'big (wo)men' seeking to gain and retain loyalists and power and wealth (Cammack, 2016). It has become clear that clientelism logic is modern and pragmatic and is driven by the elite's need to manoeuvre politically in an environment where the levers of power lay

outside a modern capitalist economy (Khan, 2010). As pointed out by a key informant that:

*“Politics in Malawi is controlled by few elites, who hold the economic muscle to even influence government”.*⁴³

The study established that there are those who are protected by the state machinery because of their economic influence. These people are party financiers who expect government favours in return. These favours are sometimes in form of big government contracts in the procurement of either goods and services or public works. In such a landscape where the elites capture the state, the reform agenda is seen to be applied selectively affecting the overall outcome. For example, Bingu Mutharika’s government was accused of favouring Mota-Engil Malawi by offering them big contracts in construction. This accusation was emanating from the discoveries that Mota-Engil was offering kickbacks. The company made periodic payments in 2010 and 2011 amounting to \$54,000 to Bingu’s personal account.⁴⁴ Although Malawi has the Public Procurement Act which regulates issues of contract award in procurement, the law is applied selectively. The study therefore established that one of the reasons why the reforms haven’t registered meaningful gains is the issue of ‘state capture’⁴⁵ which is rooted in the socio-economic structure of the nation where the poor have no say and the elite control government decisions.

⁴³ Excerpt from an interview with a representative from DFID conducted on 14th September, 2017.

⁴⁴ See: <http://mwnation.com/the-mota-engil-bingu-connection/> [accessed 20/09/2017].

⁴⁵ State capture is a type of systemic political corruption in which private interests significantly influence a state's decision-making processes to their own advantage.

4.6.3 Influence of politics on anti-corruption reforms

Politics in this study is defined as contestation and bargaining between interest groups with competing claims over rights and resources (Huci et al, 2013). The policy process is influenced by a range of interest groups that exert power and authority over policy making. These influences affect each stage of the process from agenda setting to identification of alternatives, weighing up options, choosing the most favourable and implementing it. The vested interests of various actors in policy i.e. government agents, officials of donor agencies and independent experts might be served by the perpetuation of certain narratives.

Each actor perpetuates a narrative that serves their own interest. For example, the President has been quoted several times saying his government is tough on crime and corruption and this narrative has been repeated now and again in various forums and on the political podium. However, other actors mainly the opposition political parties, media and donors, feel that the narrative being advanced by the president is nothing but mere words. The government is accused of not putting their words into action by continually having a lukewarm approach on corruption. With such contestations, comes finger pointing as to who is responsible for the non-performance of the reforms. Director General for the ACB indicated that the fight against corruption has been politicised:

*“The term ‘corruption’ is been used to soil rivalry amongst politicians. It is unfortunate that politicians are politicising the fight against corruption for personal gains, mostly to gain political mileage”.*⁴⁶

⁴⁶Excerpt from an interview with the Director General of the ACB conducted on 8th August 2017.

There are accusations from both sides of the political spectrum about who is more corrupt. Recently the leader of the opposition, Lazarus Chakwera was quoted saying:

*“We have a lot of educated fools in the country’s political leadership. What we need is to know who we are, where we are and where we want to be. Not mediocrity and politics of appeasement”.*⁴⁷

Honourable Chakwera has accused the government on numerous occasions, of being passive in dealing with corruption because they themselves are beneficiaries of the vice. However the Government has argued that such comments from the opposition are not made in good faith, because the Government is committed to the fight against corruption. The government increased ACBs funding for the 2017/18 financial year from MK1.1 billion to MK 2 billion an increase which is propagated as the President’s commitment to fighting corruption. Arguably the study found that although government committed to funding ACB with such increased amount, the reality on the ground is different. Just like in most MDAs the ACB does not get 100% of its monthly cash flow and this affects its operations.⁴⁸

Another issue highlighted by the respondents was the selective handling of cases. Most respondents believe that this is fuelled by politics. One respondent pointed out that:

“The ACB is fast in arresting and concluding cases of opposition politicians. This makes us believe that the ACB is a government tool used to scare away the opposition”.

⁴⁷Excerpt from Dr. Chakwera’s speech made at the Transformation Alliance conference on 25th August, 2017 in Blantyre.

