The impact of institutional arrangements for anti-corruption efforts on combating corruption

A Case Study of Malawi

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This publication is an adaptation of the master’s thesis submitted to fulfil the requirements for the Master in Anti-Corruption Studies degree at the International Anti-Corruption Academy.
I pledge on my honour that I have not plagiarized, used unauthorized materials, given and/or received illegitimate help on this assignment, and hold myself accountable to the academic standards binding upon students of the MACS programme.

Signature: Maureen Mwalabu      Date: 15th October 2018
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Abstract

No country is resistant to corruption. It affects developed and developing countries alike. Efforts have been made to deal with it but it remains a wicked problem. At the international level, the United Nations Convention against Corruption and the African Union Convention for prevention and Combating Corruption, among others, have stipulated requirements for states to consider in the fight against corruption. One such requirement is to ensure the presence of preventive and law enforcement body and or bodies responsible for fighting corruption. Different countries have implemented these requirements differently depending on the context. Some have created specialized anti-corruption bodies and others have split the mandate of fighting corruption among various institutions. The specialized bodies, however, are created amidst other bodies that have some roles in the fight against corruption as it is not possible for one institution to conduct all activities relevant for the prevention and suppression of corruption (OECD, 2008). The presence and interactions of such bodies in a country are what is referred to as ‘institutional arrangements for anti-corruption efforts’ in this paper and it is crucial to the fight against corruption.

This thesis explores the impact on combating corruption, of the presence and interaction of institutions with mandates and or some roles in the fight against corruption in a country, by focussing on a web of accountability institutions in Malawi and concludes that institutional arrangements for anti-corruption efforts impact both positively and negatively on combating corruption through productive overlap, positive competition, costly conflicts and wasteful duplication of functions.

Keywords: Institutional arrangements, productive overlap, positive competition, costly conflict, wasteful duplication of functions.
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<tr>
<td>ACB</td>
<td>Anti-Corruption Bureau</td>
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<tr>
<td>CORWA</td>
<td>Corruption and Rights Watch</td>
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<tr>
<td>DPP</td>
<td>Directorate of Public Prosecutions</td>
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<tr>
<td>FFU</td>
<td>Fiscal and Fraud Unit of the Malawi Police Service</td>
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<td>FCA</td>
<td>Financial Crimes Act</td>
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<td>FIA</td>
<td>Financial Intelligence Authority</td>
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<td>IACA</td>
<td>International Anti-Corruption Academy</td>
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<td>MEJN</td>
<td>Malawi Economic and Justice Network</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>MRA</td>
<td>Malawi Revenue Authority</td>
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<td>NAO</td>
<td>National Audit Office</td>
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<td>NACS</td>
<td>National Anti-Corruption Strategy</td>
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<td>NIP</td>
<td>National Integrity Platform</td>
</tr>
<tr>
<td>ODPOD</td>
<td>Office of the Director of Public Officers Declarations</td>
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<tr>
<td>ODPP</td>
<td>Office of the Director of Public Procurement</td>
</tr>
<tr>
<td>PPDA</td>
<td>Public Procurement and Disposal of Assets</td>
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<tr>
<td>UNCAC</td>
<td>United Nations Convention Against Corruption</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>RAC</td>
<td>Respondent to Anti-Corruption Questionnaire</td>
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<td>RKI</td>
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1 INTRODUCTION

1.1 Introduction

This chapter introduces the topic under study (1.1), provides context (1.2), approaches and models for anti-corruption (1.3), the Anti-Corruption Bureau (1.4), an overview of corruption in Malawi (1.5), brief on studies on interactions of anti-corruption agencies (1.6), objectives of the study (1.7), research question (1.8), research hypotheses (1.9), motivation for the study (Chapter 1.10), research variables (1.11), Methodology (1.12), the structure of the entire research paper (1.13) and conclusion of the chapter (1.14).

1.2 Context

Corruption is one of the problems in the world, which is being addressed with greater focus (Appiah, Ametepe and Dapaah, 2014, p.465). The fight against corruption demands a holistic approach, necessitating the establishment of anti-corruption and accountability institutions. An all-inclusive attack on corruption, however, remains a challenge for both developed and developing countries (UNDP, 2005, p.3). Different institutional arrangements for anti-corruption efforts exist in different countries in a bid to deal with the challenge.

Institutional arrangements for anti-corruption efforts refer to ‘the existence and interaction of different public institutions in a given country that have a mandate and or role to play in preventing and combating corruption’ (Hussman, Hechler, and Penailillo 2009, p. 10). The United Nations Convention Against Corruption (UNCAC) (UNCAC, 2003) provides a general guide on institutional arrangements for anti-Corruption efforts in articles 5, 6, 30, 36. Countries have implemented it differently depending on the context. Article 5 of the UNCAC, encourages state parties to ‘develop and implement or maintain effective, coordinated anti-corruption policies’. In other words, countries should have specific laws, policies, and strategies for
fighting corruption. Article 6 encourages state parties to have preventive anti-corruption body or bodies, and article 36 encourages the establishment of law enforcement body or bodies or persons specialized in law enforcement. In other words, the UNCAC requires states to combine prevention and enforcement strategies in fighting corruption.

According to UNDP (2005, p.4), one critical element of an anti-corruption strategy is to decide on the institutional models for fighting corruption. Based on the UNCAC articles, states have a choice as to whether or not to establish a stand-alone anti-corruption agency or to incorporate its UNCAC obligations into existing institution(s) or create a different type of institution (Hatchard, 2017). Direct comparison of the countries in terms of fighting corruption is therefore not easy because they largely use different models in the fight against corruption and they also have different historical contexts.

1.3 Approaches and models for anti-corruption

Anti-corruption broadly uses two types of approaches namely; the single and multi-agency approaches (Doig et al, 2007; Meagher, 2004 in Appia and Ametepe, 2014). A single agency approach comprises a centralised, powerful agency, specialised in anti-corruption, which interacts with other bodies (Appia and Ametepe, 2014). In other words, a separate new body is created solely for the purpose of fighting corruption and it interfaces with other bodies in carrying out its mandate. Malawi has adopted the single agency approach to the fight against corruption, with a specialised body named the Anti-Corruption Bureau, which interfaces with other existing bodies. Other countries using the single agency approach include Hong Kong, Singapore, Botswana and Australia (New South Wales). In a multi-agency approach, the anti-corruption mandate is spread across different institutions (Appiah, Ametepe and Dapaah, 2014).
This means that different institutions are given some part in fighting corruption. This is true for South Africa and Bulgaria among others.

Anti Corruption Institutions (ACIs) differ in their roles and functions. OECD (2008, p. 11)\(^1\) has identified three main models of anti-Corruption Institutions based on a comparative summary of diverse models of specialised institutions which are; ‘multi-purpose agencies, law enforcement agencies and preventive, policy development and coordination institutions’.

According to OECD (2008), multi-purpose agencies have both law enforcement powers and preventive functions. This is similar to the anti-corruption Bureau in Malawi, which prevents corruption, educates the masses on the evil effects of corruption, investigates and prosecutes cases of corruption. Law enforcement agencies focus on detection, investigation, and prosecution of corruption OECD (2008). Examples of this model include the Central office for the repression of corruption in Belgium and the Central Prosecutorial Investigations Office in Hungary. The third model comprises Preventive, policy development and coordination institutions, whose focus is on prevention functions, for example, research and analysis, policy development and coordination, training and giving advice to various bodies on prevention of corruption among others OECD (2008). Examples of this model include the Central Vigilance Commission in India and the Permanent Commission against Corruption in Malta.

Besides OECD categorisation, Heilbrunn (2004) identified four models of anti-corruption agencies namely; universal model\(^2\) typified by the Independent Commission against Corruption of Hong Kong, investigative model\(^3\) like the Corrupt

\(^1\) This model has investigaton, prevention, and communication functions
\(^3\) This model is characterized by a small and centralized investigative commission
Practices Investigation Bureau for Singapore, parliamentary model\(^4\) like the Independent Commission Against Corruption of New South Wales and multi-agency model\(^5\) like the United States approach.

1.4 The Anti-Corruption Bureau

In 1994 Malawi transitioned to multiparty politics from one-party system of government. In 1995 the country adopted a new Constitution, section 13(o) of which, emphasized the need for the country to introduce measures to “guarantee accountability, transparency, personal integrity, and financial probity to strengthen confidence in public institutions” (Constitution of The Republic of Malawi 1994). Following the constitutional amendment, the government through Parliament, introduced institutions that would guarantee the measures highlighted in the constitution. Parliament passed pieces of legislation that created these institutions. One piece of legislation passed was the Corrupt Practices Act of 1995, which created the Anti-Corruption Bureau. The first Director of the Anti-Corruption Bureau was appointed in 1997 and the institution started its operations in 1998.

The Anti-Corruption Bureau is modelled after the Independent Commission Against Corruption (ICAC) of Hong Kong. It is a multi-purpose agency (OECD, 2008) with both law enforcement and preventive measures. It has adopted the three-pronged attack on corruption which includes; prevention, law enforcement, and education. The specific functions of the Bureau include; to take necessary measures for the prevention of corruption in both public and private institutions, to receive complaints or reports of alleged and suspected corruption, to investigate complaints or reports of alleged and suspected corruption, and any offence under any written law discovered in the course of investigating corruption, and to prosecute any offence

\(^4\) The parliamentary model includes commissions that report to parliamentary committees and are independent from the executive and judicial branches of state

\(^5\) includes a number of offices that are individually distinct, but together weave a web of agencies to fight corruption
under the Corrupt Practices Act (2004, p.8). In carrying out its mandate, the Bureau interfaces with other public bodies with complementary roles in the fight against corruption.

This study has looked at the following eleven public institutions which interface in one way or the other in the fight against corruption; Anti-Corruption Bureau (ACB), the Fiscal and Fraud Unit (FFU) of the Malawi Police Service, the Financial Intelligence Authority (FIA), the Malawi Revenue Authority (MRA), the Office of the Director of Public Officers Declarations (ODPOD), the National Audit Office (NAO), the Directorate of Public Prosecutions (DPP), the Public Procurement and Disposal of Asset Authority (PPDA), the Ombudsman, the Malawi Parliament and the Judiciary.

1.5 Overview of corruption in Malawi

Corruption is ‘the abuse of entrusted power for private gain’ (Transparency International, 2009; Bauhr, 2016). The Corrupt Practices Act for Malawi (2004) has not defined corruption but has defined a corrupt practice as ‘the offering, giving, receiving, obtaining or soliciting of any advantage to influence the action of any public officer or any official or any other person in the discharge of the duties of that public officer, official or other person.’

Malawi suffers from both grand and petty corruption (Transparency International, 2013). In grand corruption, high-level government officials benefit at the expense of the public good through either policy distortions or distortion of the functioning of the state, and in petty corruption, low and middle-level public officials benefit through everyday corrupt acts by exploiting the general public as they endeavor to access services (Transparency International, 2013). In other words, the country is affected by both high-level political corruption and petty low-level corruption.
Malawi loses a third of its revenue to fraud, waste, and corruption (Hussein, 2005). The country is financed through internal sources as well as donor funds. Development partners support the country through either direct budgetary support or they channel the support through Non-Governmental Organisations. UNDP, (2018) estimates that NGO channeled financing amounts to US$2 billion per year which is more than the funding received by Malawi from the official bilateral and multilateral donors, and greater than the total national budget managed by the government of Malawi.

In terms of perceptions, Malawi has perpetually scored low on the Corruption Perception Indices. This means that it is ranked among the highly corrupt countries of the world. Since the inception of the Corruption Perception index in 1999, the country has scored below average with the highest score being 4.1 out of 10 (41 percent) in 1999 and 2000 and the lowest score being 2.7 out of 10 in 2006 and 2007 (27 percent). There was an improvement in 2012 and 2013 (37 percent) but the scores are going down again. In 2017 the rank was 122 and the score was 31.

While perceptions do not give an accurate picture of corruption in a country, they give a reasonable indicator on the presence of corruption and they contribute to raising awareness of corruption (Heywood and Rose, 2014 in African Governance Report IV, 2016). Critics have faulted the perception-based corruption measures citing limitations in the methodologies used in coming up with the final scores, reliability of the sources of information, and the different definitions of corruption used among others (Thompson and Shah, 2005; Johnson, 2005). Contrary to the picture corruption indices portray, corruption manifests differently between and within countries due to the way people ‘pursue, use and exchange wealth and power and in the strength or weakness of the state, political, and social institutions that sustain and restrain those processes’ (Johnston (2005, p.i)).
Research has isolated ‘high levels of poverty and inequality, inadequately funded and incompetent public sector, and widespread patronage networks’, as important drivers of corruption in Malawi (Hussein, 2005). The Malawi Governance and Corruption Surveys conducted in 2006, 2010 and 2014 revealed that Malawians considered corruption as one of the major obstructions to development. In addition, Malawians indicated that they were weary of the strategy used to fight corruption and -non-action by the government.

1.6 Studies on interactions of anti-corruption agencies (ACAs)

There have been a number of studies on anti-corruption agencies or institutions but most of them focus on effectiveness of ACAs, successes, and failures of individual ACAs, why ACAs fail and key success factors for ACAs (Afrimap, 2015, Doig, Watt and Williams, 2005; Khemani, 2009; Amitepe and Dapaah, 2014). There are few studies on interactions of anti-corruption institutions within a jurisdiction.

One of the few studies that focused especially on interactions of ACAs within jurisdiction was done by Arahna (2018) for Brazil. The focus was on how Brazilian accountability institutions interact as they monitor, inquire into and punish corruption cases. Of particular interest is the fact that the study uncovered some of the important aspects like the issue of overlapping of functions, and competitiveness and their impact on corruption.

Another study is from Africa, Ghana done by Appiah, Amitepe, and Dapaah (2014) on systemic failures to fighting corruption by anti-corruption institutions in Ghana. The study, however, places much emphasis on challenges that ACAs in Ghana face as they implement their mandates.
One more study from Malawi is on an assessment of the Malawi national integrity system by Transparency International in 2013 aimed at fostering an understanding of the strengths and weaknesses of the Malawi National Integrity system within the anti-corruption community (Transparency International, 2013). The study looked at the National Integrity system within 13 pillars namely; the executive arm of government, the judiciary, the legislature, the anti-corruption agencies, Law enforcement, the media, the private sector (Businesses), the civil society, audit institutions, the ombudsman, electoral management body, political parties and the public sector. However, just like the Ghana study, it focused on the effectiveness of Malawi’s institutions in fighting corruption and in fostering transparency and integrity but not on interactions of the institutions and their effect on combating corruption.

1.7 Objectives

The main purpose of the study was to find out the extent to which the presence and interaction of anti-corruption bodies impact on corruption, with particular focus on Malawi. Specifically, the study aimed to;

a) Determine the nature of interactions that takes place among the institutions that have implicit or explicit roles in the fight against corruption by using the example of Malawi

b) Find out whether the interactions between these institutions have a positive or negative impact on corruption

c) Ascertain the specific type of positive or negative impact the interactions have on corruption

1.8 Research question

This study sought to understand the effect of having a specialised body interacting with other bodies with explicit and implicit roles in the fight against corruption in Malawi, by answering the following question;
How do institutional arrangements for anti-corruption efforts impact on combating corruption in Malawi?

1.9 Research hypotheses

A number of hypotheses have been developed in line with the research question. The research will test the hypotheses in order to understand the role of interactions of anti-corruption agencies on corruption. There is the null hypothesis and the alternative hypotheses as follows:

1.9.1 The null Hypothesis $H_0$

$H_0$: Institutional arrangements for anti-corruption efforts have no impact on corruption. This hypothesis predicts no relationship between the independent and dependent variables which suggests that other factors have an impact on corruption.

1.9.2 Alternative hypotheses

$H_1$: Institutional arrangements for anti-corruption efforts have generated a productive overlap\(^6\) among the institutions hence positively impacted on corruption. This hypothesis suggests a causal relationship between institutional arrangements. It suggests that the overlapping of functions among the institutions could positively impact on corruption.

$H_2$: Institutional arrangements have resulted in positive competition\(^7\) among the institutions hence positively impacted on the fight against corruption. This hypothesis again predicts causal relationship in the positive sense by suggesting that there could be competition among the institutions which could positively impact on corruption.

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\(^6\) Where overlapping of functions between two or more institutions fighting corruption positively impacts on combating corruption

\(^7\) Where competition among institutions fighting corruption positively impacts on combating corruption
H₃ Institutional arrangements have resulted in costly conflict⁸ hence negatively impacted on the fight against corruption. Another hypothesis now suggesting a causal relationship in a negative sense. This suggests that there could be conflicts that could negatively impact on corruption

H₄ Institutional arrangements for anti-corruption efforts have resulted in a wasteful duplication of functions⁹ hence negatively impacted on the fight against corruption. This also suggests a causal relationship in a negative sense indicating that there could be an unnecessary duplication of functions among the institutions which would negatively impact on corruption.

1.10 Research motivation

The main motivation of this research is to add value to the body of knowledge on anti-corruption that is already there. Specifically, to bridge the gap in information because, to the best of my knowledge, there is no empirical study on Malawi targeting interactions of public anti-corruption agencies and their effect on corruption hence this study provides a break-through in this area.

In addition, most of the available information on anti-corruption institutions according to my knowledge largely deals with the issues of effectiveness of ACAs and coordination challenges but not much has been explored to ascertain the impact of interactions of anti-corruption agencies on combating corruption.

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⁸ Where interactions lead to conflicts among these institutions which negatively impact on combating corruption
⁹ Where the fact that one or more institutions are doing similar or the same functions lead to waste of resources
The study is also motivated by the need to comprehend the reasons behind the failure of anti-corruption efforts in Malawi despite the initiatives that have been implemented since the inception of the multiparty democracy.

Finally, the need to produce information that will be used to either recommend a change in the institutional arrangements or advocate for further strengthening of the arrangements. In other words, generate information that will be used to change anti-corruption policy and strategy in the country.

1.11 Research variables
The hypotheses contain dependent and independent variables. The institutional arrangements for anti-corruption efforts is an independent variable on the assumption that it is affecting the corruption situation in the country. Corruption is a dependent variable in that its direction is determined by the institutional arrangements for anti-corruption efforts.

1.12 Methodology
The study has been purposely carried out in institutions which have a role to play in fighting corruption. Semi-structured questionnaires were administered to a purposely selected sample which included heads of the anti-corruption institutions concerned or their designated persons, and some key informants who were deemed to have important information pertaining to the interactions of the anti-corruption institutions based on their experience in the anti-corruption field, observations and studies. Chapter 3 will give a detailed explanation of the methodology.

1.13 Structure of the thesis
The paper is structured as follows: Chapter 1 introduces the topic under study. It highlights the context, gives an overview of corruption in Malawi and the role of the
anti-corruption Bureau, objectives, research question and hypotheses, research motivation and variables.

Chapter 2 reviews relevant literature on the topic under study. It focuses on institutional arrangements for anti-corruption efforts, international requirements for institutional arrangements, Malawi’s institutional arrangements, institutional multiplicity and its effects, corruption and institutional failure, interface among anti-corruption institutions, coordination mechanisms and challenges for anti-corruption efforts.

Chapter 3 discusses the methodology for the research including research philosophy, design, sample and sampling procedures, sources of data, data collection and tools, data analysis, ethical considerations, and limitations.

Chapter 4 highlights results of the study focusing on Malawi’s web of accountability institutions, and the information collected through the questionnaires.

Chapter 5 discusses and analyses the results, and chapter 6 makes recommendations and concludes the paper.

1.14 Conclusion

This chapter has introduced the research and highlighted some important issues in the research. The next chapter includes a review of some relevant literature.
2 INSTITUTIONAL ARRANGEMENTS FOR ANTI-CORRUPTION EFFORTS

2.1 Introduction

This chapter reviews and analyses some selected articles, publications both in print and those available online. The chapter defines institutional arrangements for anti-corruption efforts (2.2), highlights international requirements for institutional arrangements (2.3), discusses Malawi’s institutional arrangements for anti-corruption efforts (2.4), Institutional multiplicity (2.5), corruption and institutional failure (2.6), interface among anti-corruption bodies (2.7), coordination mechanisms and challenges for anti-corruption institutions (2.8) and provides a conclusion (2.9).

2.2 Defining Institutional arrangements for anti-corruption efforts

Hussman, Hechler, and Penailillo (2009, p.10) define Institutional arrangements for anti-corruption efforts as ‘the presence and interface of different public institutions in a given country that have a mandate and or role to play in preventing and combating corruption’. UNDP (2005, p.3), defines Institutional arrangements for combating corruption as the choice of the type of body or bodies to be established or enhanced for a successful fight against corruption. There is a slight difference in the definitions in that the former includes the presence and interaction of such bodies while the latter stops at the choice of such institutions. This paper adopts the former definition because it covers issues that are pertinent and relevant in this research but does not ignore the issue of choice, which makes it possible for the institutions to be present in any setting.

Based on the requirements of international conventions, especially the United Nations Convention against Corruption and the African Union Convention on preventing and Combating Corruption (for countries in Africa), countries have opted to set up either specialized agencies or to strengthen the capacity of existing institutions. The specialised agencies vary depending on their mandates or functions. According to
Wickberg (2013) and OECD (2008), there are three main models of anti-Corruption institutions namely; multi-purpose agencies, law enforcement agencies and preventive, policy development and coordination institutions.

Multi-purpose agencies are empowered to do both law enforcement and corruption prevention functions; law enforcement agencies are mandated to detect, investigate and prosecute corruption while policy development and coordination institutions focus on prevention functions (OECD, 2008). Malawi has got a specialised multi-purpose anti-corruption agency established by an act of parliament.

According to UNDP (2005, p.11), a successful anti-corruption strategy cannot be achieved by a single agency. In most cases, the specialized agencies are established alongside existing traditional institutions that have jurisdiction over some aspects of corruption for example courts, prosecutors, ombudsman, auditor general and many others (Chêne, 2009, p.2). This is true for Malawi where the specialised body was set up amidst other existing bodies that have a mandate and or role to play in the fight against corruption.

2.3 International requirements for Institutional arrangements

The United Nations Convention Against Corruption requires state parties to ‘develop and implement or maintain effective, coordinated anti-corruption policies’, ensure the existence of a body or bodies, as appropriate, that prevent corruption, criminalise corruption and ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement (United Nations Convention against Corruption, 2003), among others. In other words, states are required to ensure there is a body or bodies to do the following functions; prevention of corruption, and combating of corruption through law enforcement besides developing anti-corruption policies. The provision does not mandate states to create or not to create separate
anti-corruption bodies but to make sure that a body or bodies involved in these functions are available. The modalities of whether to create one or not are left with the states.

The African Union Convention on Preventing and Combating Corruption (2003, p.9) requires states parties to adopt legislation that criminalises corruption and related offences; ‘establish, maintain and strengthen independent national anti-corruption agencies’, and ensure detection, investigation, and prevention of corruption among others. According to Hatchard, (2017) the reference by the AU Convention to the establishment of national anti-corruption authorities, means that a state can choose to establish a stand-alone anti-corruption institution or to incorporate its obligations under the African Union Convention and UNCAC into an existing institution(s) or create a different type of institution.

It is clear from the discussions above that UNCAC and AU Convention on Preventing and Combating Corruption do not mandate states to establish stand-alone anti-corruption agencies. The most important thing is not whether or not to establish a separate anti-corruption commission but to identify the areas requiring anti-corruption attention and to consider institutions that can carry out the work effectively (Hatchard, 2017).

OECD (2008) has highlighted requirements for the proper and effective exercise of anti-corruption Institution’s functions which are; independence, adequate resources, and powers, cooperation with civil society organisations and private sector - inter-agency cooperation.
2.4 Malawi's institutional arrangements for anti-corruption efforts

In 1994, following the advent of the multiparty system of government, Malawi adopted a new constitution which required the country to adopt measures for transparency, accountability, personal integrity and financial probity (Constitution of the Republic of Malawi, 1994). This brought in the need for the creation of governance institutions to ensure that these measures were being enforced and adhered to. The country, therefore, created a number of institutions, through the enactment of pieces of legislation, to guarantee these measures. One of the institutions that were created was the Anti-Corruption Bureau, a specialised body aimed at fighting corruption in the country.

The specific functions of the Bureau include; to take necessary measures for the prevention of corruption in both public and private institutions, to investigate all cases of corruption and any other case discovered in the course of investigating corruption, to enlist public support in the fight against corruption through public education, and to prosecute all cases of corruption (Corrupt Practices Act, 2004, p.8). For some time since the inception of the Bureau, the fight against corruption was seen as the role of the Bureau alone as most of the people kept pointing their fingers at the Bureau for any corruption scandal or corruption incidents they faced. This view made the fight against corruption an uphill task for the Bureau considering that it was new and it needed to collaborate with other bodies in order to be successful.

In 2006 the Malawi government through the anti-corruption Bureau conducted the first ever Governance and Corruption Baseline Survey (2006) to ascertain the nature and extent of corruption in the country. The results of the survey showed that corruption was regarded as one of the major hindrances to development in Malawi. These results therefore brought in the need for a holistic approach to the fight against
corruption hence the development of the National Anti-Corruption Strategy for Malawi (NACS) in 2008. The strategy emphasized on the need for Malawians to own the fight against corruption and for each sector in the country to take part as opposed to leaving the fight to the anti-corruption Bureau alone (NACS, 2008). Over the years the country has been conducting other corruption and governance surveys which shed more light on the nature and extent of corruption in the country.

The Anti-Corruption Bureau was created amidst other bodies that either had a mandate or some role in the fight against corruption. Some of the institutions include; the Malawi Police Unit (Fiscal and Fraud Unit Section) which is mandated by the Constitution of The Republic of Malawi (1994) and the Malawi Police Act (2010) to investigate and prosecute all cases including corruption cases, the National Audit Office mandated by the Constitution of The Republic of Malawi (1994) and the Public Finance Management Act (2003) to ensure financial probity, the Director of Public Prosecution mandated by the Constitution of the Republic of Malawi (1994) to institute and undertake criminal proceedings, the Malawi Revenue Authority mandated by the Malawi Revenue Authority Act (1998) to assess, collect and account for all tax revenues besides to investigate fraud and tax evasion related cases, the Office of the Director of Public Procurement mandated to regulate and monitor all public procurement in the country (Public Procurement Act, 2003) the office of the Ombudsman mandated by the Constitution of The Republic of Malawi (1994) to investigate all cases of administrative injustice, Malawi Parliament, an arm of government which enacts acts of parliament including anti-corruption acts and the Judiciary aimed at interpreting all the laws including anti-corruption pieces of legislation, among others.
Over the years some other institutions have been created which also have some mandates and or roles to play in the fight against corruption. The institutions include, the Office of the Director of Public Officers Declaration mandated by the Public Officers Declarations of Assets, Liabilities and Business Interests Act (2013) to receive and ensure public access of public officers declarations, besides verifying the veracity of the declarations. Another institution is the Financial Intelligence Authority established in 2006 by the Money Laundering, Proceeds of Serious Crimes and terrorist Financing Act of 2006 to combat financial crimes in general and money laundering in particular. The Act was later repealed to become the Financial Crimes Act No. 14 of 2017.

The Anti-Corruption Bureau has been working in collaboration with these other institutions as it discharged its mandate agreeing with the assertion that ‘an anti-corruption institution cannot conduct every task relevant for the conquest and prevention of corruption alone (OECD 2008, p.28).

2.5 Institutional multiplicity

The word multiplicity has been looked at by different scholars in different perspectives. In global environmental governance, scholars (Ivanova and Roy, 2007; Weiss, 1995) have looked at the multiplicity or the proliferation of international organizations in the environmental field and its effect on the global environmental governance. Some of the issues that have been considered in the environmental field include; institutional overlaps, the possibility of conflicts, increased competition and duplication, and their effects, which are essential in this paper.

\[^{10}\text{Previously the Financial Intelligence Unit}\]
In the anti-corruption field, Scott (1994 in Carson and Prado 2016, p.59) has defined the term institutional multiplicity as ‘the existence of more than one institutional arrangement or option within a given field, or the diversification of institutions performing one particular function’. This definition fits in well with this research because it focusses on a number of institutions that have a role to play in one field. In this case, in the field of anti-corruption.

Young (2001 in Ivanova & Roy, 2007) defines ‘institutional overlap’ as “a situation where the possibility of conflict between two or more organizations is present due to similar mandated functions”. According to Chêne (2009, p.3), there are many institutions with conflicting or unclear mandates across countries and the existence of a specialized body alongside other structures, creates confusion and risks of overlap on their respective roles in the fight against corruption.

2.5.1 Productive Overlap

Advocates of institutional multiplicity consider overlap as purposefully built into a system and therefore necessary and often advantageous to delivery of results (Ivanova & Roy, 2007, p.50). In other words, where one institution fails, overlapping of functions ensures that another institution with similar functions covers up. This type of overlapping of functions is productive and hence effective.

It is interesting to note that while some analysts (Oberthur and Gehring 2004 in Ivanova & Roy, 2007, p.2) argue that institutional multiplicity and a certain degree of overlap and duplication is necessary to ensure the optimal operation of a system, others (Charnovitz 2005 in Ivanova & Roy, 2007, p.2) assert that it is not good for effectiveness, efficiency, and equity. In other words, it can
lead to conflict and wastefulness which could be counterproductive in the fight against corruption.

Carson and Prado, 2016, p.59) however assert that ‘the overlap of institutional functions can enhance the overall effectiveness of the multiplicity of institutions by avoiding self-reinforcing mechanisms of corrupt institutional cultures’. They say that the interactions can foster positive institutional competition, collaboration, and complementarity.

2.5.2 Positive competition

Research on competition in the area of corruption focusses much on the role of the absence of competition in fueling corruption and combating corruption by introducing competition (OECD, 2014; Allen, Qian and Shen, 2016; Transparency International, 2016). This paper, however, sheds some light on whether interactions among institutions with similar roles can lead to positive competition which is useful in the fight against corruption.

Some studies on competition have focussed on the introduction of competition among public officers performing similar functions in order to deal with corruption (Susan Rose Ackerman, 1978,1999; Schleifer and Vishny, 1993 in Ryvkn and Serra, 2013; Allen, Qian and Shen, 2016). This view comes close to one of the assumptions in this paper that if more institutions have some role or mandate to play in a specific field, they will somehow compete to deliver the services and the competition will make them effective. In the area of anti-corruption, the assumption is that if more institutions are engaged in the fight against corruption, they will compete somehow and better results are going to be realised from the positive competition to deliver results.
2.5.3 **Costly conflict**

Foss and Weber (2006) discuss role based conflict in their discussion of bounded rationality and highlight two conditions under which it can occur. The first condition is when ‘two parties work together in a project in which tasks responsibilities are not clear’ and where ‘each party assumes that the other agrees with its assessment of the roles’. The authors assert that under these conditions, role based conflicts can occur. These views have been applied to the issue under study in this paper where many institutions with similar roles are working together but due to lack of clarity of mandates or the challenge of assumptions, conflicts can occur.

This somehow reflects the interactions of institutions in Malawi whose jurisdictions are in some cases overlapping and not very clear. The underlying assumption on costly conflict is that the overlapping of mandates by the anti-corruption institutions can lead to conflicts that can be costly in the fight against corruption.

2.5.4 **Wasteful duplication of functions**

Chêne (2009, pp 3-4) has argued that the presence of a number of institutions with an anti-corruption role or mandate in countries has the propensity to stretch the level of resources allocated to anti-corruption work especially in countries with scarce resources. It is therefore envisaged that establishing specialised bodies entails the risk of increasing inter-agency struggle for scarce resources and promote competition rather than effective cooperation (Chêne, 2009, pp 3-4).
The underlying assumption is that the overlapping of roles or mandates is a waste of resources as functions are unnecessarily duplicated. A good example of a waste of resources for Malawi is when the country was affected by ‘cashgate scandal’ and Malawi police service and Anti-Corruption Bureau, both mandated by law to investigate corruption, were found to have investigated the same cashgate cases at a later stage, which is a duplication of efforts.

2.6 Corruption and institutional failure

The term corruption is not easy to define as such there is no consensus on its definition. It is defined in various ways within and among countries. Corruption is the abuse of entrusted power for private gain (Graycar, 2015; Klitgaard, 2014; Rose-Ackerman and Palifka, 2016; Enste and Heldman, 2017). Corruption is also connected to the idea of ‘rent-seeking’, a “situation where people use resources both for productive purposes and to gain an advantage in dividing up the benefits of economic activity” (Kruger 1974, in Marquette 2003). In Malawi, the Corrupt Practices Act has only defined a corrupt practice as 'the offering, giving, receiving, obtaining or soliciting of any advantage to influence the action of any public officer or any official or any other person in the discharge of the duties of that public officer, official or another person.' This definition resonates with the most commonly used definition of abuse of entrusted power for private gain because the focus is on public officials who have been entrusted with power which can be abused. For the purposes of this research, I have adopted the definition of corruption as the abuse of entrusted power for private gain because it is broad and encompassing.

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11 Cashgate scandal – the 2013 rooting of government coffers by public officers and politicians to the extent that donors had to withdraw their support from the country
Corruption has diverse negative effects. The principal view on negative effects of corruption is that it impedes development by weakening the institutional foundation on which economic growth depends (Mauro 1995; Bardhan 1997; Gatti, Paternostro and Rigolini, 2003). Some scholars have however argued that corruption ‘greases the wheels’ of dysfunctional bureaucracies hence enhances economic performance (Huntington, 1968; Leys, 1970; Lui 1985 in Kato and Sato 2014) but others have argued that corruption ‘sands the wheels’ (Myrdal 1968; Shleifer and Vishny, 1993; Bardhan 1997; Kurer, 1993; in Meon and Sekkat, 2003). There are however more arguments in favour of the sand the wheels’ thesis than the grease the wheels’ thesis.

The costs of corruption cannot be overemphasized. World Bank estimates that 1 trillion US dollars is lost every year to corruption and the total cost is estimated at 2.6 trillion US dollars equal to 4 percent of the global GDP (OECD, 2014 in Enste and Heldman, 2017, P.4)

The literature on corruption is full of studies that have used the agency model (Aidt, 2003, Groenendjk, 1997), the resource allocation model (Li, 2001; Kurer, 1993), and the internal markets model to discuss what causes corruption. According to Aidt (2003), corruption risks exist in whatever authority is delegated and the actual corruption is influenced by the institutional framework.

UNDP (2005, p.3) asserts that ‘Corruption is a failure of institutions, in particular, those in charge of investigation, prosecution and enforcement’ hence one crucial issue is to decide on the institutional arrangements for combatting corruption. This is an important point in my research because it emphasizes the importance of the process of selecting institutional arrangements in the fighting corruption.

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12 Where corruption is deemed beneficial
13 Where corruption is deemed detrimental or disadvantageous
2.7 Interface among anti-corruption bodies

There has been a wider coverage of coordination issues among anti-corruption institutions, their possible causes and challenges in the literature (Chêne, 2009; Hussman, Hechler, and Penailillo, 2009). To the best of my knowledge, more research needs to be done on understanding the interactions between anti-corruption agencies and their impact on anti-corruption efforts. This research, therefore, contributes to that area. Arahna (2018)\textsuperscript{14} in her analysis of the web of accountability institutions (those at the centre of the anti-corruption agenda) in Brazil, mapped out how the accountability institutions interact as they deal with corruption and concluded that the institutions are able to hold public officers accountable though not in a symmetrical way.

2.8 Coordination mechanisms and challenges for anti-corruption Institutions

Countries which have made efforts for coordination, like Tanzania which established the Good Governance Coordinating Unit (GGCU) and Uganda which established Inter-Agency Forum (IAF), faced the challenge of lack of legal duty on the part of anti-corruption agencies to comply with their requirements, limited staffing, insufficient funding and qualified staff among others (Chêne, 2009, pp.4 and 6). Cross-agency coordination, therefore, seems to be more the exception than the rule.

According to Chêne, (2009, p.1), the success of anti-corruption institutions is largely dependent on effective coordination among anti-corruption institutions in a given set up but experience has revealed ‘weak or inexistent cross-agency coordination among law enforcement agencies in most countries due to their wide diversity, similarities in their mandates, competing agendas, different levels of independence from political interference and institutional lack of clarity’. This, in some cases, leads to conflicts.

\textsuperscript{14} paper submitted to the 2018 Global Anti-Corruption and Integrity Forum
Without an effective coordination mechanism that promotes inter-agency cooperation, issues of duplication, redundancy, and waste of resources may arise (Chêne 2009, p.3).

Another challenge stems from the lack of incorporation of coordination issues from the design stage of anti-corruption institutional arrangements, which culminate into insufficient or absence of coordination mechanisms, that lack resources, capacity, and political backing Chêne, (2009, p.4).

2.9 Conclusion

The chapter has reviewed literature on corruption; institutional arrangements for anti-corruption efforts; International requirements for institutional arrangements; Malawi’s institutional arrangements; multiplicity of institutions including some of the purported effects of multiplicity for example, productive overlap, positive competition, costly conflict and wasteful duplication of functions; Corruption; Corruption and institutional failure; interface among anti-corruption institutions; and coordination mechanisms and challenges for anti-corruption agencies. The next chapter will look at research methodology.
3 METHODOLOGY

3.1 Introduction
This chapter presents the methodology and methods which were used to collect and analyse data for the research, which is a case study of Malawi. Case study approach was chosen because it provides tools for researchers to study intricate phenomena within their setting (Baxter and Jack, 2008). In other words, it allows the investigation and understanding of difficult issues (Zainal, 2007). The paper focusses on interactions of public institutions with a mandate and or role to play in the fight against corruption in Malawi, a phenomenon that is complex and not easy to observe. Overall, qualitative research techniques have been employed in the study. The research has largely employed the deductive research approach but after data has been collected, an inductive approach has been used to come up with conclusions.

3.2 Research philosophy
Research philosophy is an integral part of research methodology and is classified as ontology, epistemology, and axiology (Thakurta, 2015). Focussing on the epistemological framework, I took an interpretivist approach considering that I dealt with interactions of institutions, a phenomenon which is not easy to observe.

3.3 Research setting
The research was carried out among public institutions which have some role and or mandate in the fight against corruption in Malawi. Besides the public institutions that are directly involved in the interactions, the research was also carried out among key informants, those who were deemed to possess expert knowledge of the interactions of the public institutions through research (academia and investigative journalists), or through their involvement in the fight against corruption and observations of the interactions (Civil Society organisations dealing with governance or anti-corruption issues.)
3.4 Research design

The research made use of the qualitative design because of the nature of the question the researcher studied which required understanding interaction, a thing which is not easy to quantify hence the researcher required collection and analysis of qualitative data. The researcher had theories (hypotheses) which she wanted to test and confirm hence she took a deductive approach but based on the data collected, an inductive approach was used to come up with conclusions. The research was iterative, that is, a dialogue between theory and evidence as opposed to a strict following of the research cycle. She kept on testing the evidence against the theory and finding ways of adjusting the theory if possible.

The research took an explanatory approach since the question largely sought to understand cause and effect. However, in some ways, descriptive approach was employed to set the scene.

3.5 Sample and Sampling procedure

Non-probabilistic purposive sampling technique was employed to generate a sample for the research, targeting heads of the anti-corruption agencies and or their chosen representatives. The reasoning behind the choice of the heads was that they would have a helicopter perspective of their institutions’ role in the interactions with other institutions as most of the communications from other institutions have to reach them first and they make decisions on the interactions.

Two interviews were planned per target institution though in some institutions I only managed to interview one person. Other targeted interviewees included key informants in the area of anti-corruption which included academicians who are mostly consulted on anti-corruption issues, media personnel and civil society actors involved
in the fight against corruption. These were chosen as experts who have either researched, observed and or commented on anti-corruption issues and or the interactions among these institutions for some time and were deemed to have knowledge relevant to this research.

The initial sample size was 30. The researcher was supposed to conduct 20 interviews with people from public institutions that have a mandate and or role in the fight against corruption and 10 interviews with Civil Society organisations. In actual sense, 19 interviews were done with the anti-corruption institutions, and 8 were done with key informants, 2 of which were discarded as they could not fit into the category of Key informants based on the responses. The total number of interviews were 27 but 25 have been retained. This reduced the number of interviews with experts to 6 out of the planned 10. For a list of institutions involved in the research refer to appendix 1.

The sample was not pre-specified at the beginning of the research but evolved once fieldwork began (Miles, Huberman and Saldana, 2014, p. 31). In other words, the researcher had the number 30 to interview but not everybody required to interviewed was on the list. Some people were considered as the data collection progressed. For example, while the researcher had in mind the idea of interviewing key informants, the specific names of people or organisations to target was not pre-specified but as time progressed she managed to come up with the list which would make the study richer.

3.6 Sources of data

The data for the research came from both primary and secondary data sources which were reviewed and analysed to identify key issues and isolate the most relevant for this research. Primary sources were from the interviews the researcher
conducted and secondary sources comprised the literature the researcher reviewed which included scholarly articles and publications in journal articles and other pdf articles obtained online, book chapters and PowerPoint presentations provided during in-class sessions, documents from the institutions concerned and information obtained through library search engines.

3.7 Data collection and tools

A semi-structured questionnaire was designed which was administered on the target interviewees. The questionnaires were sent in advance to the interviewees mostly through email, and interviews would follow on a set date. Two types of questionnaires were designed (see appendix 2). One questionnaire was for the institutions with a mandate or role to play in the fight against corruption and the other was for the key informants.

The questionnaire for anti-corruption institutions had two parts. Part A sought information about the institutions including when and how the institutions were established, the number of offices and employees they have, functions of the institutions and their roles in the fight against corruption. Part B asked questions on how the institutions interact as they implement their mandates, the nature, and frequency of interactions and whether such interactions have any impact on combating corruption among others.

Some people, however, opted to respond to the questionnaire on their own due to distance and busy schedules. In such cases, the researcher would review the responses and follow up with telephone calls where she needed clarification or more information. In such a case, the researcher ensured that the quality of the data collected was maintained as that collected through face to face interviews.
Out of the 27 interviews conducted, 11 were done face to face while the rest opted to respond to the questionnaire and the researcher followed up.

The interviews, however, did not rigidly follow through the questionnaire as it allowed flexibility to the interviewee to give more details. The researcher would ask follow up and or probing questions depending on the information provided by the respondent.

### 3.8 Data analysis

Data was analysed manually owing to lack of access to specialised software applications. The researcher was aware of the challenges of manual data analysis process which include slowness and sometimes errors. The researcher ensured that each piece of evidence was properly labelled and entered. In addition, the researcher cross-checked the analysed pieces of evidence against what was collected. By doing this all data was properly analysed. The questionnaires were consolidated in word documents and the data was entered into excel sheets where charts were generated.

Colour codes were used to differentiate responses from different respondents especially for the anti-Corruption Institutions questionnaire which had more respondents.

During the interview and initial data analysis stage, it was discovered that some two civil society institutions which were considered to be crucial as key informants did not live up to the expectation. Hence they were left out in the data analysis stage. The institutions are CORWA and National Integrity Platform. While there are civil society organisations which focus on the area of anti-corruption in Malawi,
they are not so vibrant owing to resource constraints as such they just conduct ad-hoc activities here and there without proper continuation. The NIP was considered crucial to this research because at some point it organised a platform for heads of anti-corruption institutions to meet and dialogue on the challenges they face. But the interview revealed that there is not much it has done in the anti-corruption field for it to be considered for an expert opinion on the subject. The researcher felt that they need more time in the field of anti-corruption to be given that status.

CORWA, on the other hand, was also considered crucial because it is one of the very few Civil Society Organisations that have a working Memorandum of Understanding with the Anti-Corruption Bureau which has clearly stipulated the roles of each player. During interviews, however, it was discovered that the institution has not done anything since the signing of the MOU in 2017 as it awaits wellwishers to fund its activities.

3.9 Ethical considerations

IACAs Masters degree thesis guidance notes were reviewed to ensure all ethical considerations were taken care of in the research design and execution. Initial contacts involved either formerly writing letters (Appendix 3) or calling interviewees using a mobile phone and explaining the project I am undertaking, the purpose of the research as well as the research process. The interviewees were also officially requested to participate in the research that would be done through interviews. Upon acceptance, a consent form (appendix 4) would either be shown them before the interview or sent to them in case they wanted to have a look at it before the interview date. In most cases, the interviewees opted to give verbal consent as most of the interviewees were somehow known to the researcher and were willing to give information.
Names of interviewees have been kept confidential as such this document will not show any names. Where the information would in a way reveal their identity, the information has been sanitized.

3.10 Limitations of the study

There is insufficient research on interactions among anti-corruption institutions in Malawi. The few studies available do not address the interactions but focus on the effectiveness of anti-corruption institutions or focus on institutions separately. The literature used and applied to Malawi was from other countries which also focused much on the effectiveness of anti-corruption institutions. In addition, the phenomenon under study (interactions of institutions) is not an easy thing to observe.

Data collection was a challenge. It was not easy to collect data from some institutions due to bureaucracy. The letters requesting to conduct research and the initial questionnaire were sent in June requesting for an audience with the controlling officers for the institutions. In one of the institutions, the response to the researcher was drafted in August, two months after the request was made and the researcher was only given a response to conduct the study in September, the third month, but after numerous follow-ups. In addition, the researcher was supposed to collect two responses from the institution since it was an anti-corruption institution but it was not possible so she had one response from the institution.

In addition, the research was bound by the academic calendar as such the researcher could not dig deeper into some areas due to time constraints.
Another limitation is that the researcher is an employee of one of the institutions under study. However, this does not compromise on the quality of the research but it is a crucial point for the reader.

3.11 Conclusion
This chapter has discussed the methods and methodology used in the research which include the research design, research philosophy, research setting, sample and sampling techniques, sources of data, data collection and tools, data analysis, ethical considerations and limitations of the study. Overall this was a qualitative study. The next chapter will focus on the results of the research.
4 RESEARCH FINDINGS AND ANALYSIS

4.1 Introduction

This chapter presents and analyses the findings of the research considering the hypotheses that were tested. The chapter gives brief descriptions of the eleven institutions which have some roles and or mandate in the fight against corruption in the country. It also presents the findings on how the institutions interact in the fight against corruption and how those interactions impact on corruption. The findings are based on the information collected from the respondents in these institutions and from some experts on anti-corruption issues. The findings will be presented in light of the ‘cashgate scandal’. In 2013 Malawi was affected by one of the biggest corruption scandals dubbed ‘Cashgate’ in which about 13.7 billion Malawi Kwacha, an equivalent of US$ 18 million, was lost within a period of six months through public sector fraud, which took place in collusion with private sector entities (National Audit Office, 2014).  

4.2 Malawi’s web of accountability institutions

Malawi has different institutions that hold public officers to account in the way they manage and use public resources. The institutions were created by different statutes of parliament and others were created by the constitution. Amongst the various statutes, there is a statute that created a special body, the anti-corruption Bureau, to fight corruption in both public and private institutions, amidst some institutions with some roles and or mandates in the fight against corruption. A brief description of the institutions and their roles in combating corruption is provided below. The information for each institution was collected through part

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15 Forensic Audit Report on Fraud and Mismanagement of Malawi Government Finances
A of the anti-corruption institutions’ questionnaire, which asked for institution-specific information and through the statutes of parliament.

4.2.1 The Anti-Corruption Bureau

The Bureau was created by an Act of Parliament, The Corrupt Practices Act of 1995 which was later amended in 2004. The Bureau is mandated under section 10 of the Act (2004, p.8), to take necessary measures for the prevention of corruption in both public and private institutions, to investigate and prosecute corruption as well as to educate the general public on the evil and dangerous effects of corruption. The Bureau, however, cannot prosecute corruption cases without the consent of the Director of Public Prosecutions, in accordance with section 42 of the Corrupt Practices Act (2004). The Anti-Corruption Bureau has got about one hundred and forty (140) staff members and has offices in four (4) of the twenty-eight (28) districts in the country (RAC13).

4.2.2 Malawi Police Service – Fraud and Fiscal Unit

Malawi Police Service came into being while the country was still a British Protectorate in 1921. It was established under the Constitution of The Republic of Malawi (1994). The functions of the Police are stipulated in the Malawi Police Service Act (2010). The Fiscal and Fraud Unit of Malawi Police Service was established in 1969 with the aim of investigating white collar crimes (RAC2). The functions of the Fraud and Fiscal Unit include; investigating all financial crimes, which include corruption, enforcing exchange control Act, investigating money laundering and terrorist financing, investigating cybercrimes and investigating all cases related to tax evasion (RAC2). It is clear from the functions that both the Anti-Corruption Bureau and the Fiscal and Fraud Unit of the Malawi Police Service are mandated by law to investigate and prosecute corruption. The Fiscal and Fraud Unit has got 60 staff members operating in
11 offices in different parts of the country, including in borders between Malawi and its neighbouring countries.

4.2.3 The National Audit Office

The National Audit Office was established before the country got independence. Article 79 (4) of the Constitution of the Federation of Rhodesia and Nyasaland mandated the Auditor General of the Federation to submit his report on the public accounts of Nyasaland Protectorate (now Malawi) to the Legislature Council (RAC9). After Malawi attained its independence in July 1964, the Constitution of the Federation of Rhodesia and Nyasaland was replaced by the Constitution of the Republic of Malawi. Section 85 of the new Constitution empowered the Auditor General to submit his/her report to the National Assembly through the Minister of Finance (RAC10). According to the respondents, the National Audit Office has got two hundred and seventy-two (272) members of staff in four offices in different parts of the country.

The functions of the National audit office are to ‘provide assurance on accountability, transparency, integrity, and value for money in the management of public resources to all stakeholders through quality audits (RAC9). The National Audit Office also conducts investigative and forensic audits, the products of which sometimes give indications of corrupt practices (RAC10). Implicit in NAO’s mandate is the duty to investigate cases of fraud and corruption. Overall, an audit is a tool for fraud and or corruption prevention.

4.2.4 The Directorate of Public Prosecutions

The office of the Director of Public Prosecutions was established by sections 99-102 of the Constitution of the Republic of Malawi (1994, pp.9-10). The
functions of the DPPs office according to the Constitution (1994) include; to ‘institute criminal proceedings, to take over and continue any criminal proceedings instituted by any other authority, to discontinue at any stage before judgment is delivered, any criminal proceedings instituted by the DPP or any other person or authority’. The Anti-Corruption Bureau was created while the office of the DPP was already in place prosecuting all cases, including corruption cases. The Bureau was also given the mandate to prosecute specifically corruption cases and any other cases discovered in the course of investigating corruption. The DPPs office has sixty (60) staff members in three (3) districts of the country.

4.2.5 Ombudsman

The office of the Ombudsman was established in 1994 by the Constitution of Malawi, to investigate cases of injustice concerning public servants and to provide redress. The office has got ninety-four (94) staff members operating in four (4) offices in the country. In the fight against corruption, through the investigations they conduct, the Ombudsman is able to identify culprits and reports or recommends them to the anti-corruption Bureau or Malawi Police Service for further investigations (RAC11).

4.2.6 Malawi Revenue Authority (MRA)

The Malawi Revenue Authority was established in 1998 under an Act of Parliament (Malawi Revenue Authority Act, 1998) as an agency of the Government of Malawi responsible for the assessment, collection and accounting for Tax revenues as per Section 4 of the Act. MRA was formed to improve on the functions previously carried out by Divisions of Customs and Excise, and Income Tax in the Ministry of Finance. It has 40 stations in the country and 1300 staff members (RAC8). MRA fights corruption on two fronts;
firstly, through taking necessary measures to counterattack tax fraud and other forms of fiscal evasion (Malawi Revenue Authority Act, 1998), hence in a way curbing corruption. It also fights corruption through its Internal Affairs Department, which prevents and investigates fraud, corruption and professional misconduct by staff within the Authority (RAC7).

4.2.7 **Judiciary**

The judiciary is an arm of government that is responsible for interpreting, protecting and enforcing Malawi’s Constitution and all laws in accordance with the Constitution in an independent and impartial manner (Constitution of the Republic of Malawi 1994). The role of the judiciary in the fight against corruption is both preventive and adjudicative (RCA16).

4.2.8 **Malawi Parliament**

Malawi Parliament is an arm of government established in the 1994 Constitution of The Republic of Malawi (although Parliament had been there before 1994). Parliamentary Service, the Secretariat of the National Assembly was established in 2000. Parliament has got one office based in Lilongwe. It has a total of 193 elected Members of Parliament and over 250 members of staff (RAC19). The Malawi Parliament has got three major functions; to exercise oversight, legislate and represent the people of Malawi on various national issues. In the fight against corruption, parliament legislates on laws which tackle corruption, exercises oversight on corruption fighting bodies, for example, the Anti-Corruption Bureau and the Financial Intelligence Authority and it exercises oversight over government on activities which also include issues touching on corruption-related matters (RAC19). The Parliament’s role is unique because it exercises oversight on these anti-corruption agencies through its committees such as; the Public Appointments and Declaration of
Assets Committee, Public Accounts Committee, Budget, and Finance Committee and the Legal Affairs Committee, among others.

4.2.9 Public Procurement and Disposal of Assets Authority (PPDA)

The Public Procurement and Disposal of Assets Authority was established in 2018 through the Public Procurement and Disposal of Public Assets Act of 2017. The Act replaced the repealed Public Procurement Act of 2003, which established the Office of the Director of Public Procurement (ODPP). The office has got 50 employees operating at one station. The functions of the PPDA as stipulated in section 5 of the Act (2017) are; to regulate, monitor and oversee all public procurement and disposal of assets activities in Malawi, and ensure professional development of Public Procurement personnel in Malawi. In terms of fighting corruption, the PPDA promotes procedures that ensure fairness, transparency, accountability, open competition and value for money in both the procurement and disposal of public assets and monitors compliance with those procedures by the procuring and disposing entities (RAC17). The PPDA was established long after the Anti-Corruption Bureau was already established but it interfaces with the Bureau on a regular basis.

4.2.10 Financial Intelligence Authority (FIA)

The FIA, formerly known as the Financial Intelligence Unit, was established in 2017 by an Act of Parliament the Financial Crimes Act, which replaced the repealed Money Laundering, Proceeds of Serious Crimes and terrorist financing Act of 2006. This Act had created the Financial Intelligence Unit which was replaced by the FIA. The FIA is responsible for combating financial crimes.
In terms of fighting corruption, the FIA provides information and intelligence to ACB and other law enforcement agencies to enable them to conduct investigations, freezes bank and other accounts that are suspected to hold proceeds of corruption to enable Anti-Corruption Bureau and other law enforcement agencies to conduct investigations without the proceeds being dissipated, conducts financial investigations to provide support to the ACB with findings and to quickly conduct civil confiscation of assets of those suspected to have been involved in corruption (RAC3). This enables ACB and other anti-corruption investigators to conduct investigations on the predicate offence without fear of other assets apart from money being dissipated (RAC3). In addition, FIA manages a confiscation fund which holds proceeds of crimes identified from all types of predicate offences including corruption (RAC3). This institution came in long after the ACB was established but the interface between them is crucial.

4.2.11 Office of the Director of Public Officers Declarations (ODPOD)

The ODPOD was established in 2014 following the enactment of the Public Officers (Declaration of Assets, Liabilities and Business Interests) Act of 2013 to receive, and verify public officers’ declarations and ensure public access of the same, among others. In terms of fighting corruption, ODPOD provides a platform for promoting transparency and accountability of public officers and for checking, monitoring and detecting abuse of public funds for private gain and illicit enrichment by public officers (RAC5). This is another office established long after the establishment of the Anti-Corruption Bureau, whose interface with the specialised graft fighting body cannot be ignored.
4.3 Interactions among the institutions

The eleven institutions discussed above, interact in one way or the other in the course of implementing their roles and or mandates. The issue of interaction was addressed by the following question, ‘Which institutions that are explicitly or implicitly dealing with anti-corruption issues do you interact with?’ The responses are presented in the table below;

Table 1: List of institutions interacting

<table>
<thead>
<tr>
<th>No</th>
<th>Institution</th>
<th>Institutions they interact with</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>FFU (Police)</td>
<td>ACB, FIA, DPP, MRA, ODPOD</td>
</tr>
<tr>
<td>2.</td>
<td>FIA</td>
<td>ACB, MRA, FFU, PPDA, ODPOD</td>
</tr>
<tr>
<td>3.</td>
<td>ODPOD</td>
<td>ACB, FIA, MRA, Police, NAO, DPP, Ombudsman,</td>
</tr>
<tr>
<td>4.</td>
<td>MRA</td>
<td>ACB, FIA, Police, PPDA,</td>
</tr>
<tr>
<td>5.</td>
<td>NAO</td>
<td>ACB, FIA, DPP, Police, DPP</td>
</tr>
<tr>
<td>6.</td>
<td>Ombudsman</td>
<td>ACB, Ministries, Departments, and Agencies (which encompasses all these institutions)</td>
</tr>
<tr>
<td>7.</td>
<td>ACB</td>
<td>All the ten institutions</td>
</tr>
<tr>
<td>8.</td>
<td>DPP</td>
<td>ACB, Judiciary, Police, FIA, Ministries Departments and Agencies,</td>
</tr>
</tbody>
</table>
The research has shown that all these institutions interact with the Anti-Corruption Bureau and each one of the institutions interacts with two or more others on either regular, frequent or ad-hoc basis. The Details of these interactions are presented below.

### 4.3.1 Frequency of interactions

The issue of frequency was addressed in the following question ‘*How often does this interaction take place?*’ The respondents answered according to the institutions they interact with and the following responses were given; on daily basis (1 respondent), on need basis/periodic (12), frequently/regularly (5) and on an ad-hoc basis (1). This shows that most of the interactions occur as and when there is a need to do so not in a systematic or structured way.

### 4.3.2 Nature of interactions

Having specified the institutions that they interact with, respondents were asked to indicate the nature of interactions they have among themselves. The following question was asked, ‘*What is the nature of interaction with each of the institutions mentioned?*’ Respondents were not restricted on the number of responses they could give on this component. The results indicate that
information sharing tops the list (14 respondents out of 19), followed by joint operations (6 out of 19 respondents), which encompasses joint investigations and prosecutions, joint audits and joint asset verification exercises among others. General operational meetings came third (5 out of 19 respondents which include meetings in committees and task forces. This was followed by referral of cases among the institutions (3 out of 19) and provision of oversight, legal and other advice among institutions (3 out of 19). The full list of activities involved is found in table 2 below;

Table 2: Nature of interactions

<table>
<thead>
<tr>
<th>No.</th>
<th>Nature of Interaction</th>
<th>Number of responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Information sharing – some institutions have signed MOUs that stipulate the mode of interactions and information sharing</td>
<td>14</td>
</tr>
<tr>
<td>2.</td>
<td>Joint operations i.e. joint investigations and prosecutions, joint audits, joint asset verification exercises</td>
<td>6</td>
</tr>
<tr>
<td>3.</td>
<td>General operational meetings – ad-hoc and planned, that is, meetings in task forces and committees, interactive discussions, meetings to update one another</td>
<td>5</td>
</tr>
<tr>
<td>4.</td>
<td>Referral of cases among institutions</td>
<td>3</td>
</tr>
<tr>
<td>5.</td>
<td>Provision of oversight, legal and other pieces of advice (including granting of consents to prosecute cases)</td>
<td>3</td>
</tr>
</tbody>
</table>
4.3.2.1 Information sharing

The institutions have been sharing information depending on either Memoranda of Understanding which are signed bilaterally or among more than two institutions or on an ad-hoc basis. The research found for example that the Financial Intelligence Authority has signed MOUs with the following institutions, Malawi Police Service, Malawi Revenue Authority, Anti-Corruption Bureau, Office of the Director of Public Officers Declarations, National Intelligence Service and Immigration Department among others (RAC3). The information shared includes intelligence gathered, information on suspicious transactions, and any other information that is beneficial to the institutions.

The Fiscal and Fraud Unit of Malawi Police Service signed an MOU with Malawi Revenue Authority and Financial Intelligence Authority and information sharing is one of the important items in the MOU (RAC2). The MOU stipulates that the institutions will exchange information related to any suspicious transactions and conduct joint investigations in different fraud cases (RAC2).

Anti-corruption Bureau has got MOUs with Malawi Police Service, the Financial Intelligence Authority and Malawi Revenue Authority (RAC13) while the office of the Director of Public Officers Declarations signed an
MOU with Malawi Revenue Authority and Financial Intelligence Authority (RAC7). The Anti-Corruption Bureau benefits from information on assets declared it gets from the office of the Director of Public Officers Declarations which it uses for investigations and prosecution of cases (RAC12).

The Public Procurement and Disposal of Assets shares information with the Anti-Corruption Bureau on suspected corrupt practices it encounters in monitoring and oversight of procurement and asset disposal activities (RAC17). It also shares with the Anti-Corruption Bureau any issues related to mis-procurement to use in investigations of corruption related procurement cases. In all these MOUs, information sharing is key. The most important issue, however, is to translate what is in the MOUs into practice.

All these institutions submit annual reports to Parliament, which, through its committees, scrutinises them and seeks clarifications where necessary.

During the ‘cashgate’ period, information sharing was key among law enforcement agencies. Where information was shared, it worked well for the fight against corruption and where it was withheld, it impacted negatively on the fight.

4.3.2.2 Collaboration or Joint operations

The anti-corruption institutions also interact through joint operations which include joint investigations and prosecutions, joint audits and joint asset verification exercises, but not all of them are involved in these activities. The Fiscal and Fraud Unit of the Malawi Police, for example, conducts joint investigations with the Financial Intelligence Authority on financial crimes,
conducts joint investigations on tax evasion with the Malawi Revenue Authority and sometimes conducts joint investigations with the Anti-Corruption Bureau on corruption cases (RAC2). A very good example of a joint investigation between Police and Anti-Corruption Bureau was on the investigation of Dennis Kambalame (Republic vs Kambalame Criminal case No. 108 of 2002 [2003]) and Humphrey Mvula cases (not cashgate cases) (RAC1). In Dennis Kambalame case, joint investigations were done in Germany, the USA, and other countries and it brought results as Mr. Kambalame was sentenced to six years’ imprisonment (RAC1). Mr. Mvula was however acquitted on technical grounds.

The office of the Director of Public Officers Declarations conducts joint operations with the Malawi Revenue Authority in asset verification (RAC5). The MOU between the office of the Director of Public Officers Declarations and Malawi Revenue Authority stipulates among other things that the internal Affairs Department of the Malawi Revenue Authority will conduct asset verification of all Malawi Revenue Authority staff on behalf of ODPOD and submit the information to ODPOD and this is being implemented (RAC5).

In addition, the office of the Director of Public Officers Declarations conducts joint asset verification exercises with the National Audit Office because they have expertise in forensic auditing hence they assist in verifying if the assets declared are in tandem with the declared sources of income (RAC5).
The Anti-Corruption Bureau, besides the collaborative efforts with the institutions already mentioned above, also conducts prosecutions on behalf of Malawi Revenue Authority on cases involving externalisation of foreign currency (RAC12). The Malawi Revenue Authority investigates the cases and passes them on to the Anti-Corruption Bureau for prosecution.

The Anti-Corruption Bureau seeks consent to prosecute from the office of the Director of Public Prosecution (Corrupt Practices Act, 2004). In other words, the prosecution of corruption cases is not possible without authorisation by the Director of Public Prosecutions. This offers a challenge as the Director of Public Prosecutions may deny consent to prosecute and in the process, stifling the independence of the Bureau (Daka, 2013. P.4).

The Directorate of Public Prosecutions sometimes conducts joint prosecutions with the Anti-Corruption Bureau though not often (RAC14). This happened in cashgate case of Paul Mphwiyo, the then Budget Director for Malawi who is facing trial for the loss of 2.4 billion Malawi Kwacha from the country's coffers (Times Group, 2015). ACB investigated the case and gave it to the DPP (RAC14) to prosecute with some of the witnesses being ACB investigators. The case is yet to be completed.

4.3.2.3 General operational meetings

In 1999, the DPP denied consent to prosecute the former Attorney General for embezzlement of US$7.6 million, denied consent to prosecute a Minister of Education (from the ruling party) implicated in a Ministry of Education scam worth K187 million, and ignored applications by the Director of the Anti-Corruption Bureau to prosecute a former Minister of Local Government accused of involvement in a national identity card scam in which over US$ 32 million was misappropriated.
Anti-corruption institutions also interact through either ad-hoc and or planned meetings. Financial Intelligence Authority, for example, has provisions for quarterly meetings in its MOUs with other anti-corruption institutions (RAC3). Other forums at which interactions take place include meetings in task forces and committees, for example, the National Anti-Money Laundering Committee at which these institutions meet and discuss issues pertaining to anti-Money Laundering, and the task force on National Risk Assessment for Money Laundering and Terrorist Financing.

4.3.2.4 Referral of cases among institutions

One other way in which these institutions interact is through referral of cases. For the Anti-Corruption Bureau, it receives complaints that span across mandates of the other anti-corruption institutions because sometimes the whistleblowers or the people making reports are not aware of where the mandates for these institutions end and so they send their complaints anyway (RAC12). In such scenarios, the Anti-Corruption Bureau refers the cases to the right institutions to deal with them. In addition, the Anti-Corruption Bureau refers some corruption cases to institutions it has signed Memorandum of Understandings with if the cases involve those institutions. The purpose is to build their capacity to deal with some simple cases so that the Anti-Corruption Bureau is not overloaded with work but also to instill the spirit in these organisations that the fight against corruption is not an ACB function alone. Further, this is done in the spirit of the National Anti-Corruption Strategy which advocates for joining hands in the fight against corruption.
In addition, the Malawi Revenue Authority refers cases to the Anti-Corruption Bureau for prosecutions (RAC7) and the Public Procurement and Disposal of Assets Office also refers cases to the Anti-Corruption Bureau for investigations (RAC18)

4.3.2.5 Provision of oversight, advice (legal and other) and direction

Some of the institutions like the Director of Public Prosecutions provides legal advice to others like the Malawi Police Service and the Anti-Corruption Bureau in terms of prosecutions. For the Anti-Corruption Bureau, the advice is in the form of a document that the DPP writes the Bureau giving consent to prosecute or not. The Police have easy and direct access to both the offices and the Director of Public Prosecutions for ease of interaction (RAC 14). In addition, institutions consult each other in areas requiring advice. The courts also give determinations on cases which is in a way provision of direction on the case.

Further, Parliament provides oversight to institutions and makes recommendations or determinations where necessary on what the institutions should do.

4.3.2.6 Witness protection and provision of security

The anti-corruption institutions also interact in cases where witnesses need protection (RAC 14). The Police play a crucial role in such situations but they rely on information from the institutions concerned in order to execute their duties accordingly.
4.4 Results of the hypotheses

This study aimed at finding the impact of institutional arrangements for anti-corruption efforts on combating corruption. A number of hypotheses were generated and presented in Chapter 1. The results of the research on each hypothesis have been presented below.

4.4.1 The null Hypothesis $H_0$

$H_0$: Institutional arrangements for anti-corruption efforts have no impact on combating corruption. This hypothesis predicted that there is no relationship between the institutional arrangements for anti-corruption efforts and the combating of corruption. The following questions were meant to elicit data to test this hypothesis, ‘To what extent do you consider that your interaction with the above-mentioned institutions can lead to: productive overlap? positive competition? costly conflict? wasteful duplication of functions?’ The research, based on the interview results has shown that contrary to the assertion in the hypothesis, the institutional arrangements on anti-corruption efforts have a significant impact on combating corruption. The hypothesis has therefore been rejected.

4.4.2 Alternative hypotheses

The alternative hypotheses were tested in the study and below are the results;

$H_1$: Institutional arrangements for anti-corruption efforts have generated a productive overlap among the institutions hence positively impacted on combating corruption. This hypothesis suggested a causal relationship between institutional arrangements and the combating of corruption. It suggests that there is an overlap of functions among the institutions which could positively impact on combating corruption. The following questions were
used to collect data to test the hypothesis, ‘To what extent do you consider that your interaction with the above-mentioned institutions can lead to: productive overlap? positive competition? costly conflict? wasteful duplication of functions?’ The respondents were given a chance to respond to each component of the question. The study has fully confirmed this hypothesis considering the highest number of respondents to the issue of productive overlap of functions indicated that there is indeed an overlapping of functions among the anti-corruption institutions, which is beneficial to combating corruption.

H₂ Institutional arrangements have resulted in positive competition among the institutions hence positively impacted on combating corruption. This hypothesis predicted causal relationship in the positive sense by suggesting that there could be competition among the institutions as they execute their tasks, which could positively impact on combating corruption. The following questions were used to collect data to test this hypothesis, ‘To what extent do you consider that your interaction with the above mentioned institutions can lead to: productive overlap? positive competition? costly conflict? wasteful duplication of functions?’. The study has confirmed this hypothesis by indicating that institutional arrangements for anti-corruption efforts lead to positive competition among the anti-corruption bodies. The results highlighted specific cases in which the notion of positive competition was seen to have resulted from the interactions and where it positively impacted on combating corruption.

H₃ Institutional arrangements have resulted in costly conflict hence negatively impacted on combating corruption. This hypothesis predicted a
causal relationship in a negative sense indicating that the institutional arrangements would lead to conflicts that could be costly in combating corruption. To test this hypothesis, the following questions were asked to the respondents, ‘To what extent do you consider that your interaction with the above mentioned institutions can lead to: productive overlap? positive competition? costly conflict? wasteful duplication of functions?’ While the research has shown some positive correlation on this hypothesis, the results show that the hypothesis is not fully supported looking at the number of people who have responded in favour of costly conflict compared to those who have chosen other options. The results show that the issue of costly conflict among anti-corruption bodies, though present, is minimal.

\textbf{H₄: Institutional arrangements for anti-corruption efforts have resulted in wasteful duplication of functions hence negatively impacted on the fight against corruption.} This also suggests a causal relationship in a negative sense indicating that there could be an unnecessary duplication of functions among the institutions, which could negatively impact on corruption. Again the study has vindicated the hypothesis looking at the number of people who responded positively to the issue of wasteful duplication of functions. The issue of wastefulness, however, was not explored in detail in this thesis, for instance, to quantify the amount of wastefulness.

It is interesting to note that the study has confirmed all the four hypotheses though they are dealing with positive and negative scenarios. The confirmation, however, is at different levels as some hypotheses have more positive responses than others. The confirmation of the hypotheses shows that both positive and negative results can
come out of interactions among anti-corruption institutions which can have positive and negative impacts on combating corruption.

4.5 Detailed findings on the hypotheses

Having highlighted the overall findings on the hypotheses, this section will provide the detailed findings in light of cashgate cases and the results are shown in figure 1 below;

Figure 1: Impact of institutional arrangements for anti-corruption efforts

4.5.1 Productive overlap

Productive overlap for this paper was defined as a situation where the overlapping of functions between two or more institutions leads to better results for Malawi in combating corruption. As seen from the brief description of each of the anti-corruption institutions, there have been overlaps in the mandates and roles of these institutions. The question which was put to respondents sought to find out the extent to which the overlapping of
mandates for these institutions was productive in combating corruption. The prediction was that it would indeed be productive.

*Figure 1* above shows that most respondents, seventeen (17) out of nineteen (19), of the Anti-Corruption Institutions’ questionnaire indicated that there is productive overlap in the interactions among anti-corruption institutions and three (3) out of six (6) Key informants also said there is productive overlap. In other words, the overlapping of functions among these anti-corruption institutions is beneficial to the fight against corruption in the country.

This is substantiated by the information below which was given by respondents on overlaps between the Fiscal Police and Anti-Corruption Bureau. The overlapping of the corruption investigations functions between the Fiscal and Fraud Unit of the Malawi Police Service and the Anti-Corruption Bureau led to some cashgate cases being concluded on time' (RAC2). In addition, the Anti-Corruption Bureau and Fiscal and Fraud Unit of Malawi Police Service investigated the same cases and since fiscal police are well trained in dealing with financial investigations, they found more information than what Anti-Corruption Bureau found (RAC12). When the files were sent to the Director of Public Prosecutions, the Anti-Corruption Bureau files gave leads while fiscal files gave details hence the overlap in the functions of these two institutions was productive. On investigations outside the country, the Anti-Corruption Bureau was able to source information quickly because of its membership at international forums, which helped in dealing with cashgate cases (RAC15)

Another respondent corroborated what respondent 12 above said, by asserting that ‘there is productive overlap between the Anti-Corruption Bureau and Fiscal Police and Financial Intelligence Unit when it comes to investigating fraud and related corrupt acts such as money laundering, which helps to take care of the
expertise gap at the ACB’ (RKI1). In other words, the financial investigation expertise gap that the ACB lacked in investigating cashgate cases was covered by the skills of Fiscal Police.

Overlapping of functions was also productive between the Directorate of Public Prosecutions and the Anti-Corruption Bureau. The two institutions conducted and concluded joint prosecutions on six (6) major cashgate cases; *The Republic Vs Oswald Lutepo, The Republic Vs Leonard Kalonga, The Republic Vs Nkhudzo Bandula Chirwa, The Republic Vs Caroline Savala, The Republic Vs Luke Kasamba and The Republic Vs Steven Mwenitete and others.* In addition, other fourteen (14) cashgate cases on *Republic Vs Paul Mphwiyo* are under prosecution. In these cases, the Anti-Corruption Bureau investigated and passed on the cases to the Director of Public Prosecutions who is leading the prosecutions with the Anti-Corruption Bureau’s involvement.

On overlap of functions between the Financial Intelligence Authority and the Anti-Corruption Bureau, both the Financial Intelligence Authority and the Anti-Corruption Bureau are mandated to investigate (Financial Crimes Act, p.16; Corrupt Practices Act, p. 8). However, the Financial Intelligence Authority limits its investigations to financial investigations and not to investigating the predicate offence which is investigated by the Anti-Corruption Bureau. This helps in that the Financial Intelligence Authority will have financial intelligence that could help the ACB prove the predicate offence (RAC3). In other words, the FIA’s efforts are usually complementary to Law Enforcement Agencies (LEAs) efforts, with a focus on the financial side of a case. ‘LEAs like ACB and fiscal police focus on the predicate offences whilst FIA conducts parallel financial investigations with the aim of tracing proceeds for confiscation’ (RAC4). While the three institutions are mandated to investigate, the overlapping of the
investigative function is useful in combating corruption because it helps unravel different aspects of the cases under investigations.

There is overlap on detection of possible corruption between the Anti-Corruption Bureau and the ODPOD. The aim of ODPOD is to see and analyse if there are possible elements of private gain which ACB also looks into (RAC5). According to the respondents, where detection of possible corruption has occurred, the ODPOD sends the cases to the anti-corruption Bureau for investigations, making the overlap in the role of detecting corruption productive to the combating of corruption.

One respondent highlighted an overlap between the NAO and ODPOD in that, the ODPOD verifies sources of income, which is an audit function also conducted by NAO. ‘Since each institution works within its mandates the efforts complement each other (productive) rather than competing or conflicting’ (RAC7).

Further, in pursuit of their mandate, the activities of the ACB, the FIA, the DPP, and the Police in many ways overlap with those of National Audit Office but, the overlap is productive as it is usually complementary (RAC9). For instance, fiscal Police engages the Auditor General for technical expertise when need arises during the course of their work. Similarly, the Auditor General engages the ACB every time he stumbles on fraudulent transactions that he suspects corruption might have been at play when the crime was committed’ (RAC9)

One respondent, however, commented on the overlaps in a different light. He said
‘normally the mandates of these various institutions are distinct even where there are similarities such that the mandate to investigate the issues which each institution has to look at is distinct and since the interactions are on need basis and within a framework of MOU for some institutions, what each has to do is agreed and defined from the start so this minimises overlaps but improves the quality of the output at the end because each facet of the issue which is the subject of collaboration is looked at’ (RAC 13).

4.5.2 Positive Competition

Positive competition was defined earlier in the paper as a situation where competition among the anti-corruption institutions in fighting corruption positively impacts on combating corruption. The research found that institutional arrangements for anti-corruption efforts sometimes give rise to positive competition among the agencies. While eight (8) out of nineteen (19) respondents from anti-corruption institutions indicated that there is positive competition as the institutions interact, only two (2) out of the six (6) key informants indicated that it is present. An example of positive competition was between the Directorate of Public Prosecutions and the Anti-Corruption Bureau in the prosecution of cashgate cases. The former prosecuted more cashgate cases than the Anti-Corruption Bureau and this led to the ACB re-strategising on its prosecutions due to the competition (RAC 12).

In addition, based on information from respondents, ACB and fiscal Police competed on investigations of cashgate cases. The cases investigated by ACB were also investigated by fiscal Police and to protect their files from being confiscated by the Director of Public Prosecutions, who is mandated by the constitution to do so when they see fit, the institutions worked hard to retain their files. On the Republic Vs Kalonga (Namazunda, C. 2018, 2018) and The
Republic Vs Oswald Lutepo (Sambalikagwa, L. 2018) cases which were investigated by both ACB and Fiscal Police, the competition brought better results in that the two were convicted and sentenced to 7 and 11 years in prison respectively.

Another case not necessarily a cashgate case in which positive competition worked was the Republic vs Chaponda\(^1\) case in which the ACB investigated the case thoroughly to prevent the file from being taken away considering that seventy-one (71) cashgate files were at some point taken away from ACB by DPP’s chambers (RAC15). The suspect, a former Minister of Agriculture, was however acquitted (Ngwira, 2018) by the High Court of Malawi despite the efforts.

One respondent said that competition has helped to propel capacity development in these other institutions as the other institutions are jolted into action (RKI1). For example, ‘when the ACB proposes to draw in international experts on some cases in which these institutions think they have the capacity in-house, the other institutions are moved to action’ (RKI1)

Some respondents highlighted positive competition between the Anti-Corruption Bureau and some committees of Parliament which have started to investigate some issues in government despite having no capacity to do effective investigations, and no mandate to prosecute (RAC13). The challenge for these committees, however, is that ‘their investigations have not fully complied with legal principles that govern investigations and this potentially renders any evidence they gather to be inadmissible in a court of law (RAC13)

According to the respondents, there have been cases where the government engaged both the Anti-Corruption Bureau and National Audit Office to carry out

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\(^1\) A Minister of agriculture was accused of corrupt practices in the purchase of maize from Zambia. The case was dubbed ‘Maizegate’
an investigation into a suspected fraudulent activity at a government institution. In such cases, the agencies, in the spirit of competition, tried to outdo each other and the results were excellent; hence positive competition’ (RAC9).

On the other hand, some respondents feel that the mandate to deal with corruption issues is domiciled in ACB but other institutions only deal with other facets that are connected to corruption and this requires cooperation and not competition (RAC13). They say that the issue of positive competition does not necessarily arise because there is a high level of differentiation in the mandate of each institution. In other words, there is no competition because the roles performed by either institution in the interaction are different (RAC 16)

4.5.3 Costly Conflict

Costly conflict in this paper was defined as a situation where conflicts among these institutions as they interact, negatively impact on combating corruption. It is interesting to note that while few respondents five (5) out of (19) to the questionnaire for anti-corruption institutions consider that there are costly conflicts in the interactions, a majority of the Key informants, four (4) out of five (5) respondents considers it as an issue among the institutions. One respondent said; ‘lack of domestic cooperation and possible lack of trust or rivalry among agencies has seen cases that had huge potential resulting in acquittal and provisionally held assets returned to the accused’ (RAC4).

According to the respondents, an example of a conflict that was costly in the fight against corruption was the conflict between the Director of Public Prosecution and the Anti-Corruption Bureau following the 2015 hiring of one of the prominent lawyers, Mr. Kamudoni Nyasulu, by the ACB, who was previously at the DPPs office. Mr. Nyasulu was relieved of his duties at the DPP’s
office due to differences in approaches to prosecutions between him and the DPP (RAC15).

In the same year, the DPP took over seventy-one (71) cashgate files from the ACB, which is a normal thing, because it is mandated to take over and continue any criminal proceedings instituted by any other authority (Constitution of Malawi, p. 10). But the taking over of the files has proved unproductive in the fight against corruption because nothing has been done since 2015 to date on those files due to a shortage of staff at the DPPs office (RAC 15) yet the Bureau could have worked on the cases. Analysts have still linked the taking over of the files to the hiring of Mr. Kamudoni Nyasulu by the ACB (RKI3, RKI4).

Another issue that arose between the two institutions was the tension over a missing document (Nkhoma, 2016) which was crucial in the prosecution of cashgate offenders. During prosecution of Mr. Leonard Kalonga, he referred to a document which he said contained a list of beneficiaries of the K2.4 billion cashgate proceeds he was one of the suspects for. Mr. Kalonga indicated that the document was collected by ACB investigators (Nkhoma, 2016). The DPP wanted to use the document in the prosecution but the ACB could not release it as it said the document could not be traced. After some time, the document was found among documents of an investigator who had passed away and it was released (RAC 12). This brought in some tension between the DPP and ACB which did not help in the fight against corruption (RAC15). According to one of the respondents, the delays in releasing the missing document by the ACB resulted in some acquittals (RAC14).

Figure 1 has however shown that conflicts that are costly to the fight against corruption are not significant among these institutions as evidenced by the
fewer respondents who chose this option compared to those who opted for the rest. The incident between the DPP and ACB however, where seventy-one (71) files were taken away from ACB for prosecution by the DPP in 2015 and nothing has been done to date, is a huge cost to the fight against corruption though it is a one off incident.

4.5.4 Wasteful Duplication of functions

Figure 1 shows that a significant number of respondents to the Anti-Corruption Institutions’ questionnaire, (eight (8) out of nineteen (19), indicated that the presence and interactions of institutions with some role and or mandate to play in the fight against corruption have led to wasteful duplication of functions among the anti-corruption institutions. Four (4) out of six (6) respondents to the key informants’ questionnaire, which is a majority, indicated that there is wasteful duplication of functions. The overlaps in mandates for these institutions as already highlighted earlier in this chapter are said to lead to a waste of resources for the government

Wasteful duplication was evident during investigations and prosecutions of cashgate cases where, ACB and Police investigated the same people and would obtain warrants of arrests for the same suspects from courts, wasting resources for the government (RAC2). This was evident in cashgate cases of Caroline Savala\(^8\), Leonard Kalonga and Oswald Lutepo (RCA13). The results though, were fruitful as all defendants were given custodial sentences of 7 years, 7 years and 11 years respectively, regardless of the wastage of resources.

\(^8\) Convicted and sentenced to 7 years imprisonment in June 2016 for defrauding the government of K84 million through her Company Kamu Civil Engineering
Another cashgate case that was investigated twice was that of the former President of Malawi, Dr. Joyce Banda (Jimu, 2017; Africanews 2018), in which the Anti-Corruption Bureau investigated and found no evidence against her and the fiscal police found that there was evidence linking her to cashgate, following their separate investigations. According to respondents, resources were wasted by the case being investigated twice (RAC1; RAC15).

A classic example of wasteful duplication of resources, according to respondents, is in the creation of the Office of the Director of Public Officers Declaration which receives and verifies public officers’ declarations of assets, liabilities and business interests (RKI1, RAC5). It is envisaged that the functions of the ODPOD can easily be fulfilled by the Anti-Corruption Bureau, considering that in other countries, this office is under Anti-Corruption institutions except in a few countries like the USA. Yet another respondent said,

‘the establishment of the Office of Asset Declaration is a complete waste of resources, it should have been a sub-office in the Anti-Corruption Bureau or indeed an integral part of the efforts to fight corruption because lifestyle audits are one of the key strategies that agencies like the Anti-Corruption Bureau elsewhere, use to fight corruption (RKI1).

Another case of wasteful duplication according to respondents, concerns current investigations which are being conducted separately by the Director of Public Prosecutions through the Fraud and Fiscal Unit of Police and the Anti-Corruption Bureau, on the sale of the Dassault Falcon 900EX, a Presidential jet (RAC15). The jet was bought in 2009 by Malawi Government at US$22million and is alleged to have been traded in to a South African Company Bohnox, a subsidiary of Paramount Holdings at US$19million to offset a loan (Nyasa Times, 2014). Both the DPP’s office and the ACB are currently investigating the case which is a waste of resources (RAC15).
Other respondents, however, see the duplication as inevitable in a setting like the one for Malawi, where several institutions have some role and or mandate to play in combating corruption. ‘Bearing in mind that these institutions are independent of each other despite having almost similar mandates, duplication of functions cannot be ruled out, perhaps the question should be whether such duplication can be reduced or completely avoided’ (RAC9).

Another respondent said there is no wasteful duplication in that such interaction enables each institution to understand where its mandate starts and where it stops and what they get from their fellow institutions (RAC14). The respondent further said that interaction ensures that the institutions are not operating in silos which can only promote duplication.

The discussion on the four main issues of research has focussed much on the interactions between the ACB, Police and DPP’s office owing to the information that was collected. This shows that there are more interactions among these institutions which are visible to the public than the interactions among these same institutions with the other institutions that have some roles or mandate in the fight against corruption.

4.6 Positive aspects of interactions

Respondents were asked to articulate some positive aspects of the interactions by responding to the question, ‘what is working in your interactions?’ The responses are indicated in figure 2 below;
Figure 2: What is working in the interactions

Figure 2 shows that the majority of respondents to the anti-corruption institutions’ questionnaire, fourteen (14) out of nineteen (19), considered information sharing as the key thing that is working in the interactions among the institutions followed by joint efforts, eleven (11) out of nineteen (19), and then successful completion of cases and interactions among junior staff. Only one respondent said that there is nothing positive in the interactions among these institutions, which is insignificant compared to those that chose the other options. Looking at the number of respondents per item, the graph shows that information sharing and joint efforts are the two things that mostly work among the institutions. Three (3) out of six (6) respondents to the Key Informants’ questionnaire when asked the same question also highlighted information sharing as one of the positives of the interactions among these institutions.

Perhaps one interesting finding to highlight regarding what is working in the interactions is the one that points to interactions between mid-level and junior level staff. While the number of respondents to this issue is insignificant, two (2) out of
nineteen (19), compared to those in favour of other options, it is worthwhile mentioning that some respondents feel that interactions among junior staff in the anti-corruption institutions are working better than those of people holding high positions in the same institutions (RAC3; RAC15).

4.7 Challenges in developing effective working relationships

Respondents were asked to highlight the challenges they face in developing effective working relationships by asking the following question, ‘What are the challenges in developing effective relationships with other anti-corruption bodies?’ and the results are in Figure 3 below;

*Figure 3: Challenges to developing effective relationships*

The results show that the challenges are both endogenous and exogenous. Lack of a platform for collaboration, resource constraints, and political interference, for example, are exogenous factors. These are things the institutions have little or no control over but still, affect their relationships. On the other hand, differing priorities, standards, and skills; lack of trust among institutions; territorial tendencies and attitude problems are endogenous factors which can easily be sorted from within the institutions, given the will to do it.
The graph further shows that personality issues and political interference have little or no influence on the relationships among the institutions. Details of the findings are presented below;

4.7.1 Lack of platform for collaboration

A significant number of respondents, eight (8) out of nineteen (19) to the Anti-corruption institutions questionnaire and one (1) out of six (6) respondents to the key informants’ questionnaire indicated that the lack of a formal platform for collaboration poses a challenge in developing effective relationships among the anti-corruption institutions. This shows disparities in perceptions of the challenges between those within the anti-corruption institutions and those outside.

One of the respondents said that ‘there is no platform or mechanism or institutional arrangement for collaboration, where governance institutions can meet and discuss pertinent issues as a result, any collaboration efforts are ad-hoc’ (RAC5). Another one highlighted unavailability of a formalised platform through which the institutions can be interacting as a challenge (RAC6). And yet another one said that, ‘the separate legislations that govern the various stakeholder institutions do not provide for mandatory existence of such relationships which makes the existing relationships operate on goodwill basis’ (RAC8). From these assertions, it is clear that the absence of any formal mechanisms for interaction has had an influence on the relationships among these institutions.

4.7.2 Differing priorities, standards of operation, skills levels

Another challenge that was highlighted concerned the differences among the institutions in priorities, standards of operation and skills levels. Five (5) out of
nineteen (19) respondents to the anti-corruption institutions' questionnaire highlighted it as a challenge and only one (1) out of six (6) key informants mentioned it. One of the respondents said that ‘each institution has its own priorities and reaching a compromise that is acceptable to all parties takes time and diplomacy’ (RAC 3). Another one highlighted different cultures and values and approaches to work which affect various aspects of their capacity to effectively cooperate (RAC13). Yet another alluded to the lack of shared sense of purpose and unity about the fight against corruption in the country (RKI1).

One respondent indicated that there are challenges resulting from differing skills levels among staff working in these institutions hence difficulties in sourcing help from each other (RAC2). Some respondents said that the Fiscal and Fraud Unit officers are good at analysing financial records but a good number of the staff do not have university degrees yet Anti-Corruption Bureau staff dealing with investigations have university degrees hence ‘they have challenges requesting for assistance in analysing financial records from police officers who are deemed less educated’ (RAC 1; RAC 2)

4.7.3 Lack of trust among institutions

The research revealed that a significant number of respondents five (5) out of nineteen (19) considered lack of trust as having a significant influence on the development of meaningful relationships among the anti-corruption institutions. Some of the responses include, ‘there is always unspoken turf protection, so there are times when information sharing is not done effectively because either agency is afraid of how the information will be used, and who will take the credit for the outcomes of information sharing (RAC3). Others
asserted that collaborative efforts are hampered by institutions mistrust for each other (RAC4; RAC 9).

4.7.4 ‘Territorial tendencies’

On this challenge, four (4) out of nineteen (19) respondents to the Anti-Corruption Institutions Questionnaire and one (1) out of six (6) respondents to the Key informants’ questionnaire) highlighted the feeling of being superior and important by some ‘institutions’ which hampers interactions among them. According to respondents, some institutions feel that ‘once they integrate with others they will lose their identity and authority (RAC8). Another respondent mentioned ‘egoism and superiority complex’ as challenges among institutions in developing relationships (RAC1). Yet another respondent mentioned ‘Disposition of bureaucrats where each one would want to protect his or her territory (RKI2). The number of responses to this issue shows that not many respondents feel that this issue is a big challenge but it is still worth mentioning.

4.7.5 Resource Constraints

On resource constraints, four (4) out of nineteen (19) respondents to the Anti-Corruption Institutions’ questionnaire and a majority, four (4) out of six (6) respondents to the Key informant questionnaire highlighted both financial and human resources as challenges to developing effective relationships. One of the respondents said, ‘most of these institutions are under-resourced both in terms of finances and personnel so it becomes difficult for them to engage with other relevant stakeholders (RKI1). Another one highlighted the lack of
resources to facilitate meetings, information sharing and joint action as a challenge (RK12).

It is interesting to note that while key informants (4 out of 6) felt that the issue of resource constraints is a key challenge to interactions among these institutions, the anti-corruption institutions themselves did not feel so as only four (4) out of nineteen (19) respondents were in favour of this. This shows differences in perspectives between insiders and outsiders.

4.7.6 Political interference

From the graph it is clear that respondents do not consider political influence a main issue affecting their relationships looking at the number of responses in favour of this option, two (2) out of nineteen (19) for anti-corruption institutions questionnaire respondents and two (2) out of six (6) for key informants’ questionnaire respondents, compared to responses in favour of other options. The respondents that pointed it out said that, political interference affects the effectiveness of some institutions, and that the fight against corruption is highly politicized hence people that are heads of these institutions are unable to exercise professionalism to the fullest extent possible. Lack of independence of those fighting corruption was also cited. There is no clear link however as to how political interference affects the development of relationships among institutions.

4.7.7 Attitude/personality issues

The final issue identified as a challenge was attitude and or personality issues of both heads and staff of these institutions. One respondent mentioned ‘ineffective leadership style that tends to be centralist and not participatory
such that interactions are not prioritised (RKI2). From figure 3 above, looking at the number of responses in favour of this option, one (1) out of nineteen (19) respondents to the Anti-Corruption Institutions’ questionnaire and one (1) out of six (6) respondents to the Key informants questionnaire, the issue of personality and attitude has insignificant effect on the development of relationships among anti-corruption institutions in Malawi.

4.7.8 Institutions not interacting with anti-corruption agencies which can enhance their effectiveness

The research also sought to find out if there are other institutions that could be incorporated into the web of accountability institutions for Malawi by asking the respondents to mention some of the institutions they are not working with which could enhance their effectiveness in the fight against corruption. The questions that were asked were, ‘Are there any institutions you are not currently interacting with which you think can enhance your effectiveness in the fight against corruption? Mention them. How can they enhance your effectiveness?’ A wide range of institutions was mentioned which include the Media, Civil Society organizations, government departments, private lawyers, journalists, faith community and other anti-corruption institutions. Some respondents, however, felt that the institutions they are currently interacting with suffice such that there is no need for more institutions to interact with.

When asked about how the institutions mentioned can enhance their effectiveness in the fight against corruption, the respondents mentioned awareness-raising as a key reason, followed by whistleblowing and detection of crimes as the main reasons.
4.8 How to improve interactions

Respondents were asked to suggest ways of improving the interactions among the institutions by asking the question, ‘How do you think that interaction between institutions can be improved or streamlined? And what can be done better in the interactions?’ Figure 4 below highlights the responses the researcher collected;

Figure 4: How to improve interactions

The results show that there is a need for formal coordination mechanisms among the anti-corruption institutions based on the majority of respondents eleven (11) out of nineteen (19) who responded in favour of it. It is interesting to note that the respondents also pointed out the need for informal/periodic meetings as one way of improving interactions, yet when asked about the nature of interactions they engage in, it also came out as one of the ways in which they engage with other institutions. This shows that though the institutions meet periodically, the meetings are not enough to make them feel that they are interacting enough. Detailed findings based on the graph are laid out below.
4.8.1 Informal coordination/periodic meetings

Six (6) out of eighteen (19) respondents mentioned informal or periodic meetings aimed at sharing information and discussing pertinent issues pertaining to the fight against corruption (RAC1; RAC2; RAC12; RAC 18) as a way of improving interactions among the institutions. Some of the specific activities mentioned included conducting workshops aimed at discussing anti-corruption issues (RAC16) and forums at which heads of these institutions should meet and share information (RAC16) as ways in which interactions among the institutions can be streamlined.

4.8.2 Formal coordination mechanisms

The majority of the respondents eleven (11) out of nineteen (19) to the anti-corruption questionnaire indicated the need for formal mechanisms of coordination as being crucial to improving interactions among institutions while two (2) of the six (6) respondents to the key informants' questionnaire highlighted this as a means of improving the interactions. Specifically, the respondents mentioned the signing of Memoranda of Understanding between or among institutions (RAC2; RAC5; RAC8; RAC9; RAC10), establishing a platform where all the institutions could be meeting and managing their knowledge (RAC6) and improving the laws governing each and every institution to ensure that issues of interaction and or coordination are included among others.

4.8.3 Consultations with existing institutions before establishing new ones

On this one, the respondents said some of the challenges in interactions among these institutions emanate from the fact that when creating new institutions,
there are no consultations between government and the existing institutions, to ensure that there is understanding of the roles of the new institution in light of the existing ones, and that role conflicts are sorted out beforehand. One of the respondents said that ‘the main problem is that institutions are established and those that are already in existence only get to know after the other is established how the two are supposed to interact RAC3). The solution according to this respondent lies in ‘more consultation with existing institutions as a new institution is being established, to ensure that from the beginning they are fully aware of the role of the new institution as compared to that of their own institution’.

4.8.4 Review reporting lines for the institutions

Respondents highlighted the need to review the current reporting lines to ensure harmonisation and hence better interactions among these institutions. One of the respondents (RAC 3) said that a complication in interactions comes in because these organisations though all in law enforcement have different Ministries to which they report., For instance, the Financial Intelligence Authority reports to the Ministry of Finance, Anti-Corruption Bureau to the Ministry of Justice and the Office of the Director of Public Assets Declaration reports to Parliament, which can cause confusions and a split in loyalties. Another respondent highlighted the need for permanent vertical and horizontal reporting lines within the governance sector to share information (RAC5).

4.8.5 Develop integrated systems for information exchange, access, and security

Another way of improving the interactions among these agencies cited by respondents is through the development of integrated systems for information
exchange, access, and security. It is envisaged that through such a system, a central database would be available through which these institutions will share information and discuss pertinent issues. One respondent said, ‘the agencies may consider designing or developing integrated systems, policies and procedures with respect to exchange of information which should encompass security for information, access and any authorized usage of the information shared’ (RAC4)

4.9 Interactions between the Anti-Corruption Bureau and other institutions

Respondents were asked to give their perspective on interactions between the specialised body created to fight corruption, Anti-Corruption Bureau, and other agencies with mandates and roles in the fight against corruption. This question was asked, ‘What is your overall perspective on the interactions between the Anti-Corruption Bureau and other institutions that are in one way or the other fighting corruption? This question was only asked to the ‘anti-corruption institutions’ and not to the key informants on the assumption that the respondents from anti-corruption institutions will talk from their experience of interacting with the Anti-Corruption Bureau.

The respondents gave the following responses; Excellent (1 out of 19), good (6 out of 19), Somewhat good (2 out of 19), Complementary (1 out of 19), Need improvement (6 out of 19) and Not good (3 out of 19). Some of the reasons for these responses include; ‘the ACB could achieve more if it established meaningful relationships with other institutions fighting corruption. It would be good if the ACB called these institutions together to understand their mandate and map out how they can benefit from each institution’ (RAC3). The ACB should position itself as a leader in the fight against corruption in practical terms, it should not seek consent to prosecute, it
undermines its independence, it should be empowered to make decisions and it should develop a presence in its other corruption prevention functions (RAC5). One respondent gave the ACB 35% in terms of the way it interacts with other institutions because ‘their approach is reactive as they wait to be told what to do’ (RAC15).

Those that thought the interactions are good said, 'Due to the excellent coordination that exists between the governance institutions, tangible evidence is always gathered in relation to corruption cases in question but the lack of political will hinders progress (RAC10). According to this respondent, the problem is not the ACB but lack of political will. Another one said the relationship is good but it can be better (RAC13). Looking at the responses, there are interactions between the institutions and the Anti-Corruption Bureau which are at different levels depending on the institution the Bureau is interacting with. What comes out clearly though is that there is room for improvement in the way the institutions interact with the ACB.

4.10 Conclusion

In conclusion, the research set out to investigate the impact of institutional arrangements for anti-corruption efforts on combating corruption and found that these arrangements have both positive and negative effects on the fight against corruption. Positive in the sense that, the presence and interactions of such institutions mean there is an overlap of functions which is beneficial to the fight against corruption. For example, the institutions complement the roles of one another and cover where the other institutions have failed. In addition, positive competition is generated where institutions want to outshine each other in investigations and prosecutions of cases.
On the other hand, the institutional arrangements for anti-corruption efforts can lead to conflicts among the institutions which are not beneficial in the fight against corruption. In addition, there are some institutions that were created to perform functions which could easily be performed by the existing institutions which means a waste of resources both human and financial.
5 DISCUSSION OF RESULTS

5.1 Introduction
This chapter discusses the findings of the study which have been presented in Chapter 4, based on the research question and the hypotheses which formed the basis of the study. In addition, the chapter will link the findings to the literature which was reviewed in chapter 2.

5.2 Institutional arrangements for anti-corruption efforts
In Chapter 2 it was indicated that the specialized agencies are established alongside existing traditional institutions that have jurisdiction over some aspects of corruption for example courts, prosecutors, ombudsman, auditor general and many others (Chêne, 2009, p.2). The arrangements in Malawi confirms this. The Anti-Corruption Bureau, a specialised body aimed at combating corruption was established alongside other bodies with some roles and or mandates in the fight against corruption.

5.3 Do institutional arrangements for anti-corruption efforts impact on combating corruption?
The research has found that the presence and interaction of institutions with a mandate and or some roles to play in the fight against corruption have a significant role to play in the fight against corruption. The arrangements have both positive and negative impacts on fighting corruption. It is up to countries, therefore, to weigh the positive and negative effects of the arrangements and decide what works better for them. The purpose of this study was not to go deeper into measuring the extent to which the arrangements have an impact on the fight nor was it to establish which arrangement is better.
5.4 How do institutional arrangements for anti-corruption efforts impact on combating corruption?

The research has established that the presence and interaction of institutions with mandates and or roles in the fight against corruption in a country produce the following positive and negative outcomes in the fight against corruption; productive overlap, positive competition, costly conflicts and wasteful duplication of functions.

5.4.1 Productive overlap

The results of the research have confirmed Ivanova and Roy’s (2007, p.50) theory which was highlighted in Chapter 2 that overlap is purposefully built into a system and therefore necessary and often beneficial to result delivery. In Malawi, the overlapping of functions among institutions with jurisdiction over anti-corruption matters has proved to be productive. In other words, it is beneficial to combating corruption by ensuring that some aspects of combating corruption which have been left out by some institutions are covered by others.

5.4.2 Positive competition

The research confirms Carson and Prado’s (2016, p.59) theory which was highlighted in Chapter 2 of this write up that ‘the overlap of institutional functions can enhance the overall effectiveness of the multiplicity of institutions by fostering positive institutional competition, collaboration, and complementarity. The study has found that the presence and interaction of institutions with some jurisdiction over anti-corruption has generated some positive competition among the institutions as they aim to outshine each other especially in investigations and prosecutions of corruption cases.
5.4.3 Costly conflict

While the research has confirmed the presence of conflicts among anti-corruption bodies as they combat corruption, the element of conflicts received the lowest rating among the four tested hypotheses meaning that it is considered minimal compared to the three other hypotheses.

The study confirms in part Foss and Weber’s (2006) theory, which was highlighted in chapter 2 of this thesis that role based conflicts occur firstly, when ‘two parties work together in a project in which tasks responsibilities are not clear’ and secondly, where 'each party assumes that the other agrees with its assessment of the roles'. The research has confirmed the first condition of the theory in that some of the conflicts that have been highlighted in the research are due to the fact that sometimes it is not very clear as to where the roles and mandates of these institutions begin and end.

5.4.4 Wasteful duplication of functions

The research has confirmed Chene’s (2009, pp.3-4) assertion that the presence of a number of institutions with an anti-corruption role or mandate in countries has the propensity to stretch the level of resources allocated to anti-corruption work especially in countries with scarce resources. The research has found that some institutions that have been created are a waste of resources as the functions could have easily been carried out by other existing institutions.

In addition, it has found that some investigations and prosecutions of the same corruption cases were being done by different institutions at the same time which was a waste of the taxpayers’ money and a waste of time by these institutions. These resources could have been redirected to other anti-
corruption efforts. The research, however, did not aim to ascertain how much resources Malawi has wasted as a result of this type of institutional arrangement.

5.5 Other key findings

5.5.1 The nature of interactions
Apart from the core findings highlighted above based on the hypotheses tested in this study, the research also found out that the institutions share information, conduct some activities jointly, and interact through scheduled or ad-hoc meetings among others. In addition, there is no formalised way of interacting among the institutions and there is no institution charged with oversight of these institutions to ensure smooth interactions among the institutions. This poses a challenge to the institutions especially when there are differences and there is a need for a mediator to help in sorting out the issues.

5.5.2 Frequency of interactions
Another finding of the research is on the frequency of interactions. It was found that the institutions interact on as and when need arise basis or on ad-hoc basis except in cases where a committee involving a number of the institutions was formed to look at a particular issue and that committee has scheduled meeting days, or where the institutions involved rely on each other as they conduct day to day core duties.

The frequency of interactions varies depending on activities being carried out by the institutions concerned. Some institutions (2 institutions) interact on a daily basis, others on as and when the need arises basis.
5.5.3 Failure to consider cooperation issues in the design stage of the institutional arrangements

The research has also confirmed Chêne's (2009, p.4) assertion highlighted in chapter 2 that one of the challenges of coordination among anti-corruption institutions stems from the failure by countries to consider coordination and cooperation issues at the design stage of the institutional arrangements. This was confirmed by some respondents in the research findings chapter, that there is need to foster understanding of roles and coordination mechanisms among anti-corruption institutions whenever new institutions are being created by consulting the old ones and ensuring that the roles and mandates are clear.

5.6 Conclusion

In conclusion, this chapter discussed the results that were presented in chapter 4 and linked them to the literature reviewed in chapter 2. The findings of the research have confirmed the four hypotheses that the researcher set out to investigate. The strength of the confirmation, however, has varied depending on the respondents’ views and evidence provided.
6 CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

This chapter highlights the key conclusions and other conclusions, recommendations regarding the topic under study, strengths of the research and areas of possible further research.

6.2 Key conclusions

6.2.1 Institutional arrangements for anti-corruption efforts have an impact on combating corruption

Based on the findings of the study, the impact of institutional arrangements on anti-corruption efforts on combating corruption is significant.

6.2.2 Institutional arrangements for anti-corruption efforts have a positive impact on combating corruption

Institutional arrangements for anti-corruption efforts result in positive outcomes based on the cases that have been highlighted in the research findings. For instance, the overlapping of functions and or mandates for these anti-corruption institutions is beneficial to the fight against corruption because in cases where an institution fails to deliver, another institution with a similar mandate covers up. In addition, those with similar roles are able to conduct joint operations and the combating of corruption benefits from the synergy.

Further, institutional arrangements for anti-corruption efforts produce positive competition among these institutions which is beneficial to the fight against corruption as institutions compete to deliver on their mandates.
6.2.3 Institutional arrangements for anti-corruption efforts have negative effects on combating corruption

The research has shown that while there are positive impacts, institutional arrangements for anti-corruption efforts also have negative outcomes as they lead to costly conflicts and wasteful duplication of functions. The research has produced little evidence to support the costly conflict hypothesis compared to those in favour of other hypotheses but the evidence based on the few highlighted cases remain significant. Conflicts among the anti-corruption institutions have to some extent affected the fight against corruption.

In addition, the overlapping of mandates and creation of new bodies with some roles and mandates to fight corruption have resulted in wastage of resources which could have been redirected elsewhere. The research, however, did not aim at quantifying the amount of resources wasted due to the institutional arrangements.

6.3 Other conclusions

6.3.1 The impact of sharing information among anti-corruption institutions

The country is making good strides in the fight against corruption in the area of information sharing. From the research, a number of anti-corruption institutions have signed Memoranda of Understanding either bilaterally or among more than two institutions which is a step in the right direction as far as combating corruption is concerned though some information sharing still takes place on an ad-hoc basis.
The information shared has had both negative and positive impacts on the fight against corruption. Where information has been withheld, it has had a negative impact on anti-corruption efforts. For example, the information that the DPPs office was looking for from the ACB whose release delayed (4.5.3 paragraph 3), had negative effects and where information was shared, it had positive effects on combating corruption.

6.3.2 Joint operations in the fight against corruption

Joint efforts, for example, joint investigations, and prosecutions among the anti-corruption institutions are yielding fruits in the fight against corruption as such they need to be encouraged.

6.3.3 Lack of formal mechanisms for interaction among the anti-corruption institutions

While the anti-corruption institutions interact depending on specific issues, the country lacks formal mechanisms of interaction for these institutions, which include, lack of legal frameworks to govern such interactions and absence of a designated leader to facilitate such interactions and moderator in cases of conflicts. As such interactions are on an ad-hoc basis.

6.3.4 Lack of centralised database for Information sharing

While information sharing is crucial in the interactions among the anti-corruption institutions, the research has found that there is no coordinated way of sharing the relevant information among the institutions. In other words, there is no centralised database where these institutions can pool the data
required to be shared, and also access data from other anti-corruption institutions.

6.3.5 Issues of interactions and coordination of anti-corruption institutions are not built in the design of the institutional arrangements

From the study, it is evident that there are no deliberate efforts to embed issues of interactions and coordination among anti-corruption agencies at the design stage of the institutional arrangements as evidenced by the lack of incorporation of such issues in the legal frameworks governing these bodies. This affects the way the institutions interact.

6.3.6 Interactions between the Directorate of Public Prosecutions and the Anti-Corruption Bureau

The research has found that the interaction between these two institutions is very crucial in the fight against corruption. As such there is a need for a constant cordial relationship between the two institutions to ensure that the fight against corruption is not stifled. Joint prosecutions have produced better results in the fight against corruption during cashgate cases.

6.4 Recommendations

6.5.1 Establishment of formal mechanisms for interactions

Malawi should consider establishing formal mechanisms for interactions among the institutions with some mandate and or role to play in the fight against corruption. The country can borrow a leaf from some countries like Tanzania and Uganda (Chene, 2009, p.6; Afrimap, 2015) which have identified a coordinating unit or forum for anti-corruption efforts. For Malawi, this can be
done in two ways; firstly, by empowering the specialised body to be the leader in the fight against corruption and to be charged with the responsibility of coordinating meetings, and major activities among the anti-corruption institutions and ensuring that there is information sharing.

Secondly by creating a platform through the legal framework comprising people from different sectors charged with the responsibility of coordinating anti-corruption efforts. These people should be remunerated and not work on a voluntary basis.

6.5.2 Interactions between the DPP and the ACB

The Anti-Corruption Bureau and the DPPs office should frequently interact even during investigations of cases and not only at the point where consent to prosecute cases is sought to ensure that the fight against corruption is not affected in cases where consents are denied due to issues which should have been resolved during investigation stages.

There should be more joint prosecution of cases between these two institutions to ensure better results in the fight against corruption.

6.5.3 The need to embed issues of interactions among anti-corruption bodies in the design stage of new institutions

Proper consultations should be conducted with existing anti-corruption institutions whenever new institutions are being created to deal with issues of overlapping of mandates and interactions before the new institutions start their operations.
6.5.4 Review of laws governing anti-corruption institutions

The country should consider revising some of the laws governing the anti-corruption institutions to ensure that the issue of formal interactions is well taken care of.

6.5.5 The need for a centralised databank

There should be a centralised databank where these institutions should pool their information together for easy access by all. The information should for example include number and specific cases under investigations by specific institutions in different categories for instance; tax investigations, corruption investigations, money laundering investigations and so on, number and specific cases under prosecutions, and information on capacity building efforts that are taking place within the sector to minimise wasteful duplication of functions, which leads to waste of the meagre resources the country has.

6.5.6 The need for more research

More research should be conducted on interactions of specific public institutions with some roles or mandates to play in the fight against corruption.

6.5 Strengths of the research

The study is the first of its kind focussing on the presence and interaction of public institutions with some roles or mandates to fight corruption and their impact on combating corruption in the country as such it will add value to the pool of knowledge in the anti-corruption field in the country.
6.6 Areas of possible research

The research has brought to light some areas which could do with further study of those specific and or particular areas. To start with, more research can be done to explore in-depth interactions among any two of the institutions studied in this research in order to determine the exact loss or impact of such interactions on combating corruption. In addition, more research can be done on specific types of interactions and how that interaction affects the fight against corruption. Further, factors influencing interactions among the institutions can be explored with particular focus on specific countries.

6.7 Conclusion

This thesis investigated the impact of institutional arrangements for anti-corruption efforts on combating corruption. In other words, it sought to identify the outcomes of the presence and interactions of institutions that have a mandate or role to play in the fight against corruption. Five hypotheses were identified and tested and the study has rejected the null hypothesis but has confirmed the alternative hypotheses that were tested, though in varying degrees.
# APPENDICES

Appendix 1: List of Interviews conducted (Anti-Corruption Institutions Questionnaire)

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<thead>
<tr>
<th>Name of institution</th>
<th>Number of interviews</th>
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<tbody>
<tr>
<td>1. Anti-Corruption Bureau (ACB)</td>
<td>2</td>
</tr>
<tr>
<td>2. Malawi Revenue Authority (MRA)</td>
<td>2</td>
</tr>
<tr>
<td>3. Directorate of Public Prosecutions (DPP)</td>
<td>2</td>
</tr>
<tr>
<td>4. Financial Intelligence Authority (FIA)</td>
<td>2</td>
</tr>
<tr>
<td>5. Fiscal and Fraud Unit (FFU) of the Malawi Police Service</td>
<td>2</td>
</tr>
<tr>
<td>6. Office of the Director of Public Officers Declarations (ODPOD)</td>
<td>2</td>
</tr>
<tr>
<td>7. Public Procurement and Assets Disposal (PPDA)</td>
<td>2</td>
</tr>
<tr>
<td>8. National Audit Office (NAO)</td>
<td>2</td>
</tr>
<tr>
<td>9. Ombudsman</td>
<td>1</td>
</tr>
<tr>
<td>10. Parliament</td>
<td>1</td>
</tr>
<tr>
<td>11. Judiciary</td>
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List of Interviews conducted (Key Informants Questionnaire)

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<tr>
<td>2. Media</td>
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</tr>
<tr>
<td>3. Academicians</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Organisation</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------</td>
</tr>
<tr>
<td>4</td>
<td>International Centre for Asset Recovery</td>
</tr>
<tr>
<td>5</td>
<td>Corruption and Rights Watch (CORWA)</td>
</tr>
<tr>
<td>6</td>
<td>National Integrity Platform (NIP)</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
</tr>
</tbody>
</table>

19 CORWA was considered crucial because it is one of the very few Civil Society Organisations that have a working MOU with the Anti-Corruption Bureau which has clearly stipulated the roles of each player. During interviews however it was discovered that the institution has not done anything since the signing of the MOU in 2017 as it awaits well wishers to fund its activities hence not qualified for the key informant status.

20 NIP was initially considered because at some point it organised a platform for heads of anti-corruption institutions meet and dialogue considering the challenges they face. But the interview revealed that there is not much it has done in the anti-corruption field for it to be considered for an expert opinion on the subject. The researcher felt that they need more time in the field of anti-corruption to be given that status.
Appendix 2: Questionnaires

QUESTIONNAIRE TO COLLECT INFORMATION FROM KEY INFORMANTS FOR A MASTERS DEGREE THESIS

THESIS TOPIC:

HOW DO INSTITUTIONAL ARRANGEMENTS FOR ANTI-CORRUPTION EFFORTS IMPACT ON CORRUPTION? A CASE OF MALAWI.
Purpose

The information that will be collected through this questionnaire will be used for the sole purpose of an academic paper – a dissertation to be submitted in partial fulfilment of the requirements of the Masters’ Degree program in Anti-Corruption Studies offered at the International Anti-Corruption Academy in Austria.

This questionnaire has been developed to establish whether or not the institutional arrangement Malawi has for anti-corruption efforts, has a bearing on corruption in the country and whether that bearing is positive or negative. Institutional arrangements for anti-corruption efforts is defined as ‘the existence and interaction of different public institutions in a given country that have a mandate and or role to play in preventing and combating corruption.’ While some countries have a specialized body to fight corruption amidst other bodies with complementary roles, others have assigned the task to different institutions and yet others have opted for a combination of approaches. Malawi has opted to have a specialised body specifically charged with the role of fighting corruption, amidst other bodies with complementary roles.

The questionnaire, therefore, aims at collecting information on the interactions of the concerned bodies and how such interactions contribute to the fight against corruption whether positive or negative. The questionnaire may also give food for thought to the concerned entities on the effect of their interactions.

The information collected will be treated confidentially.
**Structure of the Questionnaire**

The questionnaire has been divided into two sections covering the following issues:

- **A**- Information on the entity and its roles
- **B**- Interaction with other institutions

**Overview/ Summary**

Name of Interviewee: _________________________ Date: _____________________________

Completed by: ________________________________

**Questionnaire**

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>INTERACTION BETWEEN ANTI-CORRUPTION INSTITUTIONS</strong></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Malawi established a specialised body to fight corruption, Anti-Corruption Bureau amidst other bodies with complimentary roles. These institutions interact in one way or the other in the fight against corruption.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Question</td>
<td>Notes</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>2</td>
<td><strong>What is your view on the interactions between the ACB and these institutions?</strong></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>To what extent do you consider that the interactions can lead to:</strong></td>
<td>Productive overlap</td>
</tr>
<tr>
<td></td>
<td>- productive overlap(^{21})?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- positive competition(^{22})?</td>
<td>positive competition?</td>
</tr>
<tr>
<td></td>
<td>- costly conflict(^{23})? or</td>
<td>costly conflict?</td>
</tr>
<tr>
<td></td>
<td>- wasteful duplication(^{24}) of functions?</td>
<td>wasteful duplication?</td>
</tr>
<tr>
<td></td>
<td><em>(explain on each one with reference to a specific institution)</em></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td><strong>What do you think is working in the interactions? Give examples</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>(respond in relation to each institution with roles in the fight against corruption)</em></td>
<td></td>
</tr>
</tbody>
</table>

\(^{21}\) Where overlapping of functions between two or more institutions lead to better results for Malawi in corruption fighting

\(^{22}\) Where competition to deal with corruption (if any) among institutions fighting corruption breeds better results for Malawi

\(^{23}\) Where conflicts among these institutions negatively impact on corruption

\(^{24}\) Where the fact that one or more institutions are doing almost the same functions lead to waste of resources
<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>What, in your view, are the challenges in developing effective relationships between anti-corruption bodies?</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Are there any institutions which anti-corruption Bureau is not interacting with which in your view can enhance its effectiveness in the fight against corruption?</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>If yes to the above question, Mention them.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>How can they enhance its effectiveness?</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>How can the interactions be improved or streamlined?</td>
<td></td>
</tr>
</tbody>
</table>
QUESTIONNAIRE TO COLLECT INFORMATION FROM ‘ANTI-CORRUPTION INSTITUTIONS’ FOR A MASTERS DEGREE THESIS

THESIS TOPIC:

HOW DO INSTITUTIONAL ARRANGEMENTS FOR ANTI-CORRUPTION EFFORTS IMPACT ON COMBATING CORRUPTION? A CASE OF MALAWI.
**Purpose**

The information that will be collected through this questionnaire will be used for the sole purpose of an academic paper – a dissertation to be submitted in partial fulfilment of the requirements of the Masters’ Degree program in Anti-Corruption Studies offered at the International Anti-Corruption Academy in Austria.

This questionnaire has been developed to establish whether or not the institutional arrangement Malawi has for anti-corruption efforts, has a bearing on corruption in the country and whether that bearing is positive or negative. Institutional arrangements for anti-corruption efforts is defined as ‘the existence and interaction of different public institutions in a given country that have a mandate and or role to play in preventing and combating corruption.’ While some countries have a specialized body to fight corruption amidst other bodies with complementary roles, others have assigned the task to different institutions and yet others have opted for a combination of approaches. Malawi has opted to have a specialised body specifically charged with the role of fighting corruption, amidst other bodies with complementary roles.

The questionnaire, therefore, aims at collecting information on the interactions of the concerned bodies and how such interactions contribute to the fight against corruption whether positive or negative. The questionnaire may also give food for thought to the concerned entities on the effect of their interactions.

The information collected will be treated confidentially.
Structure of the Questionnaire

The questionnaire has been divided into two sections covering the following issues:

C- Information on the entity and its roles
D- Interaction with other institutions

Overview/ Summary

Name of Interviewee: _________________________ Date: _____________________________

Completed by: ________________________________

Questionnaire

<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>INFORMATION ON THE INSTITUTION AND ITS ROLES</strong></td>
<td></td>
</tr>
<tr>
<td>A1</td>
<td>Name of Institution/Department/Agency</td>
<td></td>
</tr>
<tr>
<td>A2</td>
<td>When was it established?</td>
<td></td>
</tr>
<tr>
<td>A3</td>
<td>How many branches/offices does the institution have? <em>(Please provide details and indicate where the main office is located).</em></td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Question</td>
<td>Notes</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>A4</td>
<td>How many employees does the institution have? <em>If you have regional offices specify the numbers per region.</em></td>
<td></td>
</tr>
<tr>
<td>A5</td>
<td>What are the functions of the institution?</td>
<td></td>
</tr>
<tr>
<td>A6</td>
<td>What is your institution’s role in the fight against corruption in Malawi?</td>
<td></td>
</tr>
<tr>
<td>A7</td>
<td>What challenges do you face in carrying out your role/mandate?</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td><strong>INTERACTION WITH OTHER INSTITUTIONS</strong></td>
<td></td>
</tr>
<tr>
<td>B1</td>
<td>Which institutions that are explicitly or implicitly dealing with anti-corruption issues do you interact with?</td>
<td></td>
</tr>
<tr>
<td>B2</td>
<td>How often does this interaction take place?</td>
<td></td>
</tr>
<tr>
<td>B3</td>
<td>What is the nature of interaction with each of the institutions mentioned?</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Question</td>
<td>Notes</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------</td>
</tr>
<tr>
<td>B4</td>
<td>To what extent do you consider that your interaction with the above-mentioned institutions can lead to:</td>
<td>- productive overlap?</td>
</tr>
<tr>
<td></td>
<td>- productive overlap(^{25})?</td>
<td>- positive competition?</td>
</tr>
<tr>
<td></td>
<td>- positive competition(^{26})?</td>
<td>- costly conflict? or</td>
</tr>
<tr>
<td></td>
<td>- costly conflict(^{27})? or</td>
<td>- wasteful duplication of functions?</td>
</tr>
<tr>
<td></td>
<td>- wasteful duplication(^{28}) of functions?</td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>(explain on each one with reference to a specific institution interacted with)</em></td>
<td></td>
</tr>
<tr>
<td>B5</td>
<td>What is working in your interactions? Give examples</td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>(respond in relation to each institution you interact with in the area of anti-corruption)</em></td>
<td></td>
</tr>
</tbody>
</table>

\(^{25}\) Where overlapping of functions between two or more institutions lead to better results for Malawi in corruption fighting  
\(^{26}\) Where competition (if any) among institutions fighting corruption breeds better results for Malawi  
\(^{27}\) Where conflicts among these institutions negatively impact on corruption  
\(^{28}\) Where the fact that one or more institutions are doing almost the same functions lead to waste of resources
<table>
<thead>
<tr>
<th>No.</th>
<th>Question</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>B6</td>
<td>What are the challenges in developing effective relationships with other anti-corruption bodies?</td>
<td></td>
</tr>
<tr>
<td>B7</td>
<td>What can be done better in the interactions?</td>
<td></td>
</tr>
<tr>
<td>B8</td>
<td>Are there any institutions you are not currently interacting with which you think can enhance your effectiveness in the fight against corruption? Mention them.</td>
<td></td>
</tr>
<tr>
<td>B9</td>
<td>How can they enhance your effectiveness?</td>
<td></td>
</tr>
<tr>
<td>B10</td>
<td>How do you consider that interaction between institutions can be improved or streamlined?</td>
<td></td>
</tr>
<tr>
<td>B11</td>
<td>What is your overall perspective on the interactions between the Anti-Corruption Bureau and other institutions that are in one way or the other fighting corruption?</td>
<td></td>
</tr>
<tr>
<td>B12</td>
<td>In what ways do you cooperate with anti-corruption</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Question</td>
<td>Notes</td>
</tr>
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</tr>
<tr>
<td></td>
<td>bodies/agencies in other jurisdictions?</td>
<td></td>
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</tbody>
</table>
Appendix 3: Letter to institutions requesting to conduct research

To ……

Dear Sir/Madam,

REQUEST TO CONDUCT RESEARCH AT YOUR INSTITUTION

I am writing to request permission to conduct a research study at your institution. As you are aware, I am enrolled in the Masters’ Degree program in Anti-Corruption Studies at the International Anti-Corruption Academy in Austria, and I am in the process of writing my Master’s Thesis. The study is entitled How do institutional arrangements for Anti-Corruption efforts impact on corruption: A case of Malawi.

The purpose of the study is to find out how the existence and interactions of different institutions with either explicit or implicit roles in the fight against corruption, impact on corruption in the country. (Name of institution) has been chosen because of its important role in the fight against corruption in the country.

I hope that you, as the controlling officer of the institution, will accord me some time for the interview, and allow me to interview one more person in the institution who can also give me relevant information on the topic. The interview will be semi-structured. I have a two-and-a-half-page questionnaire (copy included) to guide me during the interview.

If approval is granted, I will conduct the interview and I will be taking notes. The interview process should take no longer than 30 minutes. Alternatively, you can respond to the questionnaire and let me know once you are done. If there are issues requiring clarification after you fill the questionnaire, we can agree on a time to either meet or talk on a phone number you will provide. The results will be pooled for the
thesis project and individual results of this study will remain absolutely confidential and anonymous. No costs will be incurred by either your institution or the individual participants.

Your acceptance to allow me to conduct this study will be greatly appreciated. I will follow up with a telephone call towards the end of the week and would be happy to answer any questions or concerns that you may have at that time. You may contact me at my email address: mmwalabu@gmail.com or maureenmwalabu@yahoo.co.uk or call me on 0884833533/ 0998401139.

Yours faithfully,

Maureen Mwalabu
Appendix 4: Consent form

Informed Consent Form

Consent for Participation in Interview Research

I volunteer to participate in a research project conducted by Mrs. Maureen Mwalabu, a Masters’ Degree student of the International Anti-Corruption Academy, which is based in Austria. I understand that the project is designed to gather information about the impact of institutional arrangements for anti-corruption efforts, on corruption. I also understand that I will be one of approximately 30 people being interviewed for this research.

1. My participation in this project is voluntary. I understand that I will not be paid for my participation.

2. I understand that if I feel uncomfortable in any way during the interview session, I have the right to decline to answer any question or to end the interview.

3. Participation involves being interviewed by Mrs. Maureen Mwalabu. The interview will last approximately 30 minutes. Notes will be written during the interview. Alternatively, I can fill in a questionnaire and send to her.

4. I understand that the researcher will not identify me by name in any reports using information obtained from this interview and that my confidentiality as a participant in this study will remain secure. Subsequent uses of records and data will be subject to standard data use policies which protect the anonymity of individuals and institutions.

29 Adapted from Stanford University’s form available at: <https://web.stanford.edu/group/ncpi/unspecified/student_assess_toolkit/pdf/sampleinformedconsent.pdf> [accessed April 2018]
5. Staff from my office will neither be present at the interview nor have access to raw notes or transcripts. This precaution will prevent my individual comments from having any negative repercussions.

6. I have read and understood the explanation provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.

7. I have been given a copy of this consent form.

My Name   My Signature   Date

Signature of the researcher

For further information, please contact Mrs. Maureen Mwalabu on 0998401139/ 0884833533
8 REFERENCE LIST


