

Malawi

Effective Delivery of Public Education Services

A review by AfriMAP
and the
Open Society Initiative for Southern Africa

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Centre for Human Rights and Rehabilitation (CHRR)

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Contents

List of tables and figures	vi
List of acronyms	vii
Preface	x

Part I

Malawi: Effective Delivery of Public Education Services Discussion Paper

Introduction	3
1 International and national legal framework	4
2 Production and access to information	4
3 Strategic planning, monitoring and evaluation	6
4 Budget and expenditure management	7
5 Human resource management	8
6 Oversight mechanisms	10
7 Decentralisation of education services	12
8 Donor interventions in the education sector	13
9 Recommendations	14

Part II

Malawi: Effective Delivery of Public Education Services

Main Report

1.	The state of the education sector	21
	A. History of education policy in Malawi	21
	B. The structure of the education system	22
	C. Issues in the education sector	24
2.	International and national legal framework	32
	A. International law	32
	B. The Constitution	33
	C. Legislation	35
	D. Government agencies responsible for education	36
	E. Recommendations	37
3.	Information collection, publication and management	38
	A. The National Statistics Office	38
	B. The Ministry of Education, Science and Technology	39
	C. Access to information	39
	D. The quality of education information: Issues for advocacy	40
	E. Recommendations	42
4.	Strategic planning, monitoring and evaluation	44
	A. The Malawi Growth and Development Strategy (MGDS)	44
	B. The Policy and Investment Framework 2000–2012 (PIF)	45
	C. Education Sector Plan (ESP)	45
	D. Problems and challenges	49
	E. Recommendations	50
5.	Budgeting and expenditure management	52
	A. Management of education financing	52
	B. The budget cycle and consultation process	56
	C. Reporting on use of funds	59
	D. Procurement procedures and policies	59
	E. Assessment and evaluation	60
	F. Recommendations	62
6.	Human resource management	63
	A. Recruitment, retention and promotion	63
	B. Teacher training	65
	C. Mitigating the impact of HIV and AIDS	65
	D. Salaries and conditions of work	66
	E. Codes of conduct/ethics	67
	F. Recommendations	68

7.	External oversight mechanisms	69
	A. National Assembly	69
	B. National Audit Office	70
	C. The courts	71
	D. The Anti-Corruption Bureau	72
	E. The Ombudsman	75
	F. Malawi Human Rights Commission	76
	G. Community oversight: Parent-teacher associations and school management committees	77
	H. Media and civil society organisations	77
	I. Recommendations	79
8.	Decentralisation: Regional/Local government	80
	A. Relationship with central government	80
	B. Planning and budgetary documentation	82
	C. Critique of decentralisation policy	83
	D. Recommendations	84
9.	Donor interventions in the education sector	85
	A. Development assistance	85
	B. Publication of Information on donor support	87
	C. Recommendations	90
	Appendices	91
	A. The MEJN Service Delivery Satisfaction Surveys	91
	B. Summary of Public Expenditure Financial Accountability (PEFA) Assessments for Malawi, 2005 and 2006	92
	C. MHRC situation analysis for promoting education rights	94
	D. Sources	95
	E. Lists of participants	99

List of tables and figures

Table 1	Gross enrolment 1994–2009 (Standard 1 to 8)	25
Table 2	Progress towards attainment of MDG Goal 2 in Malawi, 2005	26
Table 3	Enrolment ratios between boys and girls in primary school 1980–2009	27
Table 4	Status of reporting on international education-related instruments	34
Table 5	Budget allocations to the education sector 2001/02–2006/09	54
Table 6	Education sector expenditure in recent years (US\$million)	55
Table 7	Cost of fee and non-fee school expenditures in some major cities (in MK)	56
Table 8	Teacher attrition numbers in 2009	64
Table 9	MHRC reports on education-related cases registered from 1999–2007	76
Table 10	Donor aid to the education sector	86
Table 11	Donor harmonisation/coordination	89
Figure 1	MoEST budget cycle	57

List of acronyms

ACB	Anti Corruption Bureau
ACHPR	African Charter on Human and People's Rights
ADB	African Development Bank
ADF	African Development Fund
AIDS	acquired immune deficiency syndrome
APRM	African Peer Review Mechanism
CABS	Common Approach to Budgetary Support
CDSS	community day secondary school
CIDA	Canadian International Development Agency
CILIC	Civil Liberties Committee
CPI	Corruption Perception Index
CRC	Convention on the Rights of Children
CRECCOM	Creative Centre for Community Mobilisation
CSCQBE	Civil Society Coalition for Quality Basic Education
CBO	community based organisation
CSO	civil society organisation
CSS	conventional secondary school
DEPs	district education plans
DFID	Department for International Development
DEO	district education officer
DHRMD	Department of Human Resource Management and Development
DTED	Department of Teacher Education Development
ECD	early childhood development
EFA	education for all
EMAS	Education Methods Advisory Services
EMIS	Education Management Information System
ESP	Education Sector Plan
FEDOMA	Federation of People living with disabilities in Malawi
FPE	free primary education
GABLE	Girls Attainment in Basic Literacy Education
GDP	gross domestic product

GER	gross enrolment ratio
GoM	Government of Malawi
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
HIPC	heavily indebted poor countries
HIV	human immunodeficiency virus
HRD&M	human resource development and management
ICESCR	International Convention on Economic, Social and Cultural Rights
ICT	information communication technology
IFMIS	Integrated Financial Management Information System
IHS	Integrated Household Survey
IRC	Industrial Relations Court
ISAMA	Independent Schools Association of Malawi
JCE	Junior Certificate Examination
JICA	Japanese International Cooperation Agency
KfW	Kreditanstalt für Wiederaufbau
MANEB	Malawi National Examinations Board
MDGs	Millennium Development Goals
MEJN	Malawi Economic Justice Network
MHEN	Malawi Health Equity Network
MHRC	Malawi Human Rights Commission
MoEPDC	Ministry of Economic Planning Development and Cooperation
MFAAP	Malawi Financial Accounting Action Plan
MGDS	Malawi Growth and Development Strategy
MK	Malawi Kwacha
MoF	Ministry of Finance
MoEST	Ministry of Education, Science and Technology
MP	Member of Parliament
MPSR	Malawi Public Services and Regulations
MSCE	Malawi School Certificate of Education
MTEF	Medium Term Expenditure Framework
NAO	National Audit Office
NCB	National Competitive Bidding
NEPAD	New Partnership and Development
NER	net enrolment ratio
NGO	non-governmental organisation
NSO	National Statistical Office
NSA	non-state actors
OSISA	Open Society Initiative for Southern Africa
OVC	Orphans and Vulnerable Children
PAC	Public Accounts Committee
PCAR	Primary Curriculum, Assessment and Review

PEA	primary education assistant
PEFA	Public Expenditure Financial Accountability
PFM	Public Financial Management
PIF	Policy and Investment Framework
PRSP	Poverty Strategy Reduction Paper
PRISAM	Private Schools Association of Malawi
PSLCE	Primary School Leaving Certificate Examination
SA	special account
SWAP	sector wide approach
TI	Transparency International
TLM	teaching and learning materials
TTC	teacher-training college
TRF	Textbook Revolving Fund
TUM	Teachers' Union of Malawi
UDHR	Universal Declaration on Human Rights
UNESCO	United Nations Education Science and Cultural Organisation
UNFPA	United Nations Fund for Population Activities
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WILSA	Women in Law in Southern Africa

Preface

This report is the culmination of a research process that started in 2006. It is part of governance assessment activities by AfriMAP and the Open Society Initiative for Southern Africa (OSISA) to ascertain the level of governments' compliance with governance commitments. The assessments focus on three themes: justice and rule of law; democracy and political participation; and effective public service delivery with a specific focus on education. The objective of carrying out the research and publishing reports is to provide information that can be used to advocate for reforms in the relevant sector. In Malawi the research was carried out by local researchers who worked with civil society organisations to convene two roundtables to discuss and debate drafts of the report. The roundtables drew the participation of a wide range of stakeholders that included government officials, representatives of civil society organisations, media, and development partners. The discussion during the roundtables helped to formulate concrete recommendations suggesting how to address the many challenges that are impeding effective delivery of education as a public service in Malawi.

The report's primary focus is to examine how education is governed. While it inevitably comments on issues of quality and outcomes in the education sector, it largely focuses on processes and institutions that need to be in place in order for the right to education to be realised. Malawi, like many other countries, is party to a number of regional and international treaties that oblige governments to put in place processes and institutions that will improve delivery of education. Civil society organisations on the other hand can play a constructive role by monitoring the extent to which government is in compliance and offer policy options that aim to improve the situation. AfriMAP believes that the report can help promote meaningful dialogue between different stakeholders to set national priorities and ensure effective implementation of development strategies.

Similar research has been done or is ongoing in several countries that include Benin, DRC, Ghana, Kenya, Mozambique, Senegal, Sierra Leone, and South Africa. Comparative analyses of the issues emerging from the different countries will be done in order to identify best practices and learn from the different experiences.

Research methodology

This research was a product of both literature review and field work. Literature review involved an assessment of both domestic and international instruments. Amongst domestic policies and legislative documents analysed the major ones are the Primary Education Policy (1994); the Policy Investment Framework (2000); the Constitution; the Education Management Information Service (EMIS, 2008 and 2009); the HIV and AIDS Response in the Education Sector Strategic Plan (2006–2011) and one of the District Education Plans (Lilongwe Rural West) 2006–2011. These documents were compared against the international standards that Malawi has ratified or endorsed including the 1990 Jomtien Education for All (EFA) Declaration.

Field work included visiting public education offices such as the Ministry of Education Science and Technology (MoEST) headquarters, regional education division offices, district education offices and also some key government officials in other ministries. Some selected members of civil society organisations and NGOs working in the education sector were also interviewed.

The field visits were done across the country and a list of people and office visited are given in the appendices. Field findings and literature review were then analysed and formed the basis for the content of this research report.

Challenges and constraints met

The research was not without challenges and constraints. The major one was access to education information and also accessing public officials in the MoEST. Where information was available there were problems of variations in the information on the same matters.

This was problematic in terms of choosing which source to use. In such cases, a middle route was used to accommodate the sources or at times a third source was identified if available to compare with. However the major sources of information used in this research were those from the National Statistics Office; other research pieces done and based on the same sources and also sources from the MoEST like the EMIS.

A related challenge was the availability of the information per se. In many cases, the research was delayed by the fact that the required information was not available locally and so external sources had to be used; for example using the internet which in itself is costly and erratic to access in Malawi. The problem of access and availability was mitigated by the field visits in which discussions were held with key selected people whom the researcher thought would have such information.

Part I

Malawi: Effective Delivery of Public Education Services

Discussion Paper

Introduction

This is a report about missed opportunities in the delivery of education services in Malawi as well as how the hoped for objectives for reform can be salvaged. The report describes the reforms aimed at improving access to, and the quality, equity and relevance of, education, and which will fulfil international, regional and national commitments. The report also outlines existing constraints on reform and the challenges to be faced in overcoming them.

The earliest and perhaps most important among the reforms since the restoration of multi-party democracy was the introduction of free primary education (FPE) in 1994, which increased access to primary as well as secondary education. This initiative created educational opportunities for many children, but it simultaneously placed additional stress on an education system that was already weak in terms of human and financial resources. The increased intake necessitated more teachers (especially for qualified teachers at all levels), the wider provision of teaching and learning materials, and expanded buildings and facilities.

But while enrolment grew, there was little expansion of infrastructure, and not enough transformation in the management and governance of the sector to meet the new demands. The Ministry of Education, Science and Technology (MoEST) has developed many good policies, but implementing the policies has been a challenge due to a lack of trained personnel, insufficient finances and weaknesses in accountability systems. The MoEST shows signs of policy overload and implementation fatigue due to the constant development of new education policies, which leaves little time for their implementation, monitoring and evaluation. In the process, good education plans, strategies and policies are being frustrated and the quality of education services compromised.

This discussion paper gives an overall picture of how the Malawi government, through the MoEST, is trying to improve governance in the sector as a means to improve the delivery of public education services. The paper highlights the ministry's achievements to date as well as the challenges it currently faces. First among these challenges is to realise the international commitment to provide 'Education for All'. This commitment entails providing all children – particularly girls, children in difficult circumstances and those belonging to ethnic minorities – with access to free and compulsory primary education of good quality.

1. International and national legal framework

The government of Malawi has either ratified or endorsed the main international conventions and policy commitments concerning education: article 26 of the Universal Declaration of Human Rights; article 27 of the African Charter on Human and Peoples' Rights; article 11 of the African Charter on the Rights and Welfare of the Child; article 28 of the UN Convention on the Rights of the Child; and articles 13 and 14 of the International Covenant on Economic Social and Cultural Rights (ICESCR). The Convention on the Elimination of All Forms of Discrimination against Women, article 10, and the Convention on the Elimination of All Forms of Racial Discrimination, article 5(e)(v), to which Malawi is also a party, prohibit discrimination in the field of education. Malawi is also a signatory to the 1990 Jomtien Education for All (EFA) Declaration, by which countries agreed to provide basic education to their people. Malawi is not, however, a party to the 1960 UNESCO Convention against Discrimination in Education.

Although Malawi has slightly improved its reporting record to international human rights monitoring bodies, reporting remains sporadic rather than periodic, and the reports are often not the product of deep consultation with all stakeholders in the sector. For instance, Malawi is yet to produce and submit a report due in 1996 to the Committee on Economic, Social and Cultural Rights, which monitors compliance with the ICESCR, a core document that helped, at international level, to establish the right to education. Reports to the UN submitted by non-governmental organisations (NGOs), such as the Council of Non-Governmental Organisations in Malawi (CONGOMA), and also constitutional bodies, like the Malawi Human Rights Commission (MHRC), are often not in agreement with government reports on the same issues.

The Constitution states that all persons are entitled to education and that primary education should consist of at least five years of schooling. But there are no legal mechanisms to enforce this right and nobody, including parents or guardians, can be held liable for not sending their children to school. This is one of the weakest points in the realisation of EFA in Malawi. Many NGOs, as well as the Malawi Human Rights Commission and the Malawi Law Commission, have suggested that to achieve the EFA goals, education should be made compulsory for at least the first seven years in primary school, or up to the age of 18. An ongoing review of the 1962 Education Act 1962 provides the opportunity for reforming the minimum schooling required.

2. Information collection, publication and management

The collection and publication of information is crucial for the consolidation of democratic governance in general, and it is specifically important for the delivery of responsive and effective public services. For planning purposes, it is essential to know, for example, how many children there are in the country, how many of them repeat a year of schooling, how many drop out, how many adults are illiterate, and how funds are allocated and spent. For civil society organisations (CSOs) and the private sector, accurate and readily available information is crucial for advocacy

work as well as for improving policy formulation and implementation. Education information must provide detailed data on policies and strategies, detailed inputs and reports on budgets and expenditure as well as outputs, outcomes and measurable indicators of planned education activities. Unfortunately, this type of information is currently not readily available in Malawi.

In general terms, the public's access to information is made difficult because there is no legislation on making it available. The Constitution guarantees access to (public) information under section 37, stating that, 'Subject to any Act of Parliament, every person shall have the right of access to all information held by the State or any of its organs at any level of Government in so far as such information is required for the exercise of his rights.' Section 13 also provides that 'The State should introduce measures that will guarantee accountability, transparency, personal integrity and financial probity and which by virtue of their effectiveness and transparency will strengthen confidence in public institutions.'

Since 2003, NGOs have lobbied the government to pass the Access to Public Information Bill, but without success. Moreover, the 1977 Official Secrets Act is still in use, which allows the government to classify information as confidential as it pleases. Because of the absence of an Access to Public Information Act and the existence of the Official Secrets Act, it is extremely difficult to access public information in the country, and the education sector is equally affected.

Education-specific information is mostly provided by the MoEST through the Education Management Information Services (EMIS) in the department's planning division. General population data is provided by the National Statistics Office (NSO), which was established under the 1967 Statistics Act.

The NSO is the main provider of official statistics and has offices in the major urban centres of Lilongwe, Zomba, Blantyre and Mzuzu. The NSO is challenged by capacity issues and so information collection, collating and distribution to the public takes a while and is often out of date by the time it is released. In addition, there are times when the accuracy of NSO data is suspect due to questionable tools, methodology and processing systems that are used. It is not uncommon for the NSO and the UN family of institutions to publish different statistics on the same issue.

Since 2006, information from the EMIS has greatly improved, but the department, like the NSO, faces challenges of inadequate human and financial resources. These problems in turn lead to the delayed release of education data, thereby affecting the crucial stages of planning and budgeting. The accuracy of data is also compromised at the level of the institutions where it is collected; data sets are often incomprehensive and incomplete. The EMIS lacks qualified people to collect and produce timely information as well as publish it. For instance, the March 2006 report by donors subscribing to the Common Approach to Budget Support (CABS) raised a query when the EMIS submitted statistics on net enrolment ratios (NER) that were above 100%, which is not mathematically possible. Such inaccuracies and variations make using education statistics highly problematic.

The MoEST's website (www.malawi.gov.org/education) periodically provides and publishes information on education services. However, due to a lack of technical expertise, the website does not always contain the required data or information. Matters of red tape and political interference

also come to play and so the website is censored and only the ‘right’ information (according to the government) is provided.

3. Strategic planning, monitoring and evaluation

The education sector in Malawi has gone through several reforms since the return to multi-party democracy in 1993. The most pivotal of the reforms was the introduction of the free primary education (FPE) policy in 1994. As enrolments rose significantly, more resources were allocated for teaching and learning materials, teacher training and the construction of classrooms. This reform was introduced, however, without significant advance planning. As a result, these resources fell victim to pilferage, political influence and corruption. Some of the initial planning failures were addressed in the Poverty Institutional Framework (PIF) (2000–2012) of June 2000 and the Malawi Growth and Development Strategy (MGDS) adopted for the fiscal years 2006/2007 to 2010/2011, which sees education as key to attaining prosperity and a catalyst for socio-economic development. In 2008, an Education Sector Plan (ESP) 2008 was also adopted. These new policies attempted to address the problems which too-rapid expansion had brought, through expanded training programmes, decentralisation and improved financial management. District education plans (DEPs) were also introduced from 2006.

Policy implementation has certainly improved the regulation and governance of the sector; but before implementing further policies, the MoEST needs to monitor and evaluate the success of policy implementation to date.

The main ESP and each DEP are developed through consultative processes involving all stakeholders in education. During consultations, stakeholders identify the problems and solutions to providing access to FPE (especially for the poorest and most vulnerable) as well as improving the quality of education. However, even though the MoEST does involve other stakeholders in the strategic planning process, these meetings are not regular and not all stakeholders get invited; most of the participants are usually government bureaucrats. To maximise participation and to obtain the widest spectrum of views, the MoEST should ensure that as many stakeholders in the education sector as possible get involved.

It is not enough to have strategic plans without monitoring their progress and impact. The MoEST has a research, monitoring and evaluation unit, whose main duty is to evaluate education programmes and make necessary recommendations for their maximum impact. Unfortunately, due to staffing and resource constraints, the unit is not performing as anticipated. The unit is yet to develop monitoring and evaluation programmes; instead its focus has been on participating in periodic reviews of the MGDS and in joint sector reviews on education, thereby diverging from its main focus. To reinforce adherence to its strategic plans at all levels, the MoEST needs to enhance the human and financial resource base and make sure its monitoring and evaluating unit focuses on its core duties. The unit is crucial especially in that, if properly managed and equipped, it could advise the MoEST on the proper implementation of its plans – something that is seriously lacking in the ministry at present.

Other challenges include the lack of regulatory control mechanisms over private schools. Private schools complement the MoEST's provision of education services, and the Constitution allows for their existence provided they register with the ministry and their standards are on a par with state-controlled learning centres. However, most of them are in fact not properly registered. Only from 2010 did the MoEST take a firm stand to enforce standards and adherence to minimum requirements for the operation of private schools. After inspections, 55 of the 77 private schools and one public school were closed down for their failure to comply with the minimum standards.

Because private schools tend to use different teaching materials and assessment levels, the MoEST needs to develop a good relationship with them to better monitor standards. The stakeholders' meeting held in Blantyre in June 2010 to discuss and validate the research findings for this report noted in particular that there is weak coordination and collaboration between the MoEST and the Private Schools Association of Malawi (PRISAM). There are also areas of antagonism between the two and this has the potential to derail the delivery of education services. Both parties need to regard each other as partners in the same sector.

4. Budgeting and expenditure management

Another challenge has been the failure to match budget provision with the strategic plan. The MoEST budget was reduced from 27% of the total national budget in 1994/1995 to about 14.1% in 2007/2008. These cuts have led to reduced implementation of the strategic plan. The budget does not reflect per capita financial requirements to meet the needs identified – for instance, those of a child to go through an eight-year period in primary school. The MoEST should at least devise a system that would assist proper budget allocation to meet the needs of FPE in the country. To do that, the MoEST would need to identify education needs during the planning stage. With data available from the NSO, MoEST and other sources, it should be possible to respond to gender issues and meet the education needs for women and men, boys and girl. The government should take steps to provide enough resources to the MoEST to achieve its goals.

The government has introduced many changes to enhance budgeting and financial management, and the country is slowly moving towards embracing internationally approved tools, including: the Medium-Term Expenditure Framework (MTEF), a three yearly budget process; the Public Expenditure Financial Accountability (PEFA), a score card on availability of financial information for assessing public expenditure by donors following the Common Approach to Budget Support (CABS); the Integrated Financial Management Information System (IFMIS), to make monthly returns automatic; the Public Procurement Act (2003), which regulates all procurement in government, including the MoEST; and also section 175 of the Constitution, which sets out the framework for managing government funds.

The Treasury consolidates the MoEST budget and oversees its implementation, as it does all line ministries and government departments. The Auditor-General ensures accountability on the use of the approved and disbursed funds, and helps to prepare audit reports for probing for accountability by the National Assembly and its Public Accounts Committee (PAC).

The budget process is not without challenges and difficulties. Firstly, the MoEST planning and budget unit lacks qualified human resources. Secondly, systems do not link budgeted costs to activities that are carried out. At the budget execution stage, controlling officers often fail to spend the money on planned activities. Sometimes this is influenced by political decisions that are outside the ambit of education planning, and controlling officers feel unable to oppose such orders.

Thirdly, the budget process is also hampered by late release of budget ‘ceilings’ from Treasury. The sector ceilings that are announced by the Ministry of Finance a few weeks before the budget is due in Parliament provide little time for the ministries to make judicious amendments to their priorities, and as a result budgets are often rushed through. The timing of announcements does not really permit rational planning and budgeting. For example, the 2006/2007 Budget Call Circular announcing the sector ceilings was dated 6 March 2006, but the deadline for submitting sector budgets was 31 March of that year. MoEST officials end up making hurried budgets just to meet deadlines, while interested stakeholders are unable to access information on time so as to make constructive input. This then means that despite having the framework in place, there is no proper budget consultation process.

Finally, according to the US-based International Budget Partnership (IBP), working in collaboration with the Malawi Economic Justice Network (MEJN), accessing budget information in Malawi, including information from the MoEST, is very difficult if not impossible. In terms of budget openness, Malawi scored 47% in 2010, 28% in 2008 and 41% in 2006 – far below South Africa, which scored 85% in 2006. The Malawi budget process lacks relevant information on revenues and expenditure as linked to the policy framework. To date Malawi does not have a ‘Budget Law’, and the information in the budget proposal (Appropriations Bill) is not nearly comprehensive enough.

The result of these problems is that the budgeting process does not seriously engage with stakeholders outside government. The process is in fact driven by bureaucrats, and most of the ‘consultations’ are purely cosmetic; suggestions rarely find their way into the national budget.

5. Human resource management

The public sector in Malawi, the MoEST included, is characterised by low motivation due to inadequate remuneration, lack of proper incentives, inadequate material resources and political interference. Of late, the sector has also been greatly affected by deaths and absenteeism as a result of HIV and AIDS. Currently the MoEST has the biggest workforce in the country, close to 60% of the total. Proper management of the workforce is imperative. The African Charter on the Values and Principles of Public Service and the Administration, adopted by the AU Assembly in January 2011, establishes standards for public service employees. These build on the 2001 Charter for the Public Service in Africa, which stipulates that employment in the public service should be based on professional merit and the respect for human rights.

Since 1994, teaching staff numbers have not kept pace with the expansion of schools that followed the introduction of free primary education. At the introduction of FPE in 1994/1995,

there were 49 138 teachers at the primary school level but the number dropped to 45 075 in 2005, 45 925 in 2008 and 45 507 in 2009. The increase in enrolments is such that the pupil to teacher ratio has fallen to 81:1 and the pupil to qualified teacher ratio is 92:1. These ratios are among the worst in the world. Clearly there is an overall shortage of qualified teachers at primary and secondary levels, with 47% of established posts not being filled and with the distribution skewed in favour of urban areas.

The attrition rate for HIV and AIDS cases in the MoEST is pegged at 6% per annum. To combat the effects, the MoEST developed an HIV and AIDS Strategic Plan, with some success.

The MoEST plans to increase the primary teacher intake by at least 4 000 by 2012, as stipulated in the National Education Sector Plan. Another 1 300 extra will be trained at the Domasi Teacher Training College to increase staff at secondary level.

Unfortunately, the MoEST does not have a staff-retention strategy – such as a package of incentives – to give teachers a reason to stay on, and this has arguably been the biggest cause of diminishing capacity in the ministry. Other than monthly housing and pension contributions, MoEST employees do not get other benefits to motivate them to stay in their jobs. In general terms, Malawian civil servants are poorly paid in comparison to other countries in the SADC region. Salaries for teachers declined from 1997 until 2004/2005, when they doubled. However, the general perception is that incentives for teachers are still poor, especially for those working in rural areas. It is not uncommon for female staff, reluctant to work in rural areas, to fake marriages or submit forged marriage certificates so that they can follow their ‘husbands’ to urban centres. Others opt to change professions in order to work in towns and cities.

Moreover, although the MoEST has improved its payroll system, MoEST staff, more often in rural areas, are frequently not paid on time thanks to unscrupulous payroll managers. Wage theft and hoarding are common at district level. Many redeployed retired teachers have gone unpaid. Working conditions can be described as depressing. While staff have a modicum of equipment and materials at headquarters, in rural areas teachers may not even have chalkboards, let alone textbooks.

The MoEST has also failed to support private schools with the teaching and learning materials required to standardise teaching in all Malawian schools. This also applies to the ongoing training of private school teaching staff. Private schools were initially excluded from training on the Primary Curriculum, Assessment and Review (PCAR) – a new methodology for assessing pupils’ learning – until 2008/2009, when donors came to their aid by supplying PCAR materials.

The Teachers’ Union of Malawi (TUM), after obtaining permission from the district commissioner and the police, can demonstrate whenever they feel it’s necessary. Teachers also participate in general civil servants’ demonstrations. The Ministry of Finance consults the TUM on conditions of service and proposed reforms.

To promote discipline in the MoEST, TUM developed a code of ethics to guide teachers’ behaviour at work, particularly male teachers’ conduct towards female pupils. Despite the fact that the Teaching Service Commission Act (2001) holds a teacher guilty of misconduct if he/she behaves immorally with any pupil or student, the sexual harassment of girls (including making them pregnant) remains one of the most common disciplinary issues.

In 2008 there were 85 teacher dismissals, some for sexual harassment. However, the MoEST does not have a system for reporting disciplinary complaints. Sometimes the parent-teacher associations (PTA) handle disciplinary matters, and have been known to transfer teachers who may have committed a disciplinary infraction to other schools even though it is not their mandate. The MoEST should endeavour to educate parents and school management committees on their roles as well as provide information on the proper channels for reporting offences.

6. External oversight mechanisms

The MoEST has instituted internal oversight mechanisms such as the internal audit within the Department of Budget and Planning and the Schools Inspectorate Unit. However external oversight is crucial in order to maintain standards of education as well as to make sure that public funds are spent on budget.

The National Assembly committees

First and foremost, external oversight of the MoEST is provided by the National Assembly through various committees which oversee public expenditure and adherence to approved budget lines and policies: Education, Science and Human Resources, Public Accounts, and Budget and Finance. Although these committees have the power to operate as oversight mechanisms on improving education standards and spending public money, they fail to do so. Weak technical capacity in the committees, insufficient attendance by MPs, and the fact that MPs' recommendations are in any case often ignored, all contribute to weak oversight. In addition, poor funding constrains the ability of committees to discharge their duties. Lastly, party politics can influence MPs' decision-making.

The National Audit Office

The National Audit Office, instituted by the 2003 Public Audit Act, is charged with instilling accountability and transparency in government ministries by auditing their public expenditures and advising on the efficient use of public funds. Both the Audit Office and its head, the Auditor-General, are meant to be independent and autonomous. By law, they have the power to carry out their functions effectively.

However, recommendations from the office are often ignored and the effective operation of the office itself is undermined by inadequate human and financial resources. Such challenges affect external oversight over the MoEST and other government offices. Unless the politicisation of the office is guarded against, and staffing and financing levels improved, the Audit Office's mandate to provide external oversight to government ministries and departments will remain difficult to uphold.

The courts

The courts have tried important cases of mismanagement, corruption and the embezzlement of public funds. For instance in 2006, the then Minister of Education Science and Technology was sentenced to 12 years for embezzling US\$ 1 197 (MK 170 000). The courts also conduct

labour-related cases; the Industrial Relations Court (IRC), which was set up in 1994 and began operations in 1999, had by 2006 registered over 900 labour violation cases.

The Anti-Corruption Bureau (ACB)

Set up in 2004 by the Corrupt Practices Act, the Anti-Corruption Bureau (ACB) plays a crucial role in enhancing oversight mechanisms in the country by investigating and prosecuting corruption cases. In addition, the ACB also educates Malawian society on the evils of corruption and how to detect and report corrupt practices.

One landmark case for the ACB in relation to the MoEST is the investigation and subsequent prosecution in August 2006 of four suspects involved in a MoEST financial scam in which about MK 187 million (US\$1.32 million) went missing through dubious contract tender awards. Although the case went on for a long time, the ACB managed to get the suspects convicted and sentenced appropriately by the courts. The ACB also managed to save over MK 1.2 billion (US\$8.5 million) when it investigated corruption cases involving a British firm, ITS, that was supposed to ship notebooks to Malawi. The contract was cancelled and the former Minister of Education, Sam Mpasu, received a jail sentence.

These achievements notwithstanding, the ACB's work is compromised by inadequate funding, with donors making up the short fall. Insufficient funds, in turn, affect the bureau's ability to retain and motivate staff through incentives. The Bureau is also plagued by political interference, which diminishes its independence.

The Malawi Human Rights Commission

The Malawi Human Rights Commission (MHRC), set up under Human Rights Act 1998, is mandated to investigate and help prosecute human rights violations and, where necessary, to use the courts as mechanisms for redress. Between 1999 and 2007, the MHRC received close to 91 human rights violation cases from the MoEST. Of these, 57 were resolved by the Commission and the rest referred to courts and other channels, including school management committees or the parent-teacher associations. Although the MHRC faces challenges of funding and staffing, it is a critical partner to the MoEST in helping to realise every Malawian's right to education. It would be advantageous to the government if the Commission were funded and staffed sufficiently to achieve its objectives.

Media and civil society organisations

The media and CSOs – such as the Malawi Economic Justice Network (MEJN) and the Civil Society Coalition for Quality Basic Education (CSCQBE) – play an important role as whistle blowers and policy advocates. Despite allegations of bias and poor quality research, CSOs have demonstrated a degree of seriousness in seeing that the MoEST improves service delivery in public education. For instance, the CSQBE and MEJN have carried out several surveys to gauge the public's satisfaction with education service delivery.

Parent-teacher associations as well as school management committees monitor teacher-pupil relationships in schools as well as school management at local level.

Work by the media and CSOs is hampered firstly by the absence of legislation on access to public information. Secondly, CSO and NGOs are discouraged from criticising the government because of harsh laws. They conduct their policy advocacy work in fear that the government can clamp down on them at any time.

7. Decentralisation of education services

Malawi adopted a Decentralisation Policy in 1998 to devolve power to local assemblies in order to facilitate popular participation in governance and service delivery. The first local government elections were last held in 2000, but to date no further elections have been held, with the result that the central government still delivers most services in the country.

Decentralisation and local governance are covered by various documents: the Local Government Elections Act of 1996 (which has since been amended to give the State President powers to promulgate when local elections can be held); the Decentralisation Policy of 1998; and chapter XIV of the Constitution. The MoEST adopted a decentralisation programme in 2005 and the mechanisms for facilitating the process are laid down in the district education plans (DEPs).

The decentralisation process is also supposed to promote better planning and implementation of education plans. Under this process, the district education officers (DEOs) in charge of primary schools in their districts are supposed to produce plans with budget estimates in line with the Education Sector Plan and Policy Investment Framework as well as monitor programme implementation and evaluate progress. This is done under supervision from the district education managers (DEMs).

However, decentralisation is far from being realised as there is no political will to drive it. A real decentralisation process, including moving personnel from MoEST headquarters to district and regional offices, is yet to commence as planned. Financial resources are not adequate, and national priorities are not clearly spelled out in the DEPs, although planning at the district level should follow the same Education Sector Plan (ESP) and Poverty Institutional Framework (PIF). This could be a clear sign of an inability at the local level to comprehend the ESP and PIF. It could also be an issue of poor communication between headquarters and local level on what needs to be done. It might also have to do with staff at the local level, who have not been properly trained on how to manage the process.

In order to successfully manage the decentralisation programme – which is crucial for service delivery – the MoEST needs to invest in human resources at local level, improve communication between headquarters and districts, and also ensure that planning at local level is comprehensive and reflects ESP and PIF policy. At national level, the government must institute local elections to enhance popular participation in service delivery and governance.

8. Donor interventions in the education sector

Malawi's gross domestic product (GDP) per capita is about US\$ 210 a year. The country is unable to finance its national budget due to harsh trade terms on the international market and the fact that Malawi is a net importer of finished and raw goods. Malawi therefore relies heavily on donors to finance the national budget. The development partners, especially those working under the Common Approach to Budget Support (CABS), contributed 30% of the 2010/2011 budget. In 2009/2010 they provided close to 40%.

Donors who are active in the education sector include the African Development Bank (AfDB), the Canadian International Development Agency (CIDA), the British Department for International Development (DFID), the German Development Bank (KfW) and cooperation enterprise (GIZ), the Danish International Development Agency (DANIDA), the Japanese International Cooperation Agency (JICA), the UN Children's Fund (UNICEF) and Population Fund (UNFPA), the US Agency for International Development (USAID), the World Bank and the World Food Programme (WFP).

Donor support in the education sector is geared at improving quality and access to FPE through the rehabilitation or construction of schools, teacher training, teaching and learning materials (such as the PCAR materials), sanitation services and policy development. Government meets most of the recurrent costs, such as teachers' salaries and allowances.

The debt and aid management division in the Ministry of Finance (MoF) helps coordinate donor finances in the spirit of the Paris Declaration on Aid Effectiveness and the 2008 Accra Agenda for Action. The division publishes information on donors' assistance and activities, the amounts of funds pledged and released as well as information on any challenges to the process of disbursement. So far the MoF has reported that donor-aid harmonisation is working and that the MoEST has moved towards an education sector-wide approach (SWAp) to ensure continued success.

Some development partners insist on doing things on their own, which leads to the fragmentation of donor support. It is true that the MoEST struggles to absorb donor aid due to insufficient capacity to implement planned projects. There have been cases whereby donor aid has been returned because the MoEST failed to use the funds for the intended purpose or used it for unplanned and unapproved activities. To make sure that plans for donor aid are realised, the MoF initiated the Donor Aid Strategy (DAS), which provides a framework on how donor aid should be spent and coordinated.

Much as donor support is appreciated, it can be unpredictable and comes with all the usual problematic North-South relationships, aid politics and conditions. In 2002, after the MoEST had introduced very good reform programmes, DANIDA withdrew financial support on allegations of corruption and the mismanagement of their funds, leaving beneficiaries stranded and many employees without jobs.

The Malawi government should scale down donor dependence so as to better plan and execute service programmes, such as education, health and agriculture, without relying on

donors. In some cases, policy can be dictated by the IMF/World Bank, such as on matters relating to pay reform and other work conditions, to prevent backsliding on agreed macro-economic targets.

9. Recommendations

Despite the many challenges in the sector, improving public education service delivery is not impossible. It is also important to realise that some of the challenges that the MoEST faces are inherently national problems, not necessarily sectoral problems. For instance, population growth at 2.75% (and a total population of 15 million) coupled with HIV and AIDS debilitating productive workers, puts strain on national resources and makes planning extremely difficult. However, the MoEST can enhance delivery if it improves governance in the sector. This research makes a number of recommendations as to how this could be done. In addition to the chapter-specific recommendations:

- Commitment from the political leadership to improve education through enhanced funding should be increased to at least 26% of the national budget. This will have the effect of qualifying Malawi to access more donor resources, as well as help to broaden and consolidate the gains made in the sector due to policy reforms of the last ten years.
- All education service providers in the sector should become involved in planning, including those in the private sector, in order to improve coordination and thus enhance delivery.
- Transparency and efficiency in financial management in the sector should be maximised by curbing corruption and the mismanagement of public funds. Attaining this would involve developing strategies and mechanisms to motivate the MoEST to adhere to transparency policies in the procurement of services and the management of payrolls. In addition, oversight needs strengthening, especially in the National Assembly – the Parliamentary Committee on Education, Science and Technology should be supplied with regular reports and act on them when it is required to do so.
- Capacity for strategic policy-making and implementation must be strengthened. This would entail properly equipping the planning division in the MoEST with the required personnel and funding. CSOs and the private sector should participate in, and contribute to, the process.
- The qualifications and training of teachers as well as education institution administrators must be systematically improved.
- Greater accountability – based on strengthened and deepened decentralisation, with genuine local participation in decision-making, monitoring and evaluating of implementation – must be institutionalised. This should begin with the holding of local government elections, which have been postponed several times without any legal and legislative backing. In the MoEST itself, there should be deeper

commitment to devolving powers and moving personnel from MoEST headquarters to local assemblies and areas.

- The negative culture that makes the participation and performance of girls and women in education difficult must be countered. Despite the strides Malawi has made in sensitising the population on the evils of gender-based violence, such violence is nevertheless perpetuated in schools and homesteads. Enhanced mechanisms for dealing with gender-based violence must be institutionalised if Malawi is to keep girls at school.

International and national legal framework

- If Malawi is to be in line with international instruments that promote access to education for all, it should make compulsory education for people under the age of 18 part of the current review of the Education Act, and develop measures to implement it. This would go a long way to support the various education initiatives, policies and programmes aimed at improving access to education.
- The government should comply with its reporting obligations under the international human rights treaties, in particular by reporting on its implementation of the right to education under the ICESCR, ACHPR and ACRWC.
- Malawi should ratify the 1960 UNESCO Convention against Discrimination in Education.

Information collection, publication and management

- To improve the quality of information and data from the National Statistics Office (NSO) as it carries out its mandate, the government should ensure the NSO is properly staffed with well-qualified personnel and is adequately resourced, both financially and materially.
- The MoEST needs to improve the personnel and financial resources of the EMIS department so that it updates data promptly and regularly.
- CSOs should advocate for the quick enactment of an Access to Public Information Act. They should also closely monitor the publication of information and advocate that relevant education information is released periodically, rather than sporadically or episodically.
- The government should ensure the rapid passage of the Access to Public Information Act.
- CSOs should also conduct, or advocate for, an appraisal of all data collected on education, identify the minimum information required and make recommendations on how best to obtain it.

Strategic planning, monitoring and evaluation

- To improve effective, efficient and strategic planning capacity, the MoEST should see to it that the department of planning is equipped with well-trained personnel and adequate resources.

- CSOs need to make their voices heard during the planning, monitoring and evaluation of education programmes, primarily by increasing their knowledge and thus being able to advocate from an informed position.
- CSOs need to advocate on behalf of local communities so that these communities can participate effectively in the planning, monitoring and evaluation of education services.
- The MoEST should ensure that the annual education sector review clearly sets out the requisite steps for harnessing the views and priorities of local communities. New procedures that specify precisely how and when local communities' voices can be heard and heeded need to be devised and used in place of the old, less deliberate approaches.

Budgeting and expenditure management

- The MoEST should significantly improve the management of resources already allocated to the education sector. Resources should be spent in accordance with approved budget lines and thus prevent planned activities from being compromised by unexpected short falls in funding.
- The proportion of the budget allocated to the education sector should be increased to at least 26% of the national budget. This will qualify Malawi for more donor resources, and also broaden and consolidate the gains in the sector as a result of policy reforms of the last ten years.
- CSOs should advocate for the increase of these resources, especially those allocated to education programmes for vulnerable groups.
- The Ministry of Finance, Ministry of Economic Planning Development and Cooperation, and the MoEST (and indeed all sector ministries) should strengthen their coordination to link budgeting to sector strategies more closely.

Human resources management

- To reduce the pupil to teacher ratio, the MoEST needs to develop and institute a teacher-training system that will ensure a constant supply of properly trained teachers, as well as offer a remuneration package that will attract new teachers and retain serving ones.
- Civil society and stakeholders in education should advocate for the formulation of a human resource management and development strategy which addresses teaching staff's real issues, and actively discourage the use of the generic, non teacher-specific Malawi Public Services Regulations.
- Disciplinary systems for teaching and ministry staff misconduct need to be strengthened and clearly articulated.
- The MoEST should expedite the resolution of payroll management problems to ensure that teachers are paid on time.

Oversight mechanisms

- Besides improving the motivation of personnel in the National Audit Office, the Malawi Human Rights Commission and the Anti-Corruption Bureau, and seeing to it that these units are properly resourced, it is imperative to ensure their independence and non-partisanship in carrying out their oversight role.
- CSOs should review their activities and find innovative ways to improve the perception of the legitimacy of their advocacy work. This would include honing their advocacy skills and finding ways of making the constituencies they represent more visible.
- CSOs should continue to implement, and advocate for, programmes to strengthen parliamentary committees, constitutional human rights bodies and the National Audit Office.
- Donors should continue to dialogue with government to formulate and implement public financial management plans to which the government then commits.

Decentralisation

- Decentralisation plans should be speedily and fully implemented, particularly in strengthening the participation of local communities in the planning, monitoring and evaluation of education programmes. The MoEST, which started the decentralisation process started in 2005, should move towards the actual devolvement of powers and de-concentration of duties.
- CSOs should continue to lobby for prompt, regular local government elections in accordance with the constitutional and legislative framework.
- The MoEST should allocate more resources to district assemblies and give them more decision-making powers.
- Local parent-teacher associations and school management committees should be supplied with more information and skills-development so that they can participate more effectively in the planning, monitoring and evaluation of education programmes.

Development assistance

- The move to a sector-wide approach (SWAp) for financing and implementing education programmes needs to be accelerated.
- The policy-making capacity of the sector should be strengthened and made more credible, consistent and transparent by building human resources and making the policy-making process more consultative and inclusive, with stakeholders such as civil society and private-school actors taking an active role.

Part II

Malawi: Effective Delivery of Public Education Services

Main Report

1

The state of the education sector

The introduction of free primary education (FPE) in 1994 has expanded access to primary education significantly. Access to secondary education has also increased. But while these developments have created educational opportunities for many children, they have also placed additional stress on an education system that was already weak in terms of human and financial resources. There is severe shortage of qualified teachers and instructional materials, and physical facilities are very inadequate. Consequently, the quality of education provided is very poor and pupil attainment levels are very low. The internal efficiency of the system is a serious problem as the level of drop-out and repetition rates are very high.

A. History of education policy in Malawi

Education development in Malawi can be categorised into three major eras: the colonial, Banda and post-Banda eras. The introduction of FPE was one of the major policy changes that have occurred in the history of education in the country.

The colonial era (1891–1963) closely associated with the missionaries who were the pioneers of education in the country dating back to the 1920s. The focus of the missionaries on education was to enable Christians to read the Holy Bible. Mission stations had besides a church and clinic, also a school close by. And by 1927, there were at least 2 788 schools with 4 481 teachers, though many were poorly trained.

The education system used a 4-3-3 system, in which pupils spent four years of primary education, three years of junior primary education and another three senior primary education.

This later changed to 5-3-4-2 meaning students spent five years in junior primary, three years in senior primary, four years in secondary school and two years at Cambridge level, where students sat the United Kingdom General Certificate of Education Ordinary Level (GCE O level).

Financing of the schools depended mostly on donations from overseas missions and also from schools fees. Despite the fact that education was open to both boys and girls; girls' attendance in schools was very poor. This is stressed in the report of the Phelps Stokes Fund commissioned in 1924 to advise the colonial government on policy changes in the education sector; one of its recommendations was to put more emphasis on the education of girls. However, at independence, less than 35% of school-age pupils had enrolled in primary schools.

In 1963, prior to independence, the colonial government took full responsibility the running and control of education services from the missionaries. At that time they inherited 26 primary schools and two secondary schools, and created the first ministry of Education to take care of education services in the country. Even though most schools then became public schools, the missionaries still retained some schools.

During the Banda era (1963–1992), schools were controlled by the government. The focus and thrust of the Banda government in education was to develop a skilled and educated citizenry that would be able to fill jobs, especially in the agriculture and technical sectors. This was stipulated in the 1974–1976 Education Policy.

For that reason, the government expanded primary and secondary schools. The distance education system was introduced to cater for students who could not go through the conventional secondary schools. Despite all these efforts, student enrolment was still low.

There are many reasons given for such a low enrolment rate, some of which had to do with attitude and culture towards education and distance to the nearest school, but the biggest reason was financial since most households could not afford to pay school fees and procure uniforms for their children.

In the post Banda era, of the multi-party democratic dispensation (from 1994), establishment of primary and secondary schools has been liberalised. The private sector and communities made significant contribution to the expansion of the education system. Nevertheless, primary and secondary education still remains mainly the government and communities' area of operation, with local governments, regional, district and school committees playing major roles in providing resources and other contributions for school functioning.

This period has witnessed many policy reforms in the education sector, in order to fulfil the right to education enshrined in the 1994 Constitution and in international, continental and regional policy frameworks in education: more especially the Education For All (EFA) policy. Key policy documents are the Policy and Investment Frameworks (PIF) 1995–2005 and 2005–2012, the Education Sector Plan (ESP), the Education Act and many others. The most pivotal of the reforms was the introduction of the Free Primary Education (FPE) Policy in 1994. As enrolments rose significantly more resources were allocated for teaching and learning materials, construction of classrooms and training of teachers, and finances were not always properly managed.

B. The structure of the education system

The formal education system is today organised around eight years of primary education, four of secondary and four of university. As of 2008, there were 5 404 primary schools enrolling close

to 3 671 481 pupils.¹ Out of these 298 are registered primary private schools, and 5 106 public schools² (owned by religious agencies and the government). During the last year of primary education (standard 8), pupils register for the Primary School Leaving Certificate Examination (PSLCE), which is used for selection into secondary level education. Pre-school education (for about 135 000 children) is provided by 6 277 early childhood development (ECD) centres³ run by communities and private groups.

It is estimated that there are 1 127⁴ secondary schools in Malawi, of which 285 are registered private secondary schools; a further 149 grant aided (public-private mostly owned by religious groupings); 687 public schools; and six more whose proprietorship is not known by the MoEST. In total they have an estimated student population of 243 838.⁵ There are two national selection secondary school examinations: the Junior Certificate Examination (JCE) done after two years of secondary school education, and the Malawi School Certificate Examination (MSCE) which is taken by students who have completed four years of secondary education. Private institutions offer education principally at the secondary level and are coordinated by the Private Schools Association of Malawi (PRISAM).

Private schools in Malawi mushroomed after 1994, when many economic and social sectors were liberalised under the World Bank / IMF Liberalisation programmes to allow other interested players to participate. Unfortunately, most of these schools have been operating using business licences granted by the Department of the Registrar of Companies, Trades and Patents as opposed to education licences granted by the MoEST, and so besides providing education they were also out to make profit. Reports from the MoEST indicate that there are many other private schools in the country which operate unregistered and so are not known to the MoEST.⁶

Tertiary education is provided at two levels: teacher training colleges and university. Primary and secondary teacher training colleges and vocational and technical institutions cater to those students who cannot gain admission to university while students who train as teachers at the university work as secondary school teachers. The country's technical and vocational education institutions, which are now under the management of the Ministry of Labour and Manpower Development, enrolled 1 705 students in its seven colleges in 2009.⁷ At the university level, the University of Malawi and the University of Mzuzu provided public university education to about 7 972 students in 2008.⁸ These universities are regulated by an Act of Parliament, making them autonomous in operation, though they are overseen by the MoEST Department of Higher Education. There are also private universities which provide education courses such

¹ MoEST: EMIS, *Education Statistics 2009*, p.44.

² MoEST EMIS, *Education Statistics 2008*, 'Number of primary schools, pupils, classrooms, teachers, by location, proprietor, type', p.44.

³ MoEST, *National Education Sector Plan*, 2008, p.4.

⁴ MoEST, EMIS, *Education Statistics 2009*, p.72.

⁵ *Ibid.*, p.14.

⁶ Interviews with Ms C Chide PRO, MoEST, 13 April 2010, Lilongwe.

⁷ MoEST: EMIS, *Education Statistics 2009*, p.14.

⁸ MoEST: EMIS, *Education Statistics 2008*, p.17.

as the University of Livingstonia, Seventh Day Adventist University and the Catholic University which opened their doors in 2003 and 2006. The universities are autonomous agencies but are not regulated by any piece of legislation. To start operating in Malawi, private universities seek accreditation from the Department of Higher Education in the MoEST. To get accredited, an institution must satisfy the following criteria: good infrastructure development which include learning and teaching materials, physical facilities, safety and public health, insurance of the property; management of the institution; having qualified staff with a well developed curriculum; rules and regulations including admission criteria, amount of fees charged and must show willingness to be accredited.⁹

c. Issues in the education sector

The major challenges facing the Malawi education sector include improving the quality of primary education, increasing access to and improving the quality of secondary education, increasing girls' access to secondary and tertiary education, and improving the relevance of the education provided. Insufficient funding to the sector and inefficient use of available resources are major constraints to meeting the challenge of providing equitable quality education *at all levels*. The widespread poverty in the country and the severe impact of HIV/AIDS are also immense constraints to the provision of quality education.

Access issues

Malawi has experienced rapid expansion of its national education system during the last decade. At the basic education level, the introduction of free primary education in 1994 resulted in a rise of the primary school population from approximately 1 895 423 in 1993 to a high of 2 860 819 in 1994 and 3 671 481 by 2009.¹⁰

Most primary school age children (6–13 years as opposed to the global 6–11 years) are attending school and the net enrolment ratio (NER¹¹) is about 86%.¹²

Since 1994 the gross enrolment ratio (GER¹³) has been on the increase although challenged by drop-outs and pupils repeating some classes. Table 1 provides details.

⁹ MoEST, Department of Higher Education, Guidelines for Evaluating Higher Education Institutions and Programmes for Accreditation.

¹⁰ Malawi, *Monitoring the Situation of Children and Women*, Multiple Indicator Cluster Survey, 2009, p.13.

¹¹ Net enrolment ratio is the number of students enrolled in a level of education who belong in the relevant age group, as a percentage of the population in that age group.

¹² Multiple Indicator Cluster Survey, p.178.

¹³ Gross enrolment ratio is the number of students enrolled in a level of education, whether or not they belong in the relevant age group for that level, as a percentage of the population in the relevant age group for that level.

Table 1: Gross enrolment 1994–2009 (Standard 1 to 8)

Year	Primary	Secondary	MCDE	TTC	Tech/Voc	University
1994	2 860 819	48 360	57 481	3 085	1 080	3 601
1998	2 805 785	59 636	132 455	9 401	1 308	3 179
2002	3 164 191	45 635	93 767	12 522	1 689	4 565
2006	3 280 714	218 310	N/A	2 807	N/A	6 346
2008	3 600 771	233 573	N/A	3 794	1 388	7 972
2009	3 671 481	243 838	N/A	4 090	1 705	N/A

Source: MoEST: EMIS, 2009, Education Statistics.

Progress has been especially significant at the secondary school level. In 2005, approximately 183 854 students (22% in private schools) were enrolled in secondary education compared to 31 495 in 1990 and 48 360 in 1995.¹⁴

Likewise, the tertiary sub-sector is now opening up. As of 2009, 7 972 students were enrolled in the country's universities, up from 3 117 in 1990 and 3 872 in 1995. Almost 4 090 students are enrolled in primary and secondary teacher training institutions.¹⁵ A new university, the University of Mzuzu, has been opened.

Access nevertheless remains an area of concern at the secondary and tertiary levels where gross enrolment ratios are approximately 17% and 0.6% respectively.¹⁶ These represent some of the lowest enrolment ratios in Africa. Moreover, the gains of increased primary school access have been somewhat diminished by the fact that a significant number of those enrolled in primary education repeat or drop out of the system. It is estimated that out of every 100 children entering primary school, only 46 complete standard 8; overall repetition at the primary level is 25%, making difficult the attainment of the Millennium Development Goal (MDG) of universal primary completion.

At the secondary level, the average drop-out rate is 12% every year.¹⁷ The drop-out rate amongst girls is 16% and amongst boys it is 10%, indicating a significantly higher number of girls drop out at secondary level; the MoEST believes that an 8% drop-out rate is more acceptable even though 0% would be desirable.¹⁸

The Integrated Household Survey report for 2004/05 indicates that the main reason for dropping out of school for both boys and girls is lack of money (58%) while early marriages and pregnancies account for 15% to the drop out and lack of interest contributes 13% to the drop-out

¹⁴ MoEST: EMIS, *Education Statistics 2008*, pp.16–17.

¹⁵ *Ibid.*, p.14.

¹⁶ *Ibid.*, p.16.

¹⁷ *Ibid.*, p.16.

¹⁸ Interview with Miss C. Chide, Spokesperson, MoEST, Lilongwe, 16 November 2009.

problem.¹⁹ In other words, the education system in Malawi is failing to keep and interest learners at school.

A government report from 2005 on progress towards Millennium Development Goal 2, achieving universal access to primary education by 2015, showed serious outstanding issues, as noted in Table 2. The general picture is that Malawi will miss the 100% mark access to free primary education by 17 percentage points.²⁰

Table 2: Progress towards attainment of MDG Goal 2 in Malawi, 2005

Plans	Achievements
Introduce free and compulsory primary education by 2012	Primary education is free though not compulsory
Abolish school uniform as a requirement to attend school	Done
Recruit and train more teachers	Increased number of primary school teachers recruited and trained to reduce the teacher pupil ratio from 1:123 to 1:92 (2000–2004). In the same time 17102 teachers were trained. Approved opening of 2 more private teacher colleges, and building more public teacher-training colleges
Reduce drop-out and repetition rates in primary school	Still a big problem
Increase physical access to basic education through construction and rehabilitation of schools	Increased the number of classrooms by 2 096; 1 056 through the Malawi Social Action Fund of the World Bank and the rest through the government budget (between 2000–2004)
Ensuring that all pupils have access to adequate supply of teaching and learning materials	Increased teaching and learning materials from 8 to 11 million text books
Providing special needs education for children with learning disabilities	Drafted a special needs education policy
Constructing 1 000 teacher houses annually	Constructed and rehabilitated 400 teacher houses between 2000–2004
Mainstreaming nutrition, HIV and AIDs into the education system	School feeding programmes introduced on pilot basis in one third of pupil population, lead to 12% more retention; developed and launched the HIV and AIDS strategy for education

Source: Malawi Government: Progress to Attaining the Millennium Development Goals, 2005, pp.9–10.

¹⁹ World Bank, 2007, *Malawi Poverty and Vulnerability Assessment: Investing in Our Future*, Lilongwe, Malawi, and Washington DC p.29.

²⁰ Ministry of Economic Planning and Development: *Malawi Millennium Development Goals Report 2008*, p.viii.

Equity issues

A second major problem confronting the country's education system is unequal access. Although a number of measures have been taken to improve girls' and women's participation in Malawi's educational institutions, and equal numbers of girls and boys start school, gender parity at the upper levels of the education system has yet to be achieved. Girls are particularly under-represented at the secondary and tertiary education levels.

The ratio of girls to boys in primary school increased since 1980 from 41% to 50.2% in 2009.²¹ See Table 3 for details.

Table 3: Enrolment ratios between boys and girls in primary school 1980–2009

Year	Total	Girls	% Girls
1980/81	809 862	333 495	41.2
1990/91	1 400 682	628 706	44.9
2000	3 016 972	1 458 910	48.4
2006	3 280 714	1 641 830	50.0
2007	3 306 926	1 653 032	50.0
2008	3 600 771	1 794 483	49.8
2009	3 671 481	1 842 017	50.2

Source: MoEST: EMIS Education statistics 2009.

At secondary school level, about 52.78% (in 2009) of the population are girls, but women constitute less than 32.6% (in 2007) of tertiary education enrolment.²² Malawian girls are also relatively under-represented in vocational training institutions and are more prone to repetition and dropping out.

The main challenge for Malawian education, a high drop-out rate, is worse among girls in particular due to the impacts of HIV and AIDS that turn them into care-givers and at times bread-winners.²³ Other problems are poverty and poor school environment, e.g. poor sanitary facilities. Females form the majority of the country's illiterates: 47% of women are illiterate, compared to 24% of their male counterparts, and a national average illiteracy rate of 36%.²⁴ In addition, there are inequalities of access across socio-economic groups and regions as well as between rural and urban areas.

The MoEST has developed programmes to reduce incidences of drop-outs especially amongst girls. In 1994 it introduced a non-selective scholarship scheme, the Girls Attainment

²¹ MoEST: EMIS, *Education Statistics 2009*, p.15; see also CSCQBE, *Education For All in Malawi*, 2008, p.41; summary is by the author.

²² MoEST: EMIS, *Education Statistics 2008*, pp.44, 121.

²³ Kadzamira et al, 2001, *The Impact of HIV/AIDS on Primary and Secondary Schooling in Malawi: Developing a Comprehensive Strategic Response*, p.7.

²⁴ Malawi Poverty and Vulnerability Assessment: Investing in our Future, 2007, p.30.

in Basic Literacy Education (GABLE), which provided necessities such as school fees and other material needs to needy girls as a way to keep them at school. It has greatly improved access to education for girls.²⁵ Government efforts to increase access of girls to secondary education include admission policies that give preferences to girls, but hostel capacities at boarding schools is a limiting factor. At the day secondary schools 50% of school spaces are reserved for girls, but at government boarding schools, where there are more hostels for boys than for girls, the number of girls admitted is less than 50%.

With support from donors, there is an expansion programme especially in secondary schools and one of the key issues is the construction of girls' hostels. At the primary school level, special facilities for girls such as toilets are also being constructed.

Quality issues

A third major issue is the relatively poor quality of education offered by the country's educational institutions as evidenced by the results of national selection examinations: the Primary School Leaving Certificate of Education (PSLCE) examined at standard 8; the Junior Schools Certificate of Education (JSCE) examined at Form 2; and the Malawi Schools' Certificate of Education (MSCE) administered at the Form 4 level. In fact the 2008 JSCE examination results were the worst in the past ten years, with half of students who sat the examinations failing.²⁶ This is mostly due to the fact that, many pupils and students in primary and secondary schools, especially in the CDSS, are taught in overcrowded classes by unqualified teachers and have to share very limited teaching/learning resources.

For instance, by 2006, only 47% of teacher established posts in primary schools were filled, while the average pupil to teacher ratio was 78:1²⁷ with an average of 106 pupils in a school classroom. To cope with the situation, MoEST employed unqualified teachers but despite that, the pupil teacher ratio and pupil trained teacher for primary schools is still one of the worst at 8:1 and 92:1²⁸ respectively (normal is 40:1²⁹). This problem emanates partially from the introduction of FPE in 1994, which came as a political decision rather than following a policy or legislative process and resulted in unexpected surge in enrolments that necessitated recruitment of more teachers including the untrained ones.

The poor state of the available learning/teaching conditions also applies to secondary schools and especially at the community day secondary schools (CDSSs). About 32%³⁰ of secondary school teachers are classified as qualified, meaning that they went through four years of university training in teaching in secondary school for the level they teach. At the secondary level

²⁵ Civil Society Coalition on Quality Basic Education: Education For All, 2008, p 25–26.

²⁶ Centre for Social Concern Press Review, January 2009, p.1.

²⁷ Global Campaign for Education, *Education on the Brink*, 2009, p.15.

²⁸ MoEST, EMIS, *Education Statistics 2009*, p.21.

²⁹ Global Campaign for Education, *Education on the Brink: Will the IMF's new lease on life ease or block progress towards education goals?* April 2009, p.7.

³⁰ MoEST: EMIS, *Staff in secondary schools and CDSS by sex and qualification*, 1999.

the average student teacher ratio is 20:1, while the student to qualified teacher ratio is 55:1.³¹ This high student to qualified teachers ratio is principally due to the presence of a large number of under-qualified teachers at the secondary school level. This is particularly critical in the CDSSs where only 26.7%³² of the teachers are qualified while the student to qualified teacher ratio is 105:1 in non-approved CDSS and 68:1 in approved CDSS. At the same time in the CDSS, instructional materials are severely lacking and half of the infrastructure is not suitable for teaching and learning. The MoEST has plans to reduce the percentage of the unqualified teachers from 50% in 1997 to 30% in 2002 and 10% by 2012.³³

Despite these shortcomings in quality, progress has been made in some areas. For example a new curriculum, the Primary School Curriculum Assessment and Review (PCAR) has been developed for the primary level and already rolled out to standards 1 to 3 and 5 to 7 between 2001 and 2009; while standards 4 and 8 were due to be rolled out in 2010. Policies and framework for inspections, supply of textbooks, and teacher education programmes including monitoring and evaluation frameworks for quality control, have been mapped out and are being implemented. The PCAR is designed to address the inadequacies in the primary school curriculum and aims to bring about needed reforms in primary education.

Much as the PCAR is welcome as a strategy to improve teaching and learning methodologies, it is being hampered by difficulties in the provision of teaching and learning materials,³⁴ mainly because printing of the materials is done outside Malawi and the budget for this is mostly donor driven. Unless there is true government commitment to funding the PCAR, which in the early days was as high as MK 17 million (US\$ 119 718) every fortnight, the programme is bound to fail.³⁵

The impact of HIV and AIDS

In Malawi, the education system is also seriously affected by HIV and AIDS, through increased teacher absenteeism, resulting from teachers being sick, taking care of the sick and attending funerals; and mortality.

At the national level, the prevalence of HIV and AIDS is estimated at 14.2%³⁶ among the 15–49 year old population, and the impact on the teaching population is very serious. Teacher attrition rate in the MoEST currently stands at 6%³⁷ mostly attributed to HIV and AIDS related cases.

A growing number of children are orphaned and therefore at greater risk of repeating or dropping out of school. The 2008 data indicates that 481 643 primary school pupils (13% of the

³¹ Ibid., p.83.

³² MoEST: EMIS, *Education Statistics 2008*, p.83.

³³ Ministry of Education, Sports and Culture Education Sector: Policy and Investment Frame work (PIF), June 2000, p.21.

³⁴ CSCQBE, 2008, Press Release, 'Any Vision/Dream about National Prosperity should start with adequate investment in the education Sector'.

³⁵ Interview with Mrs Kawina, PCAR Senior programme Manager, MoEST, Lilongwe, 17 November 2009.

³⁶ Ministry of Education: HIV/AIDS Response in the Education Sector Strategic Plan 2009–2012, p.1.

³⁷ Ibid., p.28.

enrolment) were orphans, with 30% of them losing both parents.³⁸ At the same time 8 525 secondary school students were orphans with 36.7% losing both parents.³⁹

In response to the HIV and AIDS pandemic, the government came up with a bursary programme to reach out to orphans and other vulnerable children currently being administered by the Ministry of Gender, Women and Children and Community Welfare through the district assemblies.

The Education Act of 1962 and the National Policy on Orphans and Vulnerable Children (OVCs) of 2003 recognise the need to provide special needs to OVCs to promote the EFA and enforce the provisions of section 13 of the Constitution. The Ministry of Gender, Women and Children Welfare and Community Services developed a number of policy documents to ensure that all children access education more especially the OVCs. There are guidelines on Education Support to OVCs (2008) which stipulate how OVCs can access financial support from the government; and the Minimum Standard Rules and Regulations for the establishment and management of children homes and orphanages in Malawi (2006). The guidelines for the establishment and management of community based organisations (CBOs) in Malawi (2006) guide the operations of grassroots groups assisting OVCs. All these policies and guidelines aim at making sure that the best interests of OVCs are met especially the right to education and also that poverty and orphan-hood do not disadvantage children to get education.

Currently, the Ministry of Gender, Women and Children Welfare and Community Services has 24 061 registered orphans. Out of these, the ministry is assisting 23 768 children with school uniforms and pocket money through the Education Support Fund.⁴⁰ Much as this support is a good gesture to needy students, it falls far short of what may be termed as basic necessities considering the fact living costs in Malawi have become very expensive. The provisions need to reflect currently economic realities.

The role of NGOs and other NSA to support OVCs in the country should also be commended. These NGOs complement the government where it is not able to reach out to the needy. For instance the World Vision International, Plan International, Care International, provide direct financial support to poor households or run pupil support programmes where they pay for school related costs like the child sponsorship programme of Plan International.

Access to education by special needs students

One element that the research identified as problematic in relation to access to education was reaching out to students with special needs. In 2009, there were 86 446 students in primary and secondary schools recognised to have special needs. At the primary school level, there were

³⁸ MoEST; EMIS, *Education Statistics 2008*, p.71.

³⁹ *Ibid.*, p.97.

⁴⁰ The support given to girl orphans includes the following items: 2 pairs of skirts, 2 blouses, 1 pair school shoes, 2 pairs of socks, 1 jersey/sweater; boy OVCs get the following items: 2 pairs of trousers, 2 shirts, 1 pair of school shoes, 2 pairs of socks, 1 Jersey/sweater. Besides that the needy students are also provided with 1 suitcase every two years, 1 carrier bag for primary school per year, pocket money MK 3 000 for a girl and MK 2 000 for boys. Government of Malawi: Guidelines for Education Support to Orphans and other Vulnerable Children(OVC), 2008, p.7.

83 666 students, of whom 43 806 were boys and 39 860 were girls. At the secondary level there were 2 780 of which 1 373 were boys and 1 407 were girls.

The largest group of those recognised to have special needs at primary school level have learning disabilities (41%). Around 23% were blind or with low vision; 25% deaf or hard of hearing, and just under 10% with physical impairment. To date, reaching out to the group remains a challenge due to lack of proper services and at the same time not all forms of needs, such as epilepsy, are accounted for in the official figures.⁴¹

Special needs students would require dedicated initiatives for them to access quality services in education and meet the EFA goals. Malawi ratified the UN Convention on the Rights of Persons with Disabilities in 2007 and its optional protocol, allowing individual complaints to be made to the treaty monitoring body, in 2009. To date, however, Malawi is yet to pass the Bill on Disabilities which was initiated in 2002. In the 2010/2011 budget an allocation of only MK 20 million (US\$ 133 333) was allocated to resuscitate training centres for the students; far less than what is needed to meet the needs of the sector.⁴² All this calls for concentrated efforts from both the MoEST to develop policies that would show commitment to the attainment of EFA including people living with disabilities.

⁴¹ MoEST: EMIS, *Education Statistics 2009*, Number of pupils with special learning needs by standard (primary level).

⁴² Interview with Mr Action Amos, FEDOMA, Johannesburg, South Africa, 30 July 2010.

2

International and national legal framework

Malawi is a party to the main international human rights treaties and has also subscribed to the other policy commitments relevant to the implementation of the right to education. However, its record of reporting to the treaty monitoring bodies has historically been terrible; and although it has recently improved somewhat, there are still no reports to the treaty monitoring bodies for the International Covenant on Economic Social and Cultural Rights, the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child. The constitution provides for a right to education, which, however, is not fully implemented in the 1962 Education Act still in force. A review process for the Education Act is under way.

A. International law

The right to education is pivotal in the human rights mosaic. The Malawi Human Rights Commission (MHRC) aptly states this:

The right to education is essential for enjoyment of all human rights. Education is indispensable for effective political participation and for enabling individuals to sustain themselves. It is the key to preserving languages and religions and is also the foundation for eliminating discrimination. It is the key to unlocking other human rights. Apart from unlocking the productive potential of people, education is *a sine qua non* for the enjoyment of all human rights especially in today's knowledge-driven society.⁴³

⁴³ MHRC, *Action Plan 2003–2011*, p.37.

Malawi's obligations on the right to education emanate from Article 26 of the Universal Declaration of Human Rights (UDHR), Article 17 of the African Charter on Human and Peoples' Rights (ACHPR), Article 11 of the African Charter on the Rights and Welfare of the Child (ACRWC), Article 28 of the Convention on the Rights of the Child (CRC) and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Article 10, and the Convention on the Elimination of All Forms of Racial Discrimination (CERD) Article 5(e)(v), to which Malawi is also a party, prohibit discrimination in the field of education. Malawi is also a signatory to the 1990 Jomtien Education for All (EFA) Declaration where countries agree to provide basic education to all without discrimination. Malawi is not, however, a party to the 1960 UNESCO Convention against Discrimination in Education.

In terms of reporting on the progress on the UN Conventions and AU Charters, the Malawi government does produce reports although sporadically, rather than periodically. Often bodies like the Malawi Human Rights Commission and the Council for Non-Governmental Organisations (CONGOMA) participate in the processes. Sometimes CONGOMA and the MHRC produce parallel reports.

Malawi has recently improved its previously terrible record on reporting to the UN human rights bodies on its implementation of international standards in Malawi; however, it has yet to submit its initial report (due in 1996) to the Committee on Economic, Social and Cultural Rights, which monitors compliance with the core document establishing the right to education at international level; nor has it submitted a single report on its obligations under the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child, both of which establish a right to education. Refer to Table 4 for more details.

B. The Constitution

Section 13 of the Constitution of Malawi 1994 on the 'Principles of National Policy', among other things, requires the state to provide adequate resources to the education sector and devise programmes that will facilitate elimination of illiteracy in Malawi; make primary education compulsory and free to all citizens of Malawi; offer greater access to higher learning and continuing education and promote nations goals such as unity and elimination of political, religious, racial and ethnic intolerance.

In Chapter IV of the Constitution, on human rights, section 25 establishes a right to education for all persons (and not just children), although it stops short of making primary education explicitly compulsory:

1. All persons are entitled to education.
2. Primary education shall consist of at least five years of education.
3. Private schools and other private institutions of higher learning shall be permissible, provided that –
 - a) such schools or institutions are registered with a State department in accordance with the law;
 - b) the standards maintained by such schools or institutions are not inferior to official standards in state schools.

Table 4: Status of reporting on international education-related instruments

	Adopted / entry into force	Date ratified by Malawi	Dates report due		Reports submitted
			Initial	Periodic	
CRC	1989/1990	1991	1993	1998 2003 2008	2000 (initial) 2007 (second)
ICESCR	1966/1976	1994	1996		None
CEDAW	1979/1981	1987	1988	1992 1996 2000 2004 2008	1988 (initial) 2004 (second, third, fourth, fifth) 2008
CERD	1965/1969	1996	1997	1999 2001 2003 2005 2007	2005 (initial, second, third, fourth, fifth)
ACHPR (and Protocol on the Rights of Women in Africa)	1981/1986 (2003/2005)	1990 (2005)	1992		None
ACRWC	1990/1999	1999	2001		None

Source: Websites of the Office of the High Commissioner for Human Rights, <http://www.unhchr.ch/tbs/doc.nsf/newhvsSubmittedbycountry?OpenView>, the African Commission on Human and Peoples' Rights http://achpr.org/english/_info/statereport_considered_en.html, and the African Committee of Experts on the Rights and Welfare of the Child <http://www.africa-union.org/child/home.htm>, all accessed 1 March 2010.