⁴⁸See ACB monthly financial reports.

The above sentiments were raised in connection with the arrests of opposition legislatures Honourable Uladi Mussa and Honourable Jessie Kabwira. However during the course of the study on 19th July, 2017 the former Minister of Agriculture together and his two accomplices were arrested by ACB in connection with the maize scandal, a move which surprised most Malawians for they thought the former Minister will be shielded by the government. This then makes the study to conclude that there are always contestations.

The study established that politics affects the implementation of certain reforms. This was cited by a representative from the donor community who pointed out that:

“The fact that the ACB Director General and Deputy Director General are political appointees, it becomes difficult for them to be independent in executing their duties”.

Several calls have been made by various stakeholders to change the law which gives power to the president to appoint the top leadership of the ACB but such calls have been shut down. In February 2016, opposition MPs brought a motion in parliament to seek to amend the Corrupt Practices Act section 5 (1) on the appointment of ACB directors. The opposition side argued that the recruitment process should be open and the Director should be reporting to parliament not to the president. Kacheche reports that:

Intense arguments ensued between government and opposition sides to the point that Minister of Justice and Constitutional Affairs, Samuel Tembenu argued that the amendment being sought by the opposition is not implementable (Kacheche 2016: 1).

This is a clear sign of politics interfering with good policy. Huci et al (2013) observe that it is not always that good policies make good politics. The nature of institutional change is determined by the way in which organized interests interact with institutions to maintain, undermine or change them. The study established that this political jostling affects the way anti-corruption reforms are rolled out. Opposition politicians seem to think that government is corrupt and those in government think those who were in previous governments who are now in opposition are more corrupt. This cat-rat chase is detrimental to the reform agenda, as each and every reform that is introduced is received with mixed feelings thinking that it is out to get someone.

4.7 The role of institutions in the anti-corruption reform agenda in Malawi

Huci et al (2013) define Institutions as the rules of the game which shape human behaviours in economic, social and political life. Institutions can either be formal or informal. Formal is normally understood to be written laws, regulations, legal agreements, statutes, contracts and constitutions which are enforced by third parties. Informal institutions are thought of as the usually unwritten norms, customary practices, standard operating procedures, routines, conventions and traditions which are often deeply embedded in culture and its associated ideology. Formal and informal institutions can therefore interact with each other to produce change.

Institutions in this study include the rules governing the behaviour of agents, such as political and public administration processes plus the informal as well as formal rules. The study looked at both the formal and informal institutions and their role in the anti-

corruption reform agenda. Under the formal institutions the study isolated laws and policies that guide the anti-corruption reform in Malawi, in particular the Corrupt Practices Act and the NACS because these apply directly to the anti-corruption reforms. Under the formal dimension the study also looked at the role of the ACB in the reform agenda. Under the informal institutions the study isolated culture.

4.7.1 Role of the Corrupt Practices Act in anti-corruption reform

The Corrupt Practices Act (CPA) was enacted in 1995 and was amended in 2004. It is an Act to provide for the establishment of the ACB; to make comprehensive provision for the prevention of corruption; and to provide for matters connected with or incidental to the foregoing. The enactment of the CPA was seen as a positive step in the fight against corruption in Malawi as it guided the operations of the ACB and stipulated offences of corruption under the law.

The study established that the CPA has played a major role in the fight against corruption. It has provided guidance on how the ACB operates in addition to serving as a deterrent to corrupt practices by individuals.

However the overall perception of the respondents suggests that the CPA is weak. Respondents cited issues of consent of the Director of Public Prosecution (DPP) before commencing prosecution of some offences. Section 42 (1) of the CPA states that, no prosecution for an offence under part IV of the act shall be instituted except by or with the written consent of the DPP. Offences under part IV include abuse of office, public officers performing corruptly, dealing in contracts, corrupt transactions

by or with private bodies among other things. With such a clause in place, the CPA takes away the power of the ACB to independently conduct prosecution of cases. The law is seen therefore to give a loophole for interference in the adjudication of justice.

In addition, the study found that another weakness of the CPA is the penalties for offences. Under section 34 of the CPA it states that any person who is guilty of an offence shall be liable to imprisonment for a term of twelve (12) years. Most respondents pointed out that twelve years is not a deterrent enough. People go to prison and come back to continue enjoying the money which they corruptly obtained. With the legal framework for fighting corruption seemingly weak, the reform agenda becomes an uphill struggle. People weigh the cost and the benefits of engaging in corruption and the monetary benefit seem to outweigh the cost of serving a jail sentence for most high-level corruption cases.

4.7.2 Role of the Anti-Corruption Bureau in Anti-Corruption reform

The Malawi Anti-Corruption Bureau (ACB) was established under an Act of Parliament called the Corrupt Practices Act of 1995. The ACB was established to be the lead institution in the fight against corruption in Malawi. The mission of the ACB is to prevent and reduce corrupt practices in Malawi and its vision is to eliminate corruption in all its forms in order to enhance the socio-economic well-being of all the people of Malawi.

The ACB uses a three-pronged approach in fighting corruption which is enforcement, education and prevention. This approach involves Investigations, Prosecution,

Prevention and Public Education. Since it began its operations in 1998 the ACB has taken a lead in the fight against corruption with the support of numerous stakeholders and other accountability agencies for example the FIA.

The overall perception of the respondents is that the ACB has done well in some aspects but there are serious challenges that affect its contribution to the corruption fight. One representative from the donor community stated that:

“The ACB is doing well in the way it is prosecuting cases lately. The ACB has also done well in disseminating the message of corruption through the Public Education Department, this is commendable”.

However the study found that most respondents feel the ACB is riddled with challenges. Several issues were highlighted as contributing factors to the ineffectiveness of the ACB. Firstly, the ACB lacks independence. Johnson (2012) points out, even though the CPA established the ACB as an autonomous entity, it is not a constitutional body. In effect, the ACB is comparable to any civil service department, with no budgetary independence or secured tenure for senior management. This, therefore, has serious implications on how the ACB performs its functions as it cannot act independently.

This finding resonates with the issues that were raised at the National anti-corruption conference in April 2017. Stakeholders cited the following issues as contributing factors to the failure of anti-corruption reforms:

Selective investigation and prosecution of corruption cases; ACB is compromised and it serves the interests of the government of the day;

Insecurity of ACB Officials; understaffing of ACB; and interference of the executive in the execution of corruption cases.⁴⁹

The study established that the general outlook on the effectiveness of the ACB is poor. This outlook explains why the reforms have not registered meaningful gains. The public does not trust the ACB as an independent body. The Governance and Corruption survey of 2014 found that the institutions that were rated highly in combating corruption included the media (73.6%) and churches / religious organisations (72%). The ACB came fifth (50.5%) an indication of the loss of trust by the public. The performance of the ACB dramatically went down from 73% in 2010 to 50.5% in 2013 (Chinsinga et al, 2014).

Further, the study found that inadequate funding for operations has also stifled the reform process. Often times the ACB fails to undertake certain operations due to lack of finances. In addition, lack of capacity of ACB officers is another factor cited by the respondents affecting the anti-corruption reforms. In the past two years the ACB has experienced a high staff turn-over due to unfavourable conditions of service. Between 2016 and 2017, thirteen (13) officers have left the ACB to join other rewarding institutions. This has had diverse effects on the operations of the ACB which in turn affects the general performance of the anti-corruption reforms.

4.7.3 Role of the National Anti-Corruption Strategy in Anti-Corruption reform

The National Anti-Corruption Strategy (NACS) was designed to promote good governance in Malawi. Its purpose is to eradicate corruption in all its forms and in all

⁴⁹See National Anti-Corruption Conference report, 2017.

sectors of the Malawi society through anti-corruption reforms and promotion of a culture intolerant to corrupt practices.

A majority of the respondents agreed that the NACS has managed to bring about the awareness of corruption which was not the case previously. Since the NACS operates through the eight pillars of the NIS the anti-corruption message has a far-reaching extent than before. This is so because the NACS extended the anti-corruption mandate beyond the ACB, meaning it involved the society in the fight against corruption.

In addition the study also found out that the concept of the IICs which emanates from the NACS is bringing positive strides in different institutions in Malawi. The government directive of allocating 1% of the total annual ORT⁵⁰ budget of MDAs to go towards the operations of the IICs has encouraged the fight against corruption in the MDAs.

