

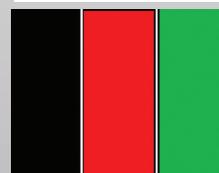
THE PRESENT TOILING, THE FUTURE OVERBURDENED

Report on an investigation into allegations of maladministration and related irregularities on the purchase and disposal of Farm Machinery under India line of credit worth 50 million United States Dollars



OFFICE OF THE OMBUDSMAN

“YOUR PROTECTOR AGAINST INJUSTICE”



THE PRESENT TOILING, THE FUTURE OVERBURDENED

REPORT ON AN INVESTIGATION INTO ALLEGATIONS OF
MALADMINISTRATION AND RELATED IRREGULARITIES ON THE PURCHASE
AND DISPOSAL OF FARM MACHINERY UNDER INDIA LINE OF CREDIT WORTH
50 MILLION UNITED STATES DOLLARS

YOUR PROTECTOR AGAINST INJUSTICE

OCTOBER 2016

EXECUTIVE SUMMARY

“If the misery of the poor be caused not by laws of nature, but by our institutions, great is our sin” Charles Darwin

1. “The Present Toiling, The Future Overburdened” is my report as the Ombudsman of the Republic of Malawi on an investigation into allegations of maladministration and related irregularities on the purchase and disposal of the farm machinery under the \$50,000,000.00 line of credit from Export-Import Bank of India in 2010.
2. The investigation was conducted in terms of Section 123 of the Constitution of the Republic of Malawi which gives me powers to investigate any and all cases of alleged injustice where it does not appear that there is any remedy reasonably available in courts; and in terms of Section 5 of the Ombudsman Act which gives me powers to investigate *“any alleged instance or matter of abuse of power or unfair treatment of any person by official in the employ of any organ of government, or manifest injustice or conduct by such official which would properly be regarded as oppressive or unfair in an open and democratic society.”*
3. The investigation was carried out in response to two complaints lodged between April and May 2016. The first complaint was from a Member of Parliament and the second complaint was from a smallholder farmer. The Member of Parliament complained about processes on acquisition and disposal of the farm machinery. The farmer complained about accessibility of the farm machinery.
4. I interviewed officials from relevant Ministries, Departments and Agencies (MDAs) which included Ministry of Finance, Economic Planning and Development (MoF), Ministry of Agriculture, Irrigation and Water Development (MoA), One Village One Product (OVOP), Plant Vehicle Hire and Engineering Services (PVHES) and Green Belt Initiative (GBI). Relevant documents from these MDAs and Office of the President and Cabinet (OPC) were also reviewed. The investigation reveals maladministration and irregularities as follows:

- I. Absence of justification on invoking rules of waiver as per the Standing Orders;
 - II. Failure to conduct a proper needs assessment in the beneficiary institutions to guide what needs to be procured using the loan;
 - III. Failure to recognize limits of responsibilities by MDAs;
 - IV. Failure to follow certain provisions of the Procurement Act;
 - V. Failure to provide reports of performance of the farm machinery;
 - VI. Failure to adhere to the Loan Authorisation Bill;
 - VII. Failure to act diligently on pricing of the tractors;
 - VIII. Failure by the IPC members to recuse themselves when they knew they had direct interest in the farm machinery;
 - IX. Failure to account for the proceeds of the farm machinery by MoF.
5. The following are remedial actions ordered:
- I. Any instruction from the political authorities, cabinet and its members to Principal Secretaries or any public official should be in writing;
 - II. All loan authorisation bills should not be subjected to the waiver of notice without vigilant deliberations on the justifications given;
 - III. MoF must stop functioning like a procuring entity for international goods and services;
 - IV. MoF must improve their record keeping;
 - V. Loan Authorisation Bills should be specific on details;
 - VI. MoA should prepare a comprehensive report on present and future accessibility of the farm machinery;
 - VII. GBI and MoA must prepare reports on poor performance of equipment;
 - VIII. The Principal Secretaries of MoF and MoA should apologise to Malawians for buying equipment with archaic technology;
 - IX. MoF should give an account to the country of the exact amount collected from the sale of the farm machinery;
 - X. National Audit Office should audit the three India lines of credit ;

ABBREVIATIONS

ADD	-	Agricultural Development Divisions
ADMARC	-	Agriculture Development and Marketing Corporation
DC	-	District Council
EXIM BANK	-	Export Import Bank of India
FUM	-	Farmers Union of Malawi
GBI	-	Green Belt Initiative
HANSARD	-	National Assembly Daily Debates
IPC	-	Internal Procurement Committee
LUANAR	-	Lilongwe University of Agriculture and Natural Resources
MDA's	-	Ministries, Departments and Agencies
MoA	-	Ministry of Agriculture, Irrigation and Water Development
MoF	-	Ministry of Finance, Economic Planning and Development
MoT	-	Ministry of Trade and Industry
NA	-	National Assembly
NASFAM	-	National Farmers' Association of Malawi
NFRA	-	National Food Reserve Agency
NRC	-	Natural Resources College
OoO	-	Office of the Ombudsman
OPC	-	Office of the President and Cabinet
OVOP	-	One Village One Product Programme
PVHES	-	Plant Vehicle Hire and Engineering Services

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A. BACKGROUND

1. Between 2008 and 2012 Malawi Government obtained loans from a bank in India.
2. The first loan agreement dated 14th May, 2008 between Malawi Government and Export Import Bank of India for a loan amounting to \$30,000,000. This loan was to be used for financing supply of irrigation, storage, tobacco threshing plant and One Village One Product.
3. Second loan agreement was dated 1st February, 2011 between government of Malawi and the same Export and Import Bank of India for a total amount of \$50,000,000 for the purposes of financing cotton processing facilities, GBI and one village one product OVOP in Malawi.
4. The third loan was signed on 13th December, 2012 between government of Malawi and Export and Import Bank of India for the sum of \$76,500,000 for the purposes of financing development of irrigation network under the GBI, setting up of refined sugar processing equipment in Salima under greenbelt initiative and development of fuel storage facilities in Malawi.
5. From Parliamentary proceedings which approved these bills it is clear that ultimately these loans were intended to move Malawi from being rain fed reliant country with ultimate aim of ensuring that Malawi becomes self-sufficient in as far as food production is concerned, that issues of hunger would be of the past, that Malawian farmer would start seeing value for his or her hard work and that generally turning Malawi into an exporting country other than an ever importing country.

6. The 2008 loan agreement indicates that, Malawi procured plant and equipment from India for the Youth Enterprise Development Fund, tractors, graders for PVHS, irrigation equipment for the GBI and equipment for the OVOP Programme.
7. Again sources indicate that with the 2011 loan the cotton ginning facilities at Ngabu in Chikwawa, Balaka and Karonga were established. This again is the loan that was used to procure 177 tractors for OVOP.
8. The 2012 loan was used for establishment of a sugar processing factory in Salima, construction of fuel storage facilities in Mzuzu, Lilongwe and Blantyre and establishment of small irrigation networks in Karonga. Again from this loan the Government purchased two legumes machines meant to be made available to smallholder farmers.
9. GBI is a programme under the OPC, conceptualised to increase agriculture production, enterprise development, value addition and increased exports using the available land and water resources through efficient irrigation farming. The Specific target is to have a radius of 20 kms under irrigation, targeting coverage of about 1,000,000 hectares against 90,000 hectares currently under irrigation.
10. GBI as a programme started in 2004 and it was attached and operated under MoA. In 2010 government decided to set up an office to coordinate all these activities being handled by the different Ministries and Professor Kanyama was appointed its head.
11. OVOP is an initiative that works with cooperatives or groups with an aim of promoting value addition. It targets income generation and wealth creation for local communities.

B. THE COMPLAINT

1. Between the months of March and April 2016 I received complaints from a local farmer and a Member of Parliament.
2. Both complaints alleged maladministration and related irregularities in the management of the goods and services bought under the loan of \$50,000,000 of 2011.
3. Some of the key statements and questions arising from the complaints above are;
 - I. As local farmers we were promised tractors (farming equipment) but we cannot access the tractors which seems to be totally different from what our government initially promised.
 - II. The deliberations on the passing of the bills were rushed. Thereby not giving enough time for proper scrutiny.
 - III. Is it legal to sell the tractors to few individuals contrary to the authorising bill?
 - IV. How can items bought on a loan be sold to public servants on a loan?
 - V. Where are the proceeds of the said sale of the tractors?
 - VI. Malawians were the ones who were supposed to benefit from the loans and Malawians are the ones who will pay back the loan through taxes; shouldn't they have then been informed of the change of plans before they were implemented?
 - VII. The intended sale by government of the Dal machines is a great anomaly. When did the Government know that the machines were too huge for smallholder farmers? Were any feasibility studies made before the purchase of the machines? Can't the machines be sold to farm associations?

C. LEGAL MANDATE OF THE OMBUDSMAN

1. The Office of the Ombudsman is an independent institution established by the 1994 Republican Constitution of Malawi and is complemented by the Ombudsman Act.
2. The Office of the Ombudsman has powers under section 123(1) of the Constitution to investigate any and all cases where it is alleged that a person has suffered an injustice and there is no remedy available by way of court proceedings or there is no practicable remedy available to that person.
3. In addition, under section 5(1) of the Ombudsman Act, the Ombudsman has the mandate to inquire and investigate any complaint laid before the Ombudsman concerning any alleged instance of unfair treatment, abuse of power to name a few, by any organ or employee of the government.
4. This is an investigation which despite being received as a one-off complaint, necessitated looking at the entire process and manner in which the Government procured and disposed of the tractors and allied implements. I, therefore, invoked section 6(1) (a) of the Ombudsman Act, which grants me the power to determine the extent of any inquiry or investigation.
5. Other than just looking at the complaints in isolation, This investigation took a systemic approach for the following reasons:
 - I. to examine government processes when it comes to acquiring loans from foreign banks to purchase equipment that should benefit Malawians;
 - II. the loan was taken for the benefit of the agricultural sector which is the backbone of the Malawi economy, hence a majority of Malawians would be affected in one way or another;

- III. the issue was very much in the public domain such as the media and the National Assembly;
 - IV. the complaint itself borders on the government process and procedures in two of the three government branches.
6. After concluding the investigations, I have the power to direct that appropriate administrative action be taken to redress the contributing factors and cause the appropriate authorities to ensure that in the future practicable remedies to address the challenges identified are available. Where necessary I can also recommend to the Director of Public Prosecution to prosecute individuals pursuant to section 126 of the Constitution.

D. LIMITS OF THE INVESTIGATION

1. As will be noted below, the 2011 loan which is the subject of this investigation was broken down as follows;
 - I. Cotton processing facilities- \$20,000,000.00
 - II. Green Belt Initiative- \$15,000,000.00
 - III. OVOP- \$15,000,000.00
2. The Dal Machines and the farm machinery including the tractors were bought using the funds allocated to OVOP.
3. My investigations focussed on the farm machinery particularly the tractors because they were the focus of the complaints. The investigations covered loan acquisition, procurement of equipment, disposal of the tractors, account of the proceeds of the sale and accessibility of the tractors by smallholders.
4. However as will be noted below GBI which had its own allocation of the loan benefited from some of the tractors that were bought under OVOP allocation.
5. Thus notwithstanding that the complaint was mainly about the tractors and the Dal Machines it appeared to me that it was necessary to also investigate the allocation for GBI. The investigation on GBI was limited to what was procured with the money that was allocated.
6. I did not investigate the \$20,000,000.00 that was allocated for cotton processing. However I believe that the findings in this report will also speak to it and all other loans taken by government in general.
7. It was during the investigation that I noted that government allegedly intended to sell the Dal machines. However the said sale is now a matter before Lilongwe High Court.
8. Accordingly no investigation was done in respect of the Dhal machines as the Ombudsman does not have mandate to investigate matters that have already been reported to the courts.

E. ISSUES FOR INVESTIGATIONS

Based on my analysis of the complaints, the following issues were identified to be investigated:

1. Was there any needs assessment study done on the goods and services to be procured? If done was it properly done?
2. Was the loan used in accordance to the Money Authorisation Bill?
3. Whether tractors were bought or not? If so are they the correct tractors?
4. Where are the tractors?

F. INVESTIGATION CHALLENGES

During the period of investigations we encountered some challenges.

1. There were delays by some MDAs in responding to our correspondences which affected our investigation timeline.
2. Another challenge faced was lack of some documents. This hindered me from making specific findings on certain issues.
3. There was some reluctance to produce documentation by some Respondents as initially they did not fully appreciate the mandate of the office and the importance of the investigation to their institutions and Malawi as whole.
4. Some MDAs gave inconsistent and contradictory information which needed more time to analyse.

G. INVESTIGATION APPROACH

My approach to the investigation was as follows:

1. Consider and evaluate what happened-based on the information gathered through interviews, from correspondences and on-spot investigations, see Annex 1 and 2 on interviewees and list of documents;
2. Evaluate and consider what should have happened - based on the applicable laws, policies and established best practices;
3. Consider whether there was a discrepancy between the two and whether that discrepancy constitutes maladministration;
4. Consider whether injustice has been suffered as a result of the maladministration.
5. Consider remedial action.

H. EVIDENCE AS GATHERED

i. Genesis of the loan



Office of the President and Cabinet

1. According to officials from MoF, the loan was a result of one of the Indian/African Summits where the former President the late Professor Bingu wa Mutharika negotiated the loan.
2. The President directed that the loan should be allocated to the three areas as previous stated.
3. MoF as technocrats were just told to formalise the loan.

ii. Actual Purpose of the Loan and Parliament Approval



The National Assembly

1. The loan was taken from EXIM Bank under Loan (Authorization) Bill, 23 of 2010 which was passed in Parliament on 8th December, 2010 amounting to US\$ 50, 000, 000.00.

2. It was in the form of a line of credit advanced to the government of Malawi to be repaid over a period of twenty years after a grace period of five years.
3. According to the Hansard of Parliamentary proceedings of 6th December, 2010 during the second reading of the Bill the then Minister of Finance Hon. Ken Kandodo said that with the loan Government intended to buy various machinery and equipment for GBI, OVOP and acquisition of cotton processing facilities.
4. As for GBI the Minister stated that the money will be used for construction of dams, preparation of canals and other related materials.
5. As regards to OVOP, the Minister further stated that the loan will be used to purchase equipment which was going to be distributed to various OVOP groups in the country to enable them to scale up their businesses such as lime making, packaging, furniture, joinery, fruit juice making and others.
6. Section 3 of the Loan Authorisation Bill expressly states that the money was borrowed to finance the procurement of cotton processing facilities and goods and services related to the Green Belt Initiative and One Village One Product programme. Section 3 of the bill further states that the loan was to finance the three activities only “and for no other purpose.”
7. In response to one of the Honourable members who sought further clarification on what exactly ‘goods and services’ to be bought referred to in the Loan Authorisation Bill , the Minister said:

“In terms of the nature of goods and services that will be procured, I am pleased to report that some of the items that will be procured include procurement for construction of earth dams and canals such as excavators, motor graders, bulldozers, trippers and similar items. We will also procure farm mechanisation equipment such as tractors, trailers, ridges, planters, rice threshers and similar equipment.”

8. Evidence shows that although members of parliament raised a number of issues and concerns regarding the Bill and its purpose, the Bill still received overwhelming support and was passed into law.
9. After the deliberations in Parliament, a contract was signed between the Government of Malawi and EXIM Bank.

iii. Procurement Process



Ministry of Finance, Economic Planning and Development

a. Consultation

1. The process of procuring the machinery was done by MoF through Apollo International who won all the contracts.
2. On procurement method used to identify Apollo, it is not very clear if the procurement process was done accordingly because MoF could not provide the minutes of the IPC and other tender documents.

3. In corroboration to the evidence from MoF, all the Respondents who were listed as beneficiaries in the Loan Authorisation Bill, namely OVOP and GBI, indicated that they were never consulted during procurement.
4. OVOP stated that MoF initially informed them that there was \$ 15,000,000.00 allocated for its activities. Accordingly, OVOP submitted a list of equipment based on demand from their cooperatives and groups. The list included honey processing machinery, milk plants and oil extractors.
5. Later on MoF revised the figure to \$5,960, 500.00 and informed OVOP that they will get Dal Machines.
6. GBI were never informed that they had been allocated money under the Indian Line of Credit for the purchase of equipment. However, the equipment was bought under their name. Upon further inquiry, they were told that the equipment was not meant for them but the Department of Irrigation under the MoA.
7. Through their letter to the Ombudsman dated 7th June, 2016, MoA indicated that *“they only got involved in the process at the time of disposal of the tractors and allied equipment after the loan negotiations had been done by MoF.”*
8. However, during a visit to MoA Headquarters on 19th August, 2016, they said that they were informed that money had been allocated to them for purchase of farm equipment. It was based on this information that they developed a concept paper on 28th June, 2012. Further, during the verification of facts exercise which took place at my office on 4th October, 2016, they again stated that they were informed about the money being allocated to them.

b. Actual Expenditure of the Loan

1. The \$50,000,000.00 loan bought the equipment below at the respective costs.

Table 1: Loan Expenditure

No	General categorization	Beneficiaries	Equipment/ items	Amount \$
1.	Farm machinery	MOA	177 Tractors and allied implements, 90 Trailers, 144 Maize Sheller's, and 48 Seed-cum-Fertilizer Applicators	9,019,491.00
2.	Dal machines	OVOP	4 Dal Processing Equipment and assorted accessories	5,960,500.00
3.	Irrigation equipment	GBI	20 High Flow High Head Pump, 30 Low Flow High Head Pump, 50 Low Flow Low Head Pump, 16 Drip Irrigation system 3 ha, 15 Drip Irrigation System 5 ha, 8 Motor Graders, 4 Dozers with Rippers and 4 Excavators.	15,000,0000.00
4.	Cotton processing facilities		3 cotton ginning plant with accessories	19,939,071.00

2. Out of \$50,000,000.00, \$80,978.00 is yet to be used.
3. As per bank statements presented to me, Apollo international has been withdrawing the money from Exim bank India from 2011 to July, 2016. MoF stated that the supplier withdraw money in instalments in accordance with project progression.
4. Farm machinery and Dal machines were bought using the \$15,000,000.00 presented as OVOP related activities to Parliament in the Loan Authorisation Bill.
5. On 2nd September, 2016 OVOP stated that the farm machinery are not OVOP related for they do not add value. However, on 4th October, 2016 changed its statement and stated that the machinery were OVOP related because value addition starts from productivity.

iv. Arrival of 177 Tractors and Other Allied Implements

1. Upon arrival the tractors were handed over to MoA who handed them over to PVHES for registration.
2. MoA then asked PVHES to keep the tractors as they did not have space to store the tractors. PVHES bemoaned the practice by MoA of leaving equipment for a long time at their premises.

v. Decision Making on the Disposal of the Tractors

1. The MoA decided that out of 177 tractors, 77 tractors would be distributed to ADDs and 100 would be sold.
2. The concept paper titled 'Tractors and other Farm machinery ownership scheme' outlines the initial plan on how the 100 tractors would be sold.

3. The following are some pertinent issues arising from the concept note;
- I. After the introduction which gives a general picture of the slow rate of farm mechanisation in Malawi and justifying the use of farm power technologies, the paper spells out the equipment acquired as 177 tractors and their allied implements ranging from 60 to 90 horse powers, 90 trailers, 144 maize shellers, 48 seed and fertiliser applicators, 750 motorised and 1800 manual sprayers.
 - II. The concept note further states that in order to maximise the use of these pieces of equipment the Ministry has decided to loan out some machinery to capable individuals, Associations/Cooperatives or small to medium scale farms who will have to use the tractors and also render hiring services to those who do not own the farm machinery.
 - III. The note further goes on to say that the equipment will be loaned out to civil servants, Associations /Cooperatives and the recovery period will be a maximum of six years and four years respectively. The loans will be issued out at the cost of the equipment and small to medium -scale farm owners will access the equipment through the leasing and asset facility offered by Commercial Banks.
 - IV. The note then goes on to list the machinery to be sold out on loan as follows'
 - a. 100 tractors ranging from 60 to 90 horse powers
 - b. 100 tractor drawn ploughs
 - c. 100 tractor drawn ridgers
 - d. 100 tractor drawn harrows
 - e. 84 maize shellers
 - f. 37 tractor drawn trailers
 - g. 20 seed and fertiliser applicators
 - V. In as far as selection of the beneficiaries is concerned, it is stated in the concept that the same was to be done in collaboration with National

Farmers' Association of Malawi (NASFAM) and Farmers Union of Malawi. It proceeds to state that the Ministry will be responsible for the identification of civil servants, individual farm owners and Specific Commodity Associations/Cooperatives. NASFAM and FUM will identify and recommend farmers or groups of farmers to MoA for the tractor loan scheme. In such a situation NASFAM and FUM will have to commit themselves for the loan recovery.

4. From June 2012 to April 2013 the MoA did not act in accordance with their concept note until they were reminded to sell the tractors through Cabinet Paper Ref No. CAB7/11 dated 22nd April, 2013 codifying discussions of the Cabinet meeting of 1st April, 2013. However no action was taken until they were reminded again by Cabinet in July 2013.
5. According to the reminder of April 2013 *"Cabinet observed that the 100 tractors and allied implements were staying idle at the Plant and Vehicle Hire Organisation (PVHO) and that any further delay in utilising them could result in appreciable deterioration, engine cease and economic loss to Government."*
6. It was therefore directed that:
 - I. *"The tractors should be disposed of forthwith by selling them on loan and or cash basis to bonafide Malawian commercial farmers in all districts in the country; and
The Honourable Minister of Agriculture and Food Security and the Honourable Minister of Local Government and Rural Development should, as a matter of urgency, instruct District Commissioners and Managers of Agriculture Development Divisions to jointly prepare a list of eligible and bonafide Malawian Commercial Farmers who may be interested in acquiring the tractors for use and submit the list to cabinet for consideration and approval."*
7. Accordingly, the MoA through a letter ref. no. 33/23/10 dated 20th June, 2013 instructed all ADDs to compile a list of farmers willing to purchase the farm machinery in collaboration with DCs.

8. The lists were prepared and submitted to MoA. However, the MoA rejected the lists on the basis that they were too 'political' and lengthy. The MoA, therefore, resolved to advertise the sale of the farm machinery and sell to those whose bids were successful.
9. The MoA told the investigation that they did not have minutes of the management meeting where this resolution to sell was made and that no minutes were captured.
10. MoA told the investigation that in their view they thought the process of advertising was more transparent than the one of disposing through the list compiled at the DC's office as they would have had tough time in justifying the selection criteria.
11. MoA however did not inform the ADDs about the change of plan. Consequently, some ADDs had people making constant follow ups in respect of the sale as expectations had been raised in those farmers who had submitted their names.
12. Again in the process of the disposal, nowhere was it stated that institutions such as NASFAM or FUM had been engaged in the process contrary to what was stated in the concept note.
13. Therefore, there is a clear shift from what was articulated in the concept note to what actually happened.

vi. Disposal of the Tractors



Ministry of Agriculture, Irrigation and Water Development

1. According to the 'report on Management of Tractors Purchased by Government for Smallholder Farmers' drafted by MoA, 79 tractors were allocated to ADDs against 77 which they actually planned. Another 31 tractors were allocated to government institutions and departments within the sector and 10 out of 31 tractors were given to Green Belt Initiative. Presently only 6 out of the 10 are operational.
2. Our on-spot investigations to all the ADDs revealed that a total of 75 tractors had been distributed to ADDs. This is less than what was in the initial plan (by 2 tractors) and what the MoA claimed to have distributed (by 4 tractors).
3. With respect to ADDs, it was stated that the number of tractors allocated was dependent on hectarage of an ADD. Despite this, almost all ADDs stated that they had been given inadequate tractors as demand was still high. However, other ADDs such as Shire Valley stated that it was difficult to say whether the tractors given were adequate or not as the demand for them depended on farming seasons.
4. When this investigation was beginning, we found that 6 tractors still remained at PVHES that were already allocated to people who were failing to pay with one belonging to Chief Maganga from Salima who, according to the report given to us, regularly paid visits to PVHES to view his tractor.
5. It is important to state at this point though that towards the end of the investigation, MoA informed us that those tractors had been distributed to some of the ADDs. We also confirmed with PVHES that the tractors have now since been collected but for two which were allocated to Blantyre ADD and are yet to be collected.
6. It is also imperative to state at this stage that during the investigation we found that following a Presidential Directive by Dr. Joyce Banda in or about 2012, the MoA allocated 10 tractors to Mbalachanda in Mzimba where some Caucasian farmers opened a farm of about 100 hectares to cultivate soya beans.

7. Due to an unfavourable season the programme was abandoned after which Mzuzu and Kasungu ADDs were given six and four tractors respectively.
8. This is not the only incident where the Ministry allocated a tractor based on a verbal Presidential Directive. Dr. Joyce Banda directed Machinga ADD to give a tractor to Lipinda farm but this programme was also abandoned and a Village Chief, (Tanato Anderson from Liwalika Village) has refused to return the tractor to the ADD and continues to use it as his personal property.

vii. Sale of the Tractors

1. With respect to the selling of the tractors to bonafide Malawians, adverts were put in the local newspapers on various dates such as 1st October, 2013, 26th September, 2014 and 27th March, 2015 inviting interested individuals and groups of farmers to buy the tractors.
2. An IPC was set up to evaluate the bids that were submitted. When we analysed the list of the people who purchased the tractors, we found that some of the members of the committee, including the Chairperson, also benefitted from buying the tractors. The Ministry stated that they are unaware of whether or not the concerned members declared their interests before the purchase.
3. With respect to the pricing of the tractors, the table below shows the different set prices for the tractors:

Table 2: Value of the farm machinery

No	Item	Value of the Farm Machinery				
		USD	MWK			
		2011 initial cost	2011 as per Registration Day	Per bank rate on 28/06/12	2013 as per advert/ Concept Note	Disposing price
1.	Tractor with allied implements	33,366.00	5,472,024.00	9,082,558.86	5,613,894.84	5,613,894.84-6,000,000.00
2.	Seed-cum fertilizer applicator	5,275.00	865,100.00	1,435,907.75	865,100.00	865,100.00-915,000.00
3.	Maize Sheller	4,897.00	803,108.00	1,613,414.59	803,108.00	803,108.00-950,000.00
4	Tipping Trailers	7,607.00	1,247,548.00	2,070,701.47	1,252,048.00	1,252,048.32-1,255,000.00

Note: On the day of the registration of the tractors MWK to USD was around 164 and on 28/06/2012 (the day the concept note was adopted.) the dollar rate was 272.21 as per Reserve Bank of Malawi.

- The above table shows the values of the farm machinery on different perspectives and periods.
- The concept note prices in the table were extracted from the concept note itself. How the values were arrived at remains unclear as the values are in Malawi Kwacha only although the farm machinery was bought in US Dollars.

4. During our visit to Salima ADD, the Division Crops Officer indicated that all stakeholders including Civil Societies in the Agriculture sector were invited to a meeting at the MoA where the pricing was done. Again no minutes of this meeting were presented.
5. The basis for the prices set was according to the horse power of the tractors as well as the financial muscle of most farmers. As such they could not have sold them at the market value then.
6. From the documents provided, at least 35 out of 68 successful bidders were Civil Servants, see Annex 3 for more details.
7. The MoA stated that when they floated the first advert, not many people applied such that everyone who applied were given farm machinery to purchase. They further pointed out that not many Malawians were trusting that government would be able to sell the tractors to the people. It was only after the first lot of tractors had been disposed that people became interested and this resulted in many applications to buy after the second float.

viii. Accounting for the Proceeds of the Sale

1. MoF had no idea about how much has been collected to date from the sale and stated that MoA is the right institution to account for the proceeds of the sale.
2. MoA furnished my office with General Receipts as well as deposit slips for a Reserve Bank account in respect of some payments for the sale of the tractors and other equipment. The deposits were both by cash and cheques from different banks.
3. For those civil servants who bought the machinery using a loan, the information MoA has is that the instalments are being deducted from their salaries and deposited into Government Account Number 1.

ix. Accessibility of the Tractors by Smallholder Farmers



Pictures of some farm machinery under hiring scheme

1. The tractors can be accessed by smallholder farmers through ADDs and GBI at a price set by government. They are also supposed to be accessed from the commercial farmers who bought the tractors according to the conditions of the purchase as stipulated in the adverts.
2. Our investigations revealed that the tractors are available in ADDs throughout the country. However, to actually access them remains a challenge for the following reasons:
 - I. Frequent breakdowns of the Tractors
 - II. High seasonal demand
 - III. Lack of trained Tractor operators
3. Expert evidence further indicates that the tractors bought were manufactured using archaic technology. Dr. Henrie Njolomole, the Acting National Coordinator of GBI informed my investigations that a

report was prepared and submitted to MoA by Dr. Hendrix Kazembe on the performance of the Sonalika tractors. Dr. Kazembe confirmed to have written the report and mentioned that he gave it to Mr. Hanneck and Mr. Masambo of MoA.

x. Unanticipated Findings

During the investigations I came across some issues which I did not plan to explore but nonetheless the issues are very pertinent.

1. In addition to the poor performance of the tractors, all pieces of equipment and services supplied by Apollo International that I came across during the investigation are problematic and do not function properly without extra costs. GBI received two pumps from PVHES supplied by Apollo International and broke down soon after turning on the keys. They had engineering faults and GBI had to re-engineer them at a cost. One of the pumps no longer functions and cannot be repaired. The irrigation equipment currently being installed at GBI scheme in Salima (for smallholder farmers who will be supplying sugarcane to Salima Sugar Company) are faulty and the installation is problematic. Even the sugar milling machine which was supplied and installed by Apollo International did not start operating after it was handed over to government. Salima Sugar Company incurred extra costs for the machine to be functional.
2. I further noted that there is some equipment bought under the 2008 loan which is still lying idle to date. For instance, out of 261 pieces of equipment bought for OVOP less than half have been distributed to various cooperatives and groups.
3. As if this is not enough, PVHES warehouses are full of pumps and other irrigation equipment which have been there for over 3 years and majority of equipment have deteriorated to the extent that they cannot be used or will require extra funds to be functional.

I. ANALYSIS

1. As noted in the concept note, Agriculture is the backbone of the Malawian economy and represents about 34.7% of the country's GDP.
2. However 85% of farming in Malawi is by way of small holder farming with 70% of the small holder farmers still stuck in traditional ways of farming whereby the use of simple tools like hoes is predominant.
3. Consequently this has a great adverse effect on agricultural production in Malawi. The solution lies, therefore, in the promotion of the use of modern farm technologies by small holder farmers to reduce drudgery and increase labour efficiency and crop production.
4. The idea to get a loan to facilitate mechanisation of agriculture in Malawi was a very commendable move. It is not a disputed fact that both GBI and OVOP are of utmost importance to the Agricultural sector and ultimately the Malawi economy. It is also undisputable that there is need for massive financial investments in the two projects if their objectives are to be achieved. But related to this is also a need to exercise careful planning and prioritisation of the allocation of the resources for the project to ensure maximum impact.
5. The negotiation of the loan by the former State President, late Professor Bingu Wa Mutharika, was commendable. However, once the loan was negotiated, and the former State President secured the commitment from India, the rest of the details should have been left to the technocrats for implementation. Certainly, this could have led to development of detailed concept, preparation of project details and a comprehensive Loan Authorisation Bill.
6. Regarding the passing of the Loan Authorisation Bill, it is commendable that the bill was deliberated and pertinent issues were raised by Members of Parliament. Members of Parliament sought clarifications on the specific equipment and services to be procured using the loan. However, the

response by the Minister of Finance was inadequate. This points to lack of sufficient details in the bill.

7. Standing Order 125 requires that all bills should be sent to all Parliamentarians and relevant committees 28 days before the first reading. This ensures that Parliamentarians have enough time to appreciate the law being proposed and have time to make proper consultations to enable them contribute effectively to the bill. However according to the Hansard of Monday 6th December, 2010, the bill was not circulated within the specified period.
8. When the Minister of Finance was about to present the Loan Authorisation Bill, MP for Lilongwe Mpenyu, Hon. Makala Ngozo proposed a variation of the Standing Order as the bill had not been circulated within the required 28 days. In response, the then First Deputy Speaker of Parliament said *"Yes, you are correct, but normally there is that understanding that when it comes to money bills, we just proceed in the manner we are doing."* And indeed the requirement for notice was waived and the Parliamentarians proceeded with their deliberations.
9. The Minister of Finance then, invoked Standing Order 117 and 116 and went on to say that *"so, on account of the urgency of the bill, I would like to invoke standing order 117, so that the house can discuss Bill no. 23 of 2011"* He did not elaborate what was urgent about the bill.
10. When one considers the delay in the actual disposal of the machinery after it had been bought, the veracity of the justification of urgency becomes questionable. The equipment bought under this loan stayed at PVHES for a period of 1 to 5 years.
11. On the procurement process of the machinery, the condition of the loan agreement was that the equipment had to be bought from a company registered in India. This did not in any way mean that the procurement laws of the country should not be adhered to. The Procurement Act, section 27 (1) and (3), provides that procuring entity should maintain

records and preserve documentation of procurement proceedings such as description of the object of the procurement, list of the participating bidders, summary of the evaluations bids and summary of any review proceedings and decisions among others.

12. As stated earlier, MoF informed the investigation that they could not trace the IPC minutes of the meeting. The Ministry could also not produce evidence of the other bidders that were considered before settling on Apollo.
13. In the absence of the said minutes or any other information to prove otherwise it has been difficult to conclusively state whether the process of awarding the contract to Apollo was legal or not. I find it hard to believe that for such a huge amount of money, there would totally be no single document to prove that an IPC meeting ever took place and awarded a contract to Apollo.
14. Regarding the actual procurement of the machinery the evidence is that these were bought by MoF. MoF imposed itself as a procuring entity for MoA. At a glance, one would wonder what kind of expertise MoF has in procuring such kind of machinery and on whose authority it acted.
15. When questioned, MoF responded that they were only acting on “orders from above,” and that they are technocrats who work with politicians and they follow political directives. These are clear indicators of undesired political interference in public administration. Administratively, MoF in procuring the machinery was acting beyond its powers and mandate.
16. Related to this is the purchase of the Sonalika Tractors themselves. Almost all beneficiaries interviewed complained about the durability of the tractors and their constant breakdowns. The Chief Mechanical Engineer, Dr. Kazembe explained that the tractors that had been bought were built using an archaic technology from the 1970s. If such experts were a part of the IPC, these issues would have come out and possibly there would have been a different outcome.

17. Now the question is on what basis were Sonalika tractors chosen? What other tractors were considered? Would one be wrong to conclude that what was given paramount consideration was the supplier (in this case Apollo) and not what was to be supplied?
18. The fact that the MoF could allow Apollo to supply substandard goods as it happened herein was not considered at all. For lack of better word this is serious and dangerous and shows carelessness of highest level that borders negligence.
19. Regarding the decision to sell some of the tractors and to send some to ADDs, I find this against the justification made in Parliament. The loan was to be used to buy equipment for OVOP. In that regard the equipment was supposed to be distributed to cooperatives or groups in accordance with OVOP operations.
20. There is nothing in the Hansard that suggests that the items to be bought were to be given to individual farmers let alone to sell them to commercial farmers.
21. It was only after the tractors arrived that the decision was made to depart or shift from giving all to smallholder farmers to selling some of them to commercial farmers.
22. When asked MoA admitted that in coming up with the concept note, not much reference was made to the Loan Authorisation Bill. Actually at some point of the investigation they were incredulous and wondered how we expect a small holder farmer to own a tractor.
23. The fact remains that once the bill was passed it became a law. It was binding. By departing from the intent of the Loan Authorisation Bill and selling the machinery to commercial farmers the Executive Arm of Government acted contrary to the dictates of the law.
24. Regarding the pricing of the tractors, the evidence shows that they were sold based on the price quoted in the concept note that was developed. The price in the concept note seems not to have any good

basis. However, considering that the people to whom the tractors were to be sold were commercial farmers, the least that could be expected was that the ultimate selling price should maintain the dollar value. Thus the correct selling prices for the tractors should have been MK 9,082,558.86 and not MK 5, 613, 894.84. The same should have applied to the other machinery.

25. Related to this is the evidence that shows that the individuals who were on the IPC for the sale of the tractors were also beneficiaries of the scheme. This is unacceptable.
26. Section 19 of the Procurement Act demands that any person who is sitting in an IPC and acquire an interest in a matter that is to be determined, needs to declare their interests and recuse themselves and are not to take part in the deliberations. Failure to abide by this provision will result in a fine of MK50, 000.00 and to imprisonment for two years.
27. Furthermore the Code of Conduct and ethics for public servants expects public servants to avoid situations that might compromise their integrity or otherwise lead to conflicts of interests, and also in cases of potential interest inform his or her boss about the nature and extent of the conflict.
28. MoA admitted that there was no evidence showing that the people who sat on the IPC and benefitted from the sale declared their interest.
29. Regarding the proceeds of the sale, MoF told the investigation that they could not say how much has been recovered. They pushed the responsibility to MoA stating that they have not furnished them with information on the deposits that have been made as MoA is the one collecting proceeds from the sale.
30. Ultimately, it is MoF that is mandated to keep a watchful eye on the Nation's funds. It is their responsibility therefore to obtain such kind of documentation from MoA to enable them to do proper accounting of the money borrowed.

J. SUMMARY OF KEY FINDINGS

Going through the whole process from the loan acquisition to the disposal of the tractors, acts of maladministration are so evident. The following are my findings on the same:-

1. On the Loan Authorisation Bill, the provision for waiver can be invoked provided the matter is urgent. I note that for a matter to qualify as urgent, the Honourable Minister is to give convincing reasons. None were given in the present instance. Unfortunately, even the First Deputy Speaker did not see anything wrong with this as he himself stated that *"it was a matter of practice."* This was maladministration.
2. Failure to conduct a proper needs assessment in the beneficiary institutions to guide what should be procured using the loan was maladministration.
3. By proceeding to procure the farm machinery, instead of the implementing MDAs, MoF exceeded its authority. This was maladministration.
4. The procurement process of tractors has all the marks of either illegality or irregularity. There are neither minutes of the IPC that sat to award the contract to Apollo International nor documents of the bids that were considered. This is a typical demonstration of the fact that maladministration can be difficult to describe but you know it when you see it. Here I clearly see maladministration.
5. There are omissions or delays by implementing MDAs like GBI and MoA in preparing comprehensive reports to ODPP on poor performance of the equipment. Suppliers of poor goods and services should not be left scot free. This was maladministration.
6. The decision to sell the tractors was contrary to the Loan Authorisation Bill and therefore illegal. This was maladministration.
7. Failure to act diligently on pricing of the tractors resulting in disposal at

very low prices was maladministration.

8. Failure by the IPC members to recuse themselves when they knew they had direct interest in the farm machinery was illegal and therefore maladministration.
9. Failure to account for the proceeds of the farm machinery by MoF is maladministration.

K. INJUSTICE OCCASIONED

Almost half of the tractors are not functioning properly or have major faults. The access to them remains a challenge and future accessibility is not guaranteed. At the rate the hiring scheme is going, particularly cost of maintenance and frequent breakdowns, the tractors will not outlive the loan repayment period. In the end, the next generations will be repaying loans that neither they nor their ancestors benefitted from. The present generation is toiling on the farms while the future overburdened for nothing. This is not justice.

L. REMEDIAL ACTION

In accordance to Section 126 of the Constitution of the Republic of Malawi, I direct and recommend that:

1. Any instruction from the political authorities, Cabinet and its members to Principal Secretaries or any public official should be in writing;
2. I strongly recommend that for Loan Authorisation Bills, Parliamentarians exercise great caution whenever a waiver of notice period is proposed. I understand that members of parliament are primarily accountable to their constituents. However where I note that standing orders are being abused and money bills are passed without proper scrutiny as it happened here, my intervention as the Public Protector is required since the consequences of their actions or inactions are grave and affect

Malawians. New tax regimes are being introduced by Government and part of these taxes are used to pay back such types of loans;

3. MoF is directed to stop functioning like a procuring entity for international goods and services and leave that to implementing MDAs. Instead, MoF should focus on its functions of resource mobilisation, allocation and monitoring financial matters;
4. I direct MoF to improve their record keeping and should furnish my Office with measures put in place to this effect. This should be done within 30 days from the date of this report;
5. To ensure that the officials are not given blank cheques, Loan Authorisation Bills should be specific. I strongly recommend that vague terms such as 'OVOP related, goods and services' should not appear in the bills. In the present context, they are as good as blank cheques. The bills should be comprehensive with information;
6. The MoA must build on its initial performance report of the tractors and prepare a comprehensive report on present and future accessibility of the farm machinery. The report must be explicit on the conditions of omnipresent accessibility of the farm machinery by local farmers. This report should be submitted to my Office within 30 days from the date of this report;
7. GBI and MoA must prepare reports on poor performance of equipment which should include issues of problematic installations, poor quality equipment and faulty machines. These reports must be forwarded to ODPP within 30 days from the date of this report;
8. The Principal Secretary of MoF should apologise to Malawians for buying equipment with archaic technology which is currently sitting idle and deteriorating at PVHES, thus, unnecessarily indebting Malawians. The apology should be unequivocal and through Press Releases to run in the two daily newspapers and two radio and TV stations (one public and one

- private) for three consecutive weeks. This should be done within 30 days from the date of this report;
9. MoF should give an account to the country of how much has been collected from the sale of the farm machinery against how much is supposed to be collected within 30 days from the date of this report;
 10. The sale of the tractors was illegal but I cannot direct the cancellations of sale agreements between bonafide buyers and willing sellers. This leaves me with no any other option but to direct MoA to apologise to Malawians for selling the tractors. The apology should be unequivocal and through Press Releases to run in the two daily newspapers and two radio and TV stations (one public and one private) for three consecutive weeks. This should be done within 30 days from the date of this report;
 11. The officials who were members of IPC presided over the sale of the farm machinery and benefitted from the sale should be prosecuted in accordance with the Procurement Act. I will write the Director of Public of Prosecutions in accordance with Section 126 (c) of the Constitution of the Republic of Malawi;
 12. MoA should confiscate the tractor which has been personalised by Tanato Anderson from Liwalika Village and allocated it to nearest ADD. This should be done within 30 days from the date of this report and I should be informed of the same;
 13. National Audit Office should audit the three India lines of credit by 31st June 2017.



Martha Chizuma- Mwangonde
OMBUDSMAN

Dated this 13th Day of October, 2016.

ANNEX 1: LIST OF INSTITUTIONS AND OFFICERS INTERVIEWED

No.	Institution	Officer (s)	Position	Date of Interviews
1	Lilongwe Agricultural Development Division	Mr. George Kapelemera	Programme Manager	20/06/16
		Mr. Nickson Nyalungwe	Division Crops Officer	
2	Kasungu Agricultural Development Division	Mr. Paul W. Kabuluzi	Deputy Programme Manager	11//07/16
		Mr. Richard Mzumara	Manager Principal Officer - Agricultural Farming Mechanization	
3	Mzuzu Agricultural Development Division	Mrs. Agnes Moyo	Programme Manager	11/07/16
		Mr. Mkandizi	Stores Officer	
		Mr. Mvula	Crops Officer	
4	Karonga Agricultural Development Division	Mr. Wellington Phewa	Programme Manager	12/07/16
		Mr. Mwalwimba	Senior Mechanical Officer	
		Mr. Goodson Siwande	Principal Crops Officer	
5	Salima Agricultural Development Division	Mr. Andrew Bernard Mr. B.N Nkhoma	Programme Manager Principal Human Resource Officer	13/07/16

No.	Institution	Officer (s)	Position	Date of Interviews
		Mr. S. Kabichi	Office Superintendent	
		Mr. Mbene	Procurement Officer	
		Mr. D. Zalinga	Division Crops Officer	
6	Blantyre Agricultural Development Division	Mr. Martin Kausi	Programme Manager	13/07/16
		Mr. Dunstan Gumo	Crops Officer	
		Mr. W.W Chizukila	Farm Mechanization Coordinator	
		Mr. B.J. Makina	Procurement Officer	
7	Machinga Agricultural Development Division	Mr. Isaac Chipeta	Acting Programme Manager	13/07/16
		Mr. Felix Mtsindula	Stores Clerk	
8	Shire Valley Agricultural Development Division	Mr. M. Thole	Chief Land Mobilization Officer	14/07/16
		Mr. L. Taibu	Principal Crops Officer	
		Mr. I. Kankhali	Accountant	
		Mr. K. Moyo	Principal Human Resource Management Officer	

No.	Institution	Officer (s)	Position	Date of Interviews
		Mr. J. Chidule	Assistant Human Resource Management Officer	
9	One Village One Product (OVOP)	Mrs. Kamia Sulumba	National Coordinator	27/07/16
10	Green Belt Initiative (GBI)	Dr. H. Njoloma	National Coordinator	01/08/16
		Mrs. E.C Kazila	Research and Extension Expert	
11	Chitedze Research Station	Dr. H. Kazembe	Chief Agriculture Mechanical Engineer	01/08/16
12	Ministry of Agriculture and Food Security	Mrs. E. Maganga	Principal Secretary	08/16
		Mr. P. Shaba	Deputy Director of Procurement	
		Mr. B. Phiri		
13	Ministry of Finance and Economic Planning	Mr. Simwaka	Director of Debt and Aid	02/09/16
		Mr. P. Simbani	Director of Development	
		Mr. Wilima	Deputy Director of Debt and Aid	
14	Ministry of Trade and Industry	Mr. Mkandawire	Director of Administration and Finance	24/08/16
		Mr. Msowoya		
		Mr. Macheke		

ANNEX 2: LIST OF DOCUMENTS REVIEWED FOR THIS INVESTIGATION

1. The Constitution of the Republic of Malawi 1994
2. The Ombudsman Act 1996
3. The Public Procurement Act 2013
4. Parliamentary Hansards
 - 2nd May, 2008
 - 7th December, 2010
 - 6th December, 2010
 - 8th December, 2010
 - 19th November, 2012
 - 20th November, 2012
5. Extract from Cabinet Ref. #CAB/7/11
6. Concept Note by MoA of 28th June 2012: Tractors and other farm machinery ownership scheme
7. National Assembly standing Orders adopted by the House on 5th November, 2013
8. OVOP Strategic Plan
9. Bank statement from EXIM Bank
10. Loan Authorization Bill of 2010
11. Shareholding Agreement of 27th August 2015 between GBI Holdings and AUM SUGAR & ALLIED LTD
12. Collaboration Framework Agreement (CFA) of 6th March 2015 between the Government of Malawi and Malawi Mangos
13. Agreement between Government of Malawi and Apollo International for the Supply of Equipment for Small Holder's Irrigation Programme-19th September, 2008
14. Agreement between Government of Malawi and Apollo International for the Supply of Equipment for Smallholder's Irrigation Programme- 11th February 2009
15. Agreement for the Supply of Equipment of 14th February, 2011 for One Village One product between Government of Malawi and Apollo International
16. Dollar Credit Line Agreement of 1st February, 2011 between Government of Malawi and Export- Import Bank of India
17. Report by the MoA on the sale of Tractors and Allied Implements- June 2015
18. Parliamentary Standing orders
19. CRV Forms of Tractors from PVHES

ANNEX 3: List of Beneficiaries

No	Name	Institution/Address
1.	AISAM	P/Bag 318, Lilongwe
2.	Anachumba Holdings Limited	P/Bag B524 Lilongwe
3.	Balaka Market Resource Centre	P.O Box B324 Lilongwe
4.	Dr. Godfrey Chin'goma	Ministry of Agriculture, Irrigation and Water Development
5.	Dr. I. Benesi	Chitedze Research Station
6.	Dr. Lovemore Mkukuma	Ministry of Health
7.	Dr. Steve Donda	Fisheries Department
8.	Dr. W. Lipita	Ministry of Agriculture, Irrigation and Water Development
9.	Foundation for Irrigation and Sustainable Development	P.O Box 31245, Lilongwe 3
10.	Green Leaf Association	P.O Box 46 Dwangwa
11.	Hon. Francis Kasaila	P.O.Box 3128, Blantyre
12.	Hon. Khumbo Kachali	P.O Box 335, Mzimba
13.	Hon. Richard Sowoya	National Assembly
14.	Hon. Rihno Moyo Chiphiko	National Assembly
15.	I.S Freight Limited	P/Bag B524 Lilongwe
16.	INVERSCO Farms	P.O Box 739 Lilongwe
17.	Kasinthula Cane Growers	P.O Box 138 Chikwawa
18.	Miss. Dorothy Chimatiro	P.O.Box 2552 Blantyre
19.	Miss. Tapiwa	P.O.Box 173 Thyolo
20.	Mr Francis Enoch Zhuwao	Ministry of Local Government
21.	Mr James Maseko	P.O.Box 807 Lilongwe
22.	Mr. A. Mwakungwa	Ministry of Agriculture, Irrigation and Water Development
23.	Mr. Alex A. Namaona	Ministry of Agriculture, Irrigation and Water Development (Planning Department)
24.	Mr. Alfred Nkhono	P/Bag 352, Kasungu
25.	Mr. Arthur M. Liwonga	Department of Human Resource Management and Development
26.	Mr. B.B Kumwembe	Ministry of Agriculture, Irrigation and Water Development
27.	Mr. Ben Botolo	Ministry of Energy, Mining and Natural Resources
28.	Mr. Bright B. Kumwembe	Civil Servant

29.	Mr. Chauncy Simwaka	Ministry of Finance Economic Planning and Development
30.	Mr. Clement A. Kumbemba	C/O Malawi Investment Trade Centre
31.	Mr. D. Kampani	P.O Box 2080 Lilongwe 3
32.	Mr. Darlington G.K Mtupa	Ministry of Agriculture, Irrigation and Water Development
33.	Mr. G.C. Kampani	P.O Box 2795, Lilongwe
34.	Mr. Gerald Adamson Kachepa	Ministry of Agriculture, Irrigation and Water Development
35.	Mr. Grant Kayipa	P.O.Box 2795 Lilongwe
36.	Mr. Gray S.V.K Nyaude Phiri	P.O. Box 856, Lilongwe
37.	Mr. Grey Nyandule Phiri	Civil Servant
38.	Mr. Henri Kumwembe	Ministry of Finance, Economic Planning and Development
39.	Mr. Hilario R. Chimota	Department of Human Resource Management and Development
40.	Mr. I.I Omar	Not Specified
41.	Mr. Jacques I. Manong'a	Civil Servant
42.	Mr. James C.G Ali	Ministry of Foreign Affairs and International Cooperation
43.	Mr. James Chibwana	Ministry of Foreign Affairs and International Cooperation
44.	Mr. M.L Chinkhutha	Department of Human Resource Management and Development
45.	Mr. Misheck G. Esau	C/O CDH Investment Bank
46.	Mr. Moffat J. Chitimbe	Civil Servant
47.	Mr. Peter H. Shaba	Ministry of Agriculture, Irrigation and Water Development
48.	Mr. Peter Mukhitho	P.O.Box 809 Lilongwe
49.	Mr. Peter Simbani	Ministry of Finance Economic Planning and Development
50.	Mr. Peter Zimba	P.O Box 2736 Lilongwe
51.	Mr. R. Makondi	P.O Box 32624 Blantyre
52.	Mr. Rashid Khama Mtelela	Office of the President and Cabinet
53.	Mr. Richard Mwakondi	P.O.Box 32624 Blantyre
54.	Mr. Ronnie Phiri	Ministry of Education, Science and Technology
55.	Mr. Samuel T.K Madula	Ministry of Sports and Culture

56.	Mr. Spencer W.D Ng'oma	Not specified
57.	Mr. T.C Nthukwa	Beata Investment P.O.Box 1487 Blantyre
58.	Mr. Thomas Makiwa	National Audit Office
59.	Mr. William C. Kantayani	Ministry of Labour, youth and Manpower Development
60.	Mr.Charles Kambauwa	Ministry of Trade and Industries
61.	Mrs. Doro Mataya	P.O Box 507 Lilongwe
62.	Mrs. Miriam Bhaman	P.O Box 2311 Lilongwe
63.	Ms. Christine Mtambo	P.O. Box 31490, Lilongwe
64.	Ms. Ivy Luhanga	P.O. Box X188, Lilongwe.
65.	Muli Enterprises	Not specified
66.	Prince Nyirenda	Sungani Farm, P.O Box Luwinga
67.	R.E Enterprises	P.O Box 2311 Lliongwe
68.	Wuli Trading Company	P.O Box 160 Mzuzu

OFFICE OF THE OMBUDSMAN

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