Despite the fact that the Constitution provides the right to education and that the MoEST has many programmes to motivate pupils and students to go to school, there are no legal mechanisms to enforce the right. In other words, education for the five years provided in the Constitution is not compulsory, and nobody, including parents or guardians, could be held responsible for not sending their children to school. This is one of the weakest points in the realisation of EFA in Malawi. In terms of enforcing standards of education in both public and private schools, the MoEST has instituted, beginning from 2010, stringent mechanisms to check on standards both in the quality of education as well as the conduciveness of school premises and environment towards learning. The ministry has closed down a few schools for failing to live up

to standards required by the MoEST; for instance in November 2009 it closed down 55 of the 77 private schools inspected which had failed to meet minimum standards for operating a school.⁴⁴

This situation is made worse by the fact that many Malawians do not realise that they have the right to demand education from the government. This is elucidated by findings from a baseline survey on civic education done by the consulting firm COWI in 2005 for UNOPS that found that although 60% of respondents had heard of human rights (71% of male respondents and 50% of female respondents), only 45% could name at least one human right properly. Most respondents also felt that public services had got worse over the last ten years; in particular, 57% said education services had gotten worse, with 32% saying there was improvement. And yet of those who said they had demanded better services, only 7% were concerned with education services. Generally people perceived their rights more in term of food and health than education, reflecting the realities in the rural areas. Service providers both managers and frontline workers also do not understand the issues of human rights that are integral to service delivery.⁴⁵

C. Legislation

The Education Act of 1962, the Teaching Service Commission Act of 1996 and also the Local Government Act of 1998, govern the financing and management of education services.

The Education Act of 1962 gives general principles on provision of education services and management of education services at all levels including private schools in the country. A review process of the Education Act of 1962 led by the Malawi Law Commission has proposed to make education in primary school (at least the first seven years of formal education) compulsory and free to all children (at least up to age 18). The review was prompted by the fact that the 1962 Act was archaic and was not responsive enough to current demands and also to the change of political system from the one party system to the pluralistic political dispensation since 1994. The Law Commission draft Act proposes that:

The provision of primary school education in Government schools shall be free of tuition to all and compulsory for children under the age of eighteen (18) years.⁴⁶

The draft Act proposes that all schools must be registered (Part VII); that there should be inspection of schools to check for compliance to the Act (Part VIII).⁴⁷

The Teaching Service Commission Act of 1996 provides general issues of teacher welfare and also teachers' conduct.

The Local Government Act of 1998 empowers local assemblies to management education services at the assembly levels. Under the decentralisation programme, education provision at the district especially in primary, kindergarten, adult literacy centres falls under the mandate of the local assemblies. The local assemblies are responsible for management, financing and

⁴⁴ Christopher Katete, 'Govt closes 55 schools', *The Daily Times*, 16 November 2009.

⁴⁵ COWI, January 2006, *Baseline Survey for Civic Education in Malawi*, UNOPS/UNDP. Lilongwe, Malawi.

⁴⁶ Malawi Law Commission, 2009, *Draft Report of the Law Commission on the Review of the Education Act* (Cap 30:01), p.21.

⁴⁷ Malawi Law Commission, 2009: *Draft Report of the Law Commission on the Review of the Education Act* (Cap 30:01), pp.36, 48.

general education service provision. There are proposal that salaries of teachers would also be channelled through district assemblies once full decentralisation process has taken place.

D. Government agencies responsible for education

Educational services are provided by three government agencies: the Ministry of Education (MoEST), which is primarily responsible for primary, secondary and teacher training; the Ministry of Labour, for technical and vocational training; and the Ministry of Gender for pre-school education. Coordination between the three ministries is very weak so that there are policy gaps and poor coordination between and within the line ministries involved in education matters, adversely affecting efficient delivery of educational services.

The management, planning, coordination and financing of the national system of public schools are shared by the national Ministry of Education, the regions and districts. In particular, the districts are in charge of nursery and kindergarten, primary schools and the distance education centres.⁴⁸ The MoEST is embarking on a policy of decentralising the delivery of educational services. The guidelines for the process, including action plans and activities that would be devolved to the districts, are outlined in the district education plans (DEPs) for each district. There are six educational regions which have between 4 to 6 education districts divided into zones of six to ten primary schools.

On average the zones have up to about 3 000 pupils with an average of 350 teachers per zone. The divisions and educational districts are:⁴⁹

- South West Division (Chikwawa, Blantyre Rural, Blantyre Urban, Mwanza, Nsanje districts)
- South East Division (Zomba Rural, Zomba Urban, Balaka, Machinga and Mangochi districts)
- Shire Highlands Division (Mulanje, Chiladzulu, Thyolo and Phalombe districts)
- Central West Division (Lilongwe Rural, Lilongwe Urban, Mchinji, Ntchewu and Dedza districts)
- Central East Division (Kasungu, Dowa, Salima, Ntchisi and Nkhota-kota)
- Northern Division (Mzimba, Mzuzu, Karonga, Rumphu, Nkhata-Bay and Chitipa)

Since the decentralisation process was instituted in the MoEST, the education divisions are now being manned by division education managers whose main responsibilities are to coordinate all activities related to running of secondary schools such as human resource matters, supplies of teaching and learning materials.

At the district level, the district education officers (DEOs) oversee administration of primary schools and also handle matters of human resources, teaching and learning materials for the primary schools within their districts.

⁴⁸ Malawi Decentralisation Policy, 1996, p.5.

⁴⁹ Primary Education in Malawi; *Education Divisions for Primary Schools*, on www.sdn.org.mw/edu page.

E. Recommendations

- If Malawi is to be in line with international instruments that promote access to education for all, it should make compulsory education for people under the age of 18 part of the current review of the Education Act, and develop measures to implement it. This would go a long way to support the various education initiatives, policies and programmes aimed at improving access to education.
- The government should comply with its reporting obligations under the international human rights treaties, in particular by reporting on its implementation of the right to education under the ICESCR, ACHPR and ACRWC.
- Malawi should ratify the 1960 UNESCO Convention against Discrimination in Education.

3

Information collection, publication and management

The main sources of information for education matters are the National Statistical Office, the MoEST itself and other related government departments and ministries. Although an Access to Public Information Bill has been with Parliament since 2003 it has yet to be passed. There are serious challenges in terms of the quality of information and the ability of citizens and civil society to access it.

A. The National Statistics Office

The National Statistical Office of Malawi, established under the 1967 Statistics Act, is the main government agency responsible for the collection and dissemination of official statistics. The NSO has approximately 300 staff, based in its headquarters at Zomba, and regional offices in the major urban centres of Lilongwe, Mzuzu, and Blantyre.⁵⁰

Many people find information from the National Statistical Office (NSO) useful. But the NSO is also challenged by issues of capacity to generate better information. Often information collecting and collating takes a while to process and to release to the public. At the same time, although generally the information is good, there are instances when the statistics are questioned due to the tools and methodologies, projections and models used to generate the information. It is not uncommon, for instance, that occasionally there would be some variations in data collected by the NSO and other agencies such as the UN family and so questions of bias of the information provided comes up.

⁵⁰ See website of the NSO at <http://www.nso.malawi.net/>, accessed 25 February 2010.

B. The Ministry of Education, Science and Technology

The Education Management Information System (EMIS) of the MoEST has significantly improved in recent years; however, inadequate mechanisms for gathering data still remain a problem. The EMIS is under the department of Education Planning within the MoEST, whose main duty is to generate data for planning and budgeting purposes. The data collected covers all levels of education namely primary, secondary and tertiary. These reports are kept up to date: as of mid-2010, the latest available education statistics report from EMIS was for 2009.

Although the EMIS is such an important department in the MoEST, the department faces many challenges that hinder its effectiveness. Some of the challenges are to do with capacity in terms of personnel, resource base and timely release of data. There are also reports of contradictions of the information and data the EMIS provides mostly because validity and reliability of the data provide by the sources which include schools and related institutions.⁵¹ The data is mostly collected from public government schools, meaning that the data is not comprehensive enough since private schools are often left out.

The MoEST has a website within the general government of Malawi website where it occasionally posts information;⁵² much as it provides substantive information, some of it takes longer to get updated for instance, the education statistics produced by the EMIS.

C. Access to information

Access to and availability of information is a vital part of public service delivery because it promotes accountability and transparency. The Constitution provides in its Article 13 on ‘fundamental principles of national policy’ that the state should introduce measures that will:

guarantee accountability, transparency, personal integrity and financial integrity and which by virtue of their effectiveness and transparency will strengthen confidence in public institutions.⁵³

In addition, Section 37 of the Constitution provides for access to information in the following words:

Subject to any Act of Parliament, every person shall have the right of access to all information held by the State or any of its organs at any level of Government in so far as such information is required for the exercise of his rights.

The Paris Declaration on Aid Effectiveness emphasises that government financial and procurement systems should be robust and transparent enough to make them usable by donors. Development aid is to be managed to ensure results, i.e. that there is transparent monitoring of inputs and outputs and results in mutual accountability frameworks.

⁵¹ Education For All-Fast Track Initiative, Malawi Local Education Donor Group, Draft Report, September 2009.

⁵² <http://www.malawi.gov.mw/Education/Home%20%20Education.htm>, accessed 1 March 2010.

⁵³ The Malawi Constitution, Chapter 3, Fundamental Principles.

Despite the quest for correct, timely and relevant information, a Bill on Access to Public Information introduced in 2003 is yet to be passed and so far there is no political will that this might be passed any time soon.⁵⁴ This means that until then, access to public information is limited.

Malawi's civil society and donors have expected the government to make freely available information on policy formulation and implementation. For example the Poverty Reduction and Growth Facility (PGRF) agreement, the Common Approach to Budgetary Support (CABS) group of donors joint framework agreement, and the newly introduced framework for Public Expenditure Financial Accountability (PEFA), as well as the World Bank's Country Policy and Institutional Assessment (CPIA), all require the government to make accessible to civil society and Parliament, and donors on time and in accessible formats information on government plans and strategies, budget, and financial audits, and outcome evaluations.

Access to and availability of information especially by the NSO is not just important in service delivery but also in advocacy work. To advocate effectively, civil society, at all levels, and parliaments must have access to information of good quality – meaning that the information is presented on time and in accessible formats and covering well the issues of concern. Thus it must cover:

- Policies and strategies: people must know and have participated in formulating the policies on which the budgets and activities of the education sector are based;
- Inputs (budgets and reports of expenditures): not only should people know of budget allocations but they should know or monitor when those inputs promised in the budget are actually being delivered – expenditure tracking;
- Outputs (both planned and actual);
- Processes (for example of budgeting, implementation, monitoring). These should be understood and ways should be found to improve them by making them more participatory, and ensuring that they respond to people's needs; and
- Outcomes/impacts (reports of reviews/evaluative studies).

D. The quality of education information: Issues for advocacy

Good quality information is essential to proper planning of education service delivery. The EMIS department is trying its level best to provide such information despite challenges it faces. Without clarity on the number of children in the country, the rate of adult illiteracy, or the number of repeaters and drop-outs at different stages in school, it is impossible to develop a strategy to tackle the problems and provide better quality public (and private) education services. Malawi still faces significant challenges in relation to providing access to existing information, including the lack of a legal framework, as the Bill on Access to Public Information is yet to be passed. There is also weak capacity on the government side to produce and publish good quality statistics unless development partners support such endeavours, as in the case of publication of the EMIS *Education Statistics Report 2008* supported by USAID and UNICEF.

⁵⁴ See AfriMAP and OSISA, *Malawi: Democracy and Political Participation*, forthcoming.

Difficulties of access

Some of the main challenges experienced with access to information in the education sector are as follows:

- Unavailability of information: sometimes much needed information can only be accessed from external sources as opposed to sources within Malawi.
- Red tape: Sources that have information can be very hard to access mostly because of bureaucratic procedures and systems which ultimately hinder accessibility of information.
- Not user friendly: sometimes the information could be available but may not be accessible because it is coded in a jargon that a few people understand.
- Archaic and irrelevant information: sometimes information that is available is not updated regularly.
- Information is scattered amongst various sources. This is particularly common in the education sector where there is more than one player: the MoEST; Ministry of Gender and Ministry of Labour. Getting to the required information is difficult and time consuming.
- Variations and seemingly contradictions in the information; because they are many players in the education sector; government, donors and NGOs that also generate information; sometimes the available information varies and may contain contradictions. A very good example is statistics used in the sector which is not always harmonised.
- Some users are not just aware of the information that is available, e.g. in gazettes or from the government printer. Yet others do not have the capacity to analyse information that is available before them.

Weak capacity to produce

Many of the systems in government for processing information are constrained by lack of technical capacity, and the actual numbers of people to deliver good quality information, and on time. This is particularly true of the budget and auditing functions of the Ministry of Finance. The auditor general is not able to retain competent personnel due to poor incentives. At one point up to 80% of positions were not filled.⁵⁵ (See also chapter 7 on oversight mechanisms.)

Although the Education Management Information System (EMIS) of the MoEST has significantly improved since 2007 and education plans have been developed for the districts, the shortage of professionally qualified planners and inadequate mechanisms for gathering data still remain a problem.

In addition, despite efforts made in recent years in providing training in management to district education officers, school inspectors and school managers, and the decentralisation of the education services, there are weaknesses in the management of the system and the decentralisation process is still incomplete. Some information or statistics can only be computed when EMIS and NSO data are combined. Sometimes this creates perverse indicators, or statistical oddities,

⁵⁵ Common Approach to Budget Support (CABS), *March 2006 Review, Aide Memoire*, April 2006, p.9.

that cannot be used to evaluate the performance of the system or for planning. For example the problem of the net enrolment rate (NER) being greater than 100% has been the subject of discussion in the current Common Approach to Budget Support (CABS)⁵⁶ and Performance Assessment Framework (PAF) review.⁵⁷

Weak capacity to publish

The problem of weak capacity to produce information is caused in part by inadequate resources to deliver information more widely, say on the internet, as some places/people are still not connected, but also due to red tape and political interference with the flow of information. Some public officers are not aware that they should be publishing the information; they fear that they might be passing out sensitive information.

Additionally, most civil servants do not have adequate understanding of the rights framework in which the issues discussed in this report are contextualised.

Lack of funding also contributes to the problem of failing to publish. Most line ministries including MoEST depend to a large extent on donors for such work. This entails that there is no budget for publications, or dissemination of information.

Weak legal framework

Malawi does not have an Access to Public Information Act. This means that government officers feel that they are publishing information as a favour. Even if the Act was in place, bringing government to be accountable would be difficult because of the morbid slowness of the judicial system. The Public Finance Management Act makes the availability of public information to the Auditor General and Parliament a requirement. For example, the Minister of Finance is supposed to make available a half-yearly report on fiscal and economic performance; and the budget is supposed to be made available to MPs 21 days before it is debated. These things are not done on time.

E. Recommendations

- To improve the quality of information and data from the National Statistics Office (NSO) as it carries out its mandate, the government should ensure the NSO is properly staffed with well-qualified personnel and adequately resourced, both financially and materially.
- The MoEST needs to improve the personnel and financial resources of the EMIS department so that it updates data promptly and regularly.
- CSOs should advocate for the quick enactment of an Access to Public Information Act. They should also closely monitor the publication of information and advocate that relevant education information is released periodically, rather than sporadically or episodically.

⁵⁶ This is a harmonised approach of giving support to Malawi's National Budget by donors: the group comprises DFID, EC, Norway and the Africa Development Bank. The IMF, WB, Germany, UNDP and Ireland are observer members.

⁵⁷ Ibid.

- The government should ensure the rapid passage of the Access to Public Information Act.
- CSOs should also conduct, or advocate for, an appraisal of all data collected on education, identify the minimum information required and make recommendations on how best to obtain it.

4

Strategic planning, monitoring and evaluation

Strategic planning is an important exercise in any programme or project for maximum impact with the available resources and time. It helps to focus on what should be done and what can be achieved realistically. In the education sector, the Policy and Investment Framework 2008–2017 (PIF) and the Education Sector Plan 2008–2017 (ESP) present a national strategic plan for the MoEST. These documents translate the Malawi Growth and Development Strategy (MGDS), MDGs and other international instruments that promote the right to education. However, an adequate capacity for planning and managing the education system is lacking, constraining the delivery of educational services. In particular, there appears to be no strategy to take account of a burgeoning private sector and ensure that the sector is brought within a proper regulatory framework.

A. The Malawi Growth and Development Strategy (MGDS)

The overarching development strategy for Malawi is the Malawi Growth and Development Strategy (MGDS) adopted for the fiscal years 2006/07 to 2010/11. It is presented under five themes: economic growth, social development (under which education falls), social protection, governance and infrastructure. It is a second-generation Poverty Reduction Strategy Paper (PRSP). The Malawi government and other governments in the region believe that the first PRSPs were overly concerned with poverty reduction without paying attention to the sustainability of resources to fund the plans. The MGDS prioritises economic growth and food security, and has been criticised for slighting the social sectors, including education.

The prioritisation of economic sectors is basically a policy stance, as more resources still go to the social sector due to its sheer size and also financing conditions signed with donors. It is likely that *additional* resources will go to the economic sectors, but overall the share of the social sector will remain large.

B. The Policy and Investment Framework 2000–2012 (PIF)

The Government approved the Policy and Investment Framework 2000–2012 (PIF) in June 2000 as its strategic roadmap to implement necessary changes to cope with ever rising enrollment of pupils and students at all levels and also as a tool to help allocate resources to meet the sector's ever increasing demands. Specifically, the PIF aims at improving access to basic education, targeting a net enrolment ratio of 95% in all districts by 2012; while at the secondary school level the objective is to increase the gross enrollment ratio from the 18% in 2000 of the relevant age cohort to 30% during the same period.

The aim is for participation in tertiary education is to be raised from the 0.3% of the relevant age group in 2000, to 1%. The policy also provides some appropriate measures for reducing poor attendance, enrolment, repetition and dropping out.

In addition, the government policy in education intends to:

- Decentralise education and training by empowering regions, districts, communities and educational institutions to manage and administer education and training;
- Promote equity through making access to basic education available to all citizens as a basic right, encouraging equitable distribution of educational institutions and resources, and expanding and improving girls' education;
- Improve the quality of education and training through strengthening in-service teacher training programs, the supply of teaching and learning materials, and teacher trainer's programs;
- Promote science and technology through strengthening science and technical education, and the development of a policy for information communication and technology (ICT) education; and
- Combat HIV and AIDS through provision of HIV and AIDS education at all levels of the education system.

C. Education Sector Plan (ESP)

The MoEST developed a National Education Sector Plan (ESP) in 2008 for the period 2008–2017, whose aim is to translate policies and priorities of the PIF into a sector policy implementation plan. The ESP is aimed to facilitate a move to a sector wide approach (SWAP) coordinated with donors, which will give government better control of resources and avoid piecemeal interventions that are characterised by duplications and inefficiencies. The document harnesses ideas from the Malawi Growth and Development Strategy (MGDS), as well as the MDGs and the EFA commitments. It is a comprehensive national programme, and links well to the MoEST budget and the Medium Term Expenditure Framework (MTEF) policy of the government. Its overall objectives are to improve the access to, quality and relevance of education as well as to optimise the use of resources and to move management of the system closer to the points of delivery.

However, several issues still need to be resolved before the ESP becomes fully operational. These include the establishment of a secretariat to manage the ESP, improvement of financial systems and management arrangements for the implementation of the plan, and agreement on a memorandum of understanding that defines how the ministry and the development partners will cooperate in the financing and the implementation of the plan. There is also a need to update the plan's costings, which were made in May 2005, and present them in MTEF. In 2005, the plan's cost projections were US\$ 925 million for primary education and US\$ 297 million for secondary education for the 10-year period of the plan.

Roll-out of the ESP only started in 2008 and as such there has not been any review to gauge its performance. However the MoEST reports that there is better coordination of education programmes than before in that ESP housed within the Planning Unit of the MoEST provides harmonised implementation of programmes and utilisation of donor funds. This could also be a beginning of a SWAP in the education sector. The ESP to a certain degree has also helped to bring closer the three ministries working on education, viz. the MoEST, Ministry of Youth and Sports Development and the Ministry of Gender, Children and Women Development; However, there are still elements of protection of territories especially where and when finances are involved, making inter-ministerial coordination inadequate.⁵⁸

At the district or education division level, the district education plans (DEPs) present a coordinated way of implementing district education plans within a specified period of time and budget. For instance, Lilongwe Rural West has a two-year strategic plan whose overall objective is to improve quality of education in the area. The DEPs are based on the National Education Sector Plan 2008–2017 and other related policy guidelines in the education sector. The DEPs have summary statistics on achievements in the priority areas of access, equity, quality, relevance, management, planning and finance.

Their problems and priorities are stated by zone; and by level of education and they also have additional issues, for example. management, planning and finance.⁵⁹

Process of adopting the Education Sector Plan

Development of the ESP and the DEPs is done in a consultative manner in which all various stakeholders with interest in education meet and develop implementation plans. This process is further discussed in the next chapter on the budget process.

Content of the plan

The education sector planning documents set out clear national policy objectives of access, equity, quality and relevance (PIF 2000, ESP 2004). The plans are formulated based on a systematic review of the context and past performance, often containing impressive base-line information on the issues. Based on the problem analysis conducted, each plan makes a statement of objectives, strategies, indicators, targets and resource needs. An example implementation plan is given below:

⁵⁸ Malawi Local Education Donor Group, Education For All-Fast Track Initiative, September 2009, p.4.

⁵⁹ Lilongwe District Assembly: Lilongwe Rural West, District Education Plan (DEP), 2008/2009–2010/2011.

- Formulate into programmes the major development priorities indicated in the NESP;
- Monitor and evaluate on periodic basis the progress made in meeting specified outcomes;
- Determine outcome indicators in line with overall plan statistical data, enrolments, staffing, costs of and any other relevant areas which will be updated periodically in line with the monitoring and evaluation process;
- Assist the districts to develop plans (within the set of national guidelines and micro-planning survey results) for local resource allocation for mainly pre-school, primary, distance learning and secondary education development. The plans will be implemented as part of the MTEF; and
- Establish a development programme which will take care of capacity development in the context of aligning technical assistance associated with commodity aid, training requirements and improving structural and systematic approaches in the execution of development and related issues.⁶⁰

The PIF, ESP and DEPs explicitly identify problems of access and quality of education services, especially for the poorest, and the most vulnerable and seek solutions so as to improve access to FPE. Such problems could be things like contributions to school funds, dealing with gender barrier especially for girls and women, school uniforms, teacher retention, infrastructure development, diversion of school funds, and teacher-pupil relationships.

The objective of the strategic plans would be to find means and ways of how such problems should be addressed and what approaches to employ to achieve results. It is for that reason that the decentralisation scores a point in that it does not just take policies from the central government and the line ministries but also that parents, through the parent-teacher associations, school management committees, as well as NGOs and faith-based organisations come up with locally generated ideas to solve local problems without undermining the national picture.

HIV and AIDS: Strategic planning

To combat the HIV and AIDS in the education sector, the MoEST developed an HIV and AIDS strategic plan for the sector for the period 2009–2012.⁶¹ The plan is in line with the National Strategic Framework for HIV and AIDS 2005–2009 and is a culmination of a national process that started in 2000. A life skills education curriculum was developed for primary and secondary schools and integrated sexual and reproductive health education into the curriculum in order to bring about behaviour change. In addition, mechanisms for counselling on HIV and AIDS, its impact, infection and affection have been developed for the dissemination of HIV and AIDS messages. School health is expected to improve, thanks to the definition and implementation of an adequate school health strategy, relevant sensitisation and information on hygiene, HIV and AIDS and other diseases for teachers and pupils, as well as integration of school health issues into school programmes.

⁶⁰ MoEST, National Education Sector Plan 2008–2017, p.28.

⁶¹ MoEST, HIV and AIDS Response in the Education Sector Strategic Plan 2009–2012.

The MoEST strategic plan for HIV and AIDS is comprehensive, providing direction as well as practical measures to contain the problem. It is also funded by resources provided by the National AIDS Council, which coordinates all HIV and AIDS activities in the country. The government has mobilised resources from donors and private sector and has included funding for HIV and AIDS intervention in its recurrent budget: 2% of the education recurrent budget is earmarked for HIV and AIDS activities. But effective implementation of the MoEST HIV and AIDS strategic plan has been slowed by inadequate human resources capacity in the education sector. The MoEST is aware of the problem and is committed to putting corrective measures in place. The revival of the HIV and AIDS technical working group, a team set up to coordinate HIV and AIDS activities, made up of MoEST staff and representatives of the development partners, is also expected to assist in bringing about improvements in the implementation of the ministry's HIV and AIDS strategy.

However what remains problematic is how to coordinate programmes managed by non-governmental organisations with those managed by the government and each other, so as to avoid duplication of efforts, or concentrating in one impact area and also to standardise the support and align the plans with those of the MoEST.

Monitoring and evaluation

The MoEST does have a Research, Monitoring and Evaluation Unit to monitor and evaluate education programmes. However, the unit is not doing well because some of the staff do not have the skills to analyse data and use it for planning purposes and at the same time the unit is understaffed and not well funded. Currently the unit concentrates on participating in annual reviews such as the MGDS reviews which review progress in meeting the six thematic programmes, and also in the joint sector reviews, comprising of development partners, civil society and technocrats from MoEST to review progress in the education sector. However, the unit is yet to come up with programmes that would stress monitoring and evaluating education programmes in the ministry. If unit was functioning more effectively it could have been linked up to the EMIS which currently produces education data and information.

The Directorate of Inspectorate and Advisory Services also does monitoring and evaluation of schools through the inspection system. The inspections consider the quality of education standards including teaching and learning materials, the quality of teachers and their levels of training, infrastructure development, adherence to MoEST policies and also the education curriculum.

The inspection is mostly a quality control to make sure that what teachers do is in line with what is planned by the MoEST to deliver effective and efficient education services in the country.

The inspection process is more or less a diagnosis process that looks into strengths and weaknesses of adherence to education policies and standards and then advises the MoEST on how best to improve education standards in the country. The directorate has set guidelines outlined in the Pre-Inspection Self Assessment Tool and also on the Observation Forms (mostly used in the classroom set up). It is also guided by the Education Act of 1962 on how Inspection ought to be conducted. Currently, the directorate has 355 people in the inspectorate section and

will require 262 people to man the advisory section of the directorate. These would be recruited in the next three years.⁶²

D. Problems and challenges

Lack of planning and regulatory control over private schools

Much as the MoEST has the PIF and ESP as its strategic plan, the private schools that are mushrooming as a result of liberalisation of the education sector are not controlled and regulated fully by the MoEST because of lack of an all encompassing regulatory framework in the sector.

It is not enough for the Constitution to state that in providing services non-state actors should provide and maintain standards that are not inferior to official standards in State schools,⁶³ the Malawi government should stipulate the 'how' part as well. For instance the MoEST does not adequately consult PRISAM on education policy formulation and private schools could not access teaching and learning materials under the PCAR until 2008/09 when the donor community came to the aid of private schools. The MoEST expects private schools to procure teaching and learning materials (TLM) but the problem is the availability and accessibility of the books.

Much as the private schools do contribute to the education of the children of Malawi, most of them do not comply with MoEST standards and operations. Most private schools operate from places that are not conducive to learning and do not meet the minimum standards of operation of schools. The majority of them employ unqualified teachers.

As a general statement, the Ministry of Education Science and Technology is failing to control the establishment of substandard private schools that have proliferated country wide, and has also failed to provide inspection for their operations mostly because there is policy and law that would help the MoEST to reinforce that. This situation is contributing to deteriorating standards of education at the secondary education level.⁶⁴ This may only be possible once the suggested amendments to the Education Act of 1962 is finalised and passed as a new law to regulate education in Malawi.

Much as the MoEST does involve non-state actors in formulating its strategic plans, the ministry needs to institutionalise the process at all levels. Currently a few NGOs do participate in the process but the private sector is yet to be drawn into the process. More participation of NGO is seen at Joint Education Reviews as opposed to the formulation of MoEST strategic plans. For effective participation of the NSA, the MoEST must take them as equal partners at the planning as well as review period. To date the MoEST still has to put in place a system fit for the purpose of monitoring private education service providers.

With the planning unit in place within the MoEST, probably the mandate of the unit could be extended to include elements of providing overall strategic planning for the education sector including private schools. It is already harmonising several activities including utilisation of donor support and so it is best placed to play that role as well.

⁶² Interview with Mr Agab, Deputy Director, Inspectorate and Advisory Services, MoEST, Lilongwe, 4 May 2010.

⁶³ The Malawi Constitution, Section 25, 3(b).

⁶⁴ MHRC, National Action Plan, 2003, p.41.

Matching activity scope and education budget

A major shortcoming of education plans (both at the national and district levels) is that they are not matched by resources provided. A good example is the reduction of capital budget in the 2008/09 financial year from MK 5 billion (US\$ 35m) in 2007/08 to MK 3.6 billion (US\$ 25m). The cut meant a reduction in the provision of education services in that financial year and yet it is a known fact that the sector needs more funding to meet its needs. As it is, the sector depends heavily on donors for finances, and most donors are being disappointed by the capacity constraints of the sector – pertaining to poor absorptive capacity – mostly due to misuse of resources, and lack of some kind of technical expertise to implement the donor funded projects effectively.⁶⁵

Lack of coordination of interventions on HIV and AIDS

What remains problematic is how to coordinate programmes on HIV and AIDS managed by non-governmental organisations with those managed by the government and each other, so as to avoid duplication of efforts, or concentrating in one impact area and also to standardise the support and align the plans with those of the MoEST.

Quality of monitoring and evaluation

The MoEST Directorate of Inspection and Advisory Services is challenged by several constraints. The major one is inadequate funding to implement inspection activities even where the activities are already approved in the budget due to competing priorities in the MoEST. The directorate is also constrained by poor conceptualisation of sector plans by its division education managers (DEM) in that they fail to include plans and programmes at the division level at the budgeting period and so most of their activities do not get funding and yet they are necessary activities. Most of the time, recommendations from inspection reports do not get implemented because such activities never get budget lines for implementation, as a result inspection falls short of follow up activities to rectify what was found to be going wrong.⁶⁶

It would be important for the MoEST to have a budget line that is dedicated to the inspection directorate, so that would have adequate finances to assess compliance with the standards or quality set by the MoEST.

E. Recommendations

- To improve effective, efficient and strategic planning capacity, the MoEST should see to it that the department of planning is equipped with well-trained personnel and adequate resources.
- CSOs need to make their voices heard during the planning, monitoring and evaluation of education programmes, primarily by increasing their knowledge and thus being able to advocate from an informed position.

⁶⁵ CSCQBE, *Report of Civil Society Monitoring of the GoM Education Budget for the Fiscal Year 2004/5, February 2006.*

⁶⁶ Interview with Mr Agab, Deputy Director, Inspectorate and Advisory services, MoEST, Lilongwe, 4 May 2010.

- CSOs need to advocate on behalf of local communities so that these communities can participate effectively in the planning, monitoring and evaluation of education services.
- The MoEST should ensure that the annual education sector review clearly sets out the requisite steps for harnessing the views and priorities of local communities. New procedures that specify precisely how and when local communities' voices can be heard and heeded need to be devised and used in place of the old, less deliberate approaches.

5

Budgeting and expenditure management

Malawi does not spend enough on its education system; neither as a proportion of total government expenditure nor as a percentage of GDP. Parents therefore bear a significant proportion of the cost of educating their children, even in primary school. The education sector is likely to miss the target of universal primary education under the Millennium Development Goal 2. Even within the existing resources, however, financial management could be significantly strengthened. The integrated financial management information system recently introduced makes a start in this direction, but more is needed, especially in relation to access to information about how funds were allocated and spent.

A. Management of education financing

The main assumptions of the budget arise out of the macro-economic situation, for example the ability to raise taxes, donor pledges, the world economic outlook, projected exports, as well as the domestic and external debt situation. These are covered in budget documents and the Public Expenditure Financial Accountability (PEFA) surveys conducted by PEFA partners led by the European Commission (EC).⁶⁷

The budget documents indicate the major sources of funding for the MoEST: national revenue (including donor general budget support), beneficiary contributions (fees) and donor-funded projects. The Ministry of Finance publishes information on extra-budgetary support – that is, donor funded projects that are carried out by the private sector and also those imple-

⁶⁷ The PEFA Partners in Malawi are the EC, DFID, AfDB, GTZ, Norway, SIDA, WB, IMF and Ireland. These are the same donors in the Common Approach to Budgetary Support (CABS).

mented by donors on behalf of government – as long as the donors report on these.⁶⁸ The budget presented to Parliament only covers donor funds that pass through government financial management systems, and are thus audited by the government. The subventions of the MoEST to faith-based organisations and NGOs are included.

To help strengthen financial management in the MoEST and the public sector as a whole, the Malawi government introduced the Integrated Financial Management Information System (IFMIS) in 1995 as an internal system to help government control expenditure and improve public funds management as well as to provide timely and accurate budgeting and financial information across government.⁶⁹ This information is supposed to be computerised to assist in accounting for all expenditures. The initiative has received support from development partners such the World Bank and the UK Department for International Development (DFID) as one way to promote accountability and transparency in the use of public funds in across government ministries in Malawi. However the initiative is facing some challenges such as lack of capacity to fully implement the initiative, unavailability of hardware and software for the accounting packages, funding problems and problematic coordination systems across the ministries and government departments including the MoEST. The Malawi government is currently doing a review of the IFMIS to find ways and means of how this could best be implemented because government sees great opportunity of controlling expenditure in using the system.

Government expenditure

In 1994, when free primary education (FPE) was introduced, education expenditure increased from 20% of the total government expenditure in 1993/94, to 27% in 1994/95⁷⁰ – just over the recommended level of 26%. However, this percentage has declined over the years to under 10–15%. For instance in 2007/08 the total budget for MoEST was 14.1% of the total national budget; and in 2008/09 it was 12.1% of the national budget.⁷¹ Recurrent expenditures have also fluctuated over the years, but on average stayed at 15% of the total government recurrent expenditure since 1994.

The new national development strategy, the Malawi Growth and Development Strategy (MGDS), reprioritises the economic sectors. The effect of this could be that the budget allocations to the education sector may not recover to the highs of the mid 1990s. This means that the education sector in Malawi is not being funded to meet its needs to enable it achieve MDG Goal 2 and the FPE campaign. Refer to Table 5 for details.

⁶⁸ Ministry of Finance, Malawi Aid Atlas, Debt and Aid Management Division, 2007–2008, p.22.

⁶⁹ IFMIS Implementation in Malawi, *Implement it*, by Reckford Kampanje, Accountant General (not published).

⁷⁰ CSCQBE, *Education for All in Malawi*, 2008, p.30.

⁷¹ Ministry of Finance, Budget Document No.4 for 2007/2008 and Budget Document No.4 for 2008/2009 financial years.

Table 5: Budget allocations to the education sector 2001/02–2006/09

Budget allocation/ GDP	2001/02 (MK,000)	2006/07 (MK,000)	2007/08 (MK,000)	2008/09 (MK,000)	2010/11 (MK,000)
National budget	43 081.00	138 705.00	174 900.00	229 524.00	
Education budget			24 700.00	28 700.00	24 535.00
Allocation					
Recurrent	5 215.47	11 010.00	12 600.00	19 300.00	19 387.00
<i>Emoluments</i>	N/A	8 760.00	9 600.00	11 800.00	14 263.00
<i>ORT</i>	N/A	2 250.00	2 900.00	4 000.00	5 124.00
Development	1 574.91	4 599.00	5 000.00	3 600.00	5 148.00

Note: (1) In 2006/7, the allocation to MOEST was 11.25% of total budget, 10% on 2005/6, 12% in 2004/5, 12% for 2008/2009 (2) US\$1 =MK in 2001, MK139 in June 2006 and MK 145 in 2009 and MK 150 in 2010.

Source: Ministry of Finance, Budget Reports, and compilation is by the author.

Table 5 shows that budget allocations to the education sector for recurrent cost is on the increase, from MK 5 215.47 million (US\$ 36.73m) in 2001 to MK 11 010.00 million (US\$ 77.5m) in 2006/07 to MK 12 600.00 million (US\$ 88.7m) in 2007/08, MK 19 300.00 million (US\$ 135.92m) and MK 19 387.00 in 2010/11. This is meant to meet teachers' salaries and allowances. However, although there was a big jump in budget allocations to the development allocation, from MK 1 574.91 million (US\$ 11.09m) in 2001 to MK 4 599.00 million (US\$ 32.39m) in 2006, the allocation has fallen to MK 3 600.00 million (US\$25.35m) in 2008/2009.

About 69% (2007/08 Financial Year) of the education recurrent expenditure was allocated to primary education, up from 49% in 1993/94,⁷² indicating government commitment to increasing access to quality basic education. About 87% of the allocation for primary education goes to meeting salaries, leaving only 13% for other recurrent transactions, including the provision of instructional materials.⁷³ Allocations to secondary education fluctuated from 10–15% over the years, while the share of recurrent expenditure to higher education is 15–20%. The larger allocation to higher education compared to secondary education, which has over 35 times more students than higher education, indicates the need for the rationalisation of the allocation of the resources across education sub-sectors.

Within the secondary education sub-sector, there are also serious inequities in the allocation of resources. On average per pupil per year spending is about US\$ 114 in secondary as a whole, while per pupil spending at the community day secondary schools, where the majority of secondary school students attend, is about US\$ 20, no wonder service provision at the CDSS is poor and inadequate.⁷⁴

⁷² Ministry of Education, Sports and Culture, *Policy and Investment Framework*, 2000, p.7 and p.39.

⁷³ *Ibid.*, p.13.

⁷⁴ *Ibid.*, p.13.

Domestic spending on education as a percentage of GDP averaged 4% from 1993/94 to 2008/09,⁷⁵ but total expenditure was much higher at about 6% of GDP, due to the financing of most development expenditure by external partners. Domestic expenditure as a share of GDP is higher than the average for the region: Malawi at 5.3%; Africa at 5.7%; developing countries 3.9% and developed countries at 5.9%. However, Malawi's GDP per capita of US\$ 180, is one of the lowest in the region. Therefore, given its high primary school gross enrolment ratio, funding for the sector as a share of the GDP should exceed the regional average in order to ensure sufficient funding for the sector. Table 6 summarises education sector expenditure by government and donors in recent years, in US dollars.

Table 6: Education sector expenditure in recent years (US\$ million)

	93/94	99/00	00/01	01/02	02/03	03/04
Total domestic expenditure on education	54.2	60.2	48.8	80.8	86.3	91.9
Total external expenditure on education	34.4	31.7	25.9	32.7	36.6	35.4
Total expenditure on education (domestic +external)	88.6	91.9	74.7	113.5	122.9	127.3
Recurrent expenditure on education as % of total government recurrent spending	12.7%	17.9%	10.9%	14.9%	18.0%	17.2%
Domestic expenditure on education as % of GDP	3.8%	3.4%	2.9%	4.5%	4.8%	5.3%
Total expenditure on education as % of GDP	6.3%	5.2%	4.4%	6.3%	6.9%	7.4%

Source: Ministry of Education: Education Public Expenditure Review 2006.

Fees and other costs

Households bear a significant amount of the cost of education, although primary education is free. Parents and local communities contribute to education through sharing in the cost of buildings and their maintenance, transport to schools, food, school uniforms, learning materials and extra-curricular activities. Table 7 shows some of these costs collected from the four major cities of Lilongwe, Blantyre, Zomba and Mzuzu.

⁷⁵ Ministry of Finance Budget Document No. 4 for 2008/2009 financial year.

Table 7: Cost of fee and non-fee school expenditures in some major cities (in MK)

Item	City			
	Lilongwe	Zomba	Blantyre	Mzuzu
Secondary school				
School fees (Secondary)	5 500.00	7 525.00	6 430.00	5 000.00
Uniform/shoes (Secondary)	3 325.00	3 670.00	4 220.00	1 300.00
Totals	8 825.00 (US\$ 62)	11 195.00 (US\$ 79)	10 650.00 (US\$ 75)	6 300.00 (US\$ 44)
Primary school				
School uniform/shoes	1 840.00	2 040.00	3 250.00	1 300.00
General purpose fund	500.00	504.00	775.00	480.00
Others: Books, pens, etc.	3 600.00	3 626.00	2 283.00	
Transport	220.00	160.00	140.00	180.00
Totals	5 760.00 (US\$ 41)	6 330.00 (US\$ 45)	6 448.00 (US\$ 45)	1 960.00 (US\$ 14)

Source: Centre for Social Concern, Press Review, January 2009, p.3.

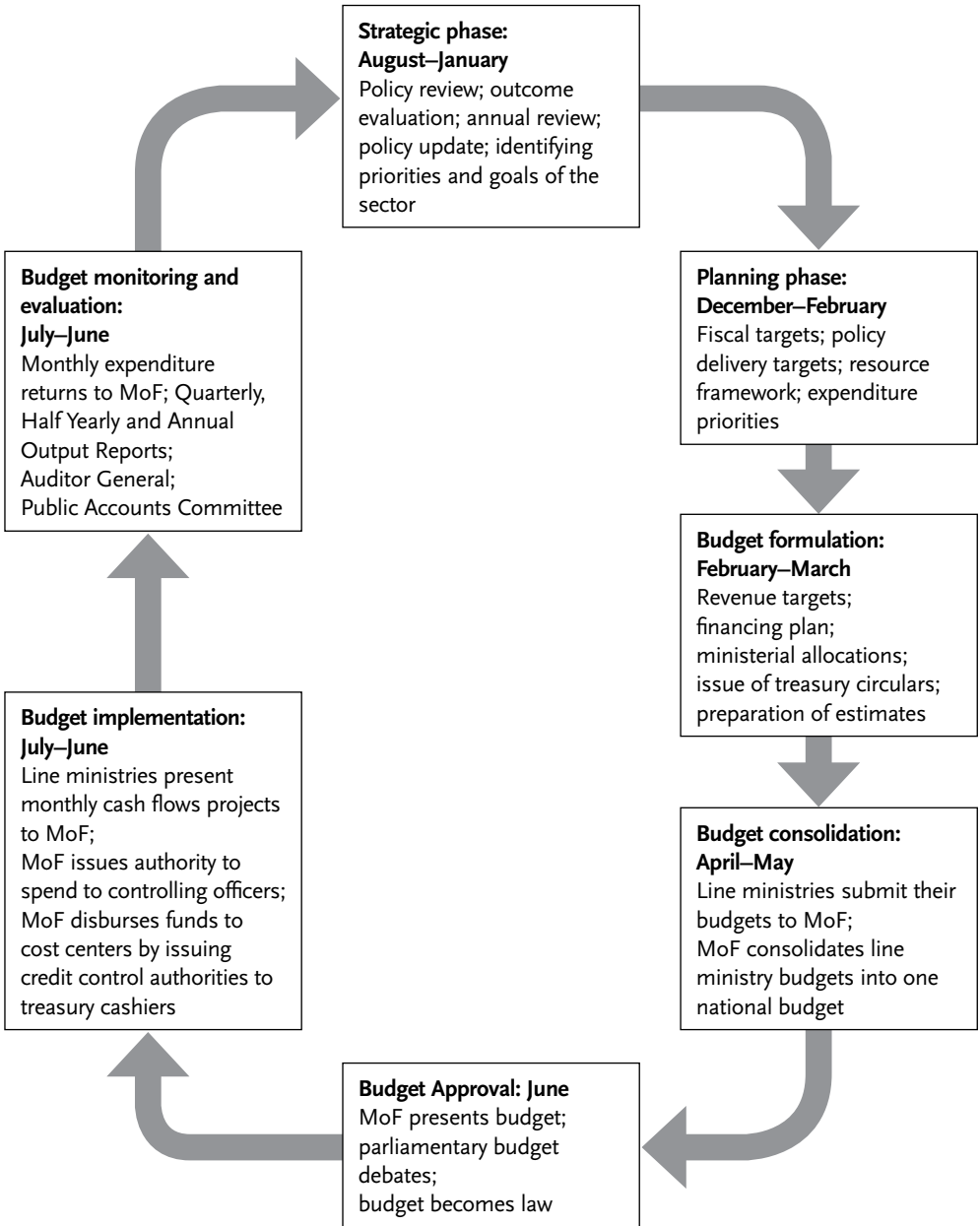
The table shows that the cost of non fees items vary from place to place; in the case of the four cities cited, at the primary level the costs are highest in Blantyre (MK 6 448.00/US\$ 45), followed by Zomba (MK 6 330/US\$ 45), Lilongwe (MK 5 760/US\$ 41) and then Mzuzu (MK 1 960/US\$ 14) while the average cost for the four cities is MK 5 124.50 (US\$ 36) per child. At the secondary level non fees costs are highest in Zomba with MK 11 195 (US\$79) and lowest in Mzuzu with MK 6 300.00 (US\$ 45) and the average cost for the four cities is MK 9 242.50 (US\$ 65) per child.

At the secondary level, students have to pay school fees in addition. Private school fees have increased significantly in recent years ranging from MK 35 000.00 (US\$ 247) to MK 350 000.00 (US\$ 2 470) mostly at the secondary level. At the secondary level students also contribute to school textbook revolving funds.

B. The budget cycle and consultation process

The budget cycle given in Figure 1 is used by almost all line ministries and government departments when preparing their annual budgets and doing their annual policy reviews. In general the MoEST consults stakeholders when formulating its plans. For example from August to January, the MoEST holds annual reviews to examine performance of previous budget and then decides on strategic plans for the next budget. At such meetings, the MoEST does include members of education-focused NGOs in the meetings. Notable ones are the Civil Society Coalition for Quality Basic Education (CSCQBE), Malawi Economic Justice Network (MEJN), LINK, LEG, Creative Centre for Community Mobilisation (CRECCOM) and the Association of Christian Educators in Malawi (ACEM); donors are also invited.

Figure 1: MoEST budget cycle



Source: Ministry of Education, Science and Technology, Planning and Budget Section.

Some of the salient issues discussed are then fed into the next step which is the planning phase, which is mostly business of the MoEST. Involvement of stakeholders is also allowed when the MoF has come up with consolidated budgets and calls for submissions from interested parties for instance during breakfast budget consultation meetings called by the MoF. Once this is done and views are taken the MoF comes up with final drafts which are then submitted to the National Assembly at least 21 days before it sits.

Much as the budget process seems so elaborate and consultative, the process is not without challenges and difficulties. Firstly, the MoEST planning and budget unit is challenged by capacity problems both in terms of human personnel but also failure to change to change and move towards an outcome based budget system in which emphasis is on linkage between budget cost and related activities. This is also very common at the budget execution stage where the controlling officers fail to spend the money on planned activities. Sometimes this is influenced by political decisions that are often outside the ambit of education activities and controlling officers feel intimidated to refute such orders. The MoEST and NGO consultations on the education budget are not that deep and elaborate. Often NGOs in the education sector do not get adequate budget information or they are left out altogether, since budgeting is often regarded as government prerogative⁷⁶.

There is also a bit of mistrust on the government side, who view NGOs as members of the opposition, as this statement from one government official shows:

NGOs do not participate much in these meetings. They often act as opposition parties. They draw out one point and amplify it; sometimes they do not even have correct information. They do not consult us for correct information and yet our doors are open to them.

Consultations on the budget are also hampered by late release of budget 'ceilings' from the Treasury. The sector ceilings that are announced by the MoF a few weeks before the budget is due in Parliament provide little time for the ministries to make good amendments, and as a result they are often rushed through. The timing of announcements does not really permit rational planning and budgeting. For example, for the 2006/07 Budget Call Circular announcing the sector ceilings was dated 6 March 2006, and the deadline for submitting sector budgets was 31 March 2006.

This makes members of NGOs fail to access such information on time so as to make constructive input. On the other hand, MoEST officials end up making hurried budgets just to meet deadlines for the budget to be consolidated. This then means that there is no proper budget consultation process, despite having the framework in place.

⁷⁶ Interviews with Mr Mwamlima, Senior Programme Officer Budget and Planning Department, MoEST, Lilongwe.