Thirdly the study found that people are becoming more open to reporting corruption using the channels provided for in the Anti-Corruption Policies. This was pointed out by one key informant highlighted below:

“We are getting more complaints now since we launched the Anti-Corruption Policy. People within and outside the Judiciary trust the reporting mechanisms we have put in place”.⁵¹

This was not the case in the past. Most people used to be afraid to report and some simply did not know where to report since it was not publicized.

⁵⁰Other Recurrent Transactions of the budget.

⁵¹An excerpt from an interview with Justice Chirwa of the Judiciary who is the Chairperson of the Judiciary Integrity committee, conducted on 7th August, 2017.

Further, the NACS has empowered certain pillars in the NIS who were passive in the fight against corruption. For example the media pillar; the media have become proactive in exposing corruption through radio programs, investigative journalism and the press. Examples include: the case at Immigration Department and Road Traffic Directorate where an investigative journalist went undercover to reveal the malpractices happening in these departments and the Zambia maize saga.

However the study found that in the seven years which NACS has been operating the gains registered are minimal. The recurring problem which was pointed out by almost all respondents was lack of awareness of the document. There hasn't been a massive awareness of the NACS as a result most people are not aware of their roles as stipulated in the NACS. The NACS was set out as a holistic policy in fighting corruption involving all sectors but the sectors have not been familiarized with the dictates of the NACS. One of the people who drafted the NACS pointed out that:

“The NACS was meant to coordinate efforts of stakeholders, unfortunately this did not happen. ACB has essentially been a lone wolf in NACS implementation as the public and stakeholders understood the NACS as an ACB document”.

This lack of ownership of the NACS has hampered its implementation. The ACB is only the secretariat for the NACS, various stakeholders were supposed to champion the NACS in their respective sectors.

The study also established that there is lack of capacity of the IIC members in various MDAs to effectively implement the NACS. The training given to them is not adequate

for the task they are supposed to fulfill because there are not enough resources to carry out capacity building exercises for the IIC members. One IIC member lamented that:

“I feel I am not capable to serve on this committee. I have not been equipped fully to understand what I am supposed to do as a member of this committee”.

This problem is exacerbated by financial constraints in the ACB and various MDAs to carry out capacity training of the IIC members. Although the Government directed that 1% of ORT should be going to the operation of the IIC, most of the MDAs are underfunded therefore the 1% is insignificant. Accordingly although there is such a directive from the Government, there is no budget code allocated by the Ministry of Finance for the 1%. As such the money is not ring-fenced and it can be used for other operations other than the work of the IIC. Consequently because of lack of the designated budget line, it becomes difficult to implement the NACS in those MDAs where the controlling officers do not support the implementation of the NACS.

Overall the respondents pointed out that the NACS is well-crafted documents but they rated it as poor in terms of implementation. As an anti-corruption reform it has not registered meaningful gains. There is lack of operationalization of National Integrity Committee and lack of effective monitoring of the Strategy.

4.7.4 The role of Culture in anti-corruption reform

Culture is a way of life, a complete design for living for a group of people that includes knowledge, belief, art, morals, customs, values, and norms (Zimmermann, 2017). Culture is also embedded in characteristics of nation building. In Malawi, the

chiefs are regarded as the custodians of culture. Since the majority of the people live in rural areas, the traditional application of this aspect of culture has been maintained.

The study established that cultural background plays a role in how agents receive and implement reforms. The study found that certain behaviours of employees in organisations are guided by their culture and there are other attributes of the Malawian culture that pose a challenge to the implementation of reforms. For example, in the Malawian culture it is of uttermost importance to respect elders (defined as any individual who is older than you). Part of that respect is not to point out the elder's weaknesses or wrongdoings. The study established that this is what has fuelled the culture of silence, where citizens do not want to report corruption even when they witness it. This is in direct contrast with the reform agenda because the starting point to doing away with corruption is to report it.

The culture of Ubuntu practiced in Malawi has also contributed to the perpetuation of various forms of corruption. Ubuntu which literally means that a person is a person through other people has its roots in humanist African philosophy, where the idea of community is one of the building blocks of society.⁵² Under the concept of Ubuntu the society works in solidarity and community members support each other. This has fuelled acts of nepotism where people are favoured because of where they come from or which tribe they belong. The study also found that the culture of extended families in Malawi pressurises people to engage in corruption in order to fend for their families.

⁵²See: www.humanitysteamsa.org/ubuntu/ [accessed 30th September 2017)

The study also found that the tendency of receiving gifts is embedded in the Malawian culture. However the law and policies that govern behavior for example the codes of ethics in organizations, condemn the receiving of gifts. One of the officers from Immigration alluded:

“Sometimes we serve people who later return to us with a token of thank you without asking them. Some of these clients are senior members of the society that saying no to them seems rather rude. They tell you they just want to say thank you for helping them as it is a good cultural practice to thank those who help you”.

While receiving a gift is seen as a gesture of respect through the cultural lens, it comes in direct conflict with the other policies. This is a clear example where culture is in direct contradiction with formal organizational policies.

One of the issues raised at the National anti-corruption conference was the lack of a shared understanding of what Corruption is amongst the Citizens. It was proposed that there is need for the country to have a review and dialogue of what constitutes corruption taking into consideration the political, social, cultural and economic context of Malawi. The study’s findings also resonate with this idea. The study found that the understanding of corruption is different depending on cultural background and beliefs as a result it becomes difficult to implement some aspects of anti-corruption reform.

Issues of values and beliefs were also cited by respondents as being a contributing factor to the dismal performance of the reforms. One key informant pointed out that:

“Our values have been eroded. This stems from our poorly constructed education system. From 1994 to date, our education has not inculcated ethics in our children; hence we have a new generation of people who have no ethics”.

With such an erosion of the value system coupled with lack of ethics, embracing anti-corruption reforms becomes difficult. Anti-corruption reforms are seen as a hindrance to a life style of corruption and unethical behaviour which is seen as economically enriching.

4.8 Chapter Summary

The findings of the study explain the poor performance of anti-corruption reforms in Malawi. From the findings of the study it is clear that there are numerous factors affecting the performance of reforms. The findings provide an array of factors including: the behaviour of agents or stakeholders; the structure features such as the history and politics; and the formal and informal institutions. All these factors combined give a grim picture of the progress of reforms in Malawi. Respondents pointed out that generally we need to go back to the drawing board and re-think on new ways of solving the problem of corruption. The study also established that the NACS implementation has been affected by such factors like politics, behaviour of agents and institutions. Overall, the political economy analysis conducted in the study has unraveled issues that need to be addressed if the anti-corruption reform agenda is to register gains.

CHAPTER FIVE

CONCLUSION AND IMPLICATIONS

5.1 Introduction

This chapter presents a summary of the study findings and their implications on the performance of anti-corruption reforms in Malawi. The main research questions that guided this thesis were: Why does corruption continue to thrive despite efforts to fight it? And what are the factors that have contributed to the abysmal performance of anti-corruption reforms in Malawi? The empirical findings of the study generally reinforce explanations of Political Economy Analysis (Drivers of Change framework) in understanding the fight against corruption. The Drivers of Change framework provided a guide in answering the research questions and offered a framework for a deep analysis of factors affecting the anti-corruption reforms.

Through the Political Economy Analysis lens, the study unearthed three major factors affecting the anti-corruption agenda in Malawi. Firstly, there are few actors who are really motivated to implement anti-corruption reforms in Malawi. Secondly, structural features are not conducive to enhancing accountability and therefore unable to contribute to the effectiveness of the reforms. Finally, the weak formal and informal institutions have undermined the effectiveness of the reforms. The remainder of this chapter provides a synopsis of the main findings, the implications of the study

findings, and concludes by identifying and highlighting areas that require further research.

5.2 A summary of research findings

The study established that corruption is on the rise in Malawi as indicated by Afrobarometer data and Transparency International surveys. Numerous reforms have been initiated and implemented in the country since 1995 aimed at tackling the problem and successive Governments have invested considerable resources in an effort to reduce corruption levels. The results have, however, been disappointing and all evidence indicates that the incidence and magnitude of corrupt acts are increasing. This study has shown that there are factors contributing to such an outcome which will be have been outlined below. The reform agenda needs to challenge these factors if the reforms are to register any gains.

5.2.1 Agents

The study examined the activities and impacts of the major agents and stakeholders of the anti-corruption reforms agenda in Malawi. Having studied the role of foreign donors, government agencies and organisations, media outlets, political parties, civil servants and the public, the main conclusion is that the reform agenda is mainly initiated and facilitated by the donors. The study further found that government initiates reforms only because of the pressure exerted by donors on political leaders. In such a scenario, the general public and the public service take a back seat. This has a negative impact on the performance of the reforms. The study found that the policy implementers (i.e. civil servants) have neither embraced nor championed the reform

process. This is because the reform processes have not taken into account critical local factors and interests of the policy implementers that may hinder or enhance the effectiveness of the reforms. The study, therefore, noted that with the passive involvement of citizens and the public servants in the reforms, it is difficult to register meaningful gains.

Having examined the interests of stakeholders involved in the anti-corruption reform in Malawi, it became clear that each of the actors in the anti-corruption reform agenda has their own divergent interests, which in turn adversely affects the outcome of the reforms processes. The government wants to gain political mileage by advancing the reform narrative. The foreign donors want to perpetuate their own ideologies and institutionalise good governance in order to safeguard their invested resources. The media's interest in the anti-corruption reforms is to gain popularity and sell sensational stories of incompetence, theft and corrupt acts in society. With such multiple and divergent interests from the stakeholders, it has become difficult to harness collective action. Instead of working together, each of the stakeholders advances their own interest which in turn affects the performance of the reforms. There are uncoordinated policies emanating from different stakeholders to advance their own agenda in the anti-corruption reform arena. With so many policies aiming on anti-corruption reforms there is too little focus and too many directions which affect the effectiveness of the reforms.

Another major finding of the study relates to the extent of influence of various stakeholders in reforms process. Foreign donors have a great influence on the reform process; they influence the parameters of the reforms and the areas where reform

should take place. In some cases the foreign donors' considerations do not take into account the interests of the implementing parties, such as the socio-economic status of the local implementers, their culture and their understanding of the reform concept. As a result, such reforms are met with resistance and unwillingness to participate which in turn affects the reform outcome.

Another influence on the anti-corruption reform agenda is exerted by the media. The study has shown that public opinion as shaped by the media is a powerful factor in policy change and decision making. A case in point is how the media influenced public opinion towards the maize scandal which in turn forced executive authorities to act on the issue. However, the study established that usually, the media concentrates on negative and sensational headlines instead of objectively assessing the anti-corruption reform process. Most stories on corruption covered by the media are negative and portray an image of the total failure of anti-corruption reforms; ultimately this creates and breeds a completely negative public perception of the reform process. The study therefore, concluded that the media's interest in the reforms process is ad-hoc and highly selective. This scenario has negative implications on the reform process and affects how the reforms are perceived and implemented across sectors in Malawi since the media is a conduit through which information is disseminated to the general public.

5.2.2 Structural features

The anti-corruption reform process in Malawi has, moreover, been affected by structural features such as the history of state formation, social-economic structures,

and politics. In terms of the history of state formation, the study found that Malawi inherited state machinery from the colonialists which served the interests of governing elites. Such traits have been passed on from independence to the multi-party dispensation. Independence was an inheritance, not a deconstruction of the colonial state such that issues of accountability and transparency were not a priority in government. Such traits are also noticed in the multi-party era, not only at the top leadership but at all levels of leadership in the country. Such a setup perpetuates corruption and stifles the anti-corruption reform agenda. Leaders from all levels in the country are not held accountable for their actions and citizens also fail to demand accountability from their leaders because of lack of capacity and fear.

Another factor that was found to have implications on the performance of anti-corruption reforms in the country is the socio-economic structure of the Malawian society. For example, the majority of Malawians live in the rural areas with limited means of production, therefore, have little or no tangible means of livelihood hence they are susceptible to politics of patronage. The politicians with the economic muscle gain political mileage from the people by offering handouts in exchange for votes. The study established that since the majority of the electorate fall in this category, they continue to vote for corrupt politicians regardless of their track record at promoting development.

In terms of politics, the study found that there are contestations between various actors in the reform agenda, with each perpetuating their own narrative to serve their interests. Corruption has been politicised to gain political mileage from both sides of the political spectrum. The study established that often times the ACB has been used

as a political tool to silence dissenting voices. As a result, the ACB has lost a large part of public's trust. The study found that people see the actions of the ACB as being politically motivated even though it is not always the case.⁵³ This is detrimental to the reform agenda because as a lead institution in fighting corruption the ACB needs to gain public trust if it is to champion the anti-corruption reforms. Further, the study has shown that politics has also stood in the way of good policies that would have seen the reform process registering gains. For example, the fact that no sitting government would allow an amendment of the Corrupt Practices Act section 5 (1) on the appointment of ACB directors is an indicator that the political leadership wishes to retain total control the ACB.

5.2.3 Institutions

The study also investigated the role of institutions in fighting corruption. The general outlook is that, the institutions spearheading the reform agenda are weak as a result they fail to properly address the maleficence of corruption in the country. The study defined of institutions as 'rules of the game' understood as written laws, statutes, unwritten norms and customary practices. The institutions which the study interrogated are the CPA, the NACs, the ACB, and culture.

The CPA is weak in terms of penalties given to offenders, such that the perpetrators of corruption don't find the maximum sentence of twelve (12) years as deterrent enough. Moreover, seeking the consent of the Director of Public Prosecutions before the

⁵³This has been fuelled mainly because of the way the ACB has handled certain cases. For example the Bakili Muluzi case; there is a general feeling that since Mr Muluzi is an ally of government his case is being frustrated on purpose.

commencement of prosecution of certain cases is an area which the study established as a weak link. Thus it offers a loophole for interference in the handling of cases.

On the NACS, the study also established that the NACS in itself is a well-written document but it has a weak implementation strategy. There are three main reasons that have negatively affected the implementation of NACS. These are lack of capacity in the implementing agencies, financial constraints in the ACB as the secretariat of NACS and the implementing agencies, and poor awareness of the document.⁵⁴

The study also looked at the extent to which the ACB has been effective in fighting corruption in Malawi. The study established that the ACB faces serious challenges that require attention if the reform agenda is to register meaningful gains in the country. The main factor is the lack of independence from the executive branch of government. In addition, the study found that inadequate resources both human and financial have affected the way the ACB has championed the reform process. With high staff turnover due to unfavourable conditions of service, the ACB has been left paralysed. Thirteen (13) officers have left the ACB between 2016 and 2017 a scenario which weakens the operations of the ACB. Generally, the ACB's weakness is a major setback in the reform agenda as such the extent to which the ACB has been effective in fighting corruption is minimal.

The study looked at the role of culture as an informal institution in the anti-corruption reform. It was established that culture plays a role in how agents implement and receive reforms. Culture as an informal institution intertwines with the formal

⁵⁴Poor awareness of NACS has been attributed to among others, poor oversight and poor coordination of implementing agencies on publicizing NACS.

institutions in the reform process. The behaviour of agents implementing the reforms is as a result of inculcation of certain cultural values. To a bigger extent culture has undermined the implementation of anti-corruption reforms. For example, the study found that the culture of gifts has fuelled corruption more especially extortion in some sectors of the society. Culturally it is normal to give and receive gifts for rendering a service to someone and people have used this norm to demand bribes in the name of culture. In addition, the study found that the culture which is practiced in Malawi promotes the concept of *Ubuntu* which has solidarity a cornerstone. This solidarity promotes nepotism and favouritism which are in direct conflict with the reform agenda. In addition, the culture of keeping extended families in Malawi pressurises people to engage in acts of bribery in order to fend for their extended families.

5.3 Implications of the study findings

From the research findings, the study concludes that the anti-corruption reform agenda in Malawi continues to face major challenges that contribute to their abysmal performance. The factors ranging from the behaviour of agents and stakeholder, structural features and institutional features all culminate in producing poor results of the reforms. One of the implications of the study on practice is that, that there is a need for an overhaul and a rethink in the way the anti-corruption reform agenda is being championed in Malawi. There is need to interrogate the local context in which the anti-corruption reforms are implemented so that there is a proper diagnosis and solution to the problem of corruption. The citizenry needs to be empowered to champion reforms through involving them from the inception up to the end of the whole process. Further, the citizens need to be given incentives by showing them the critical importance of fighting corruption.

Another implication emanates from the lack of willingness to fight corruption. Minimising the danger of fighting against corruption is one aspect that can motivate both public servants and the citizens to get involved in the fight against corruption. The fear of reprisals and losing one's life has affected the corruption fight. A case in point is the murder of the ACB's Director of Corporate Affairs in 2015 in which the case hasn't yet been completed and no culprits have been charged. With such a scenario, fighting corruption is seen as dangerous hence the majority of the general public and the public servants are unwilling to get involved.

Further, institutions mandated to fight corruption need to be strengthened to be able to deal with corruption. There has to be deliberate efforts to empower the ACB and other institutions fighting corruption in order for them to carry put their duties with impartiality. The CPA also needs to be strengthened by amending sections such as the penalties and appointment of ACB directors so as to give some sort of independence to the ACB.

Another implication of the findings is that there is need for government and stakeholders to divorce politics from the reform agenda and all stakeholders need to work together in the achievement of the reforms. Politics has been a stumbling block is achieving meaningful change through reforms.

5.4 Areas for further research

The study concentrated on finding answers to why corruption continues to prevail in Malawi despite many efforts to fight it. It interrogated factors that have contributed to the abysmal performance of anti-corruption reforms which in turn contributes to the increased levels of corruption in the country. One of the findings coming from this study is the minimal participation of the general public/citizenry in the reform process. Given time and resources, further research needs to be done to interrogate why this is the case. The researcher believes there are underlying reasons why the citizenry in Malawi is passive in joining in the fight against corruption. Reasons isolated by the study include fear and lack of capacity but there has to be more which the researcher believes can be unraveled following a careful study and analysis.

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APPENDICES

Appendix 1: Interview Guide for key informant interviews

Name and Position: _____

1. What is your understanding of corruption?
2. (a) Have you ever been involved in any anti-corruption programs or initiatives?

(b) If yes what was your role?
3. Have you ever heard of any anti-corruption reforms in Malawi? If yes which ones?
4. Were / are you involved in any of the anti-corruption reforms in Malawi? In what capacity?
5. What prompted such reforms to be initiated?
6. Were there other stakeholders involved in the reforms mentioned? If yes which ones?
7. What was your relationship with the stakeholders?
8. What was your interest in the reforms? And what were the other stakeholders' interests in the reforms?
9. Did you have any influence from any individuals in executing the reforms?

Describe
10. Do you think politics plays a role in implementation of anti-corruption reforms? If yes explain

11. What role did the following play in the anti-corruption reform?
- (a) Organisational culture
 - (b) Organisational rules
 - (c) The law
 - (d) Cultural norms and beliefs
12. What do you know about the National anti-corruption strategy (NACS)?
13. What was your role in the design of the NACS?
14. What is your role in the implementation of the NACS?
15. What is your incentive in the whole process?
16. What other stakeholders do you work with in the implementation of the NACS?
17. How successful/unsuccessful has the implementation of the NACS been? Give reasons
18. What is your and other stakeholders' interest in the NACS?
19. Do have any influence in implementing the NACS? Describe

Appendix 2: Interview guide for Chairpersons and members of the IIC

Name: _____

Institution: _____

1. What is your role in the implementation of the NACS?
2. Who are the key players in NACS implementation in your institution?
3. What are the interests of these key players?
4. Apart from NACS are there any other anti-corruption reform initiatives in your institution?
5. What motivates you to serve in this committee? What incentives are available for you?
6. In executing your duties as a chairperson / committee member, do you face influence? If so from who/where?
7. What types of informal relationships occur within your institution? (*people from the same geographical area, disciplinary background, political party or academic discipline*)
8. How do these relationships affect the implementation of the NACS?

Appendix 3: Focus Group Discussion guide

Institution: _____

Number of People: _____

1. What is your understanding of corruption?
2. What is your understanding of Anti-Corruption reforms?
3. Has your institution implemented any anti-corruption reforms? If so which ones?
4. What necessitated the above mentioned reforms?
5. Who is championing such reforms in your institution and what is their motivation?
6. Who do think stands to benefit with such reforms and why?
7. What challenges do you face in terms of implementation of these reforms?
8. Do you know the National Anti-Corruption strategy (NACS)?
9. Who is championing the NACS in your institution?
10. Have you seen any tangible changes or successes of the NACS?