

ASSOCIATION DES SECRETAIRES
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ASSOCIATION OF SECRETARIES
GENERAL OF PARLIAMENTS

COMMUNICATION

by

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on

**“How are Secretary Generals appointed and how do we define the scope for the
role?”**

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INTRODUCTION

The office of the Clerk of Parliament plays an important role in a country's legislative framework, serving as both the administrative head and the procedural custodian of the National Assembly. The Clerk's role is critical and quite key in ensuring that parliamentary business is conducted with order, accuracy, and institutional continuity.

Therefore, understanding how Clerks of Parliament are appointed, and how they define the scope of their responsibilities, provides valuable insight into the mechanisms that safeguard the independence, professionalism, and efficiency of parliaments.

APPOINTMENT PROCESS OF CLERK OF PARLIAMENT IN MALAWI

The office of Clerk of Parliament is established under section 55 of the Constitution of the Republic of Malawi. In accordance with this section, the Clerk is a public officer and has the general duty of assisting the Speaker of the National Assembly and performing such other functions as the Speaker may direct. The appointment process of the Clerk is regulated by section 194C(2) of the Constitution. Under this section, the Clerk is appointed (or removed) from office by the President of Malawi on recommendation of the Parliamentary Service Commission ("PSC"). PSC is created under section 194B of the Constitution as the body responsible for the overall management of the Parliamentary Service. The Parliamentary Service is made up of

public officers which render the required support services to the National Assembly. It is similarly created under the Constitution and the Clerk is part of the Parliamentary Service.

The minimum qualification for the position of Clerk is a Master's Degree in law obtained subsequent to a university degree. The Clerk must also have relevant public service experience of not less than ten years at senior management level, as well as relevant knowledge in the operations of legislative bodies. The retirement age for officers in the Parliamentary Service is 60 years. In this regard a person who is 60 years or above is not eligible for appointment as Clerk.

SCOPE OF THE ROLE

The scope of the role of Clerk of Parliament in Malawi is defined by provisions of the Constitution, Parliamentary Service Act and other laws, the Standing Orders of the National Assembly and established practice. The role is both administrative and procedural as follows:

- a. **Chief Executive Officer of the National Assembly:** responsible for the administration and day to day management of the National Assembly and the Parliamentary Service;
- b. **Procedural and Legal Advisor:** Provides guidance to the Speaker and Members of Parliament on legal matters and parliamentary rules, practices, and procedures;

- c. **Record Keeper:** Ensures accurate recording of proceedings, safekeeping of parliamentary papers, and maintenance of institutional memory;
- d. **Facilitator of Committees:** Supports parliamentary committees by coordinating their work and ensuring compliance with legislative processes; and
- e. **Guardian of Integrity:** Upholds the impartiality and professionalism of the parliamentary service, ensuring Parliament functions smoothly regardless of political dynamics.

CONCLUSION

The Clerk of Parliament in Malawi is a professional officer who ensures Parliament operates effectively. The appointment process is safeguarded by the law to protect the independence of the office.

The scope of the role blends administrative leadership with procedural expertise, making the Clerk central to the functioning of Malawi's legislature.