C. Reporting on use of funds

Every government department or institution that is a 'cost centre' is supposed to publish monthly returns on use of funds, and these returns are ostensibly the basis for further release of funds.

The returns are also used to conduct internal audits, as well as to prepare financial statements that are the basis for external audits. The introduction of the integrated financial management information system should now make the production of monthly returns automatic. However the IFMIS still does not cover all government institutions. Some secondary schools are now 'cost centres', which means that they get direct funding from the Treasury, and are then supposed to file returns; but this usually does not happen. In practice even if reports are produced they may not be available to the public.

The information captured monthly does not include outputs. These are reported annually often as part of the annual sector reviews, and not as part of budget tracking. This aspect of linking the budget to outputs has been problematic. The only other report on use of funds is to the parliamentary Public Accounts Committee (PAC). However reports to PAC are often late. Public expenditure reviews, an exercise that looks into compliance of adherence to approved spending against approved budget lines, are conducted every few years, and though important, do not permit annual assessments of budget implementation at this level of assessing effectiveness in achieving outputs.

The tracking of expenditures from central government to cost centres can now be easily done using IFMIS, although the information is not made public. The extent of funding depends on revenues available and monthly allocation decisions. However donor funded projects, called Part I of the development expenditures, are not captured by the IFMIS and so reporting on these is often very late. Consequently expenditure outturns do not necessarily match the budget. This has been the subject of friction between the government and the donors backing the Common Approach to Budgetary Support (CABS).⁷⁷ It has led to the inclusion of specified expenditure targets (as elasticities or absolute amounts for specified votes or activities) as part of CABS or triggers under the heavily indebted poor countries (HIPC) initiative to release financial support to the MoEST. Partly because of lack of real choice (limited discretionary expenditure) in allocating resources, the allocation exercise is conducted haphazardly, with funding guidelines being issued very late to sector ministries by the MoF. However every stakeholder does their part to make it look as though real rational choices are being made.⁷⁸

D. Procurement procedures and policies

The national systems and processes for procurement of public goods/services are set in the Public Procurement Act 2003. The rules require competitive bidding and also advertising. Since most projects are funded directly by donors through project implementation units the procedures of donors are often followed. Often these procedures are tedious and lead to logjams

⁷⁷ European Union, DFID, Norwegian Embassy, *Common Approach to Budget Support (CABS), March 2006 Review, Aide Memoire*, Lilongwe, April 2006.

⁷⁸ See Rakner, Lise et al, 2004, *The Budget as Theatre: The Institutional Makings of the Budget in Malawi*, Christian Michelsen Institute/DFID, Lilongwe, Malawi.

in project implementation. For instance the process of tenders takes too long in that adverts for tenders have to be released and then process or selecting the best bidders follows. Often due to busy schedules in government, the processes tend to take unnecessarily long and in the end delay the process of procuring timely services.

Information on the award of contracts is not made available to the public, nor is information on funds provided to service delivery units, as shown by the Public Expenditure Financial Accountability (PEFA) assessments carried out on behalf of the CABS group of donors.⁷⁹ Even though contracts announcements are made public, information on service providers awarded thereafter is often not made public and there is no law that stipulates that currently. Occasionally, the government may publicise the results in the private media like the *Daily Times* newspaper and not the *Government Gazette*.

The Office of Director of Public Procurement (ODPP) was set up to ensure compliance with the Public Procurement Act No. 8 of 2003. In practice, mechanisms for making sure that the rules are enforced are weak.

Reports in the print media indicate that political influence, nepotism and graft are rampant especially in the supply of goods and the construction industry.⁸⁰ The Anti-Corruption Bureau has also investigated cases of corruption in procurement (see chapter 7 on external oversight of the education sector).

In a nutshell, some of the major challenges and causes of failure to adhere to procurement procedures include such things as failure to instil institutional compliance to standard procurement procedures, absence of specialised procurement units with qualified staff, weak disclosure mechanisms and lack of procurement data to enable best value for money. These have led to corruption and nepotistic awarding of contracts and loss of public funds through purchases of expensive services.

E. Assessment and evaluation

The education sector budget attempts to reflect the priorities set out in the education sector strategic plan; however, the general verdict is that the results of strategic plans are not integrated into the budgets due to the realities of limited resources and a hodgepodge budgeting process. There is also a lack of 'strategic financing' – financing that can attract more finances to the sector. What is disturbing is that even though resources to the sector in the last ten to twelve years increased substantially with the introduction of FPE, the quality of performance of the sector is going down. This jeopardises the prospect of increasing allocations to the sector when in fact more resources, albeit better managed, are needed to consolidate the gains in enrolments and to tackle more effectively the current problems of poor performance.

Assessments of the budget process in Malawi are frequently negative, in that most of the time the process is not open and transparent, it lacks adequate information, and has many unnecessary delays. It has been described as 'theatre', as all stakeholders at the formulation,

⁷⁹ See Summary of PEFA Assessments for Malawi, 2005 and 2006, Appendix X.

⁸⁰ Deborah Nyangulu, 'Procurement Directory rates high in corruption', *The Daily Times*, Wednesday 26 April 2006.

execution and oversight stages know it is not taken seriously, and yet they continue to act as if it is taken seriously.⁸¹

Other evaluations see the budget process as overburdened by analytical frameworks that the government officers do not really understand, and that it is presented in formats that make it user unfriendly. For example the adoption of output-based budgeting has cluttered the budget process and documents.⁸² The budget process in the MoEST is also criticised because it has no *ex-ante* analysis of the budget for its possible impacts on women or vulnerable socio-economic groups.

Besides that, the budget does not reflect per capita financial requirements to ably meet the needs for instance of a child to go through an 8 year period in primary school. The MoEST should at least devise a system that would assist proper budget allocation to meet the needs of FPE in the country. To do that the MoEST would need to identify needs, and activities to address them during implementation. The MoEST is currently not able to analyse expenditures for their impact on these groups in order to find out if they are meeting their needs or if they are obtaining value for money. Without such analysis, the MoEST would not be able to address inequalities to access to education because the present budgeting system uses a one size fits all policy. Yet it should be possible with the available data in the NSO, MoEST and other sources, to produce a disaggregated budget showing how the ministry plans to meet needs for women and men, boys and girls, as well as to estimate the incremental economic benefits of implementing programs that plan *ex-ante* to respond to gender issues.⁸³

There are also capacity issues in the process of producing the budget. The 2005/06 CSCQBE report, for example, noted the quality of the budget documents has been marred by inconsistencies in figures. Data from the MoF is different from that of MoEST in the budget documents, and similarly data from MoEST headquarters does not tally with that from the divisions on similar budget lines. This indicates incompetence by technical personnel to present data consistently. Moreover it makes it difficult for interested parties to assess the levels of transparency and accountability as such weaknesses could lead to fraud and diversion of funds to non-priority areas.

Although the budget should be published on the Ministry of Finance website, often it is not and there are so many complaints about this state of lack of information on budget reports.⁸⁴ Even the 'pro-poor expenditures' that are supposed to be made available to the public on a monthly basis, as part of PRSP (HIPC) and even CABS financing agreements conditions are published episodically, when there is threat of freezing the donor financing. The budget documents are released too late to Parliament. This reduces time for scrutiny in Parliament.

The budget is rendered in documents that are difficult to read, and it is often difficult to link the budget to strategic plans and intended development outcomes.⁸⁵ There are also information

⁸¹ Rakner et al, *Budget as Theatre*.

⁸² European Union, PEFA Report 2005–2006.

⁸³ Examples are Budlender & Ngwira 1999; Semu et al 2004, Moser et al 2005 (see bibliography).

⁸⁴ International Budget Partnership, *Open Budget Index 2008*.

⁸⁵ PEFA Report 2006, p.39.

flow problems at the various levels – intra-ministry, inter-ministry, and between branches of government and civil society – which make it difficult to think through and evaluate the budget holistically as a document, especially since even progress on implementing it is reported too late and erratically. Those who want to track expenditures are thus frustrated.

The internal auditing function produces important information on the quality of the implementation of the budget. With the planned expansion of the IFMIS to all government departments it should be possible to track expenditure more easily as long as the transactions are quickly reported to the public. Coupled with a good procurement system, the IFMIS should check most of the fraud and over-expenditure that originate from the bottom. However, waste and over-expenditure caused from the top still requires a lot of vigilance.

All things considered, there have been significant improvements in the availability of information. The 2006 Public Expenditure Financial Accountability (PEFA) review raised the score of the indicators on comprehensiveness of information included in the budget (p.16) and public access to key fiscal information (p.110) from C+ to B, and D+ to B respectively.⁸⁶ However much still needs to be done. Information on resources received by service units is not readily available.⁸⁷ The score on transparency of intergovernmental fiscal relations was a C (Indicator p.8). This tallies with the finding of the CSCQBE that budget figures are not consistent across various government units/level.

F. Recommendations

- The MoEST should significantly improve the management of financial resources already allocated to the education sector. Resources should be spent in accordance with approved budget lines and thus prevent planned activities from being compromised by unexpected short falls in funding.
- The proportion of the budget allocated to the education sector should be increased to at least 26% of the national budget. This will qualify Malawi for more donor resources, and also broaden and consolidate the gains in the sector as a result of policy reforms of the last ten years.
- CSOs should advocate for the increase of these resources, especially those allocated to education programmes for vulnerable groups.
- The Ministry of Finance, Ministry of Economic Planning Development and Cooperation, and the MoEST (and indeed all sector ministries) should strengthen their coordination to link budgeting to sector strategies more closely.

⁸⁶ PEFA Report, 2006, Table 4, Indicator, p.110.

⁸⁷ PEFA report, 2006, pp. 34, 74.

6

Human resource management

The number of teaching staff has still not caught up with the needs of the major expansion of schools that followed the introduction of free primary education. A planned expansion of teacher training should likely meet these needs. The cost of HIV and AIDS is high for the Malawi education sector, for staff as well as pupils; strategies are in place to try to respond to this crisis, but there is a general lack of a strategy in relation to loss of staff for all causes. Disciplinary mechanisms are in place on paper to respond to staff or education ministry misconduct, but of limited effectiveness in practice and should be strengthened.

A. Recruitment, retention and promotion

The issue of human resource management is central to the MoEST. The education sector has the largest workforce in Malawi, employing 60% of the total labour force. This means the ministry has work to do to protect and care for its workers. In practice, deficiencies in management and the development of human resources – retaining staff, paying them on time, and mitigating the impacts of HIV and AIDS – are undermining the performance of the education sector.

The problems of human resources in the education sector were exacerbated by the hasty introduction of free primary education (FPE), necessitating the recruitment of unqualified teachers, and later the redeployment of retired teachers. The fall out of this has been the intractable problem of ghost workers, and the consequent failure to manage the payroll, and de-motivation of those teachers who go for months without pay.

The number of teachers rose significantly following the expansion of primary education. At the introduction of FPE, in 1994/95, there were 49 138⁸⁸ teachers at the primary level, though

⁸⁸ StateUniversity.com Education Encyclopaedia, page on 'Malawi: Pre-primary Primary Education', <http://education.stateuniversity.com/pages/915/Malawi-Preprimary-Primary-Education.html>, accessed August 2010.

the number dropped to 45 075 in 2005; it stood at 45 925 in 2008.⁸⁹ The increase in enrolments has outstripped the teacher capacity such that the pupil teacher ratio has fallen only to 78:1 and the pupil to qualified teacher ratio is 90:1. Clearly there is overall shortage of qualified teachers at primary and secondary levels, but the distribution is also skewed in favour of urban areas. The 2006/7 budget documents acknowledge that 53% of the established posts in the MoEST were not filled.

The recruitment of staff is the mandate of the Department of Human Resource Management and Development (DHRMD).⁹⁰ The recruitment rules are clearly stipulated, and are generally respected; positions are advertised in the newspapers with clear minimum qualifications. Affirmative action is not apparent in recruitment, except in some donor funded projects. Staff promotions are not transparently based on performance assessments and this coupled with low salaries has really worked against staff morale.

There is no staff retention strategy, and this has been a cause of capacity building problems. Teachers have left the public sector to join other sectors, or to take up non-teaching positions. In 2009, just over 4 000 teachers left the school where they were deployed, with almost 1 000 leaving the teaching profession altogether or taking up a non-teaching post (25% of the total enrolment of teacher trainees in 2009). See Table 8 for details.

Table 8: Teacher attrition numbers in 2009

Teaching staff reason for leaving teaching	Male	Female	Totals
Dismissed	77	46	123
Other	94	64	158
Prolonged illness	40	22	62
Reason not known	100	39	139
Resigned	156	59	215
Retired	84	37	121
Transferred to a non-teaching post	94	47	141
Transferred to another school	1 892	1 220	3 112
	2 537	1 534	4 071

Source: Ministry of Education, Science and Technology, Education Management Information Systems, 2009.

⁸⁹ MoEST: EMIS, *Education Statistics 2008*, p.44.

⁹⁰ The Department of Human Resource Management and Development is a central government agency operating under delegated powers from the Office of the President and Cabinet (OPC). It is empowered by the Public Service Act of 1994 to manage the public service.

B. Teacher training

There were approximately 3 794 students enrolled in nine national and private primary teacher-training colleges (TTCs) in 2008⁹¹ and the plan is to increase this to 4 000 students by 2012.⁹² An additional 1 300 are enrolled at the Domasi College of Education, which trains secondary school teachers.

There are plans to train more teachers and specialists in school management, inspection and data collection and analysis. The plans include establishing more teacher training colleges and improving the curricula of these colleges. Programmes for in-service training have been intensified and are supported by CIDA, JICA, and GTZ.

These plans are based on a clear assessment of staff gaps (e.g. in ESP, DEPs, etc.). Since the institutions where teacher and staff training are done are mostly under MoEST management, it is easy to plan. However resources are not allocated in amounts required to fully implement the plans, and the government will rely on its development partners to support training of teachers to be able to realise the goal of training adequate teachers to fill all teaching posts.

C. Mitigating the impact of HIV and AIDS

The HIV prevalence rate for Malawi is estimated at 14.2% for 2008; the impact of the pandemic on the sector are very serious. Studies have documented that HIV and AIDS has had serious negative consequences on the delivery of public education services.⁹³ The attrition rate for teachers due to HIV and AIDS is estimated to be 6% per annum. There was slowness and lack of decisiveness in responding in terms of accelerated training and workplace programmes but now the MoEST has come up with a Strategic Plan of Action to combat attrition caused by HIV and AIDS.

In 2002 the MHRC reported that every day close to five teachers die from AIDS-related diseases and that teachers are frequently absent from duty because they are sick, or nursing the sick.⁹⁴ There is an HIV and AIDS workplace programme that deliberately addresses the impacts of HIV and AIDS on the sector. It is also government policy to treat HIV and AIDS as a cross-cutting issue in any sector. Each sector/ministry is required to spend 5% of its resources on HIV and AIDS programmes. The ministry has developed a strategy to mitigate the impact of HIV and AIDS. The strategy is already being implemented and teachers who are HIV positive are being supported through the ministry.

As a way to reach out and support teachers living with HIV and AIDS, teachers themselves have come up with an association called Teachers Living Positively (T'LIPO). On the MoEST side, the ministry plans to improve on teacher access to drugs and mitigating the impact of HIV and AIDS, so as to maintain the quality of education and reduce the attrition rate. Some tangible ways that the ministry plans to contain the epidemic is by introducing school health and nutrition, promoting voluntary counselling and testing (VCT) facilities, and providing access to anti-retroviral treatment for teachers who test positive.

⁹¹ MoEST: EMIS, *Education Statistics 2008*, p.81.

⁹² National Education Sector Plan, 2008, p.20.

⁹³ Kadzamira et al, 1999.

⁹⁴ Malawi Human Rights Commission, 2002, *Human Rights Situational Analysis Report 2001–2002*, p.37.

However, the MoEST does not have clear plans to address the attrition rate arising from other causes.

D. Salaries and conditions of work

The remuneration package of staff in the MoEST includes housing and pension contributions. Staff in management positions at the apex work on a two- or three-year contract basis. Civil servants in Malawi are generally underpaid, especially at the lower levels, compared to countries in the SADC region. From 1997 real salaries for teachers declined until 2004/05 when they were doubled,⁹⁵ but the general perception is that incentives for teachers are still poor, especially for those working in rural areas. Most teachers prefer working in urban areas or joining other professions. Some women have gone to the extent of lying that they are married or getting fake marriage certificates so that they can follow their 'husbands' to urban areas.

MoEST staff, especially teachers, are often not paid on time due to unscrupulous actions in managing the payroll. Wage theft and hoarding by officials are common at district levels. Many redeployed retired teachers have been completely disappointed by the failure to manage the payroll.⁹⁶

Other conditions of work can be described as depressing. At the headquarters, staff have little equipment and few materials required to work effectively. In rural areas teachers may not even have chalkboards, let alone textbooks.⁹⁷

The GoM has adopted a maternity-leave policy following international standards – that is, three months. However the MoEST does not provide childcare facilities.

Teachers may belong to the Teachers Union of Malawi (TUM), and also the Malawi Civil Servants' Union (MCSU). Although there are restrictions on public protests, like the requirement to get clearance from the district commissioner and the police,⁹⁸ the TUM can strike whenever the need is felt. Often teachers participate in general civil servants' strikes. The Ministry of Finance consults the TUM and MCSU on conditions of service or proposed reforms. However these conditions are mostly dictated from central government, which in turn gets dictated to by the IMF/World Bank on matters relating to pay reform and other work conditions. For instance any increase in the wage bill has to have the approval of the IMF/WB and the development partners so that such an action does not make the government slip on IMF/WB macro-economic policies ensuring financial prudence in the public service.⁹⁹

After funding emoluments to facilitate the construction of classrooms and teachers' houses needed in rural areas, very little money is left in the budget to improve access to quality education. Teaching and learning materials (TLMs) tend to be grossly underfunded.¹⁰⁰ Often the allocated funds are not used for the intended purpose.

⁹⁵ CSCQBE, *Report of Civil Society Monitoring of the GoM Education Budget for the Fiscal Year 2004/5*, February 2006, p.27.

⁹⁶ Theresa Chapulapula, 'Teachers' salaries delay', *The Daily Times*, Wednesday 3 March 2010.

⁹⁷ CSCQBE, *Report of Civil Society Monitoring*, February 2006.

⁹⁸ Police Amendment Act (2010).

⁹⁹ Action Aid, *Confronting the contradictions: The IMF, wage bill caps and the case for teachers*, London 2007 (based on research in Malawi, Mozambique and Sierra Leone).

¹⁰⁰ Education Public Expenditure Review 2005; CSCQBE, *Report of Civil Society Monitoring*, February 2006.

Government did not procure any TLMs in 2004/05 despite the sub-sector being allocated MK 314m (US\$ 2.4m). Government therefore has an obligation to explain to the public what this money was used for. We call upon the government through the Auditor General and the Anti Corruption Bureau to investigate what happened to the money that was never used.¹⁰¹

The consequences of underfunding, non-procurement and logistical problems when distributing what has been procured, is the serious shortage of TLMs. Some schools even report that they resort to using pieces of cassava as chalk.¹⁰²

E. Codes of conduct/ethics

The MoEST has a code of conduct for teachers, published in Book 6 of the Malawi Public Services Regulations (MPSR). The contents of Book 6 were not developed in consultation with the frontline service providers, and have not been widely disseminated. Under the code, senior government officers and those responsible for large budgets are not in general required to declare assets, except for procurement officers. This is a requirement for politicians, but it is not enforced. General regulations for civil servants are also contained in the MPSR and in circulars issued by the DHRMD, as well as the Employment Act of 2003. The Teaching Service Commission Act (2001), states that a teacher will be guilty of misconduct if he/she behaves immorally with any pupil or student of any education institution in the country.¹⁰³

Disciplinary cases involving teachers and staff of the MoEST are handled by the disciplinary committee within the MoEST using the MPSR. For instance, the EMIS report for 2009 indicates that 123 teachers were dismissed for various reasons. Dismissals for criminal offences are aggregated under the general heading of dismissed teachers.

One of the major contributing reasons for teacher dismissals, especially male teachers, is sexual harassment of (including impregnating) girls.¹⁰⁴ There are reports also indicating that some female teachers are said to be harsh towards girls for no good reasons.¹⁰⁵ The MoEST is particularly keen to deal with such cases because they contribute to the drop-out rates of girl children and so dismissal followed by litigation of such teachers does occur.

Disciplinary procedures are not very effective. In part, this may be due to an interpretation of the 1999 Employment Act, which incorporates human rights protections for due process that is overly in favour of teachers. But it is also due to sloppy management of staff. Many cases that should go for disciplinary hearings are just ignored or 'talked over'. Often they are handled at the level of parent-teacher associations (PTAs) or school management committees (SMCs), and are seldom reported to the MoEST. There have been very few cases where legal action has been taken against staff. Cases of staff wrongdoing are reported episodically in newspapers concerning court cases or if convictions are made, rather than periodically in institutional reports. There

¹⁰¹ CSCQBE, *Report of Civil Society Monitoring*, February 2006, p.42.

¹⁰² CSCQBE, *Report of Civil Society Monitoring*, February 2006, p.39.

¹⁰³ Government of Malawi, *Government Teaching Service Regulations Act 2001*, section 77(x).

¹⁰⁴ See for example, J Jere, 'Teacher in for defiling a 6 year girl', *Daily Times*, Friday 9 October 2009, Blantyre, Malawi.

¹⁰⁵ Malawi Human Rights Commission, *Human Rights Situational Analysis Report 2001–2002*, p.35.

is no systematic compiling of all complaints of wrongdoing by teaching staff, so it is not possible to report on the number of complaints not formally acted on.

F. Recommendations

- To reduce the pupil-teacher ratio, the MoEST needs to develop and institute a teacher-training system that will ensure a constant supply of properly trained teachers, as well as offer a remuneration package that will attract new teachers and retain serving ones.
- Civil society and stakeholders in education should advocate for the formulation of a human resource management and development strategy which addresses teaching staff's real issues, and actively discourage the use of the generic, non teacher-specific Malawi Public Services Regulations.
- Disciplinary systems for teaching and ministry staff misconduct need to be strengthened and clearly articulated.
- The MoEST should expedite the resolution of payroll management problems to ensure that teachers are paid on time.

7

External oversight mechanisms

Parliament is the most important oversight body for the executive, at least in theory. In practice, however, the level of oversight offered is weak, and the education budget documents, for example, are approved with little discussion. The National Audit Office is the most important financial oversight mechanism, but it has limitations of capacity with very large numbers of unfilled positions. The constitutionally-established Ombudsman, Malawi Human Rights Commission and Anti-Corruption Bureau have had some important successes in tackling corruption and abuse of power, including in the education sector, and the general perception is that corruption has reduced somewhat. However, it remains a significant concern. Oversight by parent-teacher associations and school management committees is particularly weak, so that the efforts of non-governmental organisations and the media are critical.

A. National Assembly

The Ministry of Finance is required to submit to Parliament annually draft estimates of expenditure and other concomitant documents for deliberation and voting. Various assessments of the process of formulating, executing and oversight of the budget are negative.¹⁰⁶ The Public Accounts Committee or the Budget and Finance Committee (BFC) can summon civil servants to answer questions relating to poor outcomes or financial mismanagement.

The main issues with parliamentary oversight are:

- Weak capacity of parliamentary committees e.g. budget, education and public accounts, as well as the limited resources available for committees to discharge their duties;

¹⁰⁶ Rakner et al, 2004, p.18, PEFA Report 2006, p.96; CABS Review 2005; See also *Malawi: Democracy and Political Participation*, OSISA and AfriMAP, 2010.

- Inadequate sitting time for MPs; and
- Public Accounts Committee recommendations are ignored.

For Parliament to effectively scrutinise the education budget, it must have been well studied by the education committee to recommend issues for debate to the larger chamber. This rarely happens because draft budget documents are sent late, precluding careful research and analysis. The budget is poorly presented to a committee that does not have skills to quickly assimilate it; and often the technical debate by the larger chamber is not competently done and is prejudiced by political wrangling and sabotaged frequently by immodest demands by MPs for their own salary increases (this happened in the July 2006 budget session).

The law on budgeting allows for MPs, especially through the relevant committees, to exert significant influence on the contents of the budget, and ask for modifications to the budget. The Standing Orders of the National Assembly state:

The functions of each departmentally related committee shall include investigating, enquiring into, and reporting on all matters relating to the mandate, administration, estimates of their respective assigned ministries, statutory corporations and public bodies funded by the Treasury.¹⁰⁷

Unfortunately, what has often happened in practice in the National Assembly is a parade of shallow questions and answers and a positive vote on the budget.¹⁰⁸ MPs do not frequently ask for changes to proposed budget allocations, except those to their salaries. It was only in 2007 when the education, science and human resources made tangible changes to the budget and that their interventions yielded tangible results. The committee lobbied the MoF through pre-budget consultations to include funding for the construction of girls' hostels in some secondary schools and university colleges and this did work out. The committee, just like many other departmentally related committees is also hampered by lack of funding to carry out its mandate.

B. National Audit Office

The National Audit Office (NAO) is established under the Public Audit Act 2003. The main duty of this office is to instil accountability and transparency of the government, ministries, departments and statutory bodies to the public through the national Assembly by scrutinising public expenditures, revenues, assets, liabilities and the management of public money.¹⁰⁹

The head of the NAO, the Auditor General, is appointed by the President as stipulated under Section 5(1) of the Public Audit Act of 2003 in line with Section 184 of the Malawi Constitution. The Act also states that the Auditor General shall have independence of office.¹¹⁰

In reality the MoF controls the NAO through the budget allocations for its operations, and so does the DHRMD through staff and pay policy. Thus the problem that the NAO faces of failing

¹⁰⁷ National Assembly, Standing Orders, August 2007, Order 164(2) (a).

¹⁰⁸ See for example, Daily Debates, (Hansard) Series No. 013, Malawi National Assembly, Third Meeting, Thirty-Ninth Session, 8 March 2007, pp.4–5, questions and responses to Minister of Education and Vocational Training.

¹⁰⁹ Public Audit Act 2003, Section 3(a)(b)(c).

¹¹⁰ *Ibid.*, Section 5(3).

to reward and retain its staff in competition with the private sector, is not being quickly solved. As of 2005, 80% of the established positions were vacant. Donors concerned with the sorry state of the PFM systems have asked the government to change these practices. Progress on actual audit work is worryingly slow mostly because the process of compiling financial information for auditing is too slow, while there is lack of familiarity with the IFMIS procedures.¹¹¹

Audit reports by the NAO are often published two to three years late, and cannot therefore form a basis for taking corrective action on public financial management issues. Auditing practice is now changing to include output/outcome audits and this will likely be adopted in Malawi. The annual reviews of MGDS/MPRS do partially fill this need for output/outcome audits, though the assessments do not address issues of cost effectiveness or efficiency of activities.

The recommendations made by NAO tend to be ignored, partly because they come very late, even after the persons responsible for the actions have left government service.

Legally the NAO can use the law to ensure that its recommendations are implemented. For instance the Act states that:

The Auditor General may by subpoena summon any person to appear at a reasonable time before him and administer an oath to such person, and further may question such person, under oath regarding receipts and expenditures of money and any other reasonable and relevant matters necessary for the execution of the duties vested in the Auditor General by this Act.¹¹²

The NAO is required to report its findings and recommendations to the Parliamentary Public Accounts Committee. When the PAC receives NAO reports it calls for meetings to discuss them, and can summon officers to appear before it to answer questions. The main problem in the system/process, besides political influence, is that reports come late, and departments do not act on the recommendations made.¹¹³

c. The courts

Ordinarily courts do not provide oversight on policy or financial matters of the MoEST except to hear cases of those accused of corruption or theft. They also rule on complaints of violations of procedures or staff mismanagement. Some of the cases brought before the courts so far have involved students protesting appointment of staff, faking school certificates, closure of schools, strikes, teachers treating pupils inhumanly and examination leakages just to mention a few examples.¹¹⁴

During 2006, there was a case of prosecution and conviction of then Minister of Education Science and Technology for stealing MK 170 000 (US\$ 1 197) who got a 12 year jail term from the

¹¹¹ CABS Review, March 2006.

¹¹² Public Audit Act 2003, Section 8(1)

¹¹³ Rex Chikoko, 'ACB Avoids big Fish-Report', *The Daily Times*, Wednesday 24 February 2010.

¹¹⁴ Aubrey Chikungwa, 'Teachers drag govt to court', *The Daily Times*, Friday 7 April 2006.

Lilongwe Magistrates Court.¹¹⁵ This case brought a perception and appreciation of the no non-sense approach of the government to corruption, yet many cases of corruption go by unreported or unpunished.

The Industrial Relations Court (IRC) was established in 1994 to have ‘original jurisdiction over labour disputes and such other issues relating to employment’ and to ‘have such composition and procedure as may be specified in an Act of Parliament’.¹¹⁶ It started operating in 1999; in the financial year 2005/06 it registered 953 cases, of which four were from the education sector.

The problems of the IRC include people’s perception. Just like the Ombudsman, few people are aware of the institution. A 2006 study on civic education carried out by consulting firm COWI found that only 19% of the respondents know about the IRC.¹¹⁷ However, the IRC’s main challenge is poor funding from government. The court received basic funding to enable it purchase stationery and pay for utilities at its two registries and yet the court has in theory wider geographical jurisdiction than two districts in which it now operates. The court can not afford to reach out whole the country’s employed populace. The court fails to move around because of lack of vehicles, and lacks equipment necessary for proper case management and monitoring.

D. The Anti-Corruption Bureau

The establishment of the Anti-Corruption Bureau (ACB) was based on a constitutional provision which calls for government to put in place mechanisms for enhancing good governance.¹¹⁸ This constitutional requirement led to the enactment of the Corrupt Practices Act (CPA) No. 18 of 1995 which was amended in 2004. The Act establishes the Anti-Corruption Bureau as an autonomous agency for spearheading the fight against corruption in Malawi.

Section 10(1) of the CPA empowers the Bureau to take necessary measures for the prevention of corrupt practices in public and private bodies through: (a) examining practices and procedures for the delivery of services; (b) offering advisory services for the prevention of corrupt practices; (c) disseminating information on evils of corruption; and (d) enlisting and fostering public support against corrupt practices.

The section also mandates the Bureau to receive and investigate reports of alleged corrupt practices and where necessary, prosecute alleged suspects. The Bureau prosecutes the suspects after getting consent from the Director of Public Prosecution, who is the head of the prosecuting authority in Malawi. The Bureau has further powers: (a) to summon any person to appear before it to answer questions pertaining to their duties; (b) of getting financial statements or documents from banks or financial institutions; and (c) of arrest, search, seizure and confiscation of property connected with corrupt practices. Some of these powers are however subject to approval of the courts.

¹¹⁵ Peter Gwazayani, ‘Mwawa gets 12 years (to serve 5 years)’, *The Daily Times*, Wednesday 15 March, 2006.

¹¹⁶ Constitution, Section 110(2)

¹¹⁷ COWI Report, 2006, p.41.

¹¹⁸ Section 13(O) of the Constitution mandates the state to put in place measures that would ‘guarantee accountability, transparency, personal integrity and financial probity and which by virtue of their effectiveness and transparency will strengthen confidence in public institutions’.

The Bureau is a government department and exercises its functions and powers independent of the direction or interference of any other person or authority (Section 4 of the CPA, 2004). It is headed by a director who is assisted by a deputy director. Both the director and deputy director are appointed by the President and their appointments are subject to confirmation by the Public Appointments Committee of Parliament. Since the Bureau started its work in 1998, it has had three directors. The Act protects the director and deputy director from removal of office. The director and deputy director may however be removed from office by the President upon confirmation of the Public Appointments Committee, 'for inability to perform the functions of [their] office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour' (Section 9(2) of the CPA, 2004). The Act also empowers the President to act in the 'public interest' to suspend the director from exercising the duties of the office of director pending investigations to determine whether he/she may be removed from office or not.

The director submits reports to the President and to the minister regarding the general conduct of the affairs of the Bureau (Section 4(4) of the CPA, 2004). He also submits annual reports to the National Assembly, the President, the Cabinet, and the minister. The reports are generic in nature, hence they do not focus on service delivery in the education/health sectors, though they do list the complaints received by sector affected. Where necessary, the reports provide brief summaries of cases and their status. A committee of the National Assembly may also summon the director to appear before it to answer questions on the contents of the report and generally to give account of the performance of the functions of the Bureau or his/her duties (Section 21 of CPA, 2004). It is evident that the law has put in place mechanisms for protecting tenure of office of the director and for ensuring checks and balances.

The Bureau is funded by government through the consolidated fund. Like most public agencies, it is inadequately funded, so it too supplements resources from government with donor funding. In terms of human resources, it is also faces some constraints. For example, it cannot recruit, expand its establishment and/or fill vacant positions, due to periodic freezing of recruitment in the public sector and also the requirement to get authority from government.

The Bureau receives and investigates corruption-related complaints which members of the public submit. The complaints include those relating to service delivery. For instance, in the 2001/02 Fiscal Year, Ministries of Education and Health registered 186 and 50 complaints,¹¹⁹ respectively. In the 2002/03 fiscal year, 78 and 31 complaints¹²⁰ were registered. These complaints exclude those relating to the University of Malawi, Malawi National Examinations Board (MANEB), Malawi College of Health Sciences, Medical Council of Malawi, and the Christian Health Association of Malawi.

Complaints related to education service delivery have concerned examination administration (e.g. organised cheating, request of sexual favours by invigilators and teachers during public examinations, people writing exams for one another and favouritism in selection of invigilators); the existence of ghost workers on the payroll; corrupt practices in the procurement of services like contractors, and supplies like school materials; anomalies in the recruitment and promotion

¹¹⁹ ACB, Annual Report 2001/02.

¹²⁰ ACB, Annual Report 2002/03.

of staff as well as the selection of students to public secondary schools; the misappropriation of funds and fees, false claims; general abuse of school or public resources; and corrupt practices and delays in payment of salaries, allowances and terminal benefits mostly of teachers.¹²¹

The Bureau's investigations and interventions have led to the prosecution of some suspects, cancellation of contracts, review of operational systems, and the introduction of new policies for preventing corrupt practices. While the task of fighting corruption depends on several factors (like the availability of resources, economic and social factors, good governance structures and political will), the Bureau has gallantly executed its mandate and achieved some successes. For example, Bureau's efforts have led to: (a) the conviction of four suspects involved in the MK 187 million (US\$ 1.32m) education scam on 1 August 2006 after a protracted court hearing; (b) the swift handling of the recent case of a minister of education who used public money to finance a wedding to his fourth wife; (c) the conviction of a former general manager of the Petroleum Control Commission; (d) government saving millions of Kwacha after the cancellation of dubious contracts. Government cancelled, for example, a pre-shipment contract awarded to a British inspection firm, ITS, and a contract with SECUCOM. Government saved about MK 1.2 billion (US\$ 8.5m) as a result of the SECUCOM contract's cancellation.¹²²

The ACB has conducted investigations and prosecuted cases on the supply of text books and also the construction of schools, for example, the 'Field York note books' scam involving the then Minister of Education, Sam Mpasu (in prison now), and the the MK 187 million (£ 1.4m) education scam 'Jeffrey wa Jeffrey case' involving the then Deputy State President, Dr Cassim Chilumpha (later acquitted by the courts) and the then Principal Secretary Sam Safuli in the Ministry of Education (who served a two-year jail term).¹²³

There have been other independent studies on corruption in Malawi which indicate that the Bureau has, on average, succeeded in doing its work. The results of the Governance and Corruption Baseline Survey conducted in 2005 show that 60% of respondents felt that the Bureau has effectively contributed to the fight against corruption, coming second to religious bodies (62%) as the most effective instrument for fighting corruption.¹²⁴

The media has also been active in reporting and exposing corruption in Malawi. When it comes to the effectiveness of the ACB, journalists have mixed feelings. Some feel that the ACB has done well, while others cite delays in its investigations and prosecution of suspects. For example, in 2005 *The Sunday Times* commended the Bureau for its work and rated it at seven out of ten in terms of its effectiveness in contributing towards good governance initiatives in Malawi.¹²⁵

¹²¹ Wezzie Nkhoma Somba, 'Teachers cry foul over pay arrears', *The Daily Times, Supplement*, 9 March 2010.

¹²² Gideon Munthali, 'Why UDF is Nervous with ACB Nampota', *Malawi News, Saturday*, 10 November 2007.

¹²³ Mabvuto Banda, 'K187million education scam haunts Kasungu community', *Weekend Nation*, Saturday 1 May 2010.

¹²⁴ MCG & IFES, *Governance and Corruption Baseline Survey: Final Main Report*, February 2006; See also COWI Report (2006); Doig, Alan, et al, 2005, *Measuring 'Success' in Five African Anti-Corruption Commissions*, U4, Norway.

¹²⁵ 'Good Governance Supplement', *The Sunday Times*, 30 July 2006. See also Kamanga, Fenwick D, 2005, 'Is the ICAC Hong Kong Model for fighting Corruption Transferable? A Case Study for the Malawi Anti-Corruption Bureau', MSc Thesis, University of Birmingham.

Transparency International's Corruption Perception Index (CPI) rankings for Malawi have been getting worse, from 45th position in 1998 to 97th in 2005. Malawi's score on the index declined from 4.1 in 1998, to 2.8 between 2003 and 2005, and 3.3 in 2009.¹²⁶ The survey has its limitations, in that it represents the perceptions of business people and country analysts, both resident and non-resident, which may be affected by matters other than corruption itself. Between 2000 and 2004, when Malawi was poorly rated, there was intense political campaigning for a constitutional amendment to allow for open presidential terms, followed by parliamentary and presidential elections in June 2004. It was during this period that some of the high profile cases were unearthed and investigated. It is not possible to associate the poor CPI rating of Malawi to the ineffectiveness of ACB in fighting corruption.

The general perception is that corruption has gone down during Mutharika's government. The COWI survey reported that 7%, 55%, and 20% of the respondents perceived that there has been rampant corruption during Banda's, Muluzi's and Mutharika's governments, respectively. This means that people perceive Mutharika as doing better in the fight against corruption. However, they are worried that the levels of corruption are still high and are concerned that the agencies responsible for investigating it are not in fact successful, even if they might be making a positive contribution. According to the COWI study, the majority of people are aware of the ACB (53% females and 83% males), and 67% of the respondents felt that it was relevant; but only 51% perceived it to be effective.¹²⁷ Civil servants had a more favourable perception: 62% said the ACB was accessible and 75% said it was effective. So in general people feel that the ACB is tackling an important issue but that its accessibility and effectiveness could be improved.

E. The Ombudsman

The Ombudsman is established under the Constitution, Section 120, and the Ombudsman Act 2001.¹²⁸ The Ombudsman may investigate any and all cases where it is alleged that a person has suffered injustice and it appears that there is no remedy reasonably available by way of court proceedings.¹²⁹ The Ombudsman is required to investigate and take action in relation to complaints concerning alleged abuse of power or unfair treatment of any person by any government official.¹³⁰

The main complaints brought to the Ombudsman from the education sector are made by teachers and involve delays in payments of terminal benefits, or compensation, unfair termination of contracts and unpaid salaries and unfair loan deductions from salaries.¹³¹ It seems that the general public, including pupils and parents, do not make use of its services to resolve complaints about teachers or other staff of the MoEST.

¹²⁶ Rex Chikoko, 'ACB avoids big fish-Report', *The Daily Times*, Wednesday 24 February 2010; see also TI Corruption Perception Index available at http://www.transparency.org/policy_research/surveys_indices/cpi/2009.

¹²⁷ COWI Report 2006, p.43.

¹²⁸ See also *Malawi: Justice Sector and the Rule of Law*, OSISA and AfriMAP, 2006.

¹²⁹ Constitution, Section 123(1).

¹³⁰ Ombudsman Act, Section 5(1).

¹³¹ Ombudsman, 4th Annual Report, pp.26–29.

The main problem with the Ombudsman is its urban base, which makes it inaccessible to rural people, especially those at the age where they should be in school. Whereas on average 49% of the respondents were aware of the Ombudsman, only 28% of those under 16 years knew about the institution.¹³² The processes or procedures followed to deal with complaints are also elitist and tedious. Most of the records of outstanding cases indicate that correspondence between the complainant and the central ministry administration is still ongoing or responses haven't been received, five years after the cases commenced. This makes it very difficult to be responsive to those people from rural areas. The decentralisation of the democratic institutions is needed.

F. Malawi Human Rights Commission

The Malawi Human Rights Commission (MHRC) is mandated and regulated by Section 129 of the 1994 Constitution and the Human Rights Commission Act of 1998.¹³³ The MHRC received 91 cases involving violations of the right to education between 1999 and 2007 out of which it resolved 57, either through the courts or alternative dispute resolutions (ADR) via the parent teacher associations (PTA) or the school management committees (SMC) or other bodies. The MHRC has constraints and problems comparable to those of the Ombudsman. The MHRC's reports of its intervention in cases relating to the education sector are set out in Table 9.

Table 9: MHRC reports on education-related cases registered from 1999–2007

Year	Cases carried forward	New registered cases	Total number of cases	Cases that required investigation	Cases resolved through MHRC advice	Cases requiring legal Action	Cases referred to other bodies	Cases resolved through ADR (PTA/ SMC)	Cases rejected
2007	3	7	10	6	-	0	0	4	0
2006	5	18	23	9	9	0	1	1	3
2005	0	11	11	2	3	4	2	0	0
2004	0	16	16	7	6	0	0	3	0
2003	0	16	16	7	6	0	0	3	0
2002	0	2	2	0	-	0	2	0	0
2001	0	11	11	0	3	7	1	0	0
2000	0	1	1	0	-	0	0	1	0
1999	0	1	1	0	-	0	0	1	0
Totals	8	83	91	31	27	11	6	13	3

Source: Malawi Human Rights Commission Annual Reports 1999–2007. Compilation by the author.

¹³² COWI Report 2006, p.40.

¹³³ For further details, see *Malawi: Justice Sector and the Rule of Law*, OSISA and AfriMAP, 2006.

G. Community oversight: Parent-teacher associations and school management committees

The participation of communities in the planning, monitoring and evaluation of service delivery is important to ensure the responsiveness of the services to local needs, and hence to get enduring good performance. Local communities' participation is through parent-teacher associations (PTAs) or school management committees (SMCs).

The PTAs, whose main aim is to promote dialogue between parents and teachers at the same school, are voluntary associations – they are not governed by an Act of Parliament or any other specific legal authority. They also play a vital role in the smooth running of many schools especially at primary school level.

The SMCs are regulated by Section 34 of the Education Act of 1962. Their purpose is to promote the management and development of schools and to see to it that the schools run in accordance with the regulations stipulated in the Education Act of 1962.

However the concept of participation as embedded in the practice of democracy stands today like a shipwreck in the governance seascape. It has been a victim of conceptual inflation. Though the wreckage impedes our realisation of democracy, it is still considered full of treasures and it is appropriated differently by politicians, NGOs and social movements.

What is certainly the case is that service users' representatives are part of the SMCs and PTAs. Often these committees are involved in matters of disciplining staff, resolving problems among parents and also in mobilising communities for school construction projects. Some community-based organisations and NGOs are mobilising communities using participatory methods to contribute to dialogue on problems facing communities in education. Public hearings, or more correctly 'consultations' or 'meetings', are now held by DEMs, DAs and primary education assistants (PEAs) in order to consult communities and their leaders.

PTAs and SMCs do provide a channel for redressing grievances about the quality of education services, especially those factors that originate at the local level, for example, teacher behaviour, availability of materials. However there are some constraints on making this channel effective. Although the members of PTAs and SMCs are the cream of their communities, they have a very faint concept of the vagaries of policy-making, budget formulation, etc., that are at the centre of public service delivery. They also do not have full access to information, such as to the budgets for their schools. The PTAs and SMCs do not have skills for doing the assessments for making evidence-based requests for redress of poor service delivery.

H. Media and civil society organisations

Freedom of the press and advocacy by civil society organisations are phenomena of the last 15 years, since the advent of multi-party democracy. From 1994 to 2000 most NGOs in advocacy concentrated on political and civil liberties. From about 2000 the Catholic Church, through the Catholic Commission for Justice and Peace (CCJP), spearheaded work based on the Jubilee 2000 debt-relief campaign that gave birth to economic justice NGOs. The first was the Malawi Economic Justice Network (MEJN), followed by the Malawi Health Equity Network (MHEN) for health matters, the Civil Society Agriculture Network (CISANET) for agriculture, and in the edu-

cation sector, the Civil Society Coalition for Quality Basic Education (CSCQBE) and the Creative Centre for Community Mobilisation (CRECCOM).

The MEJN, CSCQBE and CRECCOM have carried out advocacy for the delivery of better quality social services, as well as raised public awareness on their rights to the services. These NGOs are networks of member NGOs.

These networks have many flaws:

- Because they are funded by external donors, they do not critique those donors whose practices jeopardise the delivery of services.
- Often they do not deal with the substantive issues of weaknesses in policy. Their advocacy work is judged by the government to be antagonistic and poorly informed, allegedly based on hearsay, but arguably this is due to their failure to access information fully and their limited capacity to conduct empirical studies.
- Another shortcoming is their urban bias and their being perceived as not having a constituency, and thus legitimacy. Politicians and policy-makers can easily disregard NGOs if it suits them to do so.

These weaknesses notwithstanding, the NGOs have played a significant role in increasing the acceptance of public participation in policy-making and the budget process.¹³⁴

Another class of NGOs often represents those that are wronged. These include: Malawi CARER, Women in Law in Southern Africa (WILSA) and the Civil Liberties Committee (CILIC).

However, NGOs are accused of failing their duty because most of the time they do not do proper analysis or consult enough to get accurate information, hence they are likened to opposition parties only there to oppose without giving constructive criticism.¹³⁵

However, much as it is true that NGOs do not have much capacity to assist the MoEST with its budgeting and tracking of expenditures, there has been considerable good work done through periodic studies commissioned by donors or civil society, like the MEJN's Service Satisfaction Delivery Surveys I, II and III (see details in Appendix A), and also the CSCQBE Surveys on Education for All, and others. These publications give a synopsis of how citizens in Malawi feel about service delivery in the education sector.

The CSCQBE has held consultations with the MoEST. The practice of having annual sector reviews to which stakeholders are invited has increased the participation of the media and NGOs in MoEST policy-making and reviews. But often NGOs complain that their recommendations and comments on government policies and reforms are not taken seriously.

The media has been a major means of passing on advocacy messages as well as implementing activities on improving the quality of education. The main media houses (Nation and Blantyre Newspapers) have been good at reporting on education issues despite their limited resources and skills. The effectiveness of the media and NGO is constrained by very limited access to information, particularly relating to budgeting and auditing. Officials are reluctant to give away information, both to protect resource allocation from external scrutiny and out of an inherent conservatism, and

¹³⁴ Chirwa, W and Naomi Ngwira, *Civil Society Empowerment for Poverty Reduction*, 1998; Rakner et al 2004, p.26.

¹³⁵ Interview with Mr Mwamlima, Senior Budget Officer, MoEST, Lilongwe, Wednesday 18 November 2009.

this leads to serious gaps in the information published. NGOs are generally free to do research or monitor the delivery of education services but within the constraints of limited access to information. In general the MoEST finds it more acceptable to consult NGOs at the time of making and reviewing policies/strategies than to be monitored by the NGOs during implementation.

When service delivery breaks down or deteriorates, responses from service users can include public demonstrations, though these are largely urban phenomena. Often petitions are submitted to politicians or senior administrators. In a survey conducted in 2005, however, 70% of respondents said they had done nothing to demand better services and of those who did, only 7% made demands relating to education.¹³⁶

One way in which people have protested at the quality of public education services has been the flourishing of private schools. Private schools have expanded the capacity to provide services, but they have also led to a decline in the quality of services, for instance most private schools often employ unqualified teachers, who they can afford to pay.

In analysing people's responses to the decline of public institutions, the concepts of voice, loyalty and exit are useful.¹³⁷ Voice is speaking out when services are less than satisfactory, and exit is used when the quality of services falls below an acceptable level. The advocacy role of NGOs is thus very important in strengthening the voice of the poor.

I. Recommendations

- Besides improving the motivation of personnel in the National Audit Office, the Malawi Human Rights Commission and the Anti-Corruption Bureau, and seeing to it that these units are properly resourced, it is imperative to ensure their independence and non-partisanship in carrying out their oversight role of making sure that public resources are used as intended by government ministries such as the MoEST
- CSOs should take stock of their activities and find innovative ways to improve the perception of the legitimacy of their advocacy activities. This would include honing their advocacy skills and finding ways of making the constituencies they represent more visible.
- CSOs should continue to implement, and advocate for, programmes to strengthen parliamentary committees, constitutional human rights bodies and the National Audit Office.
- Donors should continue to dialogue with government to formulate and implement public financial management plans to which the government commits.

¹³⁶ COWI Report, 2006.

¹³⁷ Hirschman, Albert, 1970, *Exit, Voice and Loyalty: Response to Decline in Firms, Organisations and States*, Harvard University Press.

8

Decentralisation: Regional/Local government

A national decentralisation policy was adopted in Malawi in 1998, but has still not been fully implemented. In the field of education, responsibilities at the different levels are reasonably clear, but capacity is significantly lacking at district level.

A. Relationship with central government

Chapter XIV of the Malawi Constitution outlines the establishment, functions, composition, and jurisdiction of local government authorities in Malawi, and provides for local elections. In 1996, a Local Government Elections Act was adopted; in 1998 the Local Government Act was adopted, providing for democratically elected district assemblies; a National Decentralisation Policy was approved by cabinet in the same year.¹³⁸ The first local government elections were not held until 2000, and there have been problems in holding them since then for cost and other reasons.¹³⁹ As of 2009, there were 40 local authorities in Malawi.¹⁴⁰

In addition to the elected structures, local authorities have technical support from civil servants who are employees of line ministries. The central government, through the line ministries, is the custodian of government policy implemented by the local authorities. All local authority plans are supposed to fit into the central government policy blueprints. The local authorities are

¹³⁸ See further, *Malawi: Democracy and Political Participation*, AfriMAP and OSISA, 2010.

¹³⁹ At the time of doing the research the Electoral Commission of Malawi had announced that the local government elections would be held in November 2010 after more than ten years of postponement of the elections.

¹⁴⁰ The assemblies are divided into four categories, all with the same legal status under the Local Government Act: 28 district assemblies; eight town assemblies; one municipal assembly; and three city assemblies. See Malawi government website <http://www.malawi.gov.mw/LocalGovt/Home%20%20LocalGovt.htm>, accessed 26 February 2009.

thus implementing agencies of central government policies. However, the local authorities have powers to undertake planning at their level and to pass their own by-laws.

The MoEST began the decentralisation of the delivery of educational services in 2005. The guidelines for the process including action plans and activities that would be devolved to the districts are outlined in the district education plans (DEPs) for each district. There are six educational regions which have between four to six education districts divided into zones of six to ten primary schools. On average the zones have up to about 3 000 pupils with an average of 350 teachers per zone. Details of the divisions and educational districts are given below:¹⁴¹

South West Division (Chikwawa, Blantyre Rural, Blantyre Urban, Mwanza, Nsanje districts)

South East Division (Zomba Rural, Zomba Urban, Balaka, Machinga and Mangochi districts)

Shire Highlands Division (Mulanje, Chiladzulu, Thyolo and Phalombe districts)

Central West Division (Lilongwe Rural, Lilongwe Urban, Mchinji, Ntchewu and Dedza districts)

Central East Division (Kasungu, Dowa, Salima, Ntchisi and Nkhota-kota)

Northern Division (Mzimba, Mzuzu, Karonga, Rumphu, Nkhata-Bay and Chitipa)

Since the decentralisation process was instituted in the MoEST, the education divisions have been manned by division education managers whose main responsibilities are to coordinate all activities related to running of secondary schools such as human resource matters, and supplies of teaching and learning materials. At the district level, the district education officers (DEO) oversee the administration of primary schools and also handle matters of human resources, and teaching and learning materials for the primary schools within their districts.

There are now clearer responsibilities for education services at the various levels of government.¹⁴² The responsibilities of the district and other assemblies for education are to provide nursery and kindergarten, primary schools, and distance education centres.

The relationship between the central government and assemblies has been set out in the decentralisation policy as follows:

The central government will support the assembly with policy guidance, financial and technical assistance. Line ministries will retain responsibilities over the following areas: policy formulation, policy enforcement, inspectorate, establishment of standards, training, curriculum development, international representation etc. In undertaking this responsibility line ministries will have direct links with local authorities as instruments of service delivery over professional and operational issues. However policy and other issues affecting all local assemblies as instruments

¹⁴¹ See, www.sdn.org.mw/edu.

¹⁴² These are set in the National Decentralisation Policy and 1998 Local Government Act, paragraph 22(a).

of local government and development will be channelled through the Ministry of Local Government (MoLG). The MoLG will facilitate the development of an effective system for governance and development in the form of district assemblies and act as a link between central government and district assemblies.¹⁴³

In addition, one of the purposes of the decentralisation policy was to 'promote popular participation in the governance and development of districts', with the objectives to 'create a democratic environment and institutions in Malawi for governance and development, facilitate the participation of the grassroots in decision-making, promote accountability and good governance at the local level and mobilise the masses for socio-economic development'.¹⁴⁴

Initially decentralisation was done at the institutional level (de-concentration). Now many secondary schools and education zones are cost centres on their own. They have their own budgets and should submit monthly returns to the Accountant General, as the basis for continued funding and also preparing financial statements for external auditing.

National policies are set at MoEST headquarters. Each district formulates its DEPs, and sets priorities as seen at the district level, but in the context of the overall ESP and PIF.

B. Planning and budgetary documentation

Local government authorities are required by law to produce plans, monitor programme implementation and evaluate progress. This is contained in the Local Government Act of 1998.

An assembly shall have a duty to draw up plans for social, economic and environmental development of the area for such periods and in such form as the Minister may prescribe. Development plans shall be prepared in conjunction and consultation with other agencies that have a public responsibility for or charged with producing plans for development generally of specifically and affecting the whole or part of the area of the assembly.¹⁴⁵

At the district assembly level there are officers charged with doing these tasks. However, there are many staff vacancies.¹⁴⁶ In the specific areas of education, the division education managers (DEMs) supervise the formulation of DEPs, and also the implementation of the plans. Local assemblies are now responsible for some sector expenditures and sector funds have now been included within the assembly budgets with effect from the 2005/06 fiscal year. Prior to that, they were included in the MoEST budgets. The planning and budget documents are made available on request. The quality of the documents produced is of acceptable standard, although the budget figures tend to be inconsistent with those from MoEST headquarters.

¹⁴³ The National Decentralisation Policy, Sections 11.1, 11.2 and 11.3.

¹⁴⁴ The National Decentralisation Policy, Sections 2 and 3.

¹⁴⁵ Malawi Local Government 1998 Act, Section 21(1) and (2).

¹⁴⁶ CSCQBE, *Report of Civil Society Monitoring, 2006*.

District assemblies and all cost centres are also required to produce financial reports which should be audited by the NAO.¹⁴⁷ However, due to the constraints of understaffing and resources at the NAO, often district assemblies are not audited. External auditing is likely to be done where it is a requirement of donor financing.

Despite efforts made in recent years in providing training in management to district education officers, school inspectors and school managers, and the decentralisation of the education services, there are weaknesses in the management of the system and the decentralisation process is still incomplete.

c. Critique of decentralisation policy

Respondents to a survey conducted in 2006 felt that due to lack of transparency there are still some controversies as to the division of responsibilities and that the financial resources given to regional or local government do not match the responsibilities they have for service delivery.¹⁴⁸ For instance, there is a perception by private-sector education service providers that national policy priorities are not clearly communicated to the regional/local level. But the government institutions indicated that mechanisms for communicating national priorities are adequate. Communication is done through circulars, letters and meetings. Implementation is checked through monthly reports prepared for the district assembly, as well as through monthly returns sent to the MoEST headquarters.

Some respondents said that it is not possible to know if local governments are implementing government priorities. An examination of the DEPs however shows that the district priorities map closely those of the PIF and ESP, albeit with different rankings. A good number of respondents also said that if local government is not performing there is no mechanism for forcing them to do so.

The funding of local government education institutions is not conditional on performance. The whole supervisory structure of DEMs, education advisors, SMCs and PTAs is supposed to ensure that local-level organisations perform. In practice the quality of staff in the decentralised structures is poor, and sometimes staff vacancies still exist that render good performance elusive.

The mechanisms for reducing disparities in service provision in local government units are embedded in the rules for locating institutional establishments for service delivery and the policy to start providing special incentives for staff in poorer locales. However some rules about locating schools can cause difficulty where settlement patterns are scattered. Pupils walk long distances because the location of schools is based on a non-pragmatic concept of minimum population. Districts education officers conduct assessments of their financial and human resources. Often these assessments indicate gaps in numbers and specialisations of teachers, and reveal differences in needs among districts, but little remedial action is taken.

¹⁴⁷ Malawi Local Government 1998 Act, Section 44.

¹⁴⁸ Education Public Expenditure Review 2006, also PEFA Report 2006, p.74.

D. Recommendations

- Decentralisation plans should be speedily and fully implemented, particularly in strengthening the participation of local communities in the planning, monitoring and evaluation of programmes. The MoEST, which started the decentralisation process started in 2005, should move towards the actual devolvement of powers and de-concentration of duties.
- CSOs should continue to lobby for prompt, regular local government elections in accordance with the constitutional and legislative framework.
- The MoEST should allocate more resources to district assemblies and give them more decision-making powers.
- Local parent-teacher associations and school management committees should be supplied with more information and skills-development so that they can participate more effectively in the planning, monitoring and evaluation of education programmes.

9

Donor interventions in the education sector

Malawi is a poor country, heavily dependent on development assistance, including in the education sector. This is likely to remain the case for the foreseeable future. The adoption of a sector-wide approach to education is urgent, to ensure better coordination among donors and between donors and the government in the funding and strategic planning for the education system.

A. Development assistance

Donors play an important role in the financing of the Malawian education system. This is particularly the case with regard to development expenditures. Available data source on budgeting of external funds during the period 2003/04 showed that the donors contributed 98% (US\$ 35.4m) of the development expenditure, which was about 28% of the MoEST's US\$ 127.3m total expenditure (US\$ 91.9m recurrent expenditure and US\$ 35.4m development expenditure).

In addition to the main education donors, NGOs support education mainly through the construction of school buildings. Development partners active in the sector include: the African Development Bank (ADB), the Canadian International Development Agency (CIDA), the British Department for International Development (DFID), the German Development Bank (KfW) and cooperation enterprise (GTZ), the Japanese International Cooperation Agency (JICA), the UN Children's Fund (UNICEF) and Population Fund (UNFPA), the US Agency for International Development (USAID), the World Bank and World Food Programme (WFP). Table 10 summarises the size and the area of support by each agency.

Table 10: Donor aid to the education sector

Agency	Project/programme	Period	Amount (US\$m)
ADB	Secondary Support to Community Secondary Schools Project	2002–2007	22.00
CIDA	Primary Grant to support the education sector	2004–2010	20.00
	Secondary Secondary School Teacher Education Project	2000–2007	6.90
DFID/ Netherlands	Primary Education Sector Support Programme, Support to Education Programme FA	2003–2008	150.00
		2004–2010	94.6
GTZ/KfW	Primary Improving basic education in Malawi, Quick Win School Feeding, Primary School Education Programme II, (KfW), Basket funding	2002–2007	9.80
		2005–	4.92
		2000–2008	14.14
		2006–2008	7.15
JICA	Primary Planning and capacity building NIPDEP, Technical support through education advisor to MoEST	2003–2008	4.80
		2005–2006	1.25
	Secondary Strengthening Mathematics & Science in Sec. Educ. (SMASSE), Domasi College of Education, Japan Oversees Volunteer	2004–2008	2.50
UNICEF	Primary Basic Education Programme	2004–2007	8.00
		Secondary HIV/AIDS Prevention and Youth Development	2004–2007
UNFPA	Primary Life skills education for in-school young people	2005–2009	3.09
USAID	Primary Teacher Professional Skills Improvement	2001–2008	37.02
	Tertiary Policy reforms secondary education	2003–2008	7.81

Agency	Project/programme	Period	Amount (US\$m)
WB	Primary Education Sector Support Project (ESSUP)	2005–2010	17.4 0
	Secondary Education Sector Support Project (ESSUP), Capacity Building and Policy Development (ESSUP)	2005–2010	4.40
		2005–2010	1.70
	Tertiary Education Sector Support Project (ESSUP)	2005–2010	8.70
WFP	Primary School feeding in selected districts	2002–2006	6.80

Source: Malawi Aid Atlas.

Donor support is focused on improving access and equity, quality and relevance, and on the planning and management capacity for all levels of the system. In the area of access and equity, the emphasis has been on the construction and rehabilitation of primary and secondary schools. In the area of quality and relevance, the focus has been on teacher training, including in-service teacher training; the construction and rehabilitation of teacher-training colleges and teacher development centres; curriculum review and development; provision of text books; enhancement of school health and sanitation; provision of safe drinking water; awareness creation related to HIV and AIDS and the introduction and popularisation of the life skills' curriculum; and on the improvement of school assessment systems. With respect to management and planning, donor resources have been directed towards the development of national- and district-level education strategies; national school mapping and census exercises; the development of an education management information system; the construction and rehabilitation of district education offices; training of educational managers, teachers and other educational stakeholder groups.

B. Publication of information on donor support

Most donors do publish information on aid flows to all sectors, including education. Some donors are more diligent than others in publishing this information.¹⁴⁹ The coverage of reporting varies. Often donors do not include in the reported figures what they spend on technical assistance (TA) or overheads or overseas direct procurement.

For instance, the 'project on economic governance' (PEG), funded by CIDA, developed a website that was used for the purpose of publishing data on development assistance. At the behest of the Group on Financial and Economic Management (GFEM) of government/donors, the database was transferred to the Debt and Aid Management Division (DAMD) in the Ministry

¹⁴⁹ Ministry of Finance, Debt and Aid Management Division, Extra-Budgetary Support, June 2006.

of Finance. This was part of the effort to increase the coverage of donor funding in the government budget, a response to the Public Expenditure Financial Accountability (PEFA) framework.

In general both donors and government need to do more to improve the aid relationship by adopting a more realistic long-term approach to the developmental challenges Malawi faces, being willing to compromise, and put more emphasis on political economy in aid programming.¹⁵⁰ In pursuit of the norms of the Paris Declaration on Aid Effectiveness, the DAMD in the MoF has formulated a Development Assistance Strategy (DAS) 2006–2011. The strategy is for harmonising donor practices and aligning the aid to government policies and systems, as well as managing the aid for results.

The DAS will facilitate aid coordination through various aid coordination forums, for example a high-level government/donor aid coordination meeting held monthly to consider alignment of aid to overall national priorities and resolve high-level issues with donors, and sectoral aid coordination groups (including education) that will ensure that resources in a sector are allocated according to set priorities and are utilised efficiently.

Some donors, including the DFID, Norway, the World Bank, and the African Development Bank, have made multi-year funding commitments based on their Country Assistance Strategies (CASs). In the past the predictability or scheduling of inflows has been problematic (often during Muluzi's government due to failure to meet conditions for aid disbursements). This led to the suspension of general budget support. Part of the objective of the DAS is to ensure that conditions for disbursing aid are met on time.

There is a strong thrust to create a sector wide approach (SWAP) for the education sector, bringing all donor-funded projects into one strategic framework set by the government. Most major education projects are currently managed by project implementation units (PIU). A 2006 study concluded that

the preconditions for a successful SWAP do not yet exist in the education sector. There is limited knowledge of national policy among key players; no strategic policy thinking among them in critical areas (direction and regulation of private education, future of vocational training, linkage between output of secondary and input into tertiary, etc. There is little capacity for policy implementation and management in the ministry. There is no evidence of any self interest in pooled effort, there has been sharp competition for resources among different sub-sectors (basic vs. tertiary, etc), encouraged by donor inconsistencies over the years.¹⁵¹

¹⁵⁰ Booth et al., *Drivers of Change and Development in Malawi*, January 2006.

¹⁵¹ *Ibid.*, p.63.

The status of donor harmonisation/coordination is summarised in Table 11.

Table 11: Donor harmonisation/coordination

Indicators of donor harmonisation/coordination in Malawi			
Activity	Current	Future	Comments
Future mode of collaboration (e.g. SWAPs)	Projects/ Programme	SWAP	Basket fund under development as an embryo for SWAP
Joint missions	No	–	Joint missions under consideration
Joint analytical work (incl. dissemination and implementation)	Some		Planned for SWAP and basket fund
Use of common arrangements and procedures (e.g. CABS)	Some		Third-party moneys (DFID/ Dutch)
Undertake mutual assessment of progress in implementation	Yes		Annual Joint Sector Review
PIUs fully integrated in line ministries	No		Plans to integrate construction management units
GoM uses formal M&E systems in this sector	Yes		M&E section set up at the MoEST
GoM M&E systems are used in this sector	Some		Government monitoring in budget procedures
Disbursements are made as planned and discussed with GoM	No		

Source: JCPR Report 2006.

Much as donor support is appreciated and very welcome, it does not come without challenges. First, donor support can be unpredictable and carries the North-South problematic relationships, aid politics and conditionalities; Malawi has had a taste of such. In 2002, having introduced very good reform programmes in the education sector, the Danish International Development Agency (DANIDA) decided to pull out of Malawi after allegations of corruption and the mismanagement of Danish funds.¹⁵²

For Malawi to have quality education for all and ensure access to education by all, the country must spend close to 30% of the total national budget.¹⁵³ Unfortunately, Malawi cannot do so due to the IMF/WB restrictions on public expenditures. The only way to meet such public expenditure in the education sector is when the international partners can commit themselves, in action as opposed to rhetoric, to support the Jomtien and Dakar EFA initiatives.

¹⁵² CSCQBE, *Education for All in Malawi*, 2008, p.30.

¹⁵³ *Ibid.*, p.31.

c. Recommendations

- The move to a sector-wide approach (SWAp) for financing and implementing education programmes needs to be accelerated.
- The policy-making capacity of the sector should be strengthened and made more credible, consistent and transparent by building human resources and making the policy-making process more consultative and inclusive, with stakeholders such as civil society and private-school actors taking an active role.

Appendices

A. The MEJN Service Delivery Satisfaction Surveys

The Service Delivery Satisfaction Survey collects parents' perceptions on various aspects determining the quality of education. Respondents are asked to rate accessibility of primary schools, reasons for choosing a specific primary school, conditions of classrooms, adequacy of teaching and learning materials provided, general school environment, provision of teacher's houses and teacher's dedication to work, satisfaction with standard 8 pass rate and community involvement. The following findings were reported for 2005:

In general 63% of the parents were satisfied with the quality of education and over 70% of the respondents were satisfied with the dedication shown by the primary school teachers.

Accessibility of primary schools and conditions of classrooms

Almost 92% of respondents indicated that their nearest primary school is a public school, followed by 6% that said they are living near to a mission run primary school. On average the public primary schools are within 20 minutes (median) or 1.8km (median) walking distance. Although primary schools are widely spread, numbers of classrooms or conditions are not satisfactory; 46% of the respondents said they were not satisfied with the number of classrooms. Furthermore, 40% of respondents were not satisfied with the state of classrooms.

The responses on adequacy of learning materials were as follows:

- Very satisfied 26%
- Slightly satisfied 24%
- Slightly unsatisfied 27%
- Slightly inadequate 24%
- No strong opinion 4%
- Not applicable 2%
- Do not know 4.5%

Community participation

Community participation in school activity is crucial in that it shows community involvement in decision making on factors that affect them at same time is also a quality check in a sense that if more people are active participants in school activities the more accurate the information they provide on school issues. The SDSS III indicated that 50% of the respondents were very satisfied with community participation.

B. Summary of Public Expenditure Financial Accountability (PEFA) assessments for Malawi, 2005 and 2006

Performance Indicator		Score 2005 Review	Score 2006 Review
PI 1	Aggregate expenditure out turn compared to original budget.	C+	A
PI 2	Composition of expenditure out-turn compared to original approved budget	D+	D
PI 3	Aggregate revenue out-turn compared to original budget.	D	-
PI 4	Stock and monitoring of expenditure payment arrears.	C	D+
PI 5	Classification of the budget.	B	B
PI 6	Comprehensiveness of information included in the budget.	C+	B
PI 7	Extent of unreported government operations.	B	B
PI 8	Transparency of inter-governmental fiscal relations.	D	C
PI 9	Oversight of aggregate fiscal risk from other public sector entities.	D+	D+
PI 10	Public access to key fiscal information	D+	B
PI 11	Orderliness and participation in the annual budget preparation process.	D+	B
PI 12	Multi year perspective in fiscal planning, expenditure policy and budgeting.	D	D+
PI 13	Transparency of taxpayer obligations and liabilities.	D	C
PI 14	Effectiveness of measures for taxpayer registration and tax assessment.	D	C
PI 15	Effectiveness in collection of tax payments.	D	D+
PI 16	Predictability in the availability of funds for commitment of expenditures.	D+	C+
PI 17	Recording and management of cash balances, debt and guarantees.	C+	C
PI 18	Effectiveness of payroll controls.	D+	C+
PI 19	Competition, value for money and controls in procurement.	D+	C
PI 20	Effectiveness of internal controls for non-salary expenditure.	D+	B
PI 21	Effectiveness of Internal Audit.	D+	D+
PI 22	Timelines and regularity of accounts reconciliation.	C+	B
PI 23	Availability of information on resources received by service delivery units.	D	D
PI 24	Quality and timeliness of in-year budget reports.	D	C+

Performance Indicator		Score 2005 Review	Score 2006 Review
PI 25	Quality and timeliness of annual financial statements.	D+	D+
PI 26	Scope, nature and follow-up of external audit.	D	D+
PI 27	Legislative scrutiny of external audit reports.	D+	-
PI 28	Legislative scrutiny of external audit reports.	D+	D+

C. MHRC situation analysis for promoting education rights

Right	Legal framework and policies	Challenges	Proposed strategies	Responsible institution
Right to Education	<ul style="list-style-type: none"> • UDHR • ICSECR • ACHPR • Constitution • Education Act • MPRSP • PIF • Vision 2020 • University Act • MANEB Act 	<ul style="list-style-type: none"> • Long distances to school. • Inadequate basic teaching and learning materials. • Cultural barriers to education. • Poverty. • HIV/AIDS. • Gender inequality in education. • Poor quality of education. • Inefficient education management systems. • Poor infrastructure. • High drop-out and repetition rates. • Uncontrolled mushrooming of private schools. • Limited enrolment capacity at tertiary level. • Unqualified and under qualified teachers at primary and secondary levels. • Limited opportunities for children with special needs. • Brain drain at tertiary level. • Outdated Education Act. • Inadequacy of 5 years of basic education to eradicate illiteracy. • Misallocation and misallocation and mismanagement of resources. 	<ul style="list-style-type: none"> • Increase access by building more schools. • Provide adequate teaching/ learning materials. • Eliminate cultural barriers. • Respond adequately to problems in education created by the HIV/ AIDS epidemic. • Build management capacity. • Recruit and train more teachers. • Revise Education Act and other acts. • Increase access to education for children with disability. • Amend Constitution to replace 5 by 8 years for compulsory education. • Construct and expand tertiary institutions. • Offer competitive salaries and conditions of service for lecturers and staff. • Put in place resource utilisation control measures. 	<ul style="list-style-type: none"> • Ministry of Education • MASAF • University of Malawi • MHRC • Private Schools • Association of Malawi (PRISAM) • MANEB • MIE • MACOHA • Ministry Responsible for Persons with Disability. • NGOs • Traditional Leaders • Media Organisations • Religious organisations • Parliament

Source: MHRC, 2003, National Action Plan for the Promotion and Protection of Human Rights in Malawi 2004–11

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E. Lists of participants

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Mpatsa Lodge, Salima, 10 July 2010

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Mr Francis Ng'ambi	Research and Training Coordinator	CHRR
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