

ANNUAL REPORT 2008

**MALAWI LAW COMMISSION:**

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Law in Malawi*



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## **ACRONYMS**

AIDS	– Acquired Immunodeficiency Syndrome
ALRAESA	_Association of Law Reform Agencies for East and Southern Africa
CEDAW	–Convention on the Elimination of all forms Discrimination against Women
DFID	-Department for International Development
EU	– European Union
HIV	– Human Immunodeficiency Virus
Commission	– Law Commission
NAC	– National AIDS Commission
ORT	– Other Recurrent Transactions
SC	– Senior Counsel

## **Foreword**

The year 2008 has again been a year full of success stories for the Law Commission. It is a year in which the Law Commission finalized and published a Report containing a proposed legislation on Declaration of Assets, Liabilities and Business Interests by Public and Elected Officers. The recommendations, if put into law by Parliament, will compliment government's effort in the fight against corruption. More importantly, the recommendations will work towards promoting people's confidence in the public service.

It was also a year in which the Law Commission finalized and published a Report containing a proposed legislation to combat and manage the HIV and AIDS pandemic. This Report comes at the right time when government has doubled its effort in combating this deadly disease which has taken the lives of many Malawians and leaving several orphans in the process.

My appointment as Law Commissioner by His Excellency the State President, Ngwazi Dr. Bingu wa Mutharika also came in the same year 2008. The appointment came after almost a year of Law Commission's operations without a Law Commissioner. I come in as a third Law Commissioner succeeding Mr Anthony Kamanga, SC who is now Solicitor General and Secretary for Justice, who himself succeeded Justice Elton Singini, SC who is now Judge of the Supreme Court of Appeal. These previous Law Commissioners left behind an impeccable record at the Law Commission. Matching this record will always be a challenge but also a motivation for me.

My remarks will not be complete if I do not acknowledge the continued support the Law Commission receives from the government, development partners and the people of Malawi. I also wish to express my profound gratitude to the several persons who have served as Commissioners in various special Law Commissions for their expertise and commitment to the work of the Law Commission. To the Law Commission staff, I wish to convey my appreciation for your dedication to duty.

Gertrude Lynn Hiwa (Mrs)

**LAW COMMISSIONER**

## **PART I**

### **ESTABLISHMENT, OBJECTIVE, FUNCTIONS AND DUTIES OF THE LAW COMMISSION**

#### **1.1 ESTABLISHMENT**

The Law Commission is established by the Constitution under Chapter XII. In 1998, Parliament passed the Law Commission Act (Cap: 3:09) which provides for the functional operation of the Law Commission.

#### **1.2 OBJECTIVE AND MANDATE**

The broad objective and mandate of the Law Commission as stated in section 132 of the Constitution is to review and/or develop Laws in Malawi and make recommendations to government.

#### **1.3 FUNCTIONS AND DUTIES**

The specific functions and duties of the Law Commission are captured under section 135 of the Constitution and section 6 of the Law Commission Act; the functions are as follows-

- (a) to review and make recommendations regarding any matter pertaining to the laws of Malawi and their conformity with the Constitution and applicable international law;
- (b) to review and make recommendations regarding any matter pertaining to the Constitution;
- (c) to receive submissions from any person or body regarding the laws of Malawi or the Constitution; and
- (d) to report its findings and recommendations to Parliament through the Minister of Justice.

Under section 6 of the Law Commission Act, the Commission is further mandated with the following functions:

- (a) to review the Laws of Malawi with a view to the systematic development and reform of the law, including, in particular -
  - (i) modernization of the laws;
  - (ii) eliminating from the laws of any defects, whether of a procedural, substantive or policy nature; and
  - (iii) simplification of the laws;
- (b) to make recommendations of more effective methods and procedures for the administration of the laws;
- (c) to make recommendations for the fusion or harmonization of customary law with other laws of Malawi;

- (d) to make recommendations for the codification of any branch of law, including customary law; and
- (e) to promote public awareness of the laws and the Constitution.

#### **1.4 VISION**

To become an expert provider of advisory services on law development and reform of the law in Malawi and beyond.

#### **1.5 MISSION STATEMENT**

To provide expert advice to government on law development and reform.

#### **1.6 STRUCTURAL SET UP**

##### **Secretariat**

The Secretariat comprises a permanent Law Commissioner who is the head of the institution and other professional, technical and administrative staff subordinate to the Law Commissioner. The Law Commissioner is appointed by the President on the recommendation of the Judicial Service Commission for a renewable term of five years.

Since its inception, the Commission has been served by three Law Commissioners. The first Law Commissioner was Justice Elton Mawina Singini, SC who served as Law Commissioner for ten years. He was replaced by Mr. Anthony Kamanga, SC who served as Law Commissioner until July, 2007. In June, 2008, Mrs. Gertrude Lynn Hiwa was appointed Law Commissioner. All Law Commissioners have prior to their appointments served extensively at the Ministry of Justice and the last two were Chief Parliamentary Draftspersons immediately before their appointments.

The Law Commission has two main departments: the Law Reform Division and the Corporate Services Division. The core business of the institution is law reform which involves legal research, law development, law review, legislative drafting and civic education. This is done under the Law Reform Division while the rest of the activities fall under the Corporate Services Division. See annexure 1 of the Law Commission organization chart as at 31<sup>st</sup> December, 2008.

## PART II

### OVERVIEW OF LAW REFORM PROCESS

#### 2.1 ANNUAL WORK PROGRAMM

The Law Commission Act provides that the Law Commission must, from time to time, prepare a list of programmes of its work for any specified period not exceeding a calendar year in which matters that require consideration are included in order of priority. Annually, the Law Commission therefore publishes its annual work programme of identified law reform areas.

#### 2.2 LAW REFORM PROCESS

The law reform process undergo the following phases-

##### 2.2.1 Phase I: *Identification of Law Reform Area*

There are basically two methods through which a law reform area is identified. Firstly, the area can be identified through submissions received from individuals or bodies whether public or private. Secondly, the Law Commission can initiate its own law reform programme in trying to compliment government policies or in trying to actualize or domesticate the countries obligations under International Conventions or indeed in responding to social changes. Further the Attorney General on behalf of government may request the Law Commission to consider any matter of law that is considered to require reform or any area that is considered to require development of legislation.

##### 2.2.2 Phase II: *Investigation*

Once the area of law reform is identified, the process takes the following phases:

- (a) Law Reform Officers are assigned to the programme as Programme Officers. The Programme Officers conduct preliminary research work on the subject under reform and on the status of the law; and
- (b) Programme Officers then carry out literature review and develop working papers. Working papers outline issues which may guide proposals for reform. These papers include Issues Papers, Discussion Papers, Consultation Papers and/or Research Papers.

##### **i. Issues Paper**

In order to guide the reform process, the Law Commission at an early stage investigates what issues obtain in the area of law proposed for reform or law development. It then publishes the issues in a paper commonly referred to as an Issues Paper. The Issues Paper also serves to announce an investigation into a particular area under reform or law development and to clarify the aim and scope of the process.



## **ii. Discussion Paper**

When the issues have been settled, the Law Commission makes further inquiry into the practices elsewhere with a view to providing a range of proposals for reform. The result is published as a Discussion Paper. The Discussion Paper stimulates discussion of the issues under consideration by a special Law Commission, which is empanelled under each law reform programme.

## **iii. Consultation Paper**

The Consultation Paper may precede or succeed the Issues Paper. It is normally a compilation of the views of the public on various issues arising from the area under reform. As such, a Consultation Paper may be developed based on issues outlined in the Issues Paper or it may raise issues which form the basis of an Issues Paper.

## **iv. Research Paper**

A Research Paper is often published with a view to documenting desk or initial research related to a particular area under consideration. A Research Paper also determines authoritatively the existing legal position and identifies the shortcomings or deficiencies that need rectification. This Paper may contain empirical data on which the deliberations of the special Law Commission would be founded and justified.

### **2.2.3 Phase III: *Appointment of Commissioners***

Persons with relevant expertise on the subject matter are appropriately identified and appointed by the Law Commissioner in consultation with the Judicial Service Commission as Commissioners.

The work methodology for a programme is agreed upon by the Commissioners. This may include field visits and comparative study tours to other jurisdictions. The work is done through Commission meetings where Commissioners meet and deliberate.

### **2.2.4 Phase IV: *Consultations***

Consultations are done with stakeholders and members of the public on the subject matter. These consultations may include sending out Working Papers for responses and comments. Invariably, workshops and focus group discussions are held to seek views prior to or on the recommendations of the special Law Commission.

### **2.2.5 Phase V: *Report and Draft Bill***

The special Law Commission then prepares a Report for publication. The Report sets out the problem areas, the status of the law in Malawi including international instruments and the special Law Commission's recommendations for reform, taking into account its own

research findings, submissions received from stakeholders, relevant government policies, legislative trends in comparable foreign and regional jurisdictions.

The Report containing a proposed legislation is submitted to the Ministry of Justice for its publication in the *Gazette* under the Minister's hand and the published Report is laid in Parliament by the Minister. The Minister also submits the Report to Cabinet and if Cabinet adopts the recommendations of the Special Commission, the proposed legislation is adopted as a Government Bill and presented in Parliament for enactment.

## PART III

### OVERVIEW OF LAW REFORM PROGRAMMES

Law reform programmes undertaken by the Commission in the year 2008 were based on the 2008 Annual Work Programme that was published. Some of the programmes were completed and the Reports were presented to the Minister of Justice for laying in Parliament. The full list of all programmes undertaken by the Commission in 2008 is listed below:

#### **3.1 DEVELOPMENT OF DECLARATION OF ASSETS, LIABILITY AND BUSINESS INTEREST BY PUBLIC AND ELECTED OFFICERS.**

##### **3.1.1 Background**

Sections 88A and 213 of the Malawi Constitution require the President, Cabinet Ministers, Members of Parliament and senior public officers to declare assets and business interests soon after their election, nomination or appointment. The constitutional provisions are understandably very general and there was need for an Act of Parliament to be developed to compliment them.

The objective of the programme was therefore to develop an operative law on declaration of assets, liability and business interests in Malawi.

The programme was co-funded by USAID through Millenium Challenge Corporation and the Malawi Government.

##### **3.1.2 Overview of the Recommendations**

The Report recommends the enactment of an Act of Parliament which has stipulated the following issues, among others:

##### ***(a) Scope of the Law***

The proposed Law applies broadly to elected officers as well as employees in the public service, whether the public office is permanent or temporary, full or part-time, paid or unpaid and regardless of seniority. The special Law Commission resolved to maintain the current practice of categorizing those public officers required to declare their assets, liabilities and business interests as provided by the Constitution. However, the categorization is not based on seniority only but also on the nature of the work.

##### ***(b) Declaration Contents***

The proposed Law provides for broad disclosure of the assets, liabilities and business interests of elected and public officers. Public officers will be required to disclose their own assets, liabilities and business interests and the assets, liabilities and business interests of their spouses and other immediate family members.

***(c) Filing Frequency***

It is proposed that every person elected in public office be required to submit the required declaration before assuming that office, that is, no later than seven days before assuming his or her duties as a public officer. For elected officers declarations must be made before the nominations day. Thereafter declarations updates will be filed annually and three months before leaving the public office.

***(d) Receiving Authority***

The proposed Law recommends the establishment of a semi-autonomous public office in the same category of public office as that of the Auditor General with a broad mandate to educate public officers about their obligation to disclose assets and with all powers to regulate declaration requirements and verify declaration contents.

***(e) Monitoring Committee***

Compliance of the proposed Law shall be monitored by a committee of Parliament designated by Parliament for that purpose.

***(f) Public Access to Declaration***

Access to declaration contents made by the concerned public officers is considered vital for transparency and whistle blowing purposes. The proposed Law has therefore made provision for public access which will only be allowed on application made to the director of the receiving authority with reasons. To avoid abuse of the law, an application may be turned down and if so, reasons must be furnished to the applicant on why the application was turned down.

## **3.2 REVIEW OF THE EDUCATION ACT (CAP 30:01)**

### **3.2.1. Background**

The special Law Commission on the review of the Education Act commenced its work towards the end of 2003 after the Law Commission received a submission from the Ministry of Education, Science and Technology in 2002 that requested the Law Commission to review the law governing the education in Malawi. It was considered that a programme to review and reform the Education Act was long overdue taking into account certain developments in the education sector such as free primary education, and the provision of education by the private sector just to mention a few.

The first stages of the programme were funded by DFID and the last stages were funded by European Union under the EU/Government of Malawi Rule of Law Programme.

### **3.2.2 Overview of the Recommendations.**

The proposed Legislation by the special Law Commission seeks to incorporate several aspects of education including primary, secondary education and teacher training.

The proposed Legislation has also introduced a number of other new areas that are aimed at improving efficiency and effectiveness in the provision of education. Among the new areas covered by the proposed legislation are-

- (a) provisions to create a body responsible for the development of the curriculum;
- (b) provision to establish an independent body for registration and licensing of teachers;
- (c) provisions relating to registration of private and public schools and teacher training colleges; and
- (d) provisions relating to inspection of schools including private schools.

### **3.3 DEVELOPMENT OF GENDER EQUALITY STATUTE**

#### **3.3.1 Background**

Review of laws that impinge on gender equality is a follow up of the first Law Commission report of 1996 on the review of certain laws on defilement, inheritance, citizenship, marriage, divorce and affiliation. The special Law Commission on Gender Laws was established in September, 2001. The purpose of this special Law Commission was to target and address gender-based inequalities within the laws and to introduce laws that are compatible with policies aimed at achieving gender equality and development in Malawi.

#### **3.3.2 Overview of the Recommendations**

The recommendations made by the special Law Commission are both legislative recommendations and policy recommendations. The recommendations generally seek to accelerate the equal participation of women in all spheres of life.

Among other things legislative recommendations seek to prohibit and criminalize harmful cultural practices and sexual harassment (both at work places and educational establishments), discrimination on the basis of gender and provide for equal access to quality education through a gender sensitive curriculum. The recommendations also seek to introduce a gender based quota system in public employment and public schools.

On the policy recommendations; the special Law Commission has recommended that Government must undertake policy reform initiatives to ensure poverty eradication and economic empowerment of women, in the following areas:

- (a) Entrepreneurial Skills among Women Entrepreneurs;
- (b) Credit facilities for Women Entrepreneurs;
- (c) access to appropriate technology by women entrepreneurs;
- (d) access to Local and International Markets Developed and Improved; and
- (e) Micro Small and Medium Enterprises (MSME).

The programme which was initially funded by the Royal Norwegian Government, received supplementary funding from Global Fund Round 5 through NAC.

## **3.4 DEVELOPMENT OF LEGISLATION ON HIV AND AIDS**

### **3.4.1 Background**

This programme started in November 2006 pursuant to submissions from National AIDS Commission (NAC) and the Department of HIV and AIDS and Nutrition. The aim was to articulate and realize the principles contained in the National HIV and AIDS Policy which was adopted by Government in October, 2003.

The programme culminated into the development of a proposed legislation on the management and prevention of HIV and AIDS epidemic.

### **3.4.2 Overview of the Recommendations**

The Report recommends the enactment of legislation on HIV and AIDS. Among other things, the proposed legislation seeks to introduce a comprehensive regime to regulate the prevention and management of the HIV and AIDS epidemic in Malawi. Further, the proposed legislation seeks to provide for institutional framework for effective prevention and management of the disease. The proposed legislation takes a multi-dimensional approach by combining public health, human rights and criminal law issues. Furthermore, it seeks to balance rights and obligations of people infected and affected by HIV and AIDS on the one hand and on the other, the obligations of the State to protect the public at large from the epidemic.

The proposed Legislation is quite extensive in that it covers areas such as gender and human rights which are in their own right, cross-cutting issues. Human rights issues addressed relate to privacy and confidentiality; discrimination and equality; right to property; marriage and family life; and access to legal remedies and medical facilities. Other critical areas addressed are the regulation of information on HIV and AIDS the role of education in the fight against HIV and AIDS and modes of HIV testing.

The proposed Legislation also tackles thorny issues surrounding criminalization of deliberate infection of another with HIV, HIV screening for employees including domestic workers and the prohibition of harmful cultural practices in light of their perceived role in propagating HIV infection.

The programme was funded by Global Fund round 5 whose funds are administered by NAC.

## **3.5 REVIEW OF INDUSTRIAL PROPERTY LAWS**

### **3.5.1 Background**

All laws relating to Industrial Property Laws were formulated in the 1960's. With the changes in time, there is need for review of all laws regarding industrial property to address the current needs and to be in line with international treaties and practices.

The programme is an on-going one and the objective is to review Industrial Property Laws with a view to creating a conducive environment for investment and innovation in the country. Industrial property includes issues like patents, trademarks, industrial designs and other related matters.

The programme is funded by European Union through the EU/Government of Malawi Rule of Law Programme.

### **3.6 REVIEW OF THE LEGAL EDUCATION AND LEGAL PRACTITIONERS' ACT (CAP 304:04)**

#### **3.6.1 Background**

The Legal Education and Legal Practitioners Act Review programme started in 2003 when the Law Commission received submissions for the review of the Act from the Malawi Law Society and other stakeholders. In its Report published in the Malawi *Gazette* Supplement of 30<sup>th</sup> September 2003, the special Law Commission on the review of the Act addressed mainly issues of admission to practice as a legal practitioner in Malawi. After this review, the recommendations of which were enacted into law, further submissions came to the Law Commission asking for a more comprehensive review of the Act in order to address issues, among others, such as the discipline of legal practitioners, regulation of legal education, administration of estates of deceased legal practitioners, criteria for appointment of Senior Counsel, establishment of a Fidelity Fund and regulation of debt collection.

Following these submissions, a comprehensive review programme commenced in 2008.

This is an on-going programme and it is expected that it will be completed in 2009. The programme is funded by European Union through the EU/Government of Malawi Rule of Law Programme.

### **3.7 DEVELOPMENT OF TRAFFICKING IN PERSONS LEGISLATION**

#### **3.7.1 Background**

The proposed Legislation has been developed to domesticate the Protocol to Suppress, Prevent and Punish Trafficking in Persons, especially Women and Children (“the Trafficking Protocol”) to which Malawi is a signatory. The Trafficking Protocol supplements the United Nations Convention against Transnational Organized Crime (the “CTOC”), to which Malawi is also a signatory. The Law Commission combined its mandate to domesticate the Trafficking Protocol and to specifically address issues pertaining to the plight of vulnerable persons who fall easy prey to traffickers, and by virtue of the sexual exploitation that largely follows trafficking, become more susceptible to HIV and AIDS.

This is an on-going programme and it is expected that it will be completed in 2009.

The programme is funded by Global Fund Round 5 which is administered by the NAC.

## **PART IV**

### **PUBLIC AWARENESS CAMPAIGNS AND CONSULTATIONS**

The Law Commission is mandated under the Law commission Act to promote awareness of the laws and of the Constitution by the public and by departments of government and other authorities or bodies. The Law Commission is also mandated to consult any person or body for purposes of considering any matter relating to law reform or development. To execute these functions, the Commission is empowered by the Act to sponsor, support or organize conferences, seminars, workshops and meetings on any matter under its consideration or generally.

During the year 2008, the Law Commission organized a number of workshops and press briefings to publicize its various programmes and consult the public. The Law Commission under-took study visits to other countries to draw lessons relevant to its work.

#### **4.1 WORKSHOPS, CONFERENCES AND PRESS BRIEFINGS.**

**(a) Development of Gender Equality Statute**

Consultative workshops were held on 8<sup>th</sup> December 2008 in Lilongwe, on 12<sup>th</sup> December in Blantyre and on 13<sup>th</sup> December 2008 in Mzuzu with funding from Global Fund Round 5 through NAC.

**(b) Development of Legislation on HIV and AIDS**

A press briefing was conducted in June 2008 at Capital Hotel in Lilongwe.

**(c) Development of Trafficking in Persons Legislation.**

Training of law enforcement officers (e.g. policemen, magistrates, immigration officers) was conducted on 22 and 23 September 2008 in Blantyre, 17<sup>th</sup> and 18<sup>th</sup> December in Mzuzu and on 8<sup>th</sup> to 12<sup>th</sup> December in Lilongwe (these were in two groups).

Regional Consultative Workshops were held on 15<sup>th</sup> September 2008 in Lilongwe and on 19<sup>th</sup> September 2008 in Blantyre and Mzuzu with funding from Global Fund Round 5 which is administered by NAC.

**(d) Development of Declaration of Assets, Liabilities and Business Interest by Public Officers and Elected Officers.**



A consultative workshop was held on 7<sup>th</sup> March 2008 in Mzuzu and a press briefing was held on 14<sup>th</sup> June 2008 at Capital Hotel in Lilongwe with funding from USAID through Millenium Challenge Corporation and the Malawi Government

(e) Review of the Education Act.

Consulataive workshops were held on 7<sup>th</sup> to 8<sup>th</sup> February 2008 in Blantyre, on 12<sup>th</sup> to 13<sup>th</sup> February in Lilongwe and on 21<sup>st</sup> to 22<sup>nd</sup> February 2008 in Mzuzu.

A National consultative workshop was held on 2<sup>nd</sup> to 3<sup>rd</sup> September 2008 at Cresta Hotel in Lilongwe with funding from EU under the EU/Government of Malawi Rule of Law Programme.

## 4.2 RESEARCH

A Research on Trafficking in Persons was conducted on 19<sup>th</sup> October to 1<sup>st</sup> November 2008 in Nkhata-Bay, Rumphi and Karonga districts. Findings of the research have been published.

## 4.3 CONFERENCES

Staff of the Law Commission attended the following workshops and conferences in order to enhance networking and collaboration with other institutions.

<b>Conferences 2008</b>			
<b>Name of Officer(s)</b>	<b>Conference Theme</b>	<b>Place</b>	<b>Period</b>
Mr. Y. Msiska, Mr. M. Chinoko and Mr. P. Chiniko (deceased)	ALRAESA Annual Meeting	Zambia	15th to 20th April 2008
Mr. S. T. Mijoni	MASM Annual Meeting	Mzuzu	16th to 28th June 2008.
Mr. D. R. Yusuf	Billing on Effective Preparation for Audit	Lilongwe	23rd to 24th June 2008
Mr. A. Msowoya	Assessment of Diploma in Law SDI Workshop	Blantyre	14th to 16th August 2008.
Mr. A. Msowoya	Constitution Building Workshop	Benin	23rd to 29th November 2008
Mr. L. Winga	Auditing In Public Service Workshop	South Africa	1st to 4th December 2008.

#### **4.4 STUDY VISITS**

- (i) Development of Trafficking in Persons Legislation.

Commissioners on the Development of Trafficking in Persons a Programme Officer undertook a study visit to Nigeria.

- (ii) Legal Education and Legal Practitioners' Act Review Programme.

Commissioners on the Review of the Legal Education and Practitioners' Act and a Programme Officer went on a study tour to Kenya.

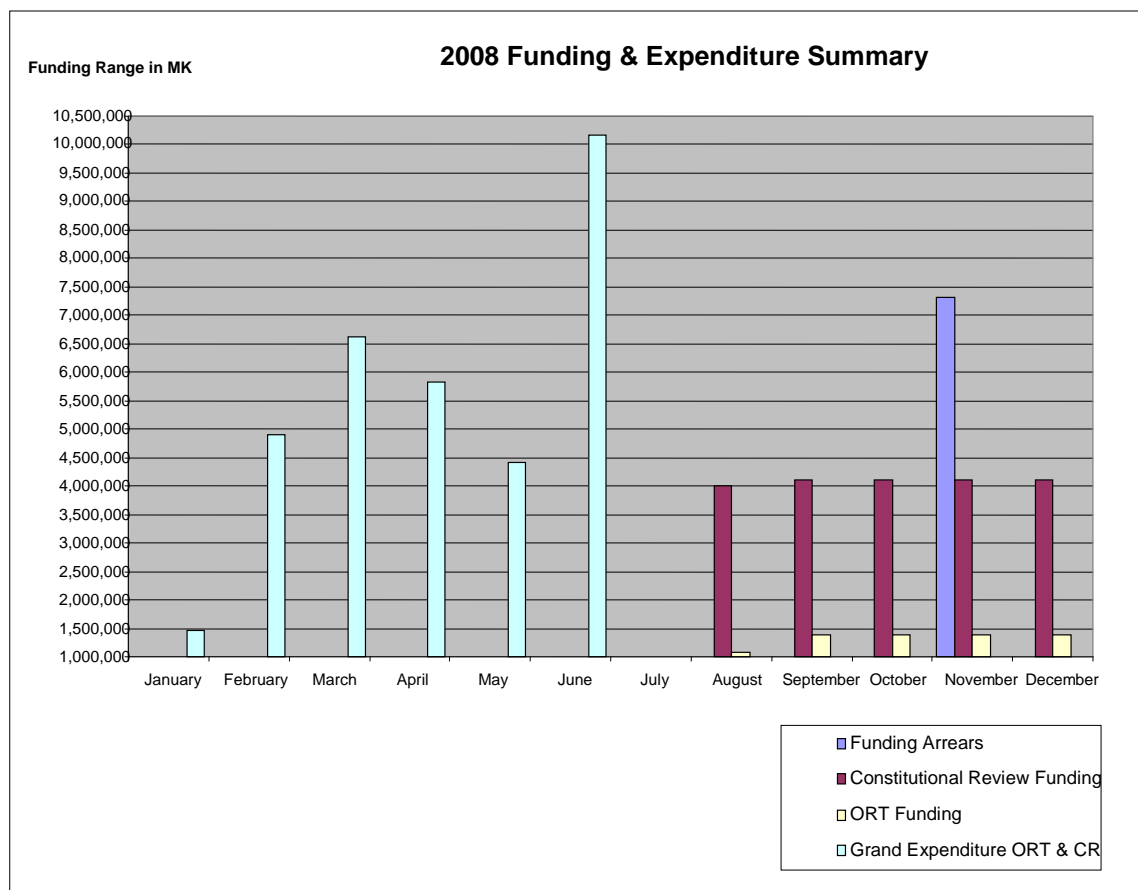
## PART V

### FINANCE, ADMINISTRATION AND HUMAN RESOURCE

For the Law Commission to fulfill its mandate, adequate financial, logistical and manpower support must be available. The Law Commission has a well established structure of finance, administration and human resource departments that provides logistical and manpower support. The Law Commission has made improvements in its project management, human and institutional capacity building and financial management. A brief report is as follows-

#### 5.1 FINANCE AND MANAGEMENT

The Law Commission had the following financial expenditures in Malawi Kwacha as per budgetary allocations from the Consolidated Fund and Development Partners:



## **5.2 HUMAN RESOURCE DEVELOPMENT AND MANAGEMENT**

In the year 2008, the Law Commission increased its workforce and facilitated for its staff to attain skills that will help the Law Commission achieve its mandate.

### **5.2.1 Civic Education and Public Relations Section**

The Human Resource operationalised the Civic Education and Public relations Section in May 2008 by recruiting three officers in the section. The section has the mandate of raising public awareness on the status of laws in Malawi and Law Commission's operations. The aim of including the public relations aspect in the section is to develop and maintain good working relationships with the Law Commission's stakeholders and the public. This is very crucial because good working relationships improve the execution of the civic education mandate and participation of Malawians in law reform activities.

In order to attain its objective, the section developed Information Education Communication (IEC) materials and produced radio programmes in various thematic areas.

### **5.2.2 Annual Operating Plan Workshop**

A workshop for members of staff of the Law Commission took place in Salima. The purpose of the workshop was:

- (a) to review the Strategic Plan of 2005 to 2009;
- (b) to prepare for the implementation of the 2008 to 2009 Annual Budget; and
- (c) to identify and allocate responsibilities on outputs and activities to achieve agreed objectives and targets to divisions, sections and individuals.

The workshop took place from the 6<sup>th</sup> to 8<sup>th</sup> August 2008. It involved all members of staff of the Law Commission so that they could take an active role in developing their individual plans thereby increase commitment and ownership of the plans. The workshop produced the following outputs:

- (a) Annual Operating Plan for 2008 to 09;
- (b) Quarterly Work plans for all Sections;
- (c) Capacity Building for institutionalization of operational planning; and
- (d) Foundation for the implementation of performance appraisal system.

The holding of this Workshop means that the Law Commission has fully embraced operational planning as a management tool. The Operational Plans produced will support the implementation of the Commission's Strategic Plan, enable periodic audit of results and identify the need for change.

### 5.2.3 Training

Staff of the Commission attended the following short-term and long-term training to enhance their capacity-

<b>Trainings 2008</b>			
<b>Name of Officer (s)</b>	<b>Training Attended</b>	<b>Place</b>	<b>Period</b>
Mr. A.T. M'bang'ombe	Public Procurement	Malawi	28 <sup>th</sup> to 30 <sup>th</sup> May 2008
Mr. L. Winga, Mr. F. Mpapa and Mrs. D. Migochi	Result Oriented Management	Namibia	2 <sup>nd</sup> to 6 <sup>th</sup> June 2008
Mr. N. Mbengo, Mrs. E. Honde and Ms. S. Phiri	Office Procedures and Communication	Malawi	30 <sup>th</sup> June to 11 July 2008
Mr. Buliani	Grade 1 Upgrading Course	Malawi	14 <sup>th</sup> to 25 <sup>th</sup> July 2008
Mrs. P. E. Mwachengere	Financial Training for Corporate Services	Mauritius	27 <sup>th</sup> to 3 <sup>rd</sup> August 2008
Mr. G. Masamba	Linux Server Administration	Malawi	18 <sup>th</sup> August 2008
Mr. G. Masamba, Mr. F. Chiwozeka (deceased) and Mrs. T. Chakanza	Electronic Records Management	Malawi	1 <sup>st</sup> September to 28 <sup>th</sup> November 2008
Mr. C. Nyirongo, Mr. M. Chinoko and Mr. M. Nkhono	Diploma in Legislative Drafting	Uganda	1 <sup>st</sup> September to 28 <sup>th</sup> November 2008
Mr. Y. Msiska	Master of Laws Degree	United Kingdom	1 <sup>st</sup> September 2008 to 30 <sup>th</sup> September 2009
Mr. Mpapa	Result Oriented Management	Swaziland	22 <sup>nd</sup> to 26 <sup>th</sup> September 2008
Mrs. G. L. Hiwa	Changing the Law: Successful Reform	United Kingdom	20 <sup>th</sup> to 24 <sup>th</sup> October 2008
Mrs. G. L. Hiwa	Translating Policy into Law and Drafting	Malaysia	10 <sup>th</sup> to 21 November 2008
Mr. F. Maliri	Chauffer Induction	Malawi	8 <sup>th</sup> – 12 December 2008

#### **5.2.4 Appointments**

Mrs. Gertrude Lynn Hiwa was appointed, Law Commissioner by His Excellency the State President, Dr. Bingu wa Mutharika on 24<sup>th</sup> June 2007 replacing Mr. Anthony Kamanga, SC who was appointed as Solicitor General and Secretary for Justice.

#### **5.2.5 Recruitments**

The section facilitated the recruitment of eleven officers filling the vacant positions as follows:

- a) Mr. Mike Chinoko – Law Reform Officer on 4<sup>th</sup> March, 2008;
- b) Mr. Isaac Jeremoti Songea – Assistant Law Reform officer on 1<sup>st</sup> April, 2008;
- c) Mr. Moses Nkhono - Assistant Law Reform officer on 1<sup>st</sup> April, 2008;
- d) Ms. Sophie Dambe - Principal Civic Education Officer on 12<sup>th</sup> May, 2008;
- e) Ms. Rhoda Kabanga – Civic Education Officer on 2<sup>nd</sup> June, 2008;
- f) Mr. Gift Sopo -Clerical Officer on 23<sup>rd</sup> June, 2008;
- g) Mr. Boniface Waliyala - Accounts Assistant on 26<sup>th</sup> June, 2008;
- h) Ms. Slyveria Mtingwi- Accounts Assistant on 27<sup>th</sup> June, 2008;
- i) Ms. Judith Kabango – Clerical Officer on 8<sup>th</sup> July, 2008;
- j) Ms. Grace Maganga – Administrative Officer on 4<sup>th</sup> August, 2008; and
- k) Mrs. Eddah Chavula – Assistant Law Reform Officer on 1<sup>st</sup> September, 2008.

#### **5.2.6 Death**

On 6<sup>th</sup> September, 2008, the Law Commission lost Mr. Peter Chiniko (deceased) who was until his death, Deputy Chief Law Reform Officer. He died following a road accident. Late Chiniko joined the Law Commission on 2<sup>nd</sup> August, 2004 as Assistant Chief Law Reform Officer, he was then promoted to the post of Deputy Chief Law Reform Officer on 16<sup>th</sup> February, 2007 the position he held until his death; May his soul rest in peace.

## **PART VI**

### **CONCLUSION**

The Commission will continue to carry out its work as mandated in the Constitution and the Law Commission Act.

|

## APPENDIX

### Members of special Law Commissions in various law reform programmes.

The Law Commissioner serves in every special Law Commission.

<b>Programme</b>	<b>Members</b>
Legal Education and Practitioners Act	Justice D. Tambala, SC - Chairperson
	Mr. M. Chikankheni
	Mrs. P. Mwase
	Mr. P. Likongwe
	Mr. T. Nyirenda, SC
	Mr. M. Bamusi
	Mr. N. Mhura
	Mrs. A. Mtalimanja
	Mrs. G. L. Hiwa (Law Commissioner)
Trafficking in Persons	Mrs. D. Kapanga - Chairperson
	Justice M. Kamwambe
	Mr. T. Chinangwa
	Mr. W. Kayira
	Mrs. G. Malera
	Mr. M. Matewere
	Ms. H. Osman
	Mr. E. Zirikudondo
	Mrs. G. L. Hiwa (Law Commissioner)
	Ms. H. Kulemeka
Declaration of Assets	Justice A. K. Tembo, SC – Chairperson
	Mr. V. Beza
	Mr. V. C. Banda
	Mr. G. J. Kayanula
	Mr. R. Hajat
	Mrs. M. M. Katopola
	Mr. A. T. Mbang'ombe (for Law Commissioner)
Education Act	Mrs. L. V. Magreta – Chairperson
	Mr. J. Bisika – Deputy Chairperson
	Dr. S. Hau
	Dr. M. Shawa
	Mr. C. Masitara



	Mr. D. C. Yadidi
	Mr. A. Banda
	Mr. O. Rambiki
	Sr. J. M. Kambilonje
	Mrs. G. L. Hiwa (Law Commissioner)
HIV AND AIDS	Fr. J. Mpinganjira - Chairperson
	Dr. M. Shaba
	Prof. G. Liomba
	Dr. B. Mwale
	Dr. D. Namate
	Dr. G. Malindi
	Mrs. A. Manjolo
	Mrs. F. Kalembe
	Mrs. A. Mchiela
	Ms. D. E. A. Ntodwa
	Janet L. Banda (for Law Commissioner)
Gender Equality	Mrs. E. Kalyati - Chairperson
	Mrs. D. Jere
	Sr. G. Chipungu
	Fr. R. Mwaungulu
	Ms. L. Mihowa
	Dr. B. Chisinga
	Mrs. I. Ottober
	Mrs. A. Mtalimanja
	Mr. P. Msefula
	Mrs. G. L. Hiwa (Law Commissioner)
	Mr. Mwaungulu