MALAWI EXTRACTIVES INDUSTRIES TRANSPARENCY INITIATIVE

OPEN DATA POLICY

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1.0   Introduction

The extractive sector (minerals, forestry and potentially oil and gas), with the mining sector contributing less than 1% to the GDP, remains a small sector in Malawi. However, there are expectations that the sector will grow in the foreseeable future. As such, it is important to improve governance of the sector to ensure that Malawi's finite natural resource wealth is used to drive much needed change, aligned with the country's national and international development agenda.

Corresponding to the extractive sector governance reform agenda, the Malawi Government resolved to join the EITI in June 2014 when His Excellency the State President made a declaration during the State of the Nation Address. Following this expressed commitment, compliant with the EITI Standard, the Minister responsible for Finance was selected to champion the initiative in Malawi, leading to the creation of the Malawi Extractive Industries Transparency Initiative (MWEITI). A MWEITI Multi-Stakeholder Group (MSG), made up of government institutions, civil society organisations and the private sector, was formed in 2015. Since its formation, the MSG has developed a roadmap and made an application to EITI International Secretariat for Malawi's candidature status, which was granted on 22 October 2015.

In line with the new 2016 EITI Standard, this Open Data Policy intends to address how MWEITI will manage natural resource data in Malawi. The policy has been developed with the intention of ensuring that data relating to natural resources revenue and expenditure is easily accessible, user friendly, understood and raises public debate regarding the management of the oil, gas, mining and forestry industries. It is believed that the policy will greatly promote transparency, accountability and enhance good governance in the extractive industry consistent with the Malawi Government reform agenda and EITI principles.

2.0   Contextual Background

The Open Government Partnership (OGP), which is part of the Malawi Government reform agenda, is the genesis of EITI implementation in Malawi. The country joined the OGP in 2013 and is among 70 countries that have made a high-level Open Government Declaration to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. EITI, therefore, became commitment five (5) of the OGP. From this step, Malawi made a major move towards more openness in the extractive industries through the expressed commitment made by His Excellency the State President to join EITI in 2014, which was followed by the granting of candidature status in 2015.

The spirit of openness and transparency, which is the main foundation of the Open Data Policy, is already enshrined in the Constitution of Malawi and is supported by several acts that have been developed, including the Corrupt Practices Act of 1995 and the Public Officers Act. The Open Data Policy will be guided further by the Access to Information Bill when it is enacted.

Pertaining to the Constitution, section 37 provides every person the right of access to information held by the state or any of its organs at any level of government. Section 13 provides for the establishment of measures that guarantee transparency, accountability and financial probity in order to strengthen confidence in public institutions. These principles are fundamental to the effective implementation of the EITI process and realization of open data objectives.

This Policy, therefore, has an adequate legal mandate to effectively support EITI implementation in Malawi. The legal mandate is derived from the Constitution of Malawi and several acts that have been developed. Furthermore, this policy is supported by the Government's reform agenda which is moving towards more openness and disclosure as reflected in a number of initiatives, laws and policies.

3.0   Policy Objectives

The Policy aims to improve public's access to EITI data, thereby promoting transparency and accountability and enhancing good governance in the extractive industry in harmony with EITI Principles and Standard. Specifically, the objectives of the policy are to:

a.   Increase awareness on how Malawi's natural resources are managed and utilized
b.   Promote transparency on payment and receipt of extractive sector revenues and accountability on utilization of those resources
c.   Empower various stakeholders to access EITI data on the extractive industries
d.   Inform policy making and public sector management

4.0   Policy Strategies

These policy objectives will be achieved through the following strategies:

a.   Ensuring enhanced accessibility and communication of EITI data
b.   Ensuring regular reconciliation of payments by companies and receipts by Government entities
c.   Facilitating voice and accountability initiatives
d.   Collaborating with and supporting the Public Sector Reforms Commission and Open Government Partnership

5.0   Policy Interventions

These policy objectives will be achieved through the following interventions:

a.   Ensuring enhanced accessibility and communication of EITI data
1)   Orienting government Ministries, Departments and Agencies (MDAs) towards MWEITI Open Data and buy-in
2)   Build capacities of MDAS to mainstream open data systems and culture
3)   Facilitating mainstreaming and adoption of e-government systems
4)   Facilitating and supporting the regular release of data through e-government systems, including MWEITI website
5)   Facilitating distribution of and access to EITI related data and information

b.   Ensuring regular reconciliation of payments by companies and receipts by Government entities
1)   Facilitate annual independent audits of payments by companies and receipts and utilization of revenues by Government
2)   Build capacities of companies and relevant government MDAs on EITI data storage

c.   Facilitating voice and accountability initiatives
1)   Support initiatives of the Civil Society Organizations such as Publish What You Pay and Tax Justice
2)   Facilitate EITI media coverage and interventions through a Media taskforce
3)   Facilitating debate on EITI data and exploitation of extractive sector to inform policy

d.   Collaborating with and supporting the Public Sector Reforms Commission and Open Government Partnership
1)   Sharing technical expertise and experience with stakeholders, including Open Government Partnership and Public Sector Reforms Commission on open data;
2)   Providing input to inform policy, institutional and service delivery reforms

6.0   Policy Outputs

a.   Government MDAs oriented towards Open Data
b.   Capacities of MDAs to mainstream open data systems and culture built
c.   Mainstreaming and adoption of e-government systems facilitated
d.   Regular release of data through e-government systems and MWEITI website facilitated and supported
e.   Distribution of and access to EITI related data and information facilitated
f.   Regular reconciliation of payments by companies and receipts by Government entities undertaken
g.   Annual independent audits of payments by companies and receipts and utilization of revenues by Government facilitated
h.   Capacities of companies and relevant government MDAs on EITI data storage built
i.   Initiatives of the Civil Society Organisations such as Publish What You Pay and Tax Justice supported
j.   EITI media coverage and interventions through a Media taskforce facilitated
k.   Debate on EITI data and exploitation of extractive sector to inform policy facilitated
l.   Technical expertise and experience with stakeholders, including Open Government partnership and Public Sector Reforms Commission on Open Data shared
m.   Input to inform policy, institutional and service delivery reforms provided

7.0   Implementation Plan

Strategy	Activities	Output	Indicator
Objective 1: Increase awareness on how Malawi's natural resources are managed and utilized			
Ensuring enhanced accessibility and communication of EITI data	Orienting government Ministries, Departments and Agencies (MDAs) towards MWEITI Open Data and buy-in	Government MDAs oriented towards Open Data	Number of government MDAs oriented on Open Data
	Build capacities of MDAs to mainstream open data systems and culture	Capacities of MDAs to mainstream open data systems and culture built	Number of government MDAs buy-in and implementing Open Data
			Number of government MDAs supported with capacity building
			Number of officers from MDAs trained
	Facilitating mainstreaming and adoption of e-government systems	Mainstreaming and adoption of e-government systems facilitated	SoPs adjusted per MDA to support Open Data
	Facilitating and supporting the regular release of data through e-government systems, including MWEITI website	Regular release of data through e-government systems and MWEITI website facilitated and supported	Volume of release and update of EITI data at MDAs
	Facilitating distribution of and access to EITI related data and information	Distribution of and access to EITI related data and information facilitated	
Objective 2: Promote transparency on payment and receipt of extractive sector revenues and accountability on utilization of those resources			
Ensuring reconciliation regular reconciliation of payments by companies and receipts by Government entities	Ensuring regular reconciliation of payments by companies and receipts by Government entities	Regular reconciliation of payments by companies and receipts by Government entities undertaken	Number of Annual Independent Audits with EITI data
	Facilitate annual independent audits of payments by companies and receipts and utilization of revenues by Government	Annual independent audits of payments by companies and receipts and utilization of revenues by Government facilitated	
	Build capacities of companies and relevant government MDAs on EITI data storage	Capacities of companies and relevant government MDAs on EITI data storage built	Number of CSOs and MDAs trained in EITI data storage
			Number of officers in companies and MDAs trained in EITI Open Data storage
Objective 3: Empower various stakeholders to access EITI data on the extractive industries			
Facilitating voice and accountability initiatives	Support initiatives of the Civil Society Organizations such as Publish What You Pay and Tax Justice	Initiatives of the Civil Society Organisations such as Publish What You Pay and Tax Justice supported	Number of CSOs participating in voice and accountability initiatives regarding Open Data
			Number of initiatives on voice and accountability regarding Open Data being implemented

	Facilitate EITI media coverage and interventions through a Media taskforce	EITI media coverage and interventions through a Media taskforce facilitated	Number of media slots and articles in print, social and electronic media
	Facilitating debate on EITI data and exploitation of extractive sector to inform policy	Debate on EITI data and exploitation of extractive sector to inform policy facilitated	Number of stakeholder engagement interfaces on EITI Open Data
Objective 4: Inform policy making and public sector management			
Collaborating with and supporting the Public Sector Reforms Commission and Open Government Partnership	Sharing technical expertise and experience with stakeholders, including Open Government Partnership and Public Sector Reforms Commission on open data	Technical expertise and experience with stakeholders, including Open Government Partnership and Public Sector Reforms Commission on Open Data shared	Depth of expertise and skills shared with reform and policy making stakeholders
	Providing input to inform policy, institutional and service delivery reforms	Input to inform policy, institutional and service delivery reforms provided	Number of proposals for policy making or reform