



The Institute for Policy Interaction

Parliamentary Observation Report

3rd Meeting 39th Session

Monday 19th February, 2007 to Thursday 15th March 2007

1. Duration

After an inordinate recess of five months, the 3rd Meeting of the 39th session of the National Assembly of Malawi resumed sitting Monday 19th February, 2007 and adjourned prematurely on Thursday 15th March 2007. The meeting, which lasted for nineteen sitting days was characterised by political tension and hostility. The effective use by the opposition of its majority was evident throughout the meeting as the government struggled and, in majority of cases, failed to muster support for its business

2. Government Legislative Agenda

2.1 Government Business

2.1.1 BILLS

In opening the third meeting, the Leader of the House, Hon. C Banda outlined the legislative agenda of government, which was to include approval of the Supplementary Budget, three loan authorisation Bills for Karonga-Chitipa Road, Nkhata Bay District Hospital, Thyolo-Bangula Road. In addition, six bills spilling from the previous session were also to be considered *viz Criminal Procedure and Evidence Code; Penal Code; Police; National Registration; Securities and Constitution Amendment*. He implored the members to rise above party politics in the course of their deliberations.

In response to the opening speech by the Leader of the House, the Leader of the Opposition, Hon JZU Tembo, bemoaned the small volume of business, which was before the house, and blamed it on poor planning and lack of seriousness on the part of government. He further cited the absence of the Electoral Amendment Bill among the bills to be presented as indicative of non committance on the part of government to hold local government elections.

2.1.2 Mid Term Budget Review and Supplementary Budget

The major highlight of the session was to be the approval of the Supplementary budget presented by the Minister of Finance. In his presentation, he gave an overview of the overall performance of the economy, which he said, was registering a growth rate of 8.5% higher than the projected 8.4%. Inflation was down to single digits of 9.6% from 16% and interest rates down by 5 percentage points to 20%. He concluded the review by tabling a MK 8.3 billion Supplementary Budget to utilize the additional financial resources resulting from the Highly Indebted Poor Countries (HIPC) completion point where most of the external debt was amortized. However, using its numerical advantage in the house, the opposition rejected the Supplementary Budget by 86 to 74 votes accusing government of failing to provide detailed accounts of the budget outturn by the ministry for the current budget as required by law and, in addition, for attempting to divert resources from one project to another without offering plausible reasons for the non-performance on the originally approved project.

2.1.3. Confirmation of Auditor General Rejected.

In what appeared to be another ploy to frustrate government, the house rejected confirmation of Auditor General by 101 to 64 votes. Initially, the government had acceded, in good faith, to the request "for ample time" to review the resume but

was surprised when the house rejected the appointment on what appeared to be “flimsy” reasons which were politically motivated. The nominee, Mr. S Mchenga, submitted for confirmation as Auditor General, hailed from a World Bank and GoM funded project and was no stranger to the Audit office having served the office earlier in his career as Assistant Chief Auditor.

3. House Regularizes Committee Membership

Hon Loveness Gondwe (AFORD) moved two motions to regularize the appointment of some committees as required by the Constitution.

In terms of the Republican Constitution, the membership of the Legal Affairs, the Public Appointments, Budget and Finance, and Defence and Security committees must be renewed annually and this had not been the case since September 2005 - thus undermining the legality of their decisions. This was particularly so with the Public Appointments Committee whose decisions have not gone down well with the executive. The government had challenged the decisions of the Public Appointments Committee on the basis of what, it alleged, to be improper composition of the committee. The government thus wished the motions to be defeated so as to annul the decisions made by the committee.

But, despite the spirited effort by government to have the motions defeated, the opposition carried the day. The background to the motions follows a stand off between government and Public Appointments Committee on the appointments of Mrs Agrina Mussa in 2006 to be Deputy Ambassador to South Africa and Mr Ndovi as head of Anti Corruption Bureau against the recommendations of the Committee. The government, among other reasons, cited improper composition of the committee as some of the reasons for their non-compliance with the committee’s recommendations.

4. Committee Reports

For the first time ever, nine committee reports were tabled, but, because of premature adjournment, only the Agriculture Committee Report on the Assessment of The Food Security Situation found space for debate on the floor. Other reports were from Budget and Finance Committee on the Mid Year Budget Review and Supplementary Budget; Education Committee on Assessment of Infra Structure and Implementation of Budgets; Policies and Programmes of Educational and Vocational Training Institutions; Public Appointments Committee; Transport and Public Works on Consultative Meetings with stake holders.

4.1 Agriculture Committee Report

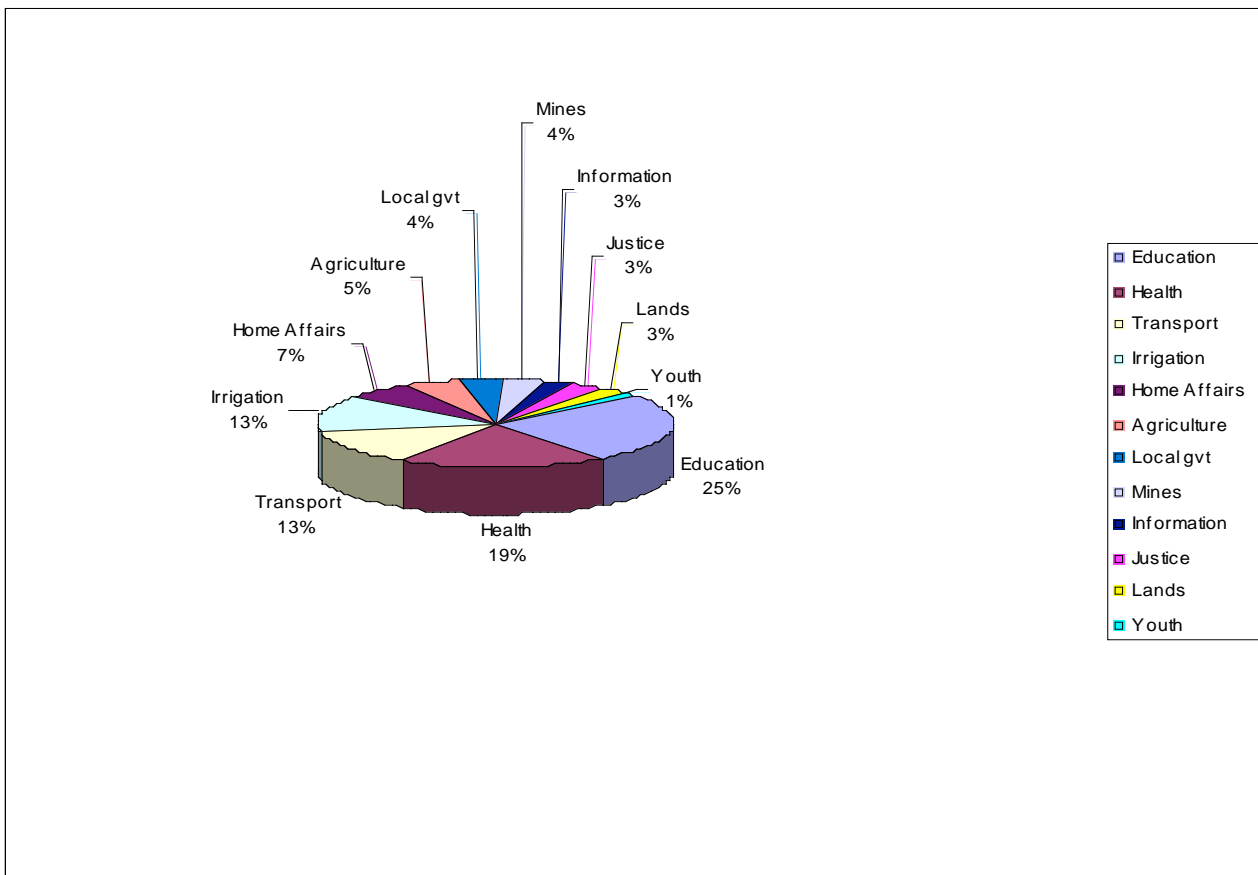
In presenting the report, Hon. Dzoolemwale, who is member of the MCP and Chairman of the Agriculture Committee, courted controversy when he preambled his speech by praising the Leader of the Opposition, Hon JZU Tembo (MCP), for initiating the policy of Fertiliser Subsidy. The government accused the Chairman of the Committee of being mischievous with intent to mislead the house and the nation. It went on to accuse the Chairman of being partisan and doubted the objectivity of the report. The government further challenged the methodology used by the committee to arrive at its recommendations accusing them of having used MCP party structures during field visits. The government wanted the report dismissed but failed due to insufficient numbers.

5. Kamuzu Day to be re- introduced

A private member’s motion moved by Hon. Chafukira (MCP), requesting the government to “...declare the 14th May a Public Holiday on its official calendar to honour the first head of state, Ngwazi Dr. H. Kamuzu Banda.....” received support from both sides of the political divide in the house, though with less enthusiasm from the UDF. The motion was adopted with the blessing of government.

6. Questions

A total of 208 written questions were presented to various ministers during this sitting period, of which 108 were responded to. Education, Health, Transport, Irrigation and Home Affairs had the highest number of questions with the Ministry of Youth having the least.



With twenty four months to go before elections, MPs are taking stock of their constituency development projects and hence the high intensity of questions on developmental and infrastructural issues.

National Assembly adjourns prematurely

The turbulent four week session ended prematurely, when government adjourned the sitting *sine die*, not withstanding outstanding government business. The government had managed to soldier on, but the last straw was the successive defeats of government on the Appointment of Auditor General and the rejection of the Supplementary Budget. The government could not hide its frustration at these successive and significant and thus felt it had no option but to adjourn the house *sine die*.

However, divided opinion is emerging from Civil Society as to whether the opposition is using its numbers positively to hold government to account or its hell bent to frustrate and torpedo government legislative agenda. The wider opinion seems to suggest the latter. All eyes are now upon the upcoming, all- important budget session that normally takes place in June, to see whether some way forward will emerge from this catch-22 situation.

The future already looks grim for the Executive however, since some prominent opposition M.P.'s are declaring their intentions to "give them a rough ride" at the very least or "torpedo the budget" in the worst case scenario.