 

**Midterm Evaluation**

**UNDAF OUTCOME 4.1:**

**National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016**

**Final Report**

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**List of Acronyms and Abbreviations**

ADC Area Development Committee

AG Attorney General

AIDS Acquired Immune Deficiency Syndrome

AU African Union

AWP Annual Work Plan

CD Country Director

CEDAW Convention on the Elimination of All Forms of Discrimination against Women

CMD Centre for Multiparty Democracy

CPD Country Programme Document

CRC Community Rights Committee

CSO Civil Society Organization

CVE Civic and Voter Education

DAC Development Assistance Committee (OECD)

DaO Delivering as One

DCP Democracy Consolidation Programme

DEC District Executive Committee

DFID Department for International Development (UK)

DG Democratic Governance

DGSWG Democratic Governance Sector Working Group

DGSS Democratic Governance Sector Strategy

DGTTF UNDPs Democratic Governance Thematic Trust Fund

DIPD Danish Institute for Party Democracy

DIM Direct Implementation Modality

DP Development Partner

EU European Union

FY Fiscal Year

GBV Gender-Based Violence

GEWE Gender Equality and Women’s Empowerment

GIZ German International Cooperation

GoM Government of Malawi

HACT Harmonised Approach to Cash Transfers

HDI Human Development Index

HR Human Rights

ICCPR International Covenant on Civil and Political Rights

ICT Information Communication and Technology

IGA Income Generating Activity

ILO International Labour Organisation

IP Implementing Partner

IRD Integrated Rural Development

KP Key Priority

LAC Legal Affairs Committee

LDC Least Developed Country

LED Local Economic Development

LG Local Government

LGAP Local Government Accountability and Performance Project

LGBT Lesbian, Gay, Bisexual, and Transgender

MALGA Malawi Local Government Association

MDA Ministry, Department, Agency

MDG Millennium Development Goal

MEC Malawi Electoral Commission

MESN Malawi Electoral Support Network

MGDS Malawi Growth and Development Strategy

MHRC Malawi Human Rights Commission

MPLC Multi-Party Liaison Committees

MoLGRD Ministry of Local Government and Rural Development

MoFEPD Ministry of Finance, Economic Planning and Development

MoG Ministry of Gender, Children, Disability and Social Welfare

MoJCA Ministry of Justice and Constitutional Affairs

MoU Memorandum of Understanding

MWK Malawi Kwacha

NAO National Audit Office

NDP National Development Policy

NECOF National Electoral Consultative Forum

NGO Non-Governmental Organisation

NICE National Initiative for Civic Education

NIM National Implementation Modality

NIMD Netherlands Institute for Multiparty Democracy

NPA National Peace Architecture

OHCHR Office of the United Nations High Commissioner for Human Rights

OO Office of the Ombudsman

OPC Office of the President and Cabinet

OSC One Stop Centre

PAC Public Affairs Committee

PEW Political Empowering of Women

PFP Policy Framework Paper

PMU Programme Management Unit

PP Political Party

PPP Purchasing Power Parity

PPRRA Political Parties Registration and Regulation Act

PSD Project Support Document

RBM Results-Based Management

RLC Radio Listening Club

RR Resident Representative

RRF Results and Resource Framework

RtD Right to Development

SDG Sustainable Development Goal

SWAp Sector Wide Approach

TA Technical Assistance

TRAC Target for Resource Assignment from the Core

TOT Terms of Reference

UCLG United Cities and Local Governments

UN United Nations

UNCDF United Nations Capital Development Fund

UNCT United Nations Country Team

UNDAF United Nations Development Assistance Framework

UNDP United Nations Development Programme

UNDSS United Nations Department of Safety and Security

UNFPA United Nations Population Fund

UNHCR United Nations High Commission for Refugees

UNICEF United Nations Children’s Fund

UN Women United Nations Entity for Gender Equality and the Empowerment of Women

UNV United Nations Volunteers

UPR Universal Periodic Review

USD United States Dollar

VDC Village Development Committee

WB World Bank

**Executive Summary**

This report is the outcome of the mid-term evaluation (MTE) of the UNDAF Outcome 4.1 2012-2016 that took place during October-December 2015. The MTE was jointly commissioned by the UNCT and the Government of Malawi in order to assess the contributions of the UNCT and individual UN agencies to Outcome 4.1 and to identify lessons learnt.

Outcome 4.1 supports democratic governance and human rights in Malawi with the following objective:

***National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016.***

The Outcome is aligned to the Malawi Growth and Development Strategy (MGDS) II. After being redesigned in 2013, it comprises of three outputs:

**Output 4.1.1:** Democratic Governance sector strategy operationalized

**Output 4.1.2:** Capacity of national institutions strengthened for collaborative dialogue to support the establishment and operationalization of the national peace architecture

**Output 4.1.3:** Local governance structures strengthened in participatory planning, budgeting and managing integrated rural development

The following is a summary of the main findings in terms of achievements and challenges in meeting the outcome targets and the lessons learned. It is concluded by the list of recommendations made by the MTE team:

**Achievements**

The MTE established that the UNCT under the leadership of UNDP is well positioned to support democratic governance and human rights in Malawi. This was confirmed by the general positive feedback from all stakeholders on the role and responsiveness of the UNCT. Particular praise went to the support rendered during the 2014 tripartite elections.

The support rendered remains relevant and firmly anchored within government policies, strategies and priorities. The efforts to refocus the UNDAF in 2013 and include the National Peace Architecture increased the relevance of the support rendered. The SWAp is well justified as transformation and change in democratic governance and public trust in democratic institutions can only be achieved though broad interventions targeting political parties, constitutional bodies, government and CSOs.

Most support projects under Outcome 4.1 are showing fair progress towards the outputs they were designed to achieve, although the transformation of the project achievements into outcome target achievements is more mixed. This is partly because some of the intervention areas in democratic governance, human rights and devolution involves long-term endeavours; and some have a difficult political economy and are highly contested, causing some uncertainty of policy outcomes. Any breakthroughs, however, can have huge positive impact and UNDAF Outcome 4.1 provides support to a number of reforms, which potentially could bring democratic transformation and change.

The support to democratic governance under UNDAF Outcome 4.1 targets three reform areas, which in particular have potential to bring democratic transformation to Malawi: 1) Support to a more proportional and fair election system, which takes into account the outdated constituency demarcations and the high urban migration patterns in Malawi, 2) the introduction of a National Peace Architecture, with the aim to establish local dialogue platforms, which can defuse and prevent local conflicts and 3) the support to decentralization and IRD, which may expand democratic space and become a catalyst for more equitable and pro-poor development in the rural areas. These reform areas are key elements of democratic governance and successful reform achievements can also address some of the discontent, which is fuelling federalism and local conflicts.

The support to the NPA is most likely to achieve good results in the short term, as it introduces a new system, which does not replace or compete with existing dialogue platforms or challenge vested interests. It builds on and includes relevant stakeholders and local and regional best practices, but care needs to be taken, that funding of a permanent NPA structure does not compete negatively with funding for devolution.

The project portfolio as a whole is well composed. It might be diverse, but this more a reflection of the broad outcome it is targeting; it does not necessarily signal a need for a reduction in the number of projects. It is crucial, however that support to decentralization/IRD is not delinked from the overall public sector reform, as fundamental changes in public administration and central-local govern relationships needs to addressed before the IRD strategy can achieve its objectives.

The portfolio has demonstrated good synergies, in particular during the 2014 elections, where most projects contributed to the successful execution of the election process. It also includes a number of remarkable innovations such as the presidential elections Peace Declaration, the Child Courts, the Youth Parliament, the governance one-stop shop pilot in Kasungu and the achievements in Right to Development, which are scalable and sustainable. The project portfolio has also seen good progress in gender mainstreaming and with the arrival of UN Women in Malawi and in partnership with UNDP, UNFPA and UNICEF; there is a good basis to further strengthen the support to gender aspects of the DG reforms and in the next-cycle support projects.

The cooperation of the UNCT under the DaO approach is improving and there is good progress towards joint planning and implementation in support projects where multiple UN agencies are supporting the same institution. Some of the bottlenecks still restraining UNCT cooperation owe more to the multiple funding sources channelled through individual agencies and to global agency reporting requirements, which again creates multiple reporting needs. However, these bottlenecks seem to be lesser issues, and do not affect the overall impression of a positive trend in UNCT cooperation. If the devolution process moves forward, more synergies could be explored, fusing UN support to area-based activities in the districts with support to decentralization and local governance. The ongoing work of UNDP, UN-HABITAT and UCLG on a toolkit for implementation of the SDGs at local level may provide further inspiration for such synergies.

**Challenges**

While achieving good progress at project output level, there are intervention areas, which may not contribute significantly to the achievement of the outcome 4.1 targets in 2016. The elections reform and the local government reform will be significantly more difficult to succeed with in the short term as they challenge established power bases and privileges, and continuous support is needed as both areas are key to democratic change and equitable development. The local government reform in particular is a long-term endeavour in need of sustained political backing from consecutive governments and parliaments and failure to mobilize such consensus has stalled reform efforts in the past. The verdict is still out whether the reinstatement of elected district councils will trigger sufficient support for a local government reform.

There are some doubts about the government ownership to the DG SWAp and the ability to coordinate among the many institutions involved. The basket fund is not likely to play a significant role in funds mobilization either as budget support is not a viable option at present. Despite these shortcomings, the SWAp does provide a minimum of harmonization and coordination within the sector and tere is now a need for more focus on policy implementation, addressing inter-jurisdictional coordination and cooperation.

There is also concern that the MHRC is not sufficiently independent from government and that it needs to be more transformative in its work and actively address emerging human rights issues such as LGBT rights. In the end, such transformational work may only be achieved through broader alliances with parliament, the Law Commission, the MoJCA and civil society.

The MTE team is also not convinced simultaneous implementation of the IRD strategy and the overall devolution strategy is the best way forward. The IRD concept is highly dependent on a conducive local government framework, which Malawi does not yet have. It might therefore be argued that support to devolution should focus more on core elements of the local government framework, and creation of a conducive working environment for the newly elected councils, before the IRD approach is channelled through the districts.

The Political Parties Registration and Regulation Bill was tabled in the Parliament prior to the 2014 elections and but it now seems to be sidelined for the time being. This may signal a more widespread challenge that the elections and with it the change of leadership at various levels of both the executive and legislative arms of government has slowed reform progress as there has been considerable loss of institutional memory and also uncertainty on the part of the bureaucracy to move on certain commitments.

Finally, UNDAF is underperforming according to its gender target on increase in the percentage of female MPs after the 2014 general elections. Attempts to mobilize and increase the number of female MP candidates and subsequently increase the number of elected female MPs, did not succeed and there was in fact a decrease in the percentage of female MPs after the 2014. This is an illustration of the challenges facing political empowerment of women and stronger efforts and more consistent project designs are needed to overcome the culturally rooted resistance against gender equality and political empowerment of women.

**Lessons Learned**

The support to elections reforms, NPA and decentralization has transformational potential. Successful achievements is these areas may answer the frustrations fuelling federalism and calls for more equitable development. None of these reforms are substitutes for the others, however, but should be seen as complementarily interventions, which need to be jointly pursued.

The sector-wide approach to democratic governance is indispensable for achieving sustainable results in democratic governance and human rights and for building public trust in democratic institutions. However, the DG SWAp is operating below its original objectives and currently only contributes to basic coordination, while it has yet to significantly impact on policy implementation and synergies between DG institutions. The SWAp is also constrained by the DPs reluctance to render budget support and by the overall decline in development funds, which again is constraining the government’s ability to deliver on its commitments.

The constitutional bodies supported under this outcome are constrained by the inability of the government to sufficiently sustaining their operational capacities. This ultimately has adverse consequences on their roles, functioning and outreach, which to some degree diminish their independence and erode public trust in them. It also affects the absorption capacity of the bodies vis-à-vis the specialized TA rendered by the DPs.

The teething issues persisting in human rights may call for the establishment of a broader alliance with the Law Commission, the Human Rights Committee of the Parliament and MoJCA to address the issue of MHRC independence and to move the minority rights agenda. Supplementing supply side support with demand side support through CSOs in human rights is also a valid approach to enforce established human rights, identify gaps and strengthen human rights advocacy, and should be maintained.

The IRD strategy depends on a fundamental devolution reform, which will address root causes of non-conduciveness in the local government system. Training and equipment are not enough to change current practices and malpractices; substantial reforms of the system and central-local working relationships also need to be addressed. The current IRD strategy and the devolution programme do not yet engage sufficiently with the underlying political economy and constraints, which create gaps and weaknesses in local government.

The 4.1 outcome is broadly formulated and not very coherent. The targeting of democratic governance, human rights and decentralization/integrated rural development, within one outcome is mixing many different thematic areas and the value-addition of including decentralization/IRD in the outcome is not obvious. The IRD strategy depends on fundamental improvements in the local government system, which again have to be addressed as part of the overall public sector reforms.

**Recommendations**

Based on the analyses in this report, the MTE team proposes the following recommendations, which may further improve effectiveness, efficiency and sustainability of the UNDAF Outcome 4.1 interventions:

*DG SWAp*

**Recommendation # 1:** UNDP should continue pursuing the SWAp in democratic governance and strengthen its support to MoJCA on implementation of policies, laws and regulations and cooperation across institutional jurisdictions such as the police-court-prison cooperation or the institutional gaps in addressing child marriages and GBV. Policy implementation and inter-jurisdictional cooperation could be furthered by the introduction of joint thematic M&E exercises with DP participation.

*Democratic Elections*

**Recommendation # 2:** UNDP should rigorously continue its support to the reform of election rules, including the introduction of a more proportional elections system and realignment of constituency demarcations, taking into account the high urban migration patterns in Malawi.

**Recommendation # 3:** UNDP should advocate for a more transparent, accountable and sustainable government funding of MEC, which meets the operational costs of managing the electoral process and the costs of applying the full continuous election management approach.

**Recommendation # 4:** UNDP and UN Women should integrate the gender aspect more consistently in the design of support projects for democratic elections and ensure continuous support to the political empowerment of women throughout the election cycle.

*Political Parties*

**Recommendation # 5:** In addition to a continuous lobbying for the PPRR Bill, UNDP in collaboration with CMD and similar stakeholders should facilitate public awareness campaigns on the need for 1) a legal framework on party-internal democratic functioning and management practices, 2) a reduction on the constitutional threshold (of ten percent of the national vote) to qualify for public funding to ensure that a majority of political parties that have secured representation in Parliament can also access public funding, and 3) introduction of a legal framework that will regulate private and campaign financing of political parties.

**Recommendation # 6:** The support to CMD remains relevant, despite the delay in the new PPRR Bill and UNDP and UN Women should continue supporting CMD. There is a need for long-term support to the collaborative efforts of the political parties as a whole to help parties and factions to work together by offering a supplementary neutral platform where politicians can get together to discuss issues away from public arenas such as the Parliament and the media.

**Recommendation # 7:** The elections of new District and City Councils create a need for support to local party politicians. Similar to national MPs, council members need to be able to work collaboratively with each other, and to facilitate such collaborations, they need a neutral space for productive discussions outside of pubic council meetings. UNDP should discuss with CMD, if CMD is in a position to deliver such assistance at the local level or if other institutions with a sound understanding of local conditions and with adequate skills to broker political relationships could do this, if possible in partnerships with NIMD and/or DIPD.

*Human Rights*

**Recommendation # 8:** UNDP should continue advocating for the implementation of the recommendations made by the United Nations Human Rights Committee, including the amendment of the HRC Act to ensure full independence of the committee and to remedy the capacity constraints pertaining to the Commission’s resource envelope and its ability to attract and retain the right quantity and quality of personnel. UNDP should liaise with the Law Commission, the HR Committee of the Parliament and MoJCA to rally support for the independence of the MHRC.

**Recommendation # 9:** UNDP should continue its dialogue with the MHRC to actively engage in LGBT rights. Technical support in this area should be offered by OHCHR, If MHRC considers this could improve its capacity and impact.

*The Ombudsman Institution*

**Recommendation # 10:** UNDP should initiate discussions with the incoming Ombudsman on future needs for institutional development of the Office of the Ombudsman. This should include the need for improving parliamentary oversight of the OO, improving the legal framework of the institution as well as enhancing the resource envelope, skills development and outreach activities. The dialogue should form the basis for a broader discussion with the government (executive), parliament and the DPs on how the independence and operational capacity of the institution can be improved and supported.

*The National Peace Architecture*

**Recommendation # 11:** UNDP should encourage OPC to include costing as a key criterion for the design of the NPA. The NPA is an important supplement to the broader devolution process, but not a substitute for it and funding of a permanent NPA structure must not make adverse inroads into overall funding of the devolution process. Instead, alternative sources of funding should be pursued, such as fuel levies, own contributions through income generation activities and donor funding.

*IRD and decentralization*

**Recommendation # 12:** UNDP should discuss with MoLRD and relevant DPs how reform oversight can be improved. Coordination of the dual local government reform and IRD approach needs strong oversight and coordination which can build linkages to more fundamental reforms in fiscal assignments and transfers, in civil service, IFMIS, sector planning, etc. As a minimum, the SWG on Decentralization and IRD should include elected councillors in their meetings, preferably the Chair of MALGA and participants from the key line ministries (agriculture, education, health) as foreseen by the TOR for the SWG. Ultimately, strong OPC support might be needed in order to sanction any resistance to inter-ministry coordination and to ensure a very close integration with the public sector reform efforts.

**Recommendation # 13:** UNDP should support the SWG decision on designing a joint decentralization monitoring framework. Lessons learnt from countries in the region such as Tanzania, Rwanda, Uganda and Ghana should be studied carefully as they can provide valuable inputs to a monitoring framework for Malawi. Particular attention should be paid to the application of performance-based grants and performance incentives in these reforms, which could serve as inspiration for similar approaches in Malawi.

**Recommendation # 14:** UNDP should ensure that the remaining consultancy on the IRD strategy takes into account the conduciveness of the current local government framework towards successful implementation of the strategy. The consultancy should revisit a) the lessons learnt from the Millennium Village Project in Mwandama and Gumulira, b) international research on support to local government’s role in local economic development, and c) the conducive elements in the local government framework, which makes the IRD approach implementable in Tanzania. Based on these analyses, the strategy should establish minimum conditions within the LG framework, which are key for the IRD success in Malawi and whether these minimum conditions are sufficiently addressed in the present devolution process. Minimum conditions should include the fiscal aspects and links to the district development plan, the role of district councils, the conduciveness of sector approaches in area based planning, staff requirements and their accountability links to the district council as well as the need for performance incentives and oversight. These minimum conditions and the feasibility of the IRD strategy should be discussed in the SWG prior to the implementation of the strategy.

**Recommendation # 15:** If the IRD strategy moves forward, UNDP and MoLRD should enter into discussions with MoLRD, LUNANAR, Malawi Institute of Management and the University of Malawi on the establishment of a national IRD knowledge base, which is firmly linked to the devolution process and can provide policy support to, and practice-based in-service training in, IRD.

*Funds disbursement*

**Recommendation # 16:** The UNCT should expedite timely funds disbursement to support projects, when reporting and accounting otherwise comply with UN procedures and guidelines.

*Resource Mobilisation*

**Recommendation # 17:** Funding from UNDPs global Democratic Governance Trust Fund could be an additional funding source for piloting of new governance innovations and UNDP should investigate the feasibility of mobilizing additional funding from this source.

*CSO Partnerships*

**Recommendation # 18:** CSOs play important advocacy and facilitation roles in the project portfolio, but the UNCT should also engage more openly with CSOs in planning and evaluations of UN support in order to improve programming, implementation and common learning. Given the DCP managements considerable experience and valuable insights into present capacity gaps in government and practical solutions applied by the communities in their interaction with the authorities, enhanced CSO engagement should include discussions on how to further Rights to Development, both through supply and demand side support,.

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# Acknowledgements

The mid-term evaluation (MTE) of the UNDAF Outcome 4.1 (2012-2016) was jointly commissioned by the UNCT and the Government of Malawi. It included an in-country mission from 26th October to 19th November 2015, where the team engaged with key stakeholders in Government and civil society, and with international development partners.

The MTE team would like to thank all stakeholders for the warm hospitality and the open discussions with us and for sharing of valuable lessons learned. A thank you is also extended to the MoLGRD for inviting the team as observers during the SWG meeting on decentralization and IRD, which gave us additional inputs to this report. Some meetings could only be scheduled with short notice, including the final debriefing meeting at UNDP, and the team highly appreciates the efforts of project stakeholders to give priority to these meetings nonetheless, which has greatly facilitated the drafting of this report.

The assignment could not have been accomplished without the backing and logistical support from UNDP staff. Therefore, the team would like to extend its appreciation to the UNDP CO for all arrangements made, above all those relating to meetings and accommodation.

The team has done its best to reflect all views expressed during the mission, but ultimately the findings and recommendations in this report represent the assessments of the team and are subject to further review and discussions between the UNCT and the Government of Malawi.

30 December 2015,

Jens Peter Christensen, Team Leader

Mustafa Hussein, National Assessor

# 1. Evaluation Objectives and Scope

The purpose of this evaluation was to assess the UNCT contributions to democratic governance (DG) and human rights (HR) in Malawi. The Terms of Reference (TOR) see **Annex 1**, outline two main objectives of the midterm evaluation (MTE):

1. Assess the contribution made by the UNCT, collectively, and participating UN agencies, individually, to promote good democratic governance as envisaged under Outcome 4.1 of the UNDAF including cross-cutting issues of human rights and gender equality;
2. Support learning across the UN to improve programme effectiveness.

The MTE was a mainly qualitative assessment, based on secondary data and key stakeholder interviews. The evaluation process was divided into three phases:

* A **design** phase, wherethe team reviewed all background documents (listed in **Annex 2**) and produced an Inception Report, outlining the scope and approach of the MTE.
* A **field (in-country)** phase, in order to interact with key stakeholders, collect and analyze data (see **Annex 3** for the mission schedule and **Annex 4** for the list of persons met); and
* A **synthesis** phase**,** where the MTE Report was finalized.

The MTE took place along the timeline presented below:

***Table 1***: ***Mission schedule***

|  |  |  |
| --- | --- | --- |
| **Date** | **Task** | **Deliverables** |
| 21-23 October 2015 | Desk review |  |
| 24-25 October | TL transfer Copenhagen – Lilongwe | |
| 26 October –  19 November | In-country data collection, presentation of findings | Inception report (02 Nov) |
| Debriefing (slides) (19 Nov) |
| 20-22 November | TL transfer Lilongwe – Copenhagen | |
| 23 November –  01 December | Drafting of the evaluation report | Submission of Draft Evaluation Report (01 Dec) |
| 02-21 December | Hearing and submission of comments to draft report up to 21 Dec |  |
| 15-30 December | Drafting of final evaluation report | Submission of Final Evaluation Report (30 Dec) |

The MTE was conducted according to the five standard DAC evaluation criteria: Relevance, effectiveness, efficiency, impact, and sustainability. The evaluation criteria and related evaluation questions are presented in the evaluation criteria matrix in **Annex 5**, which also indicates how the questions were addressed in terms of data sources and validation. The support to gender mainstreaming and gender equality in democratic governance is addressed as a crosscutting issue in the evaluation and included as such in the assessments of individual support projects.

## 1.1 A Results-based Approach

A key objective of the support rendered under Outcome 4.1 is to build democratic governance capacity in public institutions and organizations. In order to verify any increase in capacity and the impact of the capacity development support delivered under the UNDAF, the MTE applied a results-based approach, which took point of departure in the documented support project and UNDAF Outcome achievements.

This approach is outlined in UNDP guidelines such as ‘Measuring Capacity’ (2010) and ‘Innovations in Monitoring and Evaluating Results’ (2013). In brief, a results-based approach defines ‘capacity’ as the ability of institutions to fulfil their mandates and functions according to their corporate plans and strategies. It compares the achievements made during the time of project support with the baseline data. Any improvement over time in the ability of supported institutions to fulfil their mandate serves as a proxy for improved institutional capacity. Starting with the identification of results achieved since project start, the assessment then analyses causality links between these results and the support provided by a project. This analysis is unfolded in accordance with the specified evaluation criteria and evaluation questions in order to identify contributions of the support and critical capability gaps not sufficiently addressed or in need of being addressed in the future.

As a reference point for outcome achievements and current institutional capacity to promote democratic governance, the MTE team took point of departure in the results achievements estimated during the UNDAF wide MTE conducted shortly before this evaluation. The updated results achievements are presented in **table** **3** in chapter four. Here, a three-colour performance rating has been applied. The performance rating of the outcome achievements is coloured as follows:

• Green: Full output achievement

• Yellow: Substantial output achievement

• Red: Limited output achievement

The MTE team has applied the same colour-code in **Annex 8** in order to rate the performances of support project at project output level, summarizing the assessments made in chapter three.

## 1.2 Limitations of the Methodology

The main limiting factor for the MTE was the time available for the field phase compared to the number of support projects under Outcome 4.1, and the number of stakeholders and funding arrangements within the outcome. To compensate for the time factor, the MTE engagements focused on key stakeholders without compromising the participatory aspects of the MTE. The focus of the MTE has been on the outcome achievement rather than conducting in-depth evaluations of each individual support project, although some support projects are closely linked to the three outcome outputs. Hence, the MTE assessed the support project according to the DAC evaluation criteria, but with a focus on results achievements and with the aim to establish, whether the outcome 4.1 target can be achieved.

Another limitation concerns the impact of UN support. An LDC like Malawi engages with many development partners and the impact of competing support programs may blur the contributions and attributions of UN support. The MTE tried to assure that UN contributions and attributions to the outcome were assessed correctly by addressing issues of overlapping support or competing development initiatives during the interviews. Since support to DG SWAp is part of the project portfolio, such assessments could also be discussed directly with MoJCA, the SWAp-lead in democratic governance.

## 1.3 Outline of the Report

Chapter 2 provides a brief background of democratic governance in Malawi and underlying problem root causes, which the support delivered under UNDAF Outcome 4.1 aims to address.

Chapter 3 introduces the overall UNDAF Outcome 4.1 design and intervention logic before presenting assessments of individual support projects. While this is a midterm evaluation of the 4.1 outcome, the MTE team has opted to present all support projects within the main report structure, before moving to the outcome level. The revised UNDAF 4.1 is based on three outputs which correlates directly with three of the support projects: the SWAp, the Social Cohesion and the IRD support project, respectively. The performance of these three projects has a direct bearing on the UNDAF outcome as per design, and the 4.1 outcome can only be assessed based on a sound understanding on how these projects are progressing. **Annex 8** illustrates individual project performances by the three-colour code.

Chapter 4 then assesses progress and achievements at the outcome level by assessing the three outcome outputs, while external factors and bottlenecks affecting programme implementation are summarized in Chapter 5. Chapter 6 summarizes findings on UNDP leadership and coordination within democratic governance and Chapter 7 presents key lessons learned during the evaluation. Finally, chapter eight presents the overall conclusion of the midterm evaluation and recommendations for improvement of the outcome interventions.

# 2. Democratic Governance in Malawi

Malawi is a landlocked country with a population of 14.4 million people. It is among the most densely populated and least developed countries characterized by high levels of poverty and illiteracy. Malawians voted for the reintroduction of multiparty democracy in a historic referendum which was held on June 14 1993. A new Constitution of Malawi, adopted in 1994 provided fundamental democratic governance principles.

For instance, Section 12 (i-vi) clearly states that:

* All legal and political authority of the State derives from the people of Malawi and such authority shall be exercised in accordance with the Constitution solely to serve and protect their (people’s) interests;
* All persons responsible for the exercise of powers of State do so on trust, and shall only exercise such power to the extent of their lawful authority and in accordance with their responsibilities to the people of Malawi;
* The authority to exercise power of State is conditional upon the sustained trust of the people of Malawi and that trust can only be maintained through open, accountable and transparent Government and informed democratic choice;
* The inherent dignity and worth of each human being requires that the State and all persons shall recognize and protect fundamental human rights and afford the fullest protection to the rights and views of all individuals, groups and minorities whether or not they are entitled to vote;
* As all persons have equal status before the law, the only justifiable limitations to lawful rights are those necessary to ensure peaceful human interaction in an open and democratic society and;
* All institutions and persons shall observe and uphold the Constitution and the rule of law and no institution or person shall stand above the law.

The Constitution provides for separation of powers among the three arms of government, the independence of various constitutional bodies, a universal right of access to justice and the rule of law. It also requires the State to actively promote the welfare and development of the people of Malawi and implement policies and legislation aimed at achieving the goals of gender equality, quality of rural life, peaceful settlement of disputes, efficient administration of justice, sustained economic growth and development, public trust and good governance.

Section 13(l) of the Constitution provides for the adoption of mechanisms for peaceful settlement of conflicts through conciliation, negotiation, and mediation. The Government of Malawi is obliged to sustain peace and unity in order to establish a peaceful, democratic, just, dynamic and prosperous society which upholds the fulfillment of human rights and dignity for all.

Malawi’s long and medium term policy documents, namely, Vision 2020 and the Malawi Growth and Development Strategy I (MGDS I) (2006-2011) and MGDS II (2012- 2016} provide the legal basis for Malawi’s democracy. These identify democratic governance as a precondition for poverty reduction and national development. The Malawi Vision 2020 seeks for a democratically mature Malawi which is transparent and accountable, operates according to the rule of law and where every citizen participates in governing through the ballot box by the year 2020. Among the necessary strategies highlighted by the Malawi Vision 2020 to facilitate the attainment of democratic governance are: raising awareness of civil and human rights and responsibilities; improving and sustaining the rule of law and respect for human rights; enhancing the role and performance of the public sector; and encouraging political participation by the general populace.

The MGDS I and II are Malawi’s medium term policy instruments, which are aimed at reducing poverty, bringing about prosperity in the medium term, build on the Malawi Vision 2020. The current MGDS II identifies improved governance and crosscutting issues consisting of gender and capacity development as one the key pillars in poverty reduction and fundamental prerequisite for the achievement of long-term national development goals. Other pillars are sustainable economic growth, social development, social support and disaster risk management, infrastructure development. It also outlines priority areas that are central to transforming in democratic governance. These include improvements in justice and rule of law, enhanced awareness and response to public demand in the key areas of human rights, improved respect for human dignity, enhanced equitable access to opportunities, peace and security, public sector management, anti-corruption efforts and inclusive participation, choice and elections.

Among others, the MGDS II has underlined the following:

* The need for improved sector-wide coordination to address some of the deficiencies in the democratic governance sector and in particular, the need for a more harmonized approach to democratic development. The development agencies also recognize the need for more strategic and long term planning to ensure a coordinated and harmonized approach to democratic governance.
* The importance of genuine free, fair, credible and transparent democratic elections as a vehicle through which the people of a country freely express their will and affect the development agenda of the country. Free and fair elections are specifically included as a MGDS II medium term outcome under section 5.
* The importance of improving governance in political parties as a strategy for realizing political parties with clear ideologies and functioning internal democracies to promote inclusive participation in the country’s democracy.
* The importance of peace and security as essential prerequisites for achievement of democracy maturity, socio-economic and political prosperity (MGDS II, Theme 5.3.4).
* The centrality of inclusiveness and participation of all including vulnerable groups such women and the youth in governance, development and decision making process.

A Policy Framework Paper (PFP) closely aligned with MDGS focus on democratic governance identifies seven (7) pillars on which to anchor the sector’s reform process namely; Rule of Law, Human Rights, Access to Justice, Public Safety and Security, Integrity, Accountability and Transparency, Public Participation and Free and Fair Elections. An eighth (8th) pillar to tackle coordination arrangements is also included in the PFP.

Malawi has made progress in improving democratic governance and human rights, which is evident in the ongoing legal, and policy reforms and the establishment of key governance institutions. These include the Malawi Electoral Commission (MEC), Malawi Human Rights Commission (MHRC), the Office of the Ombudsman (OO), the Anti-Corruption Bureau, the Law Commission, political parties (PPs) and non-state actors (NSAs), among others. However, international independent rankings indicate that Malawi’s performance in governance is lower than the average of Southern African countries. Malawi has been described as a ‘democracy without democrats’ as it has undergone democratic transition without appropriate transformation. The capacity assessment conducted in 2011 states that democratic governance institutions in Malawi are fragile due to factors that constrain institutionalization of democratic governance and achievement of poverty reduction. The gains made in democratic governance since the 1994 multi-party democratic elections are threatened by systemic and structural factors. These are compounded by the deteriorating political and socio-economic conditions that place significant hurdles against the momentum of democracy in Malawi.

Broadly, the systemic factors facing democracy consolidation include weak and fragile legal and institutional frameworks manifested in fragmented support/coordination for the justice sector, absence of critical justice systems and procedures, low compliance with international and constitutional mandates, weak monitoring frameworks, poor protection of the rights of vulnerable groups such as women and the youth, which is evident in increased domestic and gender based violence; weak institutionalization of people’s rights to freely participate in the country’s political system and a number of Malawians vulnerable and marginalized people not sufficiently empowered to seek for and demand their rights; low representation and participation of women and the youth in national politics and decision making; low capacity to internalize and comply with human rights obligations; public officials who do not discharge duties and obligations in a manner that respects human rights, inability to mainstream gender and HIV and AIDS, and inadequate operational checks and balances capacity due to insufficient human resources and outdated infrastructure.

The systemic constraints are further compounded by poor coordination among the stakeholders in the Democratic Governance Sector including government ministries, departments and agencies (MDAs) responsible for delivery of services. The Joint Country Analysis of 2012 indicated that ineffective coordination of donor support was another major constraint that has weakened the administration of justice, leading to a lack of policy coherence, inefficient use of resource and ad hoc engagement of non-state actors (NSAs).

Good governance also depends very much on citizen’s participation in the political affairs of the country. The creation of a framework where meaningful empowerment of the populace can take place remains a challenge. Specific to elections, the credibility and confidence in the electoral process and elections management has been undermined by inconsistent legal framework, poor operational planning, procurement delays, weak internal control systems inadequate capacity and engagement of stakeholders, biased reporting by the media during elections and abuse of public resources during election campaigns and ineffective enforcement of electoral rules and code of conduct. Similarly, the progress in the promotion of human rights has been ineffective due to constraints that include a legal and institutional framework that is not aligned to international and regional human rights instruments, and limited governance and democratic space, ineffective implementation and poor adherence to set standards, lack of human and technical capacity and a human rights architecture that does not provide a strong platform and mechanisms for effective engagement between the state and NSAs.

The political landscape has been characterized by weak political parties with significant gaps since the introduction of multiparty democracy in 1994 and the inability to mobilize collective actions against key development challenges. The legal framework for political parties, namely, the Political Party’s Registration and Regulation Act (PPRRA), establishes the office of the registrar for political parties as a public office, and articulates the eligibility criteria for political parties. It is a legal attempt to improve the role of PPs as democratic change agents. Institutionally, weak political parties, lack of political consultations and resultant polarization, which affect the realization of civil, political social and economic rights, threatens the reversal of the positive gains made over the years.

Organizational challenges include weaknesses in the political party organizational structures, which hamper their development; very little democratic culture within and between political parties leading to weak intraparty and interparty dialogue. although parties have constitutions, rules and party manifestos, these are mostly disregarded as there is no adherence to the fundamental provisions that are expected to guide political party machinery, for instance in succession where founder syndromes overtake the provisions in so entrenching patronage, autocratic and personality centered political actors, which in turn stifle intra-party democracy and dialogue. Leaders of parties bankroll their parties, appoint party officials and treat a party as a private enterprise.

The challenges relating to the administrative framework for political parties that hamper political parties in playing an effective role in democracy consolidation include the weaknesses in the national, regional, district, area and branch level structures. The size of membership, extent and intensity of party organization, the power base of these parties is so weak that they are unable to recruit, rally and retain members. The situation is compounded by absence of vision and mission, ideology, non-adherence to succession rules and absence of intra-party dialogue within the structures. These gaps have contributed to weak ownership of and identification with political parties, deficits in transparency and accountability, lack of interparty dialogue, and intra-party democracy that continue to hamper the evolution of political parties into key political actors.

Marginalized groups, in particular women and the youth, have very little influence and access to engage in political dialogue and decision making processes, women continue to be excluded from most aspects of governance and yet their involvement in governance is key to the reduction of the root causes of poverty and social inclusion. The political status of women and female youth has historically been under-represented and low in political processes due to legal and institutional gender discrimination. Unequal political participation is manifested by the limited representation of women in decision-making structures and processes of political parties; constraints in the capacity and skills of female members of political parties and incumbent female MPs. The policy and legal environment is not conducive to gender equality in political participation; and there is limited effectiveness of media campaigns and network coalitions to support female candidates and voters in elections. The discrimination against women and female youth at community level has the effect of limiting public confidence in the capabilities of women and female youth in high-level decision making such as Parliament and Councils. In summary, the major contextual issues relating to women participation in politics in Malawi are as follows:

* Access to and participation of women and female youth in decision making of the political parties is generally low. While data, though limited, show trends in the progression of women and female youth to higher positions in Malawi, the rate of progression is slow and inconstant, resulting in few women in political party positions and inability to make constructive change to internal structures and processes of institutions in response to girls and women’s needs. No political party gender policies are yet in place.
* There are gaps in the legal and policy framework for the facilitation of women’s and female youth political participation. International legal obligations on gender equality contained in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) have not been domesticated and there is no comprehensive engendering of Acts of Parliament that have a direct bearing on the political empowerment of women and female youth.
* There is no comprehensive coordination mechanism set up to handle political empowerment of women and female youth at national, district and local levels. The National Gender Machinery (NGM) to coordinate gender equality, and women’s and female youth empowerment programmes have been hampered by various factors such as limited human resource capacity, high staff turnover, poor funding, weak coordination mechanisms as well as weak and ineffective CSO coalitions. Although there is some capacity on the ground to implement Political Empowering of Women (PEW) and female youth programmes in terms of human resources, infrastructure and institutional set up, it is far from adequate for a comprehensive PEW and female youth programme.

In terms of conflicts, Malawi has generally remained peaceful. However, despite some progress in poverty reduction, promotion of human rights and democratic governance, and other socio-economic indicators, the country has also experienced a number of challenges that have on occasions escalated into violence. Historically, most conflict situations experienced in Malawi, though not extreme and mostly characterized by riots, have been election-related; the transition from one-party to multiparty system in 1992, the 1994,1999 and 2004 elections. The events of 20-21 July 2011 in all the cities of the country, a reaction to pent-up frustrations with the deteriorating economy and poor public service delivery, shocked the nation. While the violence was termed as “uncharacteristic” for this peace-loving nation, it raised fears with many that a return to earlier patterns of widespread and sustained political and elections-related violence may be imminent. Also with the changed demographics and high urban migration patterns, there is a higher risk of increased violent conflicts than in the past, especially with the highly contested 2014 elections.

Recent trends have unveiled a wide range of threats to the sustenance of peace and unity in Malawi. The sources of instability range from the economy, environment and disasters, organized crime, famine and health issues to current conflicts that jeopardize the sustainability of peace and unity emanating from political transitions and pressures; infringements of civil liberties and political rights; pressure on socio-economic and development rights, including the lack of political and economic opportunities for women and youth. These challenges require more proactive and coordinated responses from Government as well as civil stakeholders for sustained peace, and unity has driven Malawians to take historic steps towards coordination and collaboration among stakeholders and harmonization of peace building initiatives whenever faced with conflicts that have potential to undermine peace and unity. Initiatives has been taken to create an integrated and collaborative system that will further strengthen the capacity of Government and all stakeholders to deal with current and future threats to peace and unity in the country; clarification of the institutional arrangements within which peace building initiatives by stakeholders that include government, civil society, media and other organs and relevant civil institutions of the state that will coordinate their activities to sustain peace and unity.

In view of the socio-economic and political situation in the country, there is potential for the conflicts to turn violent, if not well managed, thus risking the sustainability of peace and stability. Therefore, the need for a national peace architecture (NPA) cannot be overemphasized. It is also worth noting that the establishment of an NPA will be in compliance to Malawi’s commitment to the 2001 African Union (AU) Heads of State Memorandum of Understanding (MoU) on Security, Stability, Development and Cooperation in Africa, which was to “Establish, by 2004, national institutions or mechanisms for prevention, management and resolution of conflicts at community and national levels with active involvement of civil society organizations (CSOs) and community based organizations (CBOs)”.

Malawi is one of the least developed countries in the world with a nominal per capita income of USD 250[[1]](#footnote-1). The socio-economic environment is characterized by pervasive poverty and deeply rooted inequality with huge differences between the rich and the poor and with 70.9% of the population living below the poverty line and subsisting on less than USD 1.90 per day[[2]](#footnote-2). Despite government’s recognition of the high levels of poverty particularly in the rural areas, little progress has been achieved since the transition to multi-party democracy in 1994. The Integrated Household Surveys and HDIs and the increase in the Gini coefficient have shown that poverty and income inequality is deepening. Malawi has implemented several poverty reduction and rural development interventions as well as institutional reforms including the adoption of the Decentralization Policy and Local Government Act of 1998. However, the continued high incidence of poverty implies that the various initiatives that have been undertaken to improve democratic governance have not been effective and that the country is facing governance and developmental challenges, which must be addressed.

It is against this background that the Malawi Government, with the assistance from the UN and based on the UNDAF and MGDS have pursued specific outcomes, including outcome 4.1 which is the focus of this evaluation.

# 3. UNDAF Outcome 4.1 - Design and Progress of Support Projects

The UNDAF 2012–2016 for Malawi, defines the outcomes, which the UN and the Government of Malawi collectively aim to achieve by 2016. The design of the UNDAF was guided by the MGDS II. As mentioned above, the objective of MGDS II is to continue reducing poverty through sustainable economic growth and infrastructure development. It identifies six broad thematic areas, namely,

1. Sustainable economic growth

2. Social development

3. Social support and disaster risk management

4. Infrastructure development

5. Improved governance

6. Cross-cutting issues.

The formulation of the UNDAF was the result of a consultative process based on the UN Malawi Country Assessment and the MGDS II. The latter identified three ‘binding constraints’, namely, unsustainable population growth; insufficient resources; and weak capacity. In correspondence with the six thematic areas and with reference to UN strategic priorities, the UNDAF 2012-2016 defines five key strategic development priority areas which guide all UN support interventions to Malawi. These are

1. Poverty reduction

2. HIV and AIDS

3. Children and young people

4. Gender

5. Sustainability

Four UNDAF focal areas of cooperation emerged as particularly critical for United Nations support to Malawi. They are

1. Sustainable and equitable economic growth and food security;

2. Basic social and protection services;

3. HIV and AIDS

4. Governance

These focal areas aim to achieve the internationally agreed development goals and MDGs that are enshrined in the Millennium Declaration. Informed by the focal areas, the implementation of UNDAF is focused on the following four Key Priorities (KPs):

KP1: National policies, local and national institutions effectively support equitable and sustainable economic growth and food security by 2016.

KP2: National institutions effectively deliver equitable and quality basic social and protection services by 2016.

KP3: National response to HIV and AIDS scaled up to achieve Universal Access to HIV prevention, treatment, care and support by 2016.

KP4: National institutions effectively support transparency, accountability, participatory democracy and human rights by 2016.

This MTE focuses on the fourth UNDAF focal area, Governance and Human Rights, corresponding to KP4. This KP has four outcomes of which Outcome 4.1 is: *National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016*.

Outcome 4.1 is aligned to MGDS II, Theme 5: Improved Governance - Sub-theme 3: Democratic Governance, which focuses on justice and rule of law, human rights, elections and peace and security.

The original Outcome 4.1 intervention logic, presented in the UNDAF Outcome 4.1. Action Plan 2012-2016 in **Annex 6** contained five outputs. To achieve these five outputs, a number joint support projects have been designed, most of which have a duration corresponding to the time span or UNDAF. Project implementations are guided by project support documents (PSDs) or in some cases implemented according to annual work plans (e.g. the Social Cohesion Project.)

In 2013, a joint UN effort was made to update and simplify the UNDAF, strengthen the collective response of the UN agencies to development support in Malawi and to introduce joint programming in priority areas, where institutions are receiving support from multiple UN agencies and a better coordinated UN effort is needed. This resulted a. o. in a redesign of the Outcome 4.1 results chain, and the reduction of the original five outputs to three. While Output 4.1.1 and Output 4.1.3 where reformulated, a new Output 4.1.2 was added, designed to embrace support to the National Peace Architecture through the Social Cohesion Project. Joint programming effforts towards individual support projects has since been introduced in the support rendered to the MHRC.

The three outputs of Outcome 4.1 are as follows:

**Output 4.1.1:** Democratic Governance sector strategy operationalized

**Output 4.1.2:** Capacity of national institutions strengthened for collaborative dialogue to support the establishment and operationalization of the national peace architecture

**Output 4.1.3:** Local governance structures strengthened in participatory planning, budgeting and managing integrated rural development

The revised Outcome 4.1 RRF is presented in **Annex 7**, while **table 2** below presents the support and coordination framework targeting Outcome 4.1: The sector working groups (SWGs), the support projects, the implemeting partners (IPs), responsible parties as well as development partners (DPs) engaged in the projects or in similar projects targeting the same institution.

***Table 2. UNDAF Outcome 4.1 - Support Projects, Implementing Partners and Development Partners***

| **UNDAF**  **Outcome** | **UNDAF OUTCOME 4.1:**  National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016 | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **UNDAF**  **Outputs** | **Output 4.1.1:**  Democratic Governance sector strategy operationalized | | | **Output 4.1.2:**  Capacity of national institutions strengthened for collaborative dialogue to support the establishment and operationalization of the national peace architecture | | | | **Output 4.1.3:**  Local governance structures strengthened in participatory planning, budgeting and managing integrated rural development | | |
| **SWG** | Democratic Governance SWG | | | | | | | Decentralization and IRD SWG | | |
| **Support projects with a bearing on Outcome 4.1** | **Malawi Electoral Cycle Support Project Document**  **2013-2016**  **(4.1.1)** | **DG SWAp Support Project**  **2012-2016**  **(4.1.1)** | **Strengthening Political parties project**  **2013-2016**  **(4.1.1)** | | **Human Rights Support Project 2012-2016**  **(4.1.1)**  **(UN joint programming)** | **Social Cohesion Project**  **2013-2016 (4.1.2)** | **Political Empowerment of Women in Malawi[[3]](#footnote-3)**  **2013-2016**  **(4.3/4.3.3)**  **(UN joint programming)** | | **Democracy Consolidation Programme (DCP IV)**  **2012-2016**  **(4.1.3?)** | **Policy and Institutional Framework for Integrated Rural Development Programme 2013-2015**  **(4.1.3)** |
| **NIM/DIM Agency** | **MEC** | **MoJCA** | **CMD** | | **MHRC** | **OPC**  **PAC** | **MoGCSW** | | **OPC** | **MoLGRD** |
| **Responsible Parties** | MEC, NA, OoO, MHRC | 19 SWG members | MEC, MOJCA, NA, OPPP, CSOs | | MoJCA, OoO, HRCSOs, NA | OPC, PAC | MoGCSW, CSOs | | LAs, CSOs, DDCs, VDCs, MoLGRD, MoJCA, NA, MHRC, MoInf | MoLGRD, UNDP |
| **DPs** | UNDP, EU, Irish Aid, JICA, Norway, DFID, UN Women | UNDP, UNICEF, UNFPA, EU, DFID, Irish Aid, Norway | UNDP, DFID, NIMD, DIPD, UN Women | | UNDP, EU, UN Women, ILO, UNICEF, UNFPA | UNDP, UN Women, AU, EU | UN Women | | Irish Aid, Norway | UNDP, UNICEF, UN Women, USAID, DFID, Irish Aid, GIZ, Concern Uni. Eng. w/o Borders |

**Annex 8** completes the linkages between Outcome 4.1 and the seven support projects with a presentation of the results chain of Outcome 4.1 from project outputs to outcome achievement.

The UNDAF 2012-2016 has 14 priority development outcomes in total. As a Delivery As One (DaO) volunteering country, the United Nations Country Team (UNCT) agreed that individual UN agencies would adopt appropriate UNDAF outcomes in their Country Programme Documents (CPDs) instead of developing agency specific outcome statements for their respective CPDs.

UNDP is the lead UN Agency for Outcome 4.1, which is one of six UNDAF outcomes to which UNDP is directly contributing financially and technically. A number of UN agencies also provide technical and financial support, in particular UNICEF, UNFPA and UN Women.

Another joint UNDAF design exercise was conducted in 2014 as a response to the guiding principles for realigning the UNDAF to the UNDP strategic Plan 2013-2016. This time around, a reconstruction of the UNDAF management setup was adopted in which the four cluster management teams were reduced to only two with a third responsible for M&E. The new cluster, which the Outcome 4.1 refers to, is called Responsive Institutions and Citizen Engagement.

The following sections in this chapter present an assessment of the support rendered under Outcome 4.1. The likelihood of achieving project output targets by end 2016 are summarized by color coding in the matrix found in **Annex 8**.

## 3.1 Democratic Governance Sector Support Program

The Democratic Governance Sector Support Program is linked to UNDAF Outcome 4.1.1 and implemented with the Ministry of Justice and Constitutional Affairs (MoJCA) as lead agency. It is a four-year program from 2013-2016 and has a total budget of USD 5.3 million. Out of this, USD 3.9 million has been committed from UNDP’s core funding sources (Tract and the One Fund).

The program is aligned to MDGS II and international commitments to the Paris Declaration (2005) and the Accra Agenda for Action (2008), and recognition of the need to have a forum for negotiating policy dialogue and agreements of plans and undertakings of government and its development partners at a sectoral level using a coordinated and harmonized approach. It is based on the Policy Framework Paper in 2010, and the Democratic Governance Sector Strategy (DGSS) 2013-2017, which seek to improve service delivery and address systemic challenges facing sector institutions.

The program is designed to support the implementation of the DGSS. It focuses on strengthening the sector as a whole and the individual institutions that make up the sector, in order to be more effective, efficient and able to realize the Key Result Areas identified in the Sector Strategy:

* Effective Democratic Governance sector institutions,
* Strengthened rule of law, improved access to justice, public safety and security,
* Improved protection of human rights,
* Free and credible elections,
* Transparent accountable and responsive public institutions, and
* More effective independent and representative legislature.

The program also seeks to improve coordination among institutions in the Democratic Governance Sector through enhanced information sharing and communication; joint planning, budgeting, implementation, monitoring and evaluation.

The Democratic Governance sector in Malawi consists of nineteen institutions[[4]](#footnote-4) responsible for the administration of justice and democratic accountability. It cuts across the three arms of government: the Legislature, the Executive, and the Judiciary, and embraces organized civil society and citizen actions in the area of democratic governance.

The program has four outputs:

**Output 1:** Effectiveness and efficiency of democratic governance sector institutions enhanced

**Output 2:** Policy, legal and regulatory frameworks for effective DG sector revised

**Output 3**: DG sector coordination mechanisms operationalized

**Output 4:** Effective and efficient management, partnership information, monitoring, and

evaluation of the project.

**Achievements**

The basis for assessing program midterm achievements has been the program document, the 2014 progress report and the interviews conducted during the field mission. The MTE noted that some changes in the order of output progress reporting and that output indicators have changed during program implementation, which makes it difficult to measure achievements based on the original results log frame. Therefore, the assessment here is primarily based on the generic discussions on output achievements with MoJCA.

Among the main achievement of the program is the application of the SWAp in the DG Sector (output 3), and the establishment of a coordination infrastructure for sector reforms and harmonization of support to democratic governance. The coordination mechanism is unfolded through the SWG, the TWGs, the Sector Coordination Committee and the Secretariat and there is now an emerging sector approach to reform implementation, establishment of partnerships and resource mobilization, although the latter has been severely impeded by cashgate and the DPs reluctance to channel funds through the basket fund. Other achievements include the alignment of 14 out of 19 sector institution strategies to the DGSS and the highly commendable piloting of the one-stop shop approach to services at district level. Other tangible achievements are captured by the individual support project assessments in this report.

While the UNDAF Outcome 4.1 anticipates that the UN will provide substantial support to access to formal justice, it is in fact not the case. Such support is provided by other DPs, primarily the EU and DFID. Among the UN support to access to formal justice is the UNICEF support to juvenile justice system through the establishment of child courts. So far, seven child courts have been established, which by the end of 2014 concluded around 950 cases on child protection. While not all districts are foreseen to establish child courts (the case load is not high enough for this) a further rollout to four additional districts is planned before the end 2016.

In general, there is good progress made in gender mainstreaming, although gender assessments and disaggregate data is not consistently applied across the sector. With the arrival of UN Women is Malawi and in partnership with UNFPA and UNICEF, the basics are in place to further improve on the gender aspects of the DG reforms and the support rendered. UN Women a. o. is very active in promoting the Gender Equality Act and the 40/60 quota for women among all public sector institutions.

**Efficiency**

The efficiency of the SWAp very much depends on the ability of the MoJCA and the responsible parties in the SWG to coordinate activities within the sector. According to some, the sheer thematic volume and the high number of institutions involved in the SWAp, makes it difficult to coordinate sector wide approaches. During the interviews, some DPs also questioned the GoM ownership to this approach. It was a. o. highlighted that individual institutions tend to guard their bilateral relationships with the DPs and the access to continuous support at the cost of more holistic approaches. The MoJCA admits that there are indeed many areas, which need better coordination, e.g. improving linkages between the police work, courts case handling capacity and the capacity of prisons, and in general more support is needed to the formal justice sector.

**Sustainability**

Two critical areas stand out from the engagements with the MoJCA. One is the overall decrease in funding from the development partners caused by general budget cuts, which highlights the need for more diversification of funds mobilizations. The basket fund approach also is not likely to improve due to cashgate and the general history of mismanagement of public money. Parallel funding will probably continue at the expense of the basket fund approach and a proportional high amount of funding diverted from government to CSO support.

Another critical area concerns the M&E aspect of the SWAp. Basic elements are in place such as the SWG and committee structures and M&E focal points in the sector institutions, but generic measures are needed to effectively monitor the DG reform process, assess the impact of interventions and identify gaps and missing linkages. Once a sector wide M&E system is operational, generic data could be drawn from sources such as reporting’s from the MHRC, the OO and the HR Committee of the Parliament as well as thematic evaluation reports.

**Conclusion**

The formal establishment of the SWAp policies and structure in the DG sector are in place and the SWG and the steering committee, TWGs etc. are active. There is also an emerging approach led by the MoJCA to coordinate reforms in the sector and align the DG institutions to the DGSS. The overall approach involves many DG institutions, however, and oversight and coordination can be a challenge. Some DPs also question the government ownership to the SWAP as individual institutions tend to guard their own plans and donor relations. There is also a general decline in funding, and the basket fund gets limited backing from the DPs. It is also critical that no generic M&E framework is in use for effective implementation oversight of the DG sector; an area that MoJCA wants to see improved as soon as possible. Overall, however, it should be recognized that the basic SWAp infrastructure for coordination of DG sector reform initiatives is operational and that some coordination of activities takes place, which should also be able to detect gaps and missing synergies and over time, forge partnerships and link interventions across the sector. There is no real alternative to the SWAp, except a return to more ad-hoc based project support, which should not be acceptable for neither the GoM nor the DPs.

## 3.2 Malawi Electoral Cycle Support Project 2013-2016

The Malawi Electoral Commission (MEC) is the principal institutional beneficiary of the Project with the electorate as the downstream beneficiaries. The Project Specific Outcome is to enable MEC to sustainably deliver free, fair and credible election processes that reflect the will of the people in Malawi. The project sought to strengthen the capacities of MEC to plan, conduct, supervise credible and genuine elections in 2014, and to enable it to conduct future elections with minimal or no external technical support. The project also seeks to undertake medium term institutional development and electoral reform in line with MEC’s 2012-2017 Strategic Plan as well as ensure broad inclusiveness and informed participation among citizens and key stakeholders in a peaceful and fair election process. There is special emphasis on promoting the participation and engagement of women, youth, people living with disabilities and marginalized groups. It also aims at ensuring that DP’s financial and technical support is harmonized and efficient in supporting the election cycle through a basket fund to complement national resources.

**Project Outputs**:

**Output 1**: Electoral policy and regulatory environment is harmonized and stabilized.

**Output 2:** Technical and institutional capacity of MEC strengthened.

**Output 3:** Organization and management of elections enhanced.

**Output 4:** Effective and efficient management, partnership formation and monitoring

and evaluation of the Project.

To achieve these outputs the project follows the three electoral cycle phases: pre-election phase with planning, training, information and registration as the major operation; elections phase, which involves nomination, campaign, voting and announcement of results; and post-elections phase, which involves strategy formulation, reforms and reviews. The electoral cycle approach views an election as a process rather than an event, to engage with stakeholders on a continuous basis throughout the cycle, adopting a proactive and strategic approach towards implementation of electoral assistance.

**Relevance**

The project is aligned to government policies including the Constitution and MGDS II and the UNDAF. These acknowledge the centrality of credible and genuine elections in democratic governance, and the need to support MEC to deliver credible and genuine elections.

Section 75 of the Constitution establishes MEC to independently organize, administer and conduct Malawi’s free and fair election, by-election and referenda. Section 5 of MGDS underlines the importance of genuine free, fair, credible and transparent democratic elections as a vehicle through which the people freely expresses its will and affects the development agenda of the country. MEC’s powers include review and determination of electoral boundaries every five years, to resolve electoral disputes, organize and manage voters’ register, the ballot and polling operations, ensure conducive security conditions and conduct public awareness, civic and voter education.

As the only project in the DG project portfolio, it is implemented solely under UNDP’s Direct Implementation Modality (DIM), which is the default modality for support to elections committees globally. The main project stakeholders are the MEC, Government of Malawi and Development Partners. The major structures include a steering committee comprising GoM, MEC, and DPs, and responsible for strategic guidance; a technical committee comprising representatives of government, MEC and DPs, coordinated by the Senior Elections Adviser and the Project Management Unit (PMU) which provides financial and administrative support.

The project design was informed by the UN Needs Assessment Mission, which recommended five principal areas for UN support of assistance. These are support for electoral system and legal reform, voter registration reform, capacity and institutional building of the MEC, enhancing women’s participation and strategic Civic and Voter Education (CVE). Several initiatives of consultation were undertaken by various organizations (MEC, MESN and NICE) to address changes and election reform that have coalesced around four pillars, namely, electoral systems, election management, legal reform and Civic and Voter Education (CVE).

Technical assistance was provided to MEC in order to strengthen gender equality in the civic and voter education strategy, and the media and political parties’ codes of conduct.[[5]](#footnote-5) MEC was involved in gender equality/mainstreaming in electoral processes and electoral support institution; gender assessment, development of capacity building strategy and action plans for political parties and CSOs on gender issues, advocacy of political parties and media houses to supporting female electoral candidates.

The nomination fees for female contestants running for parliamentary and councilor seats received a 25% discount to overcome structural barriers in raising funds to support their nomination. The UNDP and UN Women made substantive contributions towards increased women’s awareness and capacity to participate in politics and occupy decision-making positions. Through the project, UN Women was engaged through the Technical Committee and at operational levels to ensure that instruments were subject to gender-sensitive reviews.

The major outstanding gaps the project seek to fill include Placement /trainings; Comprehensive delimitation exercise; Improvement in the voter registration process; Civic and Voter Education to be incorporated in the syllabus of learning institutions; Implementation of the Bekko Report and Development of Gender and HIV/AIDS policies

**Output 1. Electoral policy and regulatory environment is harmonized and stabilized**

*Indicator 1: Progress in establishing a policy framework for tripartite elections; Baseline: No policy instruments in place; Target: Board of Commissioners issue policy-level instruments; Status: Achieved*

*Indicator 2: Number of Codes of Conduct revised and updated Baseline: 0 Target: 4 (Code of Conduct: PP, CSO, EO and Media); Status: Achieved*

*Indicator 3: Progress in MEC using formalized inter-institutional arrangements; Baseline: No codified arrangements in place; Target: MEC uses codified instruments to effectively manage inter-institutional arrangements. Status: Achieved*

The reform of policies and regulations, supervising and tripartite elections was accomplished. The Constitution was amended in late 2012 to introduce tripartite elections, which also necessitated legal amendments to harmonize the electoral laws. The Complaints Handling Unit (CHU) was established as an inter-institutional interface for timely response to complaints, and petitions in contrast to more ad hoc past practices. The UNDP Legal Specialist and national lawyers dealt with election petitions; refinement of complaint management processes, provision of impromptu advice on emerging issues which were instrumental in maintaining a harmonized interpretation and treatment of issues arising from the election petitions. MEC uses codified instruments to effectively manage inter-institutional arrangements. Codes of Conduct were updated.

**Output 2:** **Technical and institutional capacity of MEC strengthened.**

*Indicator 1: Percentage of agreed Strategic Plan activities achieved on schedule; Baseline: Not yet started; Target: 60%; status: Achieved*

*Indicator 2: Level of MEC’s preparedness in responding to change; Baseline: Low; Target: MEC uses contingency and risk planning tools. Partially achieved*

This output implementation achieved almost 75% of planned activities as per strategic plan. The NECOF (National Electoral Consultative Forum) and MPLC (Multi-Party Liaison Committees) forums were maintained. While attention was on the delivery of the elections, institutional actions under the Strategic Plan; consultative initiatives on possible election reforms were undertaken with the MEC, MESN (Malawi Electoral Support Network) and NICE (National Initiative for Civic Education); Technical assistance is ongoing and as a result MEC was able to respond effectively and ultimately announced the election results on schedule as required by the law. In the post-election analysis process the MEC is implementing staffing changes and reviewing its institutional arrangements.

**Output 3: Organization and management of elections enhanced.**

*Indicator 1: Percentage of achievement for MEC’s target of registering eligible voters. Baseline: Not available Target: 90%; status: 93.3%*

*Indicator 2: Number of High Court challenges to MEC’s decisions on candidate nomination determinations. Available; Indicator: Percentage of null and void ballots. Baseline: PPE (2009) 4.6%; Target: PPE (2014) 3.5% or less. Status: Achieved*

*Indicator 3: Percentage of milestones of the electoral calendar achieved on schedule. Baseline: Calendar not yet published. Target: 80% of milestones; 100% for by-elections. Status: Achieved*

Overall, this output focuses on the delivery of activities that enhance MEC’s ability to deliver elections in 2014. The final registration exceeded the target indicator of 90% at 93.3%. The six High Court challenges over candidate nomination also met the target indicator of less than ten; contentious judicial interpretations related to the definition of “public office” as a criterion for candidates, was resolved. A significant improvement was achieved in the area of null and void ballots: 2.6% of ballots were classified as null and void in the parliamentary elections against the goal of less than 3.5%, and the experience of past elections, where the rate was 4.6% in 2009. Operational milestone goals were attained including announcing the election results within the required timelines; sensitive and essential electoral materials were procured with the Basket Fund support; a joint MEC-UNDP delegation was deployed to the security printer in South Africa to approve the ballot design, oversee production and verify the packaging of materials. The payment of honoraria to poll workers via bank transfer resulted in 81,808 (almost 90% of records submitted) successful payments reported by Standard Bank and a joint Needs Assessment Mission was conducted by the UN Electoral Assistance Division and UNDP to formulate recommendations on enhancing the MEC’s organization and management of elections.

**Output 4:** **Effective and Efficient Management, Partnership Formation, Monitoring and Evaluation of the Project.**

*Indicator 1: Number of DP Contribution Agreements signed by end of Q2, 2013 Baseline: 0; Target: At least 3; Status: Achieved*

*Indicator 2: Project delivery rate. Baseline: Not yet available Target: 85%; Status: Achieved*

*Indicator 3: HACT Micro-assessment rating. Baseline: Significant High Risk Target: Medium Risk*. *Status: Achieved*

The delivery rates proceeded in line with the required commitments and output achievements are on track and the targets likely to be met by end 2016. This output focuses on the establishment and maintenance of funds to channel international financial support, complementary to the use of national resources in support of MEC. Effective and efficient management, partnership and monitoring and evaluation of the project were fully achieved. Agreement was reached for the savings from procurement actions to be allocated to cover the cost of poll workers. Financial analysis of the contributions of the Basket Fund was made. Reporting on funding was made to all partners, including the Government of Malawi and MEC. Monitoring of cash flow was undertaken by UNDP.

MEC, GoM and DPs have ensured ownership and partnership, effective and efficient use of resources. The electoral process and priorities of the project together with a risk log are reviewed on a monthly basis by the Technical Committee and where appropriate, matters referred to the Steering Committee for guidance.

The project targeted gender aspects although the results achieved were regressive and below the minimum 50:50 advocated for. The gender mainstreaming in the electoral process tends to be prominent only during elections period. It is not sustained in between elections. There is need for a comprehensive plan and civic education that promotes continuity in gender mainstreaming in all aspects relating to election cycle and processes.

**Efficiency**

A joint UN Electoral Assistance Division and UNDP Needs Assessment Mission was deployed and met with stakeholders to formulate recommendations for priority areas of assistance; identified five priority areas of UN assistance: reform of the legal framework and electoral system; capacity building and institutional development of the MEC; reform of the voter registration system; enhancing women’s participation; and, design of a multi-year CVE strategy between the polls; activities were proposed including update of the 2008 Bekko report on organizational restructuring of the MEC and a feasibility assessment mission on voter registration systems.

The project takes into account a number of cross cutting themes that are integrated into technical assistance throughout the electoral cycle; management is through collaboration and partnership with other UN and non-UN projects. It seeks complementarities and linkages with UNDP and DP supported projects within the SWAp, including political empowerment of women (PEW) which aims at increasing meaningful participation of all gender groups in decision making. This includes:

* The Democratic Consolidation Programme (DCP) which promotes the right to development and promotion of participatory and accountable governance utilizing a rights-based approach by supporting communities and village rights committees to demand improved services , transparency and accountability; political party strengthening;
* The Strengthening Political Parties Project (SPPP) which aims at strengthening political parties to effectively participate in multi-party democracy, integrating women the youth, and support the emergency of issue base debate among political parties;
* The National Peace Architecture (NPA) initiative which aims at establishing a national peace architecture by building capacities for dialogue and collaborative problem solving; and
* The Parliamentary Support Project (PSP), which sought to strengthen the capacity of the National Assembly to effectively perform its constitutional mandate of representation, oversight and legislation.

**Sustainability**

MEC is positioned as an institution with sustainable administrative, technical and operational capacity to fulfil its mandate with minimal external technical assistance. In view of Malawi’s economic situation, financial support is considered an ongoing need in future election cycles. MEC’s operational capacity is being enhance and technical skills transfer will enable MEC to plan, design and deliver as well as respond to changes in the conditions of future electoral cycles. The emergence of several proposed reforms as well as growing financial constraints imposed by overall Government budget difficulties, and ‘bureaucratic’ red tape, has led to delays for several planned activities. Worsening economic environment meant that by-election budgets were not completely funded in actual transfers. Government commitments overall were not fulfilled on funding for the elections, and several arrears remain outstanding.

A major gap that needs to addressed concerns the need to widen the election cycle management approach to the stakeholders in the political parties, in civic education and in targeted gender equality support. For now, these areas only receive support up to the elections.

**Conclusion**

In summary, the project is relevant in that it addresses the issues that are in line with national priorities and aligned to government policies. There is notable progress and achievements including a reviewed strategy, skills development in staff following training workshops and conferences; draft electoral reforms and policies like ICT, recruitment, training policy are in place. Staff has gone to other EMBs on placement; and adequate legal support by international and national experts has been provided. The project involves engendering of electoral laws, policies and strategies; Elections policies and regulations are gender sensitive; Gender, youth and marginal groups, as well as conflict resolution and management are mainstreamed into the policy framework, planning and implementation.

Main challenges in implementation include inadequate access to vehicles to enable effective implementation of activities; DSA policy limits participation by stakeholders. The legal framework is a considered weak to regulate the process; MEC is unable to unilaterally issue regulations. It depends on unauthoritative Codes of Conduct. Despite efforts by the CHU, with the manual systems maintained by the Court Registrars, it cannot be authoritative on advising on the petitions that have been submitted.

The process of reviewing and correcting incorrect bank information details of poll workers was found to be a lengthy process and resulted in a change of approach towards cash distribution for an estimated 12,000 remaining payees. There were still outstanding audit queries to be resolved, which relates to the MEC Audit Report, which MoF adopted. There queries relating to among others exorbitant price quotations for ballot boxes and some mismanagement of funding on behalf of MEC. There are challenges in the development of Civic and Voter Education strategies, both for implementation in the run up to the by-elections, as well as for longer-term endeavors. There is a lack of coordination between the consultations undertaken independently by a number of organizations (MEC, MESN and NICE). In the post-election environment the MEC’s perceived credibility as a non-partisan Commission is a challenge that needs to be addressed.

## 3.3 Strengthening Political Parties Project 2013-2016

The project is implemented by the Centre for Multiparty Democracy (CMD). It is designed to support attainment of political parties with clear ideologies and functional internal democracy to effectively participate in Malawi’s multiparty democracy, integrating women and youth groups in political parties’ structures and dialogue. The Strengthening Political Parties Project is a 4-year project and has five outputs:

**Project outputs:**

**Output 1**: National Assembly enacts revised Political Parties Registration and Regulation Act (PPRRA);

**Output 2**: Political Parties’ issue-based Platforms for 2014 elections developed and disseminated;

**Output 3**: Governance/organizational structure for political parties developed to foster transparency and accountability;

**Output 4**: Platform for inter-party dialogue strengthened to promote transparency and accountability as well as enhance credibility and legitimacy of political parties at all levels;

**Output 5**: Effective and efficient management, partnership development and monitoring and evaluation of the project.

**Project Relevance**

The project is aligned to government and policies and UNDAF. It respond to the need for a coherent strategy to support political parties as highlighted in MGDS II, which identifies improved governance in the PPs as critical for realizing ‘political parties with clear ideologies and functioning internal democracy’. The project is designed in alignment with the DG SWAp as a means of enhancing policy coherence and dialogue as well as improving coordination. The project seeks to contribute to democratic consolidation through assistance for institutional development of political parties. The project is aligned to the electoral cycle approach to enable political parties to function effectively in Malawi’s multiparty democracy, supporting inclusion of women and youth as well as engagement of political parties at all levels.

Below is a summary of progress registered under each output; progress registered in most instances contributes to several indicators and has, therefore, been lumped together to avoid duplication.

**Output 1: Revised Political Parties Registration and Regulation Act (PPRRA) enacted by the National Assembly by December, 2014**

*Indicator: Enacted political parties' Act that insulates the Registrar of Political Parties from political manipulation among others; Baseline: 2nd Draft of the Political Parties Registration and Regulation Bill being refined by the Reference Group. Target: Finalized Political Parties bill that insulates the Registrar of Political Parties from political influence; Status: Partially achieved*

The work on reviewing the PPRRA was finalized and a draft bill was prepared and presented to the Attorney General and the Minister of Justice and Constitutional Affairs in January 2014. However, the tripartite elections of May 20th, 2014, ushered in a new administration and the process stalled. Facilitation of policy advocacy including radio programs on the draft revised Act was done. The media was engaged in a joint briefing with Secretaries General of political parties as a way of reactivating the debate on the bill; radio programs were produced and aired and generated a number of newspaper articles and radio bulletin, and leaders of political parties represented in the National Assembly were engaged, including leaders of the opposition with an aim of lobbying them to support the bill. Formal submission of the revised bill to the executive for clearance and formal submission to the National Assembly was facilitated by re-engaging the new administration and leadership of all political parties and several options of tabling the bill, including through a private members bill. The Legal Affairs Committee (LAC) was engaged to adopt the Draft Bill. However, the alignment of Political Parties’ Constitutions with the Revised PPRRA is pending and has to be carried out after the enactment of the new bill.

**Output 2: Political Parties’ issue-based Platforms for the 2014 Elections developed and disseminated by December, 2013**

*Indicator: Number of political parties’ formulating policy documents with involvement of party membership. Baseline: 0 (2009 elections); Target: 8; Status: Achieved*.

The Political Parties issues-based platforms were developed and manifestos were revised to assist political parties to develop issue-based platforms for the 2014 Tripartite Elections. The project facilitated the development of campaign messages around issues-based party platforms. The political parties underwent a series of training sessions that culminated in political parties developing their policy agendas (manifestos); policy positions in three areas: Food Security, Economy and Civil Service and any other two of their choice. The project facilitated the publication and dissemination of the party manifestos and key messages to party members and the general public at all levels with the aim to assist political parties to disseminate their policy positions to a wider audience. In addition, brochures were produced for each of the political parties. The project also produced a newspaper manifesto insert that provided summaries key messages from all political parties that had presidential candidates.

**Output 3: Governance structure for political parties developed to foster transparency and accountability by December, 2015**

*Indicator 1: Number of political parties’ monitors’ trained on election monitoring; Baseline: 0; Target: 2316; Status: Achieved*

*Indicator 2: Number of political parties with revised party constitutions with clear mechanisms on participation, transparency and accountability. Baseline: unknown; Target: 8; Status: Partially achieved.*

The project strengthened intra-party democracy by conducting training on elections monitoring for Political Parties' monitors. A guide was produced for the training and distribution to the monitors for use as their reference materials during replication of the training.

The process of developing and implementing Financial Management / Administrative Structures and Process for Political Parties commenced. The enactment of PPRRA will necessitate revision of political parties’ constitutions and other instruments in order for them to comply with the new legislative framework, including funding and finance management of political parties. CMD embarked on a mapping exercise to establish the status of finance administration of political parties so that it can check their state of preparedness, when the bill is enacted. The training sessions in Administrative and Financial Management for Relevant Political Party Officers are awaiting the mapping. The sessions will involve presentation of the proposed bill and the financial implications that the bill will have on the finance function of political parties. The session will also seek to collect feedback from people who are aware of the status of the political parties in as far as financing of political parties is concerned.

**Output 4: Platform for inter-party dialogue strengthened to promote transparency & accountability as well as enhance credibility and legitimacy of political parties at all levels**

*Indicator: Number of districts where Multiparty Liaison Committees are reactivated*

*Baseline: 0; Target: 12; Status: Achieved*

The interparty dialogue platforms were strengthened through facilitation of meetings of MPLCs. Most of the activities that MPLCs undertook were prior to the elections. After the elections, some MPLCs assessed their performance. The Interparty Dialogue Platform was facilitated through meetings between CMD and MEC and involved discussions on the electoral process. The Training in Conflict Transformation Skills for DCs (Chairpersons of MPLCs) was conducted and MPLCs were reactivated.

**Output 5: Effective and efficient management, partnership development and monitoring and evaluation of the project**

*Indicator: Timely submission of Reports (Technical & Financial) (Target: 85% project liquidation rate; Status: Achieved*

So far, 100% of the resources received have been transferred to IPs. The project interventions include targeted activities aimed to ensure active engagement of women, youth and other marginalized groups in all the structures and decision-making processes of political parties. In implementing the project CMD has ensure organized participation of women in implementing project activities such as training and policy formulation processes. The project has promoted gender issues within political parties in Malawi. Its contributions are visible through the different engagements, which include networks on gender. For instance, since 2013, CMD is a member of the Technical Working Group on the 50:50 Campaign in the run-up to the 2014 tripartite elections. The network includes such organizations as the Ministry of Gender, Children and Social Welfare (MoG), UN Women, UNDP, and the NGO-GCN.

**Efficiency**

DFiD and UNDP provide financial and technical resources for project implementation by CMD. UNDP utilizes its global experience in working with political parties and networking in supporting project implementation. To this end, CMD has requested TA from UNDP on the new SDGs as it wants to engage with the political parties on how to develop manifestos addressing the SDGs in the Malawian context. The project also draws on technical assistance from the Netherlands Institute for Multi-party Democratic (NIMD) and the Danish Institute for Party Democracy (DIPD). Project activities are implemented in close collaboration with relevant national partners including MEC, MoJC, the National Assembly, Office of the Registrar of Political Parties and Civil Society Organizations. However, in some instances delays in disbursement of funds have constrained efficient implementation of activities. CMD has worked closely with both government and civil society organizations on a number of themes and activities such as gender and women participation in politics. Key among these organizations are: the Ministry of Gender, Children and Social Welfare, the UN Women, UNDP, the Legal Affairs Committee of Parliament, Malawi Electoral Commission (MEC), the National Democratic Institute (NDI), Malawi Electoral Support Network (MESN), Public Affairs Committee (PAC), the Catholic Commission for Justice and Peace (CCJP), National Initiative for Civic Education (NICE), the Malawi Local Government Association (MALGA), the Ministry of Local Government and Rural Development (MoLGRD), the Public Affairs Committee (PAC), the National Media Institute of Southern Africa (NAMISA), the Malawi Broadcasting Cooperation (MBC), the Times TV; Malawi Electoral Services Network (MESN), and the Mtendere Electoral Services Network (MESN).

The project’s efficiency is constrained by political transition and the dissemination of the revised act to key stakeholders awaits the enactment by Parliament. The political transition has led to new leaderships at nearly every level of government, and there is new policy direction, which impacts on the priorities of government. These changes within the government bureaucracy by way of appointment of new officials have resulted in loss of institutional memory and professional networks. Developments like these have slowed down progress on some outputs.

**Sustainability**

The project interventions are designed to equip political parties with structures and skills that enable recruitment, mobilization and engagement of their membership and expand their resource base. The project lays a foundation for political parties to better manage their affairs, but there is a need for continuous support in area and the enactment of the PPRR Bill is crucial to sustain the support rendered. The CMD is also strengthening its administrative structures and capacity to function as a platform for dialogue, knowledge dissemination and experience in political party issues. To sustain its work, a continuation of the collaborative partnerships with the GoM, UNDP and UK Department for International Development is key for its work. There is a project board comprising all stakeholders including government and civil society organizations, which maintains oversight and dissemination of project results.

**Conclusion**

The project continues to register steady progress towards achieving its intended objectives. Crucially, CMD has been positioning itself as a major player and interlocutor in as far as working with political parties is concerned, and as a facilitator of an interparty dialogue platform. This is evidenced from the critical role it played in facilitating an interface between political parties and the Malawi Electoral Commission in the run up to and during the May 2014 elections. It is expected that proactive and intensive lobbying will enable achievement of all outputs by 2016. However, the main challenges in implementation revolved around the tripartite elections. The elections consumed considerable amount of time at various stages, and in some cases this affected timely decisions of key stakeholders to the project. The new leadership at various levels of both the executive and legislative arms of government has slowed progress as there has been considerable loss of institutional memory and also uncertainty on the part of the bureaucracy to move on certain commitments. At a local level, the nine-year absence of councilors has undermined traditions and culture of local government. The lower structures of the councils, in particular the Area Development Committees (ADCs) and Village Development Committees (VDCs) are to be reconstituted. The process of establishing new committees is likely to be a long with potential to slow down progress of strengthening party-political activities.

## 3.4 Strengthening Parliament Programme

The Democratic Governance Sector Strategy advocates for the formulation and implementation of an independent but coordinated parliamentary support programme, which respects and promotes parliamentary autonomy, independence and separation of powers. It notes,

*“...The strengthening of legislative capabilities is crucial to achieving other results in this strategy. The strategy requires a significant investment in legislative reforms but these will not happen without improved capacities in parliament. However, parliamentary reforms will be a subject of an independent and separate parliamentary strengthening programme which will organically link to the KRA 6”.* (GoM DG Sector Strategy, 2013: 81 - 82)

The comprehensive parliamentary strengthening programme has not yet been developed. There is need for broader consultations in the form and content to ensure complementarily. The previous Parliamentary Support Project aimed at strengthening the capacity of the National Assembly to effectively perform its constitutional mandate of oversight and legislation. The activities have included training of staff on legislative review and formulation of oversight reports and promotion of innovative and integrated application of ICT to enhance optimization of the ICT/information benefits of accessing other legislative environments. The analysis below is a reflection of the previous support as well as the Youth Parliament.

Strengthening Parliament Programme was aligned to government policies and UNDAF. The constitution establishes the National Assembly in chapter VI. It is charged with three main functions, namely, oversight, representation and legislation. In 2010, the Parliament developed a Strategic Plan for the period 2010 - 2015 with the aim to enhance institutional capacity of Parliament to deliver its core functions. The plan is aligned with key sectoral strategies and policies as highlighted in the MGDS, which emphasizes good governance for sustainable economic development. The strengthening of Parliament capacity for oversight and legislation was reflected in the previous UNDAF for Malawi, Outcome 5: good governance, gender equality and rights based approach to development and UNDP CPAP Outcome 4: informed public actively claiming good governance and human rights by 2011.

Gender mainstreaming is integrated in the Strengthening Parliament Programme through policy and sensitization of MPs on the same in order to increase the capacity of the women caucus, capacity building through seminar/workshop; holding forums, networks, seminars and training was conducted for house leadership, presiding officers and business committee, clerks and senior staff on legislative process; strengthen the leadership and representative roles of MPs through training and production of handbook for MPs on representation; increase the outreach work of parliament through open air sensitization meetings; programme of constituency based activities, development of IEC material, interface with civil society, and training for CSO and media.

The youth Parliament is currently a co-financed project with UNICEF. The Parliament is involved in the identification of school youth and those out of school. The aspects on gender and people with disabilities are included.

**UNDP’s Experience in Malawi through Strengthening Parliament Project:**

UNDP’s previous programmes of support to parliament in Malawi recorded significant results. Key results include:

1. *Capacity development*: There have been several capacity development initiatives since 2004 presidential elections such as

* Orientation programmes: UNDP supported the orientation of members of parliament through the University of Malawi for the 2004 – 2009 period
* UNDP also supported the development of training modules that are currently being used for MPs orientation. Parliament is now conducting these orientation sessions at no cost to UNDP.
* UNDP, in collaboration with the National Forum for Peaceful Settlement of Conflicts (NAFPESCO), introduced all MPs to conflict management and conflict sensitivity.
* UNDP further supported trainings for Parliamentary Service Commission in corporate governance to clarify roles between the elected MPs and the Secretariat. Understanding of their responsibilities as Members of Parliament improved such that there was minimal unnecessary interruption of duties of Parliamentary staff by MPs.
* Monitoring and Evaluation trainings for Parliamentary staff were also supported and staff became more aware of the need of monitoring and evaluating results, unlike in the past when staff were more concerned with activity implementation on both government ORT and project.

1. *Strategic Plan*: UNDP supported the development of the 2010-2015 strategic plan that has guided parliamentary development to date
2. *Standing Orders*: Support was also provided for the review and initial drafting of the new Standing Orders aligned to the developments in a multi-party Parliament. The new Standing Orders were adopted in 2014.
3. UNDP also assisted in drafting a Code of Conduct for Members of Parliament and Staff, with some elements incorporated in the Standing Orders approved in 2014.

There is renewed interest for coherent and coordinated support to the Parliament as demonstrated by the outcome of the Heads of Missions meeting in which the EU, UNDP, RNE, USA, DFID and Irish Aid recommended more technical consultations. The scope of the analysis includes the oversight, legislative and representative roles; the committee system; powers and institutions; structural economy; influences and political party system and; administrative issues such as the organizational structures, individual staff and dynamics.

The DG SWAp Sector Coordination Committee – on 6th August 2015 approved establishment of the Policy and Administration Sub-Committee with membership from Executive, Parliament, Judiciary, Independent Commissions, Non-State Actors and Development Partners. The Sub-Committee has delegated authority to engage the Executive, Parliament, Judiciary and Independent Commissions for purposes of streamlining and sequencing legislative, policy and institutional reform agenda as well as developing linkages with the forthcoming national development strategy and public sector reforms.

**Sustainability**

A strong aspect of the previous support is the anchoring of the capacity development support at the committee secretariats. While the MP turnover during elections is around 70%, committee structures and support staff are permanent. Involving the secretariats in capacity development is the right way to ensure sustainable outcomes across election terms.

**Conclusion**

UNDP’s previous programmes of support to the Parliament in Malawi recorded significant results. Strengthening Parliament Programme is aligned to key sectoral strategies and policies as highlighted in MGDS, which emphasizes good governance for sustainable economic development. The strengthening of Parliament capacity for oversight and legislation is reflected in UNDAF. Gender mainstreaming is integrated in the Strengthening Parliament Programme through policy and sensitization of MPs on the same. Youth Parliament is currently a co-financed project with UNICEF and the Parliament is eager to continue this innovation as a means of democratic education and providing democratic space for the youth.

## 3.5 Malawi Human Rights Support Project (MHRSP) 2012-2014

The Malawi Human Rights Support Project (MHRSP) is implemented by the Malawi Human Rights Commission (MHRC) with the support from UNDP. The Project started in 2012 and is expected to be completed in the 2016. The goal of the project is to support the promotion and protection of human rights by strengthening mechanisms and institutions that promote norms and good practices and foster democratic accountability. It seeks to support the establishment of inclusive and sustainable frameworks and strategies for coordinated and integrated human rights promotion and protection in a responsive way to national priorities and within the global and regional context. The project represents a concrete response by the UN System to assist Malawi to embed democratic governance through respect for the principles and standards of human rights as entrenched in the Constitution of Malawi and in international and regional human rights instruments.

**Project outputs:**

**Output 1**: A gender responsive national human rights action plan developed in a participatory manner and implemented

**Output 2**: Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively

**Output 3**: Malawi’s engagement on the state party reporting and UPR is improved in a participatory and consultative manner

**Output 4**: Strengthened partnership between Malawi Human Rights Commission, Office of the Ombudsman and Non-State Actors on Human Rights through the establishment and institutionalization of an interface mechanism

**Output 5**: Effective and efficient management, partnership formation and monitoring and evaluation of the Programme

**Relevance**

The project is aligned to the Constitution, MGDS II and the UNDAF. The constitution provides for national growth and development in which citizens are to be met through democratic governance and protection of fundamental human rights and freedoms. MGDS II reinforces the importance of human rights as a prerequisite for poverty reduction. The UNDAF 2012-2016 outcome 4.1 responds to the need for improved coherence within the UN support to development efforts through a rights-based approach. The project is designed to support state party reporting and advocacy for implementation of all UN Human Rights Mechanisms recommendations and enhanced working relationship between constitutional bodies and civil society organizations on human rights. The project is situated in the context of ongoing efforts by Government of Malawi to establish a Sector Wide approach to democratic governance to enhance policy coherence and dialogue as well as improving overall coordination of the sector. The project is designed to complement similar on-going and planned activities of other development partners in the area of Human Rights such as the European Union’s democratic governance programme, the Tilitonse fund for civil society and UN Agencies through such as UN Women, the UNICEF which advocates protection of children’s rights and UNFPA which promotes the right of every woman a, man and child to enjoy a life of health and equal opportunity. Therefore, the project is relevant as it is derived from the legal provision in the both the Constitution and Laws of Malawi on human rights promotion and protection, and Malawi Growth and Development Strategy. It addresses human rights knowledge and skills gaps on the parts of both the claim holders and duty bearers. The project affects the capabilities of claim holders including women rural populations by empowering them to demand and exercise their rights and corresponding duties. It also affects the capabilities of duty bearers to be effectively responsive on the 4 four core obligations, namely, to respect, to protect, to promote and to fulfill human rights.

**Effectiveness**

Below is a summary of progress registered under each output; progress registered in most instances contributes to several indicators and has, therefore, been lumped together to avoid duplication.

**Output 1: A gender responsive national human rights action plan developed in a participatory manner and implemented**

*Indicator 1: Number of institutions involved in the formulation of the National Human Rights Action Plan (Baseline: 0; Target: 10): Status: Partially achieved*

A concept note on the National Human Rights Action Plan was finalized and after a preliminary technical review of the NAP 2004 -2011, the project finalized the concept note that provides, among others, the methodology and roadmap for the review process.

The National Human Rights Action Plan was developed through MoJCA constituted Steering and Technical Committees and involved ten institutions. However, it is expected that the NAP will be finalized and launched by 2016. The survey on Gender and Human Rights in Malawi was conducted and finalized by MHRC and its findings informed the process of developing the new Nation Action Plan for the Protection and Promotion of Human Rights in Malawi The survey report examines the current situation of women in decision making processes, participation and leadership at different levels; the impact of cultural beliefs on women decision making, the effectiveness of the primary justice system towards women; extent to which women have access to information; women representation in local governance structures and the plight of women in such issues as gender based violence.

**Output 2: Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively**

*Indicator: % of human rights violation cases completed. (Baseline: Partially developed 65% for MHRC and 20% for OO; Target: 68% cases completed for MHRC and 25% for OO): Status- partially achieved*

A human rights architecture with clearly defined roles for institutions was established. The Human Rights Commission Act was reviewed to meet international standards. The proposed amendment is at Cabinet level, through the MoJCA. Further, MHRC promulgated Regulations to the Human Rights Commission Act to strengthen its enabling framework. These Regulations are in force and being applied. The OO on its part conducted a desk review of the Ombudsman Act. Technical capacity for Malawi Human Rights Commission was strengthened and MHRC were involved in several activities on promotion and protection of human rights during 2014 the elections period. The leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates was strengthened. The review and development of performance management systems for the OO was completed and the report was finalized. The OO carried out civic education activities in the northern, central and southern regions. The public was sensitized on the roles and functions of the OO and administrative malpractices. In terms of case management, this seems to be too little progress and this requires implementing institutions to work together towards a coordinated approach to managing the caseload. Progress is held back by high staff turnover, poor recruitment powers and the general capacity to deliver on their mandates.

***Output 3: Malawi’s engagement on the state party reporting and UPR is improved in a participatory and consultative manner***

*Indicator: No. of UPR recommendations implemented (Baseline: 0% {2011}; Target: 10% of accepted recommendations implemented); Status: Achieved*

This output was achieved evidenced by improved implementation of UPR and timely submission of state party reports. The State Party Reporting is done in responses to issues raised by the Human Rights Committee on the International Covenant on Civil and Political Rights (ICCPR). The project collected data and drafted reports on the Convention Against Torture and International Covenant on Economic, Social and Cultural Rights for presentation to the National consultation workshops. The project is also supporting the drafting of the state party report on the Convention on the Rights of People with Disabilities in cooperation with the Department of Disabilities. Data collection has been completed and the report is expected to be submitted to the UN Human Rights Committee in 2015.

***Output 4: Strengthened partnership between Malawi Human Rights Commission, Office of the Ombudsman and Non-State Actors on Human Rights through the establishment and institutionalization of an interface mechanism***

*Indicator: Improved human rights awareness. Baseline: 50% [Justice Baseline survey 2011] Target: 60%. Status: Achieved*

This output was fully achieved as there is a degree of strengthened partnership between MHRC, OO and Non-State Actors on Human Rights and institutionalized interface mechanism. These include workshops, which were conducted with stakeholders in human rights in order to establish partnership and the human rights coordination forum; drafted Human Rights Awareness Strategy; Trained head teachers and mapping exercise for Establishing Human Rights Forum. A summary of the achievements include open air sensitization meetings on human rights; commemoration of the International Human Rights Day the commission, awareness activities , high level panel discussion on police reforms; a video documentary on human rights accountability and public debates on various emerging human rights issues.

***Output 5: Effective and efficient management, partnership formation and monitoring and evaluation of the Programme***

*Indicator: % of activities successfully implemented; Target for 2013: 10%: Status achieved*

Human rights-based and results-based monitoring and evaluation were accomplished through were steering meetings, monitoring field visits and spot-checks by UNDP. One monitoring visit was conducted for training of head teachers by the Malawi Institute of Education. Two monitoring visits were done for the OO activities while another monitoring visit was conducted in the Southern Region. The progress on activity implementation indicates that 2014 recorded progress especially in the Ministry of Justice and Constitutional Affairs resulting in progress on producing state party reports and the national UPR report.

**Efficiency**

There are several factors constraining the project efficiency. The delays in disbursement resulted in late commencement in the implementation of activities. The interventions in areas of human rights have been ad hoc. Furthermore, weak synergies tend characterize the stakeholders that are responsible for the promotion of human rights such as the ACB, the Law Commission MEC and the OO. These institutions have relatively similar mandates and programmes relating to investigation of human rights abuse, promoting human rights based approaches, civic education and ineffective coordination leads to duplication and a constrain on institutional and technical capacities and funding. The MHRC is perceived by some respondents as non-transformational and reactive in responding to emerging human rights issues, such as LGBT rights. However, MHRC has timely responded to several emerging issues in the course of the project phase. The issues include gender-based violence, elections-related violence, threats on right to life through shootings of police by civilians and vice versa, xenophobia, disaster preparedness and responsiveness, allegations of hunger in prisons, child rights, disability issues such as the killings of albinos. MHRC has also monitored various processes and held accountability engagements with relevant duty bearers where appropriate, and has facilitated access to remedies in line with its mandate.

Furthermore, the project has established strategic partnership with other programmes that contribute to the improvement of enjoyment of citizens especially women, youth and other vulnerable and marginalized groups. The synergies are built around ongoing UNDP interventions in gender and capacity building and complement activities including those and planned by other UN agencies and development partners. The partnership includes the European Union’s democratic governance programme, the Tilitonse fund for civil society. UNDP further collaborates with other UN Agencies through UNDAF outcome 4.1 such as UN Women, the UNICEF which advocates protection of children’s rights and UNFPA which promotes the right of every woman a, man and child to enjoy a life of health and equal opportunity. UNDP is the forefront in the provision of technical and financial support in strengthening capacities of Human rights institutions. The Project has also built synergies with other UNDP supported programmes in democratic governance including the Democracy Consolidation Programme (DCP). The project has links with organizations like National Initiative for Civic Education (NICE) that have stable grass-root structures for project implementation in many districts. The project also supports the Malawi Institute of Education in training primary school head teachers on the use of source book on human rights and democracy.

**Sustainability**

The project is implemented under the National Implementation Modality (NIM) with the MHRC acting as implementing partner. Though there are several responsible parties implementing project activities, cooperation of the Ministry of Justice and Constitutional Affairs ensures sustainability as Government owns the process of promotion and protection of human rights for better lives for Malawians. However, the implementing institutions especially MHRC and OO do not possess adequate capacity to fulfill their mandates. Government funding for the Office of the Ombudsman has been declining over the years and implementation of the project activities are affected and impact negatively on desired results. There is need for a thorough assessment to identify specific capacity gaps and determine how best the gaps can be addressed within the available means and resources. The aim is to ensure attraction and retention of adequate quality and quantity of personnel and provision of appropriate technical and financial assistance to enhance protection and promotion of human rights.

**Conclusion**

The achievements registered by the project include the finalized Gender and Human Rights Study and the draft National Action Plan (NAP); reviewed of Human Rights Commission Act; provided oversight role in promoting transparency, accountability, objectivity and 2014 tripartite elections monitoring at constituency level and the main tally center; investigated cases of human rights violations relating to elections irregularities; on-spot investigations, civic education by OO; Universal Periodic Review Mechanism (UPR) and state party reports. However, the project experienced some challenges especially in coordination of project activities. The MHRC and OO experience high turnover of personnel and loss of technical capacity. The situation is compounded by low institutional and technical capacities as well as poor funding and infrastructural decay in human rights institutions accounting for a lack of pro-activeness and meaningful impact in the area of human rights. Despite the challenges facing the delivery of MHRC mandate, the achievements registered in the project show that there is considerable progress and that MHRC needs support in terms of skills and equipment to improve its capacity.

## 3.6 Social Cohesion Support Project

The project is designed to support the Government of Malawi in its efforts to establish a National Peace Architecture (NPA) that will provide a structure and mechanisms for collaborative dialogue, peace building and conflict prevention.

**Project Outputs**:

**Output 1:** Consensus among government and civic actors reached on the parameters of national peace architecture and on a strategic plan for the establishment of the architecture

**Output 2:** Potentially violent disputes resolved through mediation, and consensus on key national priorities reached, through facilitation and advocacy by the Public Affairs Committee

**Output 3:** Civic capacities for conflict prevention extended and applied through development of conflict-and-gender-sensitive reporting by media, and through the enhancement of the capabilities of women’s networks for conflict resolution and for advocacy for peace

**Output 4:** Programme management and support capacities acquired and implemented

It is envisaged that the NPA will provide for coordinated mechanisms and strategies to ensure that Malawi remains a peaceful and cohesive nation for development.

The project is well aligned to government policies and UNDAF. It operationalize section 13(l) of the constitution of Malawi which only provides for the adoption of mechanisms for peaceful settlement of conflict through, among other strategies, conciliation, negotiation, and mediation in the absence of a policy and institutional framework. The project is also aligned to both the Malawi Vision 20/20 that seeks a democratically mature, secure and peaceful Malawi by the year 2020 and theme 5.3.4 of MGDS II, which acknowledges that peace and security are essential prerequisites for socio-economic and political prosperity. The establishment of the NPA is in compliance to Malawi’s commitment to the 2014 Lesotho Declaration and the 2001 African Union (AU) Heads of State Memorandum of Understanding (MoU) on Security, Stability, Development and Cooperation in Africa which was to “Establish, by 2004, national institutions or mechanisms for prevention, management and resolution of conflicts at community and national levels with active involvement of civil society organizations (CSOs) and community based organizations (CBOs)”.

The project design recognizes existing conflict prevention mechanisms in the country; both formal and informal mechanisms. It addresses major gaps, which include the reactive rather than pro-active approach to conflict management in the country, absence of an enabling policy and legislation and poor coordination of the various mechanisms to ensure efficiency. While the processes towards the establishment of the NPA are on-going, support through the Office of President and Cabinet (OPC), responds to emerging issues. For instance, the project extended its support to the Public Affairs committee (PAC), an independent and existing structure to provide ‘insider mediation’ and spaces for dialogue, necessitated by a highly polarized political environment prior to the May 2014 elections and the deteriorating socio-economy worsened by revelations of theft and mismanagement of public resources at the seat of government in 2013 (the cashgate scandal). The project responded by supporting the Public Affairs Committee (PAC) to manage the existing potentially violent conflict situations in the country, with a particular focus on mitigating electoral-related violence in the tripartite elections.

The operationalization of the NPA is a long-term process and adopts an incremental approach in the designing as well as the ensuring a home-grown, effective and well-coordinated mechanism for proactive conflict prevention and resolution in the country.

The project design was based on intensive consultations country with people from all walks of life including women, youth and people with disabilities. It hasattempted to mainstream gender. For instance, output 1 incorporates gender aspect as reflected in the proposed membership to NPC: The NPC will comprise fifteen members - with the following minimum demographic representations: six men, six women, and two youth (male and female), and one person with disability. At least seven of the members shall be women. Furthermore, output 2: civic capacities for conflict prevention involve development of conflict and gender sensitive reporting by media and through the enhancement of capabilities of women’s networks for conflict resolution and for advocacy for peace.[[6]](#footnote-6)

**Output 1: Consensus among government and civic actors reached on the parameters of national peace architecture and on a strategic plan for the establishment of the architecture**

*Indicator: Progress towards developing the draft Strategic Plan on NPA by December 2014; Baseline: NPA Report; Target: Strategic Plan on NPA by December 2014. Status: Partially achieved.*

UNDP provides support for a five-year strategic plan, and a draft policy to guide the establishment and operationalization of the NPA were developed and submitted to UNDP and OPC for perusal. A communication strategy was developed, regional consultations technical meetings were organized with various stakeholders representing various sectors and groups in the society. Furthermore, senior government officials and civil society leaders were also engaged in separate meetings. These meetings contributed to increased understanding and appreciation on the need for the NPA in Malawi, and the reaffirmation of the government’s and NSA commitment and support to the process of establishing the NPA. The process is on-going as some activities such as piloting NPA in three districts, conduct of NPA advocacy and Public awareness campaigns, target sensitization meetings on NPA Bill, Regional Interface meetings with chiefs on conflict management and NPA, establishment of Peace District Peace Committees as well as training of District Peace Committees all await the necessary legislation as government is engaging key stakeholders on the NPA with the aim of soliciting their buy-in and support to the process.

**Output 2: Potentially violent disputes resolved through mediation, and consensus on key national priorities reached, through facilitation and advocacy by the Public Affairs Committee**

*Indicator: Number of Stakeholder engagements facilitated by PAC on Peaceful elections; Baseline: 2; Target: 5; Status: Achieved*

Through UNDP, support PAC facilitated a number of stakeholder engagements towards peaceful elections that exceeded the target. These engagements included capacity building in mediation and dialogue facilitation, provision of platforms for national dialogue, coordination and interaction of conflict prevention and management efforts, strengthening capacities of youth and women in peace building, conflict early warning monitoring and reporting. PAC also conducted ‘insider mediation’, dialogue facilitation and advocacy in the run up to the 2014 tripartite elections; shuttle diplomacy, prior to the elections which culminated in all the twelve presidential candidates committing themselves to peaceful conduct before, during and after the elections. Furthermore, PAC facilitated the signing of the Lilongwe Peace Declaration through shuttle diplomacy, a goodwill document signed by all 12 presidential candidates in the 2014 tripartite elections, committing to peace during the elections. A pool of mediators/dialogue facilitators was trained and they facilitated dialogue among the four leading presidential candidates during the immediate post-voting election impasse. One key success of the insider mediators was that, for the first time in Malawi’s history, women were part of a high-level mediation/shuttle diplomacy panel to engage a sitting President and Presidents of leading political parties in reducing tensions. PAC also took lead in the facilitation of a national debate on inclusivity and federalism, after calls for a change of government system to a federation came in the post-election period.

**Output 3: Civic capacities for conflict prevention extended and applied through development of conflict and gender sensitive reporting by media, and through the enhancement of the capabilities of women’s networks for conflict resolution and for advocacy for peace**

*Indicator: Number of Media Editors and Journalists trained in gender and conflict sensitive reporting. Baseline: 0 Target: 30. Status: Achieved*

A conflict and gender sensitive reporting training was conducted for 35 journalists. The training generated a common understanding of conflict and gender sensitivity and enhanced the participants’ skills in this particular area of reporting. With the aim of enhancing the skills of Malawian journalists in this area to enable them play critical role in entrenching a culture of openness and transparency necessary in any democratic society, and to be a positive social force that unites rather than divides. UNDP also supported the development of guidelines for media houses and journalists in conflict and gender sensitive reporting and a Chiefs training in Conflict Management. It should be noted that the activities related to the enhancement of women capacities for conflict resolution and peace advocacy were supported and implemented through output 2.

**Output 4: Programme management and support capacities acquired and implemented**

*Indicator: Project Delivery Rate; Baseline: 65%; Target: 85%. Status: Achieved*

The project registered an overall delivery rate of 86%, which exceeded the targeted 85% for 2014. The support from the Bureau for Crisis Prevention and Recovery (BCPR) allowed for the continued technical support of Peace and Development Advisor (PDA) to the project, which provided project assurance, coordination and management capacities.

The NPA process was linked to UNSCR 1325, which advocates women peace and security. The issues affecting women participation were well established and the implementation of measures to increase women's participation in decision-making were recognized as reflected in the proposal that NPA membership should comprise fifteen members - with the following minimum demographic representations: six men, six women, and two youth (male and female), and one person with disability. At least seven of the members shall be women at all levels.

A gender-inclusive team of ‘insider mediators’ was established to tackle national disputes and play a preventive diplomacy role before, during and after the electoral process.[[7]](#footnote-7) Fourteen PAC leaders (ten Men and four Women) were exposed to a simulation and mediation training with an aim of developing election-related scenarios and building capacities in mediation and dialogue facilitation. 29 women were trained in basic peace building and conflict transformation skills. Capacity of ‘women in faith’ network was built to be able to promote peace-building groups in their own religions and communities. The training led to the formation of three regional teams of Women in Faith Peace networks, which were engaged in sensitization exercises, sharing the knowledge and skills. The networks also monitored violence during the elections period. Another achievement from the formation of the networks was the inclusion of two women in the six member-core national mediation team, representing 33.3%.

**Efficiency**

The project is efficiently executed with the delivery rate estimated at 86 percent. In the 2014, the project received funding from two sources; TRAC (USD 215,000) covering activities in the OPC work plan and BCPR (USD 682,000) covering activities in the PAC work plan. Generally, the project is in compliance with the UNDP requirements and the delays in implementing the project activities are beyond project control. There are adequate controls in place to ensure proper accountability of donor funds. These controls appear to have been properly designed and operated efficiently and effectively.

**Sustainability**

There is government ownership to results; buy-ins through multi-stakeholder engagements, and acceptance and buy-in to the establishment of the NPA was obtained. There is strong support and push for NPA from both government and civil society. The process of developing a strategic plan that will guide the establishment and operationalization of the NPA was based on regional consultations to inform the process was held. Factors that supported this success were: the political backing (both from the previous People’s Party-PP and the current Democratic Progressive Party-DPP governments) towards the establishment of the NPA; PAC’s convening power which enabled it to engage high-level stakeholders at critical moments, and the interfaith approach which provided credibility to the organization. There is great potential that results can be sustained as evidenced by efforts to provide government funding as well as involving other stakeholders.

**Conclusion**

The project has made several major achievements in relation to its objectives and there is great likelihood that by 2016 the project will have accomplished its objectives as capacity is available. The project is relevant and well aligned to government policies and UNDAF. It addresses critical gaps that include a mechanism or structure for collaborative dialogue, conflict prevention and peaceful settlement of disputes and coordinated mechanisms and strategies to ensure that Malawi remains a peaceful and cohesive nation for development. There is progress towards the draft NPA and Strategic Plan; the signing of the LPD that contributed to, and strengthened the commitment to peaceful conduct of the 2014 tripartite elections; successful shuttle diplomacy and dialogue facilitation during the stalemate of election results; enhanced civic capacities and increased participation of women and youth in peace building and conflict early warning monitoring and reporting; enhanced knowledge and skills in conflict management; continued buy-in and commitment from government and civil society to the establishment of the NPA; and improved coordination and collaboration among the IPs, and also the interagency coordination.

Another contributing factor to the success was the good partnerships with relevant players (women, youth and media) during the implementation of the activities. For example, all gender-related components in the project were implemented in collaboration with UN Women who provided technical expertise. Good partnerships and inter-agency collaboration is very critical to the achievement of results. This was experienced in 2014, yielded positive results of reduced transaction costs, and maximized use of existing technical expertise within the UN system. For all gender related activities, UNDP partnered with UN Women during the planning, implementation and evaluation processes.

Despite the good progress in terms of delivery of resources, the project did not hold a Steering Committee (SC) meeting and PAC is not included in its design. The activities of Women Network Group, the UN Women and the Ministry of Gender also need up scaling to ensure that the participation of women in the NPA processes is improved.

Overall, there is need for continued support to Government’s efforts towards the establishment of the NPA and priority areas include support the creation of a conducive policy environment and legal framework for the establishment of the NPA, finalization of the Strategic Plan and draft Policy; Drafting the NPA Bill; and the piloting of the NPA structures in three districts and supporting initiatives aimed at increasing the participation of youth and women, particularly young women and women in conflict prevention initiatives.

## 3.7 The Democracy Consolidation Programme (DCP IV) 2012-2016

The goal of the programme is “group villages progressively enjoying the right to development through demanding good governance and performance of correlative duties.” The programme is implemented at scale and operates in 22 out of 28 Districts. It focuses on the development of capacity (knowledge and skills) of the grassroots to demand the right to development at all levels, the advancement of fair markets, and the performance of duties at all levels. It contributes to the realization of the right to development through community-driven demand for democracy, good governance, and human rights.

**Programme Outputs**:

**Output 1**: At least 70% of Group Villages in 28 districts effectively demanding progressive accessibility and acceptability of basic social services, basic services, and good governance.

**Output 2**: At least 70% of Group Villages in 28 districts demanding fair labour practices and markets and consumer protection.

**Output 3**: Community members facilitating voter education for the right to development and good governance.

**Output 4**: Effective and efficient management, partnership formation and monitoring and evaluation of the Programme.

**Relevance**

The programme is aligned to section 30 of the Constitution of Malawi and the overarching national development policies and strategic goals. These include the Vision 2020 and the Malawi Growth and Development Strategy (MGDS II) {2011- 2016) which underline the promotion of good governance and realisation of the right to development. The MGDS II’s sub-theme 3 (Governance) seeks to secure the key elements of democratic governance through promotion of justice and rule of law, human rights, elections, peace and security and public sector management. The programme is also reflected in the Democratic Governance Policy Framework Paper (DGPFP), which states the aim to create human rights awareness in Malawi “in order to empower all people of Malawi to demand and protect their rights and hold all duty bearer individuals and institutions accountable.”

The programme is also aligned to the UNDAF 2012-2016 Key Priority 4: National institutions effectively support transparency, accountability, participatory democracy and human rights by 2016 and the UNDAF Outcome 4.1. The two UNDAF Outcome Indicators relevant to DCP IV are increased proportion of people holding duty bearers accountable from 40% to 65% by 2016 and the increased voter turnout from 70% in 2009 to 90% in 2014.

The Programme Steering Committee comprises representatives of various categories of stakeholders including the OPC; Line Ministries such as the Ministry of Local Government and Rural Development and the Ministry of Justice, human rights constitutional bodies such as the Malawi Human Rights Commission and the National Assembly and civil society organizations.

The programme is implemented in partnership with 15 civil society organizations selected through an open and competitive process and public bodies including the Ministry of Local Government and Rural Development. The Implementing Partners (IPs) falls in two broad categories: district based IPs, which creates local structures to lead communities in programme activities; and media based programmes which complement the district based programmes through the provision of an alternative medium for right-holders to express their views and make demands to relevant duty bearers.

The electoral campaign period presented a unique set of opportunities during which Parliamentary candidates are more responsive to demands by communities. This has led to continuous engagement with duty bearers to foster a better understanding of programme purpose and improved relations. There has been continuous capacity building of volunteer structures and motivation and retention of programme staff to ensure sustainability of programmes. Furthermore, effective networking and collaboration among stakeholders was intensified at district level results for timely and effective realization of programme objectives. Thus, the programme design has been adequate to address problems/objectives.

The democratic governance seeks to advance women’s legal rights and empowerment, strengthen their access to justice, ensure gender responsive and equitable service delivery, and promote their equal participation in decision-making. UNDP intervention contributes to empowering communities to demand for better services through training, community sensitization campaigns, addressing gender imbalances and promotion of participation of vulnerable groups, slightly over 50 % of Community Rights Committee (CRCs) and around 70% of the Radio Listening Clubs (RLC) membership is now made up of women, with many taking up leadership positions.

The major gaps addressed relate to prioritization of the needs of disadvantaged groups; enhancing active participation of women in programme structures and development initiatives; promotion of activities that improve economic status of women. The loss of programme resources due to exchange differentials and slow response by UNDP affect the speed of activity delivery; mutual trust and cordial relations between programme staff, Community Based Facilitators (CBFs), Community Rights Committees (CRCs) and Radio Listening Clubs (RLCs) members as well as traditional and other opinion leaders at local level. The programme continues to consolidate results achieved earlier using the transfer of knowledge and skills on governance and human rights to the citizenry; Use of animation, group working and other interactive methods (CBFs, CRCs and RLCs) complemented by radio and print media; Particular focus on vulnerable groups, Women, children, youth, people living with disabilities and HIV/AIDs; and continued engagement with local councils.

The Programme has been effective in the achievement of results as it has provided financial and technical support to Civil Society Organisations (CSOs) and public institutions to implement various activities across the country; signed funding agreements ;strengthened the capacity of programme grassroots structures, (CBFs, CRCs and RLCs) in various target districts; community outreach meetings; interface dialogues with duty bearers. This is evidenced by benefits to the communities such as: withdrawal of 2524 Children (1145 girls) from child labour and their return to their homes and, most of them, re-enrolled in schools; increased participation of vulnerable groups and reduction of gender imbalance and the result is that slightly over 50 % of CRCs and around 70% of the RLC membership is now made up of women, with many taking up leadership positions; success stories of Intervention by villagers to stop corruption, mediation and counselling and appropriate case handling and Media coverage and community activities.

Below is a summary of progress registered under each output; progress registered in most instances contributes to several indicators and has, therefore, been lumped together to avoid duplication.

**Output 1: At least 70% of Group Villages effectively demanding progressive accessibility and acceptability of basic social services, basic services and good governance especially for women, children, youth and people with disabilities**

*Baseline (2014): 60%. Target: 70%: 728 out of 2,471 CRCs (69%); in 19 districts; 59 out of 61 RLCs (97%: Status: Achieved*

The selection process of IPs was completed and a ToT on governance and right to development for Executive Directors, Programme Managers and Paralegal Officers was held from 15th to 18th December 2014. Selection of CRCs, refresher training on the right to development and HRBA was launched in the districts; CRCs dialoguing with duty bearers was fully achieved as it reached out to various duty bearers, especially local government service providers aimed at addressing various challenges impacting negatively on the quality of life for right holders. The various cases were registered and processed by the District Paralegal Offices, Radio programmes on governance and RtD were produced and broadcast exceeded the target and circulation of Boma Lathu resumed in July 2014. By 2015 at least 70 % of Group villages in 28 districts are effectively demanding progressive accessibility and acceptability of basic social services for women, children and people with disabilities.

**Output 2: At least 70% of Group Villages in 28 districts demanding fair labour practices, markets and consumer protection especially for women, youth, children and people with disabilities**

*Baseline (2014): 65%; target 70%; 2,113 out of 2,471 CRCs (85%), Status: Achieved*

This output was fully achieved as there was an increase in the number of CBFs that were trained as trainers on fair trade, labour and consumer rights. The trained replicated the training at the community level in the new districts.

**Output 3: Community members facilitating voter education for the right to development and good governance**

*Indicator: % of public who are knowledgeable about electoral processes; Baseline: NA; Target: NA; status: Partially achieved*

This output was not funded and as a result, it was partially achieved. Despite the absence of election specific funding, CBEs, CRCs and RLCs actively participated, either on their own or in partnership with other accredited organisations to fighting electoral malpractices, raise awareness and encourage community participation to vote in the 2014 tripartite elections for candidates of their choice without inducement or coercion. Duty bearers were engaged to resolve conflicts promptly. Parliamentary Election Candidates were made to sign social contracts with the communities (CRC & RLC) in 45 constituencies from across the country. Some CRCs also facilitated constituency and ward level debates to enable candidates explain their plans and visions as well as enable voters put across their aspirations.

**Output 4: Right to development-centred effective and efficient management, partnership formation and monitoring and evaluation of the Programme**

*Baseline: 15; Target 17; Status: Achieved.*

The IPs networked with other organizations at various levels, including District Executive Committee (DEC), OXFAM, Malawi Electoral Support Network (MESN) and National Initiative for Civic Education (NICE). Stakeholder Consultative Forum (SCF) was held for District Paralegal Officers and Programme Managers to share experiences and discuss the Programme implementation strategy, reporting guidelines and addressing common challenges.

In summary, the output achievements are on track and targets likely to be met by end 2016 as evidenced by the achievements notably, improved capacity of volunteer structures on governance and human rights with strong women involvement, trainings which increase in critical mass at local level demanding compliance with GG & HR principles and fulfilment of RtD (1,728 out of 2,471 CRCs (69%) and 59 out of 61 RLCs (97%) dialogued with various duty bearers; improved access to justice by rights holders especially vulnerable groups (2,584 handled (1,438 – 55.9% were female}; and improved enjoyment of economic rights through engaging in IGAs, fighting labour and trade exploitation, etc.

Gender mainstreaming is well approached since by design, gender mainstreaming guides implementation across all programme activities. The activities give attention to the needs and challenges facing vulnerable groups, namely; women, the elderly, people with disabilities and those infected and affected by HIV/Aids, youth and children.

**Efficiency**

The programme is efficiently managed in view of the Delivery Rate of 70% with a total of actual payments (Govt. Disbursements Plus Direct Payments) made during the period against the approved 2015 Budget and with 70.3% of Delivery Rate of Total actual payments (Govt. Disbursements only) made during the period against Available Resources in 2015. Over time, resources for the programme have been provided by the Government of Malawi, UNDP, Norway, Sweden, the Netherlands, Irish Aid and Finland. In line with the Harmonized Approach to Cash Transfer (HACT), disbursement goes directly to the implementing partner on a quarterly basis upon receipt of a satisfactory financial and progress report for the preceding quarter. For 2015, the annual budget is MWK 709,963,263; the PO received was MWK 497,728,169 and MWK 484,335,649 was spent. Direct payments made during the year amounted to MWK 12,467,792.

The programme involves the transfer of knowledge and skills on governance and human rights, with special emphasis on the right to development, fair trade, labour and consumer rights using animation, group working and other interactive methods; creation of local programme structures like district officers, CBFs, CRCs and RLCs to lead the masses in making assessments of community challenges and making demands from relevant duty bearers and free paralegal services as a redress mechanism for vulnerable groups.

The UNDP provides support services as requested by Government. It also provides services in the areas of identification, assistance with and/or recruitment of long-term or short-term technical personnel, Procurement of specific goods and services, Identification and facilitation of training activities. Providing relevant information and technical advice obtained through UN global information systems, UN Knowledge Networks. Delays in UN funds transfers followed by requests for quick disbursement has a negative impact on programme activities and proper work planning.

Other challenges that negatively affected the implementation include the Judiciary workers industrial action which affected the speedy provision of redress for cases that required court intervention; inadequate funding to line Ministries, blamed on cashgate by the central Government which adversely affected service delivery delaying responsive actions by the local authorities and operative factors such as unresponsive duty bearers due lack of resources in public institutions; increased political sensitivity occasioned by the tripartite elections; busy schedules and failure to hold a steering committee meetings.

**Sustainability**

The sustainability is guaranteed by Government ownership and the project’s phased approach in implementation which focuses on transfer of knowledge and skills, animation, group working, and other interactive methods supported by radio and print media. The organization and management scheme of the Programme is based on a tripartite arrangement of the Malawi Government, the UNDP, and other development partners. The Key structures include the Office of the President and Cabinet (OPC) as the implementing partner, which uses existing structures, such as the DCP Steering Committee to play a coordinating role for this Programme Support Document and the Programme Management Office (PMO), and Stakeholders’ Consultative Forum (SCF).

Another indicator of sustainable programme outcome is the fact that other CSOs are taking up the approach of the DCP and are implementing similar programs in the same districts.

**Conclusion**

In conclusion, the Programme is relevant in addressing the challenges outlined in the situation analysis. It contributes to the attainment of Vision 2020, theme 5 of MGDS II and Outcome 4.1 of the current UNDAF. The programme continues to register commendable progress with many communities transforming from muted to active citizens demanding delivery of quality and affordable basic social services, respect for human rights in the delivery of public services as well as transparency and accountability. The election of councilors, after a long absence, present an opportunity to grass root volunteers as they will now have a voice in the decision making fora at district level.

## 3.8 Integrated Rural Development (IRD) Project

The establishment of an IRD framework at district level to stimulate economic growth in the rural areas and to improve living conditions of the most impoverished sections of society has been approached on several occasions over the years with early policy attempts dating back as early as the seventies and the eighties. Previously, such attempts were not successful.

The Malawi Growth and Development Strategy (MGDS II) puts the IRD approach back on the development agenda. It recognizes that broad based economic growth can only be attained if the rural poor fully participate in social, political and economic activities. IRD is therefore one of nine key priority areas identified to transform rural areas into socially, politically and economically viable enclaves that contribute positively to the reduction of poverty and overall sustainable development in Malawi

Against this backdrop, UNDP and Irish Aid support the MoLGRD in the development of an IRD strategy. The project has three outputs:

**Output 1**: Gender responsive IRD strategy document approved and disseminated widely

**Output 2**: MoLGRD strengthened to manage IRD interventions

**Output 3**: Formulation of national programme for strengthening local governance and promoting integrated rural development supported.

The project should mainly be seen as support to the development of the strategy itself, but the project document also links up to the wider attempts of implementing the devolution strategy and the Local government Act of 1998 and the ability of MoLGRD to manage this process. Such support has been provided in the past, also involving other DPs such as GiZ, the WB and UNCDF, but has been abandoned again due lack of progress, cancellation of local elections in 2005 and 2009 and also in the aftermath of cashgate.

In May 2014, during the ‘tripartite” elections, local councillors were once again elected after a nine-year absence, providing a renewed opportunity to strengthen local governance and accountability. In addition, in February 2015, the Government of Malawi (GOM) publicly announced a Public Sector Reform (PSR) agenda that includes enhancing decentralization as well as other key reforms. To this end, the MoLGRD has drafted a LG reform strategy, which is currently under scrutiny in Parliament. It attempts to reinstate the devolution process by piloting fiscal, functional and civil service reforms in six districts. USAid will be supporting this process through the Local Government Accountability and Performance Project (LGAP). The IRD strategy is part of the broader attempt by the MoLGRD to reinstate the objectives of the devolution policy in Malawi in correspondence with MDGS II.

The six pilot districts are Lilongwe Rural, Blantyre Rural, Zomba Rural, Mulanje, Kasungu, and M’mbelwa. Administrative decentralization would include devolved human resources from the ministries to the districts, so that district staff are hired and managed by district governments (rather than reporting to line ministries) in coordination with the Local Government Service Commission.

The FY 15/16 National Budget devolves 5 billion MWK of the Development Budget to district councils. While still modest, previous councils received almost no development grants, greatly limiting their ability to provide services and implement development plans. Increased central transfers are intended to provide councils with the funds necessary to implement District Development Plans. The draft plan also seeks to ensure transparency and accountability for these funds, including robust monitoring by the National Local Government Finance Committee (NLGFC) and National Audit Office. Reforms of the Local Government Act and Chiefs Act have undergone stakeholder consultations, including a two-day workshop supported by PAC and the MoLGRD is currently working on the legal drafting.

The UNDAF Outcome 4.1 focuses on IRD though, and anticipates a rollout of the IRD concept to all 28 districts within the current programme cycle (which corresponds to the timeline in the reform plan). The project was originally designed for a duration of eighteen months, but has been extended and the IRD strategy itself is not expected to be finalized before mid-2016.

**Output 1**: **Gender responsive IRD strategy document approved and disseminated widely**

*Indicator: Progress towards developing the gender responsive IRD Strategy. Baseline: Conceptualization. Target: Approved strategy by December 2014. Status: Strategy still under preparation.*

The IRD strategy has been under development for quite some time and several inputs have been made to MoLGRD during the last years, e.g. the Integrated Rural Development Strategy Preparatory Study in2010.. The MoLGRD admits that it is difficult to develop the concept given the incomplete rollout of the devolution process, but is now confident that the strategy can be completed and approved by mid-2016. During the design process some officials and councilors have been trained in the concept, but the MoLGRD concurs that such trainings may have been premature, and should await the conclusion of the strategy. Certainly, the visit by the MTE team to Lilongwe District and discussion with the District Planning and Development Officer (DPD) confirmed that the training which was rendered exclusively to the DC, has not been disseminated among councilors and planning staff. The DPD admitted that he had never heard of any efforts to introduce the IRD in his district*.* He also considered it pointless unless substantial funding is transferred for such planning purposes. The district already has a well-drafted development plan, which even includes off-budget CSO contributions, but the plan cannot be realized, as funds for development cannot be mobilized.

The project has effectively and systematically applied a gender mainstreaming approach. The objective of the project was to produce a fully engendered policy and Institutional framework for IRD covering planning, coordination, implementation and monitoring and evaluation. A gender assessment of the IRD sector was undertaken (2014) which provided evidence based information to assist the Ministry of Local Government and Rural Development in finalizing the Integrated Rural Development Strategy (IRDS). Based on the assessment, gender has been effectively mainstreamed in the IRD framework with the following core focus areas: Gender is a core pillar of the framework; increased meaningful participation of all gender groups in IRD activities; reduced gender based violence at all levels; enhanced gender mainstreaming across all sectors

**Output 2: MoLGRD strengthened to manage the medium term programme for supporting Local governance and promoting IRD**

*Indicator: Level of MoLGRD leadership in supporting Local governance and promoting IRD. Baseline: Low. Target: High (by December 2014). Status: Partially achieved.*

Part of this output concerns the operations of the SWG on decentralization and IRD. The SWG is active and conducts its meetings according to its TOR. It is co-chaired by USAID. Through the support rendered by UNDP, the MoLGRD seems to have achieved a good understanding of the IRD concept itself. The key revelation has been its study tour to Tanzania to study the experience with IRD at district level, which seems to have induced a new level of confidence of key MoLGRD officials about the ramifications of the IRD concept. As mentioned above, this seems not to be the case at the operational level in the districts, though and the MoLGRD is now looking to move the whole devolution process forward and to bring the DPs back on board. The IRD strategy is an integrated part of the reform plan. However, the initial comments from the Parliament indicate reservations towards the idea of piloting the LG reform in six districts, only.

**Output 3: Formulation of national programme for strengthening local governance and promoting integrated rural development supported.**

*Indicator: Formulation of a medium term programme for supporting local governance and promoting IRD. Baseline: 0. Target: 1 (by December 2014). Status: Partially achieved.*

MoLGRD has indeed prepared a medium term programme for rolling out the devolution process, as mentioned above. The reform programme is a. o. based on an evaluation of the previous NDP II as anticipated by the IRD project support document. This evaluation was completed by December 2014 and provides useful insights into previous support to devolution on Malawi and the major challenges of devolution in the country. While the LG reform plan has been formulated and is currently tabled in Parliament, the rollout of the IRD strategy is still awaiting the completion of the strategy itself by mid-2016.

**Efficiency**

The development of the IRD strategy has been moving at a very slow speed for quite some years even before the present IRD project was launched. The study tour to Tanzania seems to have induced a good understanding of the IRD concept within MoLGRD itself, but the training rendered at seven districts does not appear to have had any impact on the ground. Partly because the DC level, which benefitted from the training, is faced with frequent transfers and perhaps not stable enough as an entry point for capacity development, if cadres at the level below the DC are not included as well. The experience from Lilongwe District suggests that no knowledge gained from the Tanzania study tour was ever disseminated to the district council or the staff. Another problem is that the timing of the piloting at district level is premature, as it took place before the IRD concept had been established and adopted. In other words, the training took place without being embedded in any policy or strategy.

**Sustainability**

The MTE team is not convinced that the IRD strategy is the most optimal focus area at the present stage of the devolution process in Malawi. The challenges facing the IRD strategy is best illustrated by the evidence from the NDP II evaluation (UNDP, Dec 2014) on the Millennium Village Project in the villages of Mwandama and Gumulira. While significant achievements in accelerating MDG objectives were made through the application of substantial project support (funding, technical assistance), these achievements were quickly rolled back once the project ended. The data gathered from this experience is similar to many other area based projects, which may achieve significant gains while being implemented, only to see these vanishing when the project stops. The reasons for this are well-known today as such projects never really address fundamental weaknesses in the LG system. The reasons include underfunding of district development plans, sectors operating in silo structures which is not conducive for area-based approaches at district level, fragmented fiscal transfers and ambiguous human resource links, ambiguity and overlaps in functional responsibilities, dysfunctional district councils, capacity gaps, muted accountability links to the lower levels of local government (area and village committees) and the population per se, etc.

International research on support to local governments in local economic development has reached similar conclusions[[8]](#footnote-8). In reality, local governments only have few tools at their disposal to promote local economic development and simulate growth (simple spatial plans, basic services, fast tracking of admin services like permits). Most stimuli need to be mobilized outside the jurisdiction of local governments and it is difficult for local councils to coordinate such inputs among the many stakeholders, especially from central level stakeholders. While ad-hoc based development projects may be able to achieve this by adding substantial resources in particular districts, the achievements of international support to sustain such efforts beyond project support have been very modest, indeed.

It should also be considered that the IRD experience, which the MoLGRD witnessed in Tanzania, is embedded in a more advanced LG system. Tanzania has been pursuing a local government reform for a number of years now with the support of DPs. While this reform process has faced its own problems, is has nonetheless addressed some of the capacity gaps mentioned here. Above all, significant funds for local development have been transferred to the subnational levels, embedded within an elaborated performance-based grant system, channeling more than 25% of the total public expenditures through the local government system (38 USD/capita in 2010). Currently, only a few percent goes to the districts in Malawi, which also face many other challenges and the system does not appear very conducive for the introduction of the IRD concept. While the attempt to revive the devolution process seeks to address many of the issues mentioned above, it might take years to achieve significant and lasting change, where districts can be expected to sustain a complex concept like IRD. Now, the devolution process first has to get a green light and the DPs brought back to the table as well.

**Conclusion**

While the development of the IRD strategy is delayed, the support rendered through the IRD project appears to be on track according to its design, provided the time schedule laid out for the devolution process and the finalization of the IRD strategy is realized as planned. The process of devolution and the implementation of the IRD concept face many obstacles, however and the sustainability of the IRD strategy faces serious sustainability questions. While it might succeed if implemented within a more mature local government system, it currently risks being embedded in a system without sufficient reforms in governance, fiscal and human resources, clear-cut functional assignments etc.; reforms areas, which are preconditions for sustaining the IRD strategy. The current stage of the devolution process makes a successful implementation of the IRD strategy difficult.

# 4. Assessment of UNDAF Outcome 4.1

The revised UNDAF Outcome 4.1 is centered on support to three focal areas, which are pivotal for brining transformation in democratic governance in Malawi: Support to the sector wide approach to democratic governance, the establishment of the NPA and devolution/local governance and the IRD. The estimated Outcome 4.1 target achievements by end-2016 are presented in **table 3** below**,** which is anupdated version of the results matrix from the UNDAF midterm evaluation, May 2015.

***Table 3: Outcome 4.1 estimated results achievements***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Outcome/Output** | **Indicator** | **Baseline** | **Target** | **Estimated Status at end-2016** |
| **Outcome 4.1: National institutions foster democratic governance for all, especially children, women, persons with disabilities and the youths by 2016** | **Proportion of the public holding duty bearers accountable.** | **40%** | **65%** | 70% |
| **Proportion of people (men, women, youth, children) accessing formal justice.** | **10%** | **60%** | 15% |
| **Voter turnout** | **70%** | **90%** | 70.62% |
| Output 4.1.1 Democratic Governance sector strategy operationalized | Number of sector institutions with M&E frameworks aligned with DGSS | 0 | 19 | 14 |
| Number of Development Partners aligning their support to the DGSS | 0 | 4 | 3 |
| % voter turn-out | 70 | 90 | 70 |
| Proportion of women elected during Presidential and Parliamentary Election) | 22 | 33 | 16.50% |
| A gender responsive National Human Rights Action Plan for the Promotion and Protection of Human Rights Developed and implemented | 0 | 1 | 1 |
| Number of institutions aligning to a coordinated mechanism for human rights | 0 | 9 | 6 |
| % of rural and urban population able to claim human rights (disaggregated by Gender) | 16% females; 19% males; 20% urban; 17% rural | 50% Males: 50% Females; 50% Urban; 50 % rural |  |
| Output 4.1.2: Capacity of national institutions strengthened for collaborative dialogue to support the establishment and operationalization of the national peace architecture | Number of districts piloting early conflict warning early response teams | 0 | 5 | 3 |
| Percentage of Women participating in conflict mediation and dialogue initiatives at the national level | 0 | 20 | 10 |
| Number of media houses adopting conflict sensitive reporting guidelines | 0 | 8 | 3 |
| Output 4.1.3 Local governance structures strengthened in participatory planning, budgeting and managing integrated rural development | Number of Councils trained in the IRD strategy | 0 | 28 | 28 |
| Percentage of Net Government Revenues allocated to the District Councils through the General Resource Fund. | 1 | 5 | 3 |

Most support projects show fair progress measured against the outputs they are designed to achieve. According to the results estimates at outcome level, however, the indicators signal a lack of progress in general elections voter turnout (MEC and portfolio support to gender equality and CVE) and access to formal justice, while the support to enforcement of duty bearer accountability (DCP) is on track. In other words, the UNDAF 4.1 RRF suggests that the relative good project progress measured against the individual project results frames does not yet have a broad impact on the overall transformation in democratic governance in Malawi.

Before discussing the progress at outcome level in more detail, it should be noted that the second outcome target indicator is somewhat problematic for this evaluation. The proportion of people with access to formal justice is relevant, but except for the child courts, DFID and the EU are the main DPs in access to formal justice, while UNDP does not really focus on this area. However, it does highlight a big gap in access formal justice in Malawi and slow overall improvement, which may call for more support in this area.

## 4.1 Output 4.1.1 - Democratic Governance Sector Strategy Operationalized

As illustrated in chapter three, the UNDAF interventions under this output are quite diverse, and target both democratic governance and human rights. These include the operationalization of the DG SWAp under the leadership of MoJCA as stated by the output title, but also support to political parties, democratic elections and the role of MEC, promotion of human rights in Malawi with the MHRC and DCP as key partners, addressing supply and demand side of human rights, respectively.

### 4.1.1 DG SWAp

The democratic governance SWAp is a direct offshoot of the Paris Declaration objectives to align donor support to government policies and harmonize/coordinate donor support within specific areas and has been uniformly applied across sectors in Malawi. The MTE acknowledges that the government strategy for the democratic governance sector and a basic coordination infrastructure for DG SWAp have been established and most sector institutions have aligned their strategies to the DGSS. This is also the case for most DPs, even if the huge gap in access to formal justice indicates serious imbalances in the sector development. However, not much has yet been achieved in terms of implementation, oversight and cooperation across institutions in the sector.

Declining DP funds is a global issue that also impact Malawi, but cashgate has significantly amplified the challenges for the SWAp overall in Malawi and DP reluctance to provide budget support has decreased the government’s ability to fund its operational costs and fulfil its mandate for development investments. This also has an adverse impact on operations of the DG institutions within government and the absorption capacity vis-à-vis TA delivered by the DPs. DPs are reluctant to support the basket fund modality, and prefer parallel funding tied to selected priority areas, or diversion of support from government institutions to CSOs. In the DG SWAp, the latter is a. o. visible in the DPs preference for support to CSO/demand side on accountability over the last years. It is evident, that this development also has adverse impact on the on the independence and operational capacity of DG/HR institutions such as MHRC, MEC and the OO, which are facing capacity constraints in one or more areas pertaining to staff shortages/vacancies and high staff turnovers, inadequate skills/knowledge management, strained mobility and outreach caused by insufficient operational funds. Such capacity constraints also affect the absorption capacity of these institutions and the scale of technical support, which can be rendered by the DPs.

The sheer thematic volume and the high number of sector institutions (19) involved also makes coordination within one strategy and one SWG challenging. So far, most efforts has been focused on simple coordination and M&E efforts, while policy implementation and inter-institutional cooperation, synergies and complementarities still needs to be addressed. Some DPs also questioned the government ownership to SWAp and felt that individual sector institutions tend to guard their bilateral relationships with the DPs and their own access to continuous support at the cost of more holistic approaches.

Overall, however, there is no alternative for UNDP, but to continue supporting the SWAp. Alignment and harmonization have to be pursued and it would not be acceptable to roll back donor cooperation to the days before Paris. But the progress of applying the SWAp will be incremental and the full potential of the approach, including the application of basket funding, is unlikely to unfold in the near term. The next step should be to focus on policy implementation and to identify areas of inter-ministerial and inter-institutional cooperation, which can be targeted under the SWAp such as the police-court-prison cooperation or the institutional gaps in addressing child marriages and GBV. Joint thematic M&E exercises with the DPs could assist MoJCA in promoting implementation and inter-jurisdictional cooperation. (*See Recommendation # 1*)

### 4.1.2 Democratic Elections

During the 2014 tripartite elections, Malawi's closest-fought in 20 years, about 7.5 million people were eligible to vote. The election process was highly contested, a. o. by the ousted President, who made allegations of election fraud, but those allegations were rejected by MEC. The election process also featured many polling stations opening up hours late, incomplete distributions of election materials and frustrated voters setting one polling station alight. According to MEC, in some 58 of more than 4,000 polling stations, the official number of votes cast was more than that of registered voters and late announcement of election results did not allow sufficient time to audit election results.

Despite such problems encountered, the achievements based on the support provided to MEC do indicate a maturing capacity to manage the election process. Important UNDP support is also carried out on reforming the legal framework regulating the elections process and strengthening of the role and independence of MEC and it is a. o. adamant that appointment of Electoral Commissioners is insulated from possible influence of partisan and executive influence and that MEC becomes empowered to regulate financing of election campaigns.

The status quo on 70% voter turnout is not necessary a critical development, despite the higher unmet target in the UNDAF RRF. Although voter turnouts have been higher in recent elections, the 70% maker still tallies with current average voter turnouts in the AU and globally[[9]](#footnote-9). A more critical issue pertains to the political empowerment of women, as the number of female candidates fielded by the political parties is low and the number of elected female MPs even declined during the last elections. Voter turnout in general may also come down in coming elections. Voter registration is currently the only access to obtaining a personal ID card, which might be a contributing factor for the voter turnout. Hence, when a proper national ID card is introduced and citizens do not need to register as voter in order to obtain a means of personal identification, the turnout may come. The indicator will therefore remain relevant in the next UNDAF cycle.

Funding of future elections remains a challenge for Malawi, and coming elections are unlikely to be sustainably executed without international support. Operational problems in preparing and executing the election process are closely linked to inadequate government funding well below the commitments made prior to the 2014 elections, as the government failed to meet its budget obligations towards MEC. [[10]](#footnote-10) Funding for electoral activities, especially for general elections, is often delayed and inadequate to enable timely procurements or implementation of the electoral calendar. A recurrent observation is that while the MEC has adopted an election cycle approach to the management of elections, government and donors as far as their funding practices are concerned; tend to treat elections as an event that will take place every fifth year[[11]](#footnote-11). Consequently, between elections not enough money is allocated to MEC for its groundwork for subsequent elections. Resources for electoral activities begin to flow in the year before the election, leaving very little time to do thorough preparations[[12]](#footnote-12). Persisting issues pertaining to government funding commitments for elections management need to be fundamentally addressed in discussions between the government and the international donor community. In extension of its mandate and strategic position as lead donor in democratic elections, UNDP should advocate for more transparent, accountable and sustainable government funding of MEC, which meets the commitments agreed with the DPs and honours the election management approach with continuous funding of MEC. *(See Recommendation # 2)*

There are also issues with regard to the financial management capacity within MEC, which still needs to be mutually discussed. The Internal Audit Unit of Ministry of Finance report covering the period from July 2012 to December 2014, reported financial mismanagement and poor financial management controls in MEC, (procurement and expenditure outside the budget, non-procedural staff recruitment, staff without following procedures, some issues of commissioners and staff pocketed allowances for external trips they did not travel on, irregular purchase and hiring of vehicles etc.), although these allegations are disputed by MEC.

Another concern is the election management approach, with also needs to be extended beyond MEC to stakeholders among the political parties, in civic education and in targeted gender equality support. For now, most of these areas only receive support up to the elections and not on a continuous basis and there is need for a comprehensive plan and civic education that also promotes continuity in gender mainstreaming in all aspects relating to the election cycle and processes. The poor performance of female MP candidates well below the 50/50 campaign target and the overall decline in elected female MPs sends a strong message for a more sustained effort to promote political empowerment of women.

Culturally rooted resistance against women in politics needs to be addressed jointly by all national stakeholders, including the political parties, the government and civil society, and long-term transformation will only happen with the assistance of the DPs. UNDP and UN Women should jointly work on integrating the gender aspect more consistently in the next cycle of support to democratic elections. *(See Recommendation # 3)*

The most fundamental reform area in democratic elections and a key challenge in Malawian democratic governance overall, pertains to the elections rules and the need for a more proportional election system. The current election rules do not fairly translate the actual votes cast into a proportional election outcome. This is a result of the simple majority/first-past-the-post election method and the mismatch between constituency demarcations[[13]](#footnote-13) and one of the highest urban migration patterns among the SADC countries. These imbalances in the election system are one of the triggers of federalism and threaten to undermine the trust in and legitimacy of the whole election process. Broad consultations on these issues are currently been carried out, and support to election reforms should be a continuous effort for UNDP. *(See Recommendation # 4)*

### 4.1.3 Political Parties

The support to CMD is a highly relevant intervention in the DG portfolio. The need for the political parties to formulate strategic responses to development challenges cannot be overestimated and the ability to build long-term, cross-party consensus around reform initiatives is fundamental for any democracy. Politically sensitive areas like public sector reforms and especially decentralization cannot move forward in earnest without such consensus and have to be addressed through multi-year programs across election terms and withstand resistance from multiple quarters, also from within the political parties themselves. The difficulty in passing the PPRR Bill also illustrates the challenges in maintaining momentum in the legislative process, across election terms and governments[[14]](#footnote-14), if political parties do not address development issues in a strategic manner.

The support rendered interfaces with a wider range of challenges in leadership, funding, structure and organization of political parties. Since the transition to democratic governance in the early 1990s, political parties exist as the primary units for political participation and engagement, but challenges remain to developing a democratic, competitive and accountable party system. The functioning and performance of political parties are affected by intra-party feuds mostly around issues of leadership, organisational structures, and class and ethnic interests. Political parties lack independent funding to the extent that they are effectively beholden to the interests of their funders and leaders. This is worsened by the fact that there are no effective laws on internal governance of political parties and there is a general preference among politicians to maintain the status quo.

The right to form or join a political party is enshrined in the Constitution of Malawi, specifically under section 32(1) on freedom of association and section 40 on the right to form, join or participate in a political party. A legal framework regulating the formation of political parties is found in the Political Parties Registration and Regulation Act.

In Malawi, each party needs to have a party constitution to be registered, but the exact form of the party constitution is left to the individual party’s discretion.[[15]](#footnote-15) Traditionally, political parties have a role in maintaining competitive political processes by providing alternative policy options to the electorate.[[16]](#footnote-16) However, political parties in Malawi are, in practice, not distinguished from each other by having different social and economic policies and beliefs but by personalities and ethnic rivalries.[[17]](#footnote-17) In addition the majority of the political parties are not well established.[[18]](#footnote-18) However, most parties have a party president who also serves as chairperson of the national executive committee. The party president is often elected at the national convention. The national executive committee would comprise chairpersons from the Regional Executive Committee, District Executive Committee, Constituency Committee, Ward committee, Area Committee, Traditional Authority Area and the Local Branch and any other persons appointed by the President or ex-officio members of the National Executive Committees[[19]](#footnote-19). The party system is fragmented and has about 48 registered political parties, most of which are moribund. The main active parties have a geographical anchorage that is based mainly on regionalism and ethnicity[[20]](#footnote-20).

Legal provisions for the registration and operations of political parties in Malawi are generally considered as reasonable and in line with international and regional standards relating to freedom of association[[21]](#footnote-21). The legal framework for the formation and operation of political parties consists of the Constitution of the Republic of Malawi (1995), the Political Parties Registration and Regulation Act (1993), the Presidential and Parliamentary Elections Act (1993) and the Electoral Commission Act (1998). However, the last two pieces of legislation are concerned with the regulation of political parties only with respect to their participation in elections.

The Constitution provides for the political rights of citizens including the right to form, join and participate in the activities of a political party as well as to participate in political activities intended to influence the composition and policies of the Government[[22]](#footnote-22). The Political Parties Registration and Regulation Act establishes a regulatory framework and principles for the registration of political parties and allows any citizen of Malawi who has reached the age of eighteen years to be a member of a political party of his or her choice. The Act requires that a party seeking registration should consist of no fewer than a hundred members and should submit its application, together with the party’s constitution and manifesto, to the Registrar of Political Parties in the Ministry of Justice and Constitutional Affairs.

The law requires registration of political parties to be refused or cancelled for those parties whose purposes and objectives are unlawful. Such unlawful elements include ethnic, racial or religious discrimination; seeking political change through violence or aiming secession of any part of the territory of Malawi. If the registration of a political party is refused or cancelled, the decision can be challenged in the High Court[[23]](#footnote-23). Beyond the Constitution and the statutes, the Courts in Malawi have played a pivotal role in deciding the direction and course of registration and operation of political parties. As such, court judgments are a critical source of information on these matters.

Furthermore, the Constitution provides for state funding for political parties in order to ensure that parliamentary parties are able to continue representing their constituencies in the National Assembly. Section 40(2) requires the State to provide money to any registered political party that has secured more than ten percent of the national vote and secured parliamentary seats. Furthermore, section 66 of the Parliamentary and Presidential Elections Act stipulates that in order to finance the election campaign, political parties are allowed to receive contributions from any individual, any non-governmental or private organisations either inside or outside Malawi. The legal framework does not provide for any limitation on campaign expenditure. Neither does it require disclosure of the amounts and sources of funding. However, section 193(4) of the Constitution, prohibits the use of state resources, other than parliamentary funding, for campaign purposes of any political party.

In spite of the adequate legal framework for the registration and operations of political parties in Malawi, there are some pertinent concerns about its comprehensiveness to promote the development of vibrant political parties capable of delivering on their core mandates as agents for democratization and institutionalization of good governance. This concern is raised on the understanding that party law should at the minimum be able to constitute “state based regulations that determine the legal status of political parties and specify what constitutes party membership, how parties must be organized, how they should campaign, how they must raise and handle party funds etc.”[[24]](#footnote-24). The Political Parties Registration Act is rather too narrow as it mainly covers aspects of registration and deregistration of parties.

Party funding and resource mobilization is a problematic element in Malawi. There is a lack of clarity on how political parties should raise funds and mobilize resources. This lack of clarity serves ruling parties very well as they are able to use resources from public coffers through budgetary appropriations to the presidency and other allocations. Ruling parties also receive donations from undisclosed private sector actors in practices that can be described as rent seeking[[25]](#footnote-25). This situation disadvantages opposition political parties which are unable to mobilize resources for their campaign activities. Furthermore, the pervasive patrimonial politics and the centrality of the state to business success constrain many businesses from financing opposition political parties for fear of reprisals[[26]](#footnote-26). This state of affairs is a concern to the integrity system of the country because it blurs the divide between the public and private sectors. Furthermore, despite constitutional guarantees of freedom of people to join and act on behalf of their political parties, critical opposition party functionaries are often targeted for various punitive measures aimed at choking their financial sources including personal businesses[[27]](#footnote-27).

Furthermore, the legal provision requiring political parties to secure at least ten percent of the national vote and legislative representation favours big political parties at the expense of smaller ones. This is particularly the case because in practice the ten percent threshold is used to marginalize those parties, which get very few seats in Parliament. The main reason for this is the working of the simple majority electoral system, which allows many candidates to contest in a given constituency thereby splitting the votes thinly across the candidates. For those parties that qualify at the threshold, a proportional formula based on number of seats secured in the National Assembly is used[[28]](#footnote-28). Such practices reward bigger parties and effectively discourage competition from smaller parties. However, what has been more disconcerting is that there has been no accountability for the money that parliamentary parties receive from the State. There are reports that cheques for party funding from Parliament have been issued not in the names of the parties but individuals in the party[[29]](#footnote-29). Calls to audit party funding have been resisted vehemently by the political parties[[30]](#footnote-30).

Despite the limitations set by the Constitution on the use of state resources for electioneering, the use of these resources by ruling parties is usually overt as their campaign rallies are graced by the State President and the use of state resources is justified as legitimate expenditures for presidential functions. For example, the European Union noted that state resources had been used for campaigning as the President travelled throughout the country for campaign rallies using a range of state resources including military helicopters, parastatal and government vehicles for his campaign team and supporters and security services. State-owned media also provided an exclusive platform for the activities of members of the ruling Democratic Progressive Party[[31]](#footnote-31). A report by the Commonwealth Observer Group also noted that cabinet Ministers and their deputies abused Government resources for campaigning and that some parastatal organisation, the Malawi Communications Regulatory Authority (MACRA) financed the production of campaign materials, including t-shirts, for the ruling party[[32]](#footnote-32).

Other funding for political parties comes from CMD for institutional capacity development and the funds appropriated for work on reforming the legal and administrative framework for political parties in the country.[[33]](#footnote-33). This support, however, is only available to political parties that have parliamentary representation and is given on the basis of clear project proposals from the parties.

In short, ruling political parties have a disproportionate advantage over opposition parties in accessing resources. Access to financial resources also translates into differences in administrative capacities and competencies of political parties. Almost inevitably, ruling parties tend to have large administrative work forces as well as decent infrastructure such as offices. The other parties operate from houses of their leaders and occasionally from hotel lobbies and conference rooms[[34]](#footnote-34). Political competition among parties is thus inevitably skewed towards larger and ruling parties.

In addition to a continuous lobbying for the tabled PPRR Bill, a wider discussion among the public is needed to address the issues mentioned above and mobilize support for a robust framework regulation political parties, including a legal framework ensuring a democratic internal functioning and management practises, a reduction on the constitutional threshold (of ten percent of the national vote) for political parties to qualify for public funding to ensure that a majority of political parties that have secured representation in Parliament can also access public funding, and introduction of a legal framework that will regulate private and campaign financing of political parties.*(See Recommendation # 5)*

Reforming the funding and regulatory framework of political parties needs to be supplemented by inter-party collaborative facilitation and the support to political parties through CMD remains relevant, even if there is a delay in the new PPRR Bill. There is a need for long-term support to the collaborative efforts of the political parties as a whole to help parties and factions to work together by offering a supplementary neutral platform where politicians can get together to discuss issues away from public arenas such as the Parliament and the media. The failure to mobilize and increase the number of female MP candidates and the number of elected female MPs, illustrates the need to use all venues of support to gender equality in politics, and the new MoU between CMD and UN Women opens up for an important partnership for addressing the participation of women in politics.*(See Recommendation # 6)*

The elections of new District and City Councils also create a need for support to local party politicians. Similar to the national MPs, council members need to be able to work collaboratively with each other, and a neutral space for productive discussions outside of pubic council meetings would benefit such collaboration. UNDP should discuss with CMD, which institutions have a sound understanding of local conditions and problems and have adequate skills to broker political relationships locally, perhaps in partnership with NIMD or DIPD. *(See Recommendation # 7)*

### 4.1.4 Human Rights

The UN support to human rights in Malawi is currently centered on MHRC as the lead human rights institution. The progress in the support rendered to MHRC presented in chapter three, suggests good and steady achievements in the areas defined by the support project, including the participatory drafting of the new gender responsive national human rights action plan, which is also affirming the target indicator on NAP in the UNDAF Outcome 4.1 framework. Publishing of state party reports and UPRs has also improved in a participatory and consultative manner.

Meanwhile, critical human rights issues remain to be addressed in Malawi, including issues pertaining to access to justice, abusive law enforcement, women’s and children’s rights, labour rights and the rights of LGBT persons. Independent observers have also questioned the independence of MHRC from government interference and the Commission’s ability to display leadership in emerging human rights issues according to its constitutional obligations. DPs reiterated such viewpoints during the MTE interviews. [[35]](#footnote-35)

It is beyond this assessment to enter into all corners of critical human rights issues which the MHRC already is or should be engaging with, except to highlight a few key areas here. During its first UPR in 2010, Malawi acknowledged that steps needs to be taken to fulfil the constitutional right of women to full and equal protection of the law, and non-discrimination based on gender or marital status. While the government has taken positive steps toward fulfilment of gender equality pledges made in 2010, it still needs to implement most of them. Women’s rights in Malawi remain restrained and violence against women widespread. The government has also failed to curb the country’s high rates of child marriage, which is one of the highest in the world. On average, every second girl will be married by her 18th birthday and UNFPA ranks Malawi eighth of the twenty countries considered to have the highest rates of child marriage, and notes that there has been little or no change in child marriage prevalence in the last decade.

In its comments to the UPR 2014, Human Right Watch also noted serious problems linked to a lack of assistance to victims of child marriages and GBV and the poor institutional coordination among government agencies on women’s rights. According to Human Right Watch there is “little or no monitoring of cases handled by officials from these agencies; negligent and dismissive police responses to reports of violence against women; lack of infrastructure, and well-trained personnel in the justice system; and widespread and deep-seated discriminatory attitudes towards women”[[36]](#footnote-36). These failures are aggravated by insufficient access to crisis centers where victims of forced marriage and other gender-related abuses can find shelter and protection.

The rights of LGBT persons is another critical area, which Malawi has failed to address despite recommendations made during the UPR in 2010. Malawi has so far rejected to extent individual constitutional rights to liberty, dignity, security and privacy and guarantees against discrimination on all grounds to LGBT persons. Section 153 of the Malawian criminal code criminalizes consensual sexual conduct between same-sex adults, and violates the right to privacy and non-discrimination and other rights under international law. Adults engaged in consensual same-sex sexual activity could face up to 14 years’ imprisonment with hard labour, although arrests based on Malawi’s anti-gay laws have been rare. Human Rights Watch warns that even unenforced anti-gay laws have adverse consequences, including blackmail, restricted access to health services, and lack of access to justice. underlines that decriminalization is important, but needs to be accompanied by a real government commitment to address public homophobia, and support civil society efforts to promote human rights more broadly.

In the 2014 ICCPR report, the UN Human Rights Commission expresses concern about the reluctance of MHRC to engage in issues related to LGBT rights.[[37]](#footnote-37) The Commission also expresses general concern “that the Malawi Human Rights Commission does not function fully independently and is not yet adequately funded”. In addition, it noted ‘the absence of adequate mechanisms in place for the effective consideration of the Commission’s recommendations’. These concerns lead to the recommendation that the Human Rights Commission Act should be amended to ensure the full independence of MHRC, that adequate financial and human resources are allocated to the MHRC and that mechanisms for the consideration and implementation of the Commission’s recommendations are established. Further, the MHRC “should fully comply with its mandate and engage in all human rights issues, including those related to the rights of lesbian, gay, bisexual, transgender and intersex persons”.

The challenges mentioned above in terms of independence vis-à-vis potential government interference, the need to engage more actively in minority rights and critical capacity constraints in terms of funding and staffing, also lead some interviewees to the question whether other actors would be better positioned to spearhead emerging human rights issues and should be considered for support from the UN. Alternative candidates for support mentioned during interviews included the Law Commission, which has a somewhat overlapping mandate on human rights, the parliamentary committee on human rights, which could mobilize cross-party support to human rights legislation and direct support to the MoJCA in cooperation with the other DPs. Within the present UNDAF cycle, however, the MTE team is more inclined towards interventions, which can mobilize support to fulfil the recommendations of the United Nations Human Rights Committee referred to above, including the amendment of the HRC Act to ensure full independence of the MHRC. Provisions of full independence are already secured by the Constitution for some constitutional bodies such as the MEC and for consistency and political clout of MHRC the legal amendment is imperative. The capacity constraints pertaining to funding and the human resource envelope is equally important to address, and UNDP should use its convening powers to build alliances (including the stakeholders mentioned above) for improving the independence of MHRC, its resource envelope and its ability to attract and retain the right quantity and quality of personnel. MHRC on the other hand should be requested to engage actively in LGBT rights. If MHRC considers this could improve its capacity and impact, the OHCHR should offer technical support in this area. *(See Recommendations # 8 & # 9)*

Whilst human rights need champions within government and the constitutional bodies, which can spearhead and develop the human rights framework and align it to constitutional rights and international obligations, the DCP is a plausible supplement to the supply-driven support. The support rendered to DCP has been successful in its promotion of Rights to Development and enforcement of human rights through the strengthening of civil society. Since it is implemented at scale, it also has a strong impact on how human rights are practiced in real life, and serves to empower local communities and engage them in rights-based issues. While demand side support is not a substitute for supply side support, it is indispensable for strengthening enforcement and implementation of existing rights and legal frameworks, and in highlighting capacity gaps and strengthening independent advocacy. Given the considerable experience in Right to Development, including valuable insights into present capacity gaps in government and practical solutions applied by the communities in their interaction with the authorities, UNDP and the government should engage with the DCP management in the discussions on and prioritization of further support to Rights to Development. *(See Recommendations # 18)*

### **4.1.5** The Ombudsman Institution

The Office of the Ombudsman (OO) presently lives a rather anonymous life in terms of support from UNDP. It is included in the support project to MHRC, with the aim to strengthen the capacity of the institution, but currently it receives very little support and also suffers from some of the same capacity constraints as the MHRC, which entails high staff turnovers and skill shortages, operational funding shortages and limited outreach and accessibility for the public.

The OO is an institution established to ensure accountability and good governance by safeguarding against arbitrary use of power, especially by public sector actors. Sections 15(2) and 46(2)(b) of the Constitution provide that a person or group of persons who feel that human rights guaranteed under the Constitution have been violated or threatened may approach the Ombudsman for assistance or relief. The OO is, therefore, designed as an important part of Malawi’s accountability systems as it offers citizens a means through which their claims vis-à-vis the state and other powerful interests can be supported in an environment where other remedies – such as the court system - operates too slowly or inefficiently[[38]](#footnote-38).

The OO is a constitutional body, established by Sections 120-128 of the Constitution of Malawi. It commenced its operations in 1996. According to section 123 (1) of the Constitution, the Ombudsman investigates cases where it is alleged that any person has suffered injustice, and it does not appear that there is any remedy reasonably available by way of proceeding in the court or by way of appeal from a court or where there is no other practicable remedy. However, the powers provided to the OO are not meant to oust the jurisdiction of the courts. Thus, the decisions and exercise of powers by the Ombudsman is reviewable by the High Court on the application of any person with sufficient interest in a case that the Ombudsman has determined. Though the wording of the Constitution provides the impression that the OO can investigate complaints from the private and public sector, the Ombudsman’s work in practice is limited to the public sector.

The main offices of the Ombudsman are located in Mzuzu, Lilongwe, Blantyre and Balaka in the Eastern Region. The headquarters is located in Lilongwe, which is also a regional office serving the Central Region. However, the Ombudsman makes efforts to visit rural communities to attend to complaints or investigations. At times, depending on the matters arising, the Ombudsman may issue a determination there and then.

The Constitution of Malawi, in section 125, provides that the government must make available to the OO adequate resources enabling it to effectively discharge its functions.[[39]](#footnote-39) In addition, section 12 of the Ombudsman Act provides that all costs of running the office must be covered by Parliament.[[40]](#footnote-40) In practice, however, the OO is grossly underfunded. For instance, in December 2012, only 30% of the required funding was provided.[[41]](#footnote-41) Interviews conducted also reveal that due to limited funding, the Office struggles to conduct investigations on complaints raised in various districts of Malawi. Past studies reveal that funding of the office is largely unpredictable and that financial allocations can be reduced anytime without consultations.[[42]](#footnote-42) In addition, the procedure for disbursing money to the OO results in delayed release of funds and affects the execution of important activities.[[43]](#footnote-43)

The OO has, however, benefited from some donor funding. Unfortunately, such funding has also been unreliable. Donor funding presently focuses upon crucial programmes such as clearing the backlog of cases and the OO is hoping that donor funding will continue on a sustainable basis to ensure achievement of results. However, the government must take the leading role in ensuring progressive and sustainable funding for the OO.

Another limitation is the fact that the Ombudsman’s offices only exist in few locations (Mzuzu, Lilongwe, Blantyre and Balaka). However, plans are underway to open outreach offices in two more districts.[[44]](#footnote-44) To address the current limitation of office space, the Ombudsman makes efforts to visit rural areas in order to attend to complaints and investigations. The unavailability of adequate vehicles, however, makes it difficult to undertake such travels.

Concerning human resources, there is considerable turnover of Ombudsman staff.[[45]](#footnote-45) The problem is a result of poor conditions of service and working environment. Regarding the former, all other constitutional bodies offer better conditions of service than OO[[46]](#footnote-46) and this sometimes leads to staff demotivation or seeking better opportunities elsewhere.

There is also lack of career development and training opportunities for staff due to limited financial resources. In spite of the above, many staff are well qualified for their positions with more than 25 being university graduates in relevant fields. Nevertheless, there is still need for revolving staff skills development programs, especially in investigations skills.

In sum, there is high risk of government hampering the operation of the Office by withholding funds and thus compromising its independence. In addition, though evidence suggests that staffs are well qualified for their positions, and that continuous attempts are made to ensure that vacant positions are filled, staff turnover remains a considerable challenge mainly due to the Office’s poor conditions of service. Skill development programmes for staff are largely non-existent and this is often a demotivating factor for staff. In addition, subtle hostilities over concerns of nepotism amongst some members of staff have somewhat contributed to demotivation and disloyalty.

There is potential for the Ombudsman to operate independently. However, this is largely dependent upon the personality of the Ombudsman and the practice of the government in power to either respect or undermine the role of the institution. This is observed in light of the fact that parliamentary oversight functions are largely weak.

However, credit is given towards the security of tenure strongly enshrined in the Constitution. It is uncommon that an Ombudsman has been removed due to political interference prior to the end of his/her term. Similarly, it is not common for staff to be removed in similar manners.[[47]](#footnote-47) Terms and conditions of service are clear on proper procedures for removal of staff in the OO. However, since the Ombudsman Act empowers the Ombudsman to hire his/her own staff, it is alleged that these discretionary powers are sometimes abused to appoint unqualified or under-qualified individuals into key positions in return for a variety of favours.[[48]](#footnote-48) This has been attributed to limited financial resources to undertake such a programme.

The presence of a Civic education department, which is primarily responsible for raising awareness, is a welcome and necessary attribute. In addition, through current donor support (in particular through the International Institute for Democracy and Electoral Assistance (International IDEA programme), efforts are being made to ensure a more proactive approach by the Ombudsman in dealing with cases before they arise by means of public awareness.

Any improvements in role and functioning of the OO depend on successfully addressing a number of issues. The practice demonstrates a significant gap between the Ombudsman’s role and the oversight functions of Parliament. Therefore, there is a need to strengthen initiatives meant to enhance the capacity of Parliament to effectively discharge its oversight functions over institutions such as the Ombudsman. The legal framework needs to be enhanced, including the an enabling legal framework that would empower the Office of the Ombudsman to enforce its determinations and subsidiary rules, such as a code of conduct for the Ombudsman’s Office to deal with conflict of interest issues, to supplement the position of the law on independence.

There is also a need to improve conditions of service and bring them at par with other constitutional bodies by engaging with the Department of Human Resource and Development

Finally, there should be an extensive and deliberate implementation of an outreach programme meant to increase public awareness and visibility of the Ombudsman’s office. Such a programme could be presented to donors or the Democratic Governance SWAp for possible funding (over and above government funds). Other than print media, the OO should utilize effective avenues of communication such as radio and television.

Collaboration with traditional leaders and chiefs would also ensure that awareness messages are passed on to and embraced by rural communities. This is proposed in light of the fact that rural people have even less access to such information and are more vulnerable to abuse by powerful government agencies. Likewise, as resource constraints are the major challenge hindering public awareness programs, opportunities to collaborate with organisations that have permanent presence in communities (especially rural communities) so as to extensively undertake public awareness campaigns could also be explored.

At the time of writing, the Ombudsman position was vacant. Therefore, further dialogue on future UNDP support should await the instalment of the next Ombudsman in order to access how the OO realistically can contribute to the good governance and human rights agendas. *(See Recommendation # 10)*

## 4.2 Output 4.1.2 - Capacity of national institutions strengthened for collaborative dialogue to support the establishment and operationalization of the national peace architecture

Establishing a National Peace Architecture is relevant and the revision of UNDAF in 2013 adding targets on and support to the development of a NPA in the cooperation with the government, CSOs and the media is well justified.

It is still early days in the development of NPA, but the MTE team is positive about the applicability of the concept in Malawi and the chances of achieving good results in the short term. Contrary to other democratic governance reforms within outcome 4.1, especially the elections reform and the local governance/IRD reform, NPA introduces a new system, which does not replace or compete with existing institutions/platforms or challenge vested interests. It builds on and includes relevant stakeholders and best practices, locally and from the region. Important contributions to a peaceful elections process in 2014 and the introduction of the Lilongwe Peace Declaration between presidential candidates indicates that capacity for conflict resolution is present in Malawi and that PAC is a relevant partner organization in the NPA development. Hence, the NPA has good potential becoming a key platform for ensuring a peaceful development and for defusing local conflicts.

A permanent peace architecture has to be funded, though, and funds need to be raised over and above already depleted government funds. As the concept is still at a development stage, costing has not yet been done, but it would be relevant to include costs as a key criterion for the identification of a final model and to explore alternative sources of funding, such as fuel levies, own contributions through income generating activities and donor funding. In the end, a district-based model could become too expensive or make adverse inroads into funds destined for other reforms such as in local governance. The NPA has potential to become an important component to the overall democratic governance framework. However, it should not be regarded as a substitute for other urgent governance reforms such as the introduction of more proportional elections principles or progressing on decentralization and empowerment of the elected district councils. *(See Recommendation # 11)*

The NPA's potential for strong contributions to the overall development of democratic governance in Malawi has already been proved, however. Not only during the conduct of the 2014 elections, but also in the conduct of the national dialogues on NPA, which also serves as a venue for discussions and submission of proposals on other governance reforms such as new election reforms.

The cooperation with the media, which took place under the umbrella of the NPA support project, opens up a more general question on whether the media support should be scaled up as a means of strengthening democratic dialogue and enforcing stronger transparency and accountability in public offices. The tabled Access to Information Bill could leverage a new level of transparency and openness in public offices and improve the dialogue on reform initiatives and ethical conduct, although the bill has now been deferred to the Legal Affairs Committee of the Parliament for further scrutiny, much to the discontent among the media and CSOs.

## 4.3 Output 4.1.3 - Local governance structures strengthened in participatory planning, budgeting and managing integrated rural development

Output 4.1.3 is in all aspects very ambitious and entails long-term government commitment and donor support to devolution if local governance structures are indeed to evolve into strong democratic entities capable of planning, budgeting and managing for integrated rural development. The 4.1.3 target indicator on percentage of revenues allocated to the District Councils is a relevant benchmark for decentralization, but since the support to local governance has shifted towards the IRD concept. This indicator does not directly measure the support rendered by UNDP. Increased fiscal transfers are an important precondition for a successful implementation of the IRD concept, however (a log frame ‘killer assumption’). The second 4.1.3 target indicator on the number of councils trained in the IRD strategy signals more moderate ambitions on the IRD concept. Training is merely an activity and not a strong output indicator. Measuring the actual application of the training rendered in new, participatory development plans, would be a much stronger indicator.

MoLRD has drafted two concept notes for the generation of DP support for local authorities, and to set out a road map for full devolution by 2020. The notes outline the intention to integrate the rural development and devolution programmes that currently run in parallel, and to address ‘gaps’ in knowledge, skills, infrastructure, transparency and accountability, as well as audit and financial management problems. As the MTE team highlighted in chapter three, any success with the IRD concept is inherently dependent on the outcomes of the devolution process and whether it can be reinstated.

Past experience with devolution in Malawi illustrates the difficulty in mobilizing political consensus around decentralization and in maintaining long-term reform momentum. Malawi’s constitution and 1998 LG Act committed the government to devolve political and administrative authority to unitary local government units, each with democratic oversight from an elected local council and popular participation in development planning. The LG Act and the NDP of 1998 assign responsibilities for district councils and a process for devolving power and functions. In practice, however, political decentralization stalled indefinitely in 2005 with the cancellation of local council elections, while both administrative and fiscal decentralization have been rolled out in a disjointed fashion over a 15-year period. SWAps have since been implemented in a few sectors, including education and health based on the assumption that service provision would be delivered by devolved local government entities.

Coherent political backing of devolution, an indispensable precondition of any local government reform, has not been established and classic pitfalls such as poor coordination among central government ministries, by resistance, subversion and delays, and by informal and formal re-centralization of power and functions.[[49]](#footnote-49) The result so far is underachievement vis-a-vis targets established by the LG Act and the NDP, but perhaps more critically a fragmented, ad hoc governance structure in the districts, which do not correspond to the formal definitions by the LG Act.

Since 2005, re-centralization of political authority has occurred alongside deconcentration of administrative functions. District Executive Committees with deconcentrated members (sector heads and senior administrators) and chaired by DCs have operated with minimal local accountability links and varying degree of oversight. Before the 2014 local elections, Consultative Forums were established and comprised of politicians, chiefs, business people, and CSOs and engaged in consultations with the local elite so to speak. Central government still retains many administrative and fiscal functions and there has been limited fiscal decentralization. The local budget envelope is mainly based on tied sector budgets and very few discretionary funds (although cities are able to raise property taxes).

Ministries also still appoint sector staff at local levels, which are accountable to the mother ministry although they also report on technical issues to DCs and to senior staff based locally.

While planning is undertaken annually, the planning processes of the different sectors are poorly coordinated and their plans frequently undermined by funding shortages and off-budget (often donor-funded) projects. Meanwhile, many local development committees have ceased operating, and citizens are largely disconnected from local government processes. Chiefs fill that gap, relaying information from government to the public, and sometimes accessing resources for local development projects. MPs try to fill the gap too, using their influence and the Constituency Funds and now the newly elected district councils have entered this governance framework, formally as the highest local authority, in reality as a new competitor for exercising local authority.

**Deconstructing local “capacity” problems**

Beware of viewing capacity problems as all “inherent” to LGs. There are indeed “inherent” problems, especially in poor rural areas (personnel gaps, quality, training, “elite” capture; remoteness & communications; etc.)

Many constraints are externally imposed:

* Inadequate or perverse financing
* Unclear roles, functions & expectations
* Unclear procedures & poor guidance for participatory involvement, or for planning, budgeting, procurement, financial management, etc.
* Weak institutional accountability arrangements or coordinating between levels of governments
* Inadequate arrangements to allow “hiring in” of government or private technical expertise
* Weak monitoring & ineffective incentives/sanctions for performance

It is in this context of functional fragmentation, unclear mandates, overlapping jurisdictions and responsibilities, and complex administrative processes (e.g., for procurement and reporting), that the IRD strategy is fielded. There are also differing levels of devolution between sectors. Education and Health sectors have advanced furthest while hardly any progress at all has occurred in the water sector. Yet even in education, central government retains control of pivotal functions, such as human resources, payroll and capital development.

Despite the indisputable urgency of economic growth in the rural areas and more equitable development across the nation, the MTE team remains skeptical about the timing and sequencing of the devolution process, which has yet to mobilize substantial support, and the roll out of the IRD strategy, which is deeply dependent on the overall reform process. It could be argued, that the IRD strategy is introduced too early and that references to experiences from Tanzania, which are embedded in a more advanced local government framework, needs to take into account the different stages of devolution in the two countries.

For these reasons, progress on the devolution process and the support to IRD should be carefully monitored, and ideally the SWG Decentralization and IRD should operate as an integrated part of the SWG on Public administration/Public Sector Reform. Even if this is not feasible at present, the SWG should at least include elected councilors in their meetings, preferably the Chair of MALGA, and given the cross-sectoral nature of devolution and the IRD strategy, also include line ministries (agriculture, education, health) as already foreseen by the TOR for the SWG. Ultimately, however, strong OPC support might be needed in order to sanction any non-participation in intra-ministry coordination and to ensure a very close integration with the public sector reform efforts *(See Recommendation # 12).*As discussed by the members of the SWG, improved oversight of the devolution process through an M&E framework and joint M&E exercises with DP participation could further benefit the process. Joint decentralization monitoring frameworks in the region, including Tanzania, Rwanda, Uganda and Ghana can provide valuable inputs to a monitoring framework for Malawi, including how to apply performance incentives in the process.*(See Recommendations # 13)*

The finalization of the IRD strategy should also revisit the conduciveness of the current local government framework towards successful implementation of the strategy and the lessons learned from the Millennium Village Project in Mwandama and Gumulira. International research on support to local government’s role in local economic development, and the conducive elements in the local government framework, which makes the IRD approach implementable in Tanzania may also provide inspiration to the way forward. On this background, a set of minimum conditions for the LG framework should be defined, which are key for the IRD success in Malawi. These minimum conditions should open for a discussion on the conduciveness of the present LG framework towards the IRD strategy and whether critical IRD dimensions are sufficiently addressed in the present devolution process. *(See Recommendation # 14)*

If the IRD strategy moves forward, it might also be considered to support establishment of a national capacity in the field of IRD. Elements of IRD can be found in institutions such as LUNANAR, the Malawi Institute of Management, and the Faculty of Social Science, University of Malawi. LUANNAR already has a department and a research unit, which has done extensive work specifically on rural development. Their involvement could help build on the existing capacities, and domestic knowledge, skills and experience on IRD. MIM has the mandate to build capacity for senior leadership and public officials. They have been engaged in the decentralisation process in terms of contributions to the decentralisation policy formulation and capacity building during NDP I. The Departments of Political and Administrative Studies, Economics and Sociology under the Faculty of Social Science at the University of Malawi have Units and research components in local economic development, decentralisation, and general development studies. Collaboration between these institutions and a merger of the knowledge base on governance and technical aspects in IRD and decentralisation could lay a strong base for sustainable contribution to the reform process (policy support and in-service training) that MoLGRD can tap into.*(See Recommendation # 15)*

## 4.4 Concluding Remarks

Outcome 4.1 is broad and ambitious. Development of democratic governance will take decades, and good results achievements will be conditional on fundamental transformation of neo-patrimonial behaviors into a democratic, issues-based governance culture. Some of the institutional reforms targeted by Outcome 4.1 such as IRD/decentralization are also long-term endeavors, which are cyclic in nature and never really end, and depend on long-term political consensus.

Nonetheless, important achievements are potentially emerging within Outcome 4.1, including three highly relevant democratic governance reforms, which are key to democratic transformation in Malawi and to consolidate the unitary state structure and oppose calls for federalism: The elections reform targeting a more proportional election system, the establishment of a national peace architecture and promotion of devolution and the IRD approach in the districts with the aim to deepen fiscal and democratic space, strengthen basic service delivery and promote economic opportunity for all.

Of these major reforms, the NPA is most likely to succeed in the short-term. While the policy is still in the making and a funding modality needs to identified, there seems to be broad backing behind such a measure, which will also build on lessons learnt from the region. UNDP partnerships with CSOs during the 2014 elections also made significant contributions to the prevention of election related conflicts, and demonstrated the value-addition of a NPA approach.

Short-term success with the electoral reforms, the local government reform and the IRD strategy is more questionable and less likely within the present UNDAF cycle. The political economy of the electoral reform and decentralization is difficult and inherent resistance will most likely delay any progress. A change in current systems and practices implies significant transformation of power and privileges, and the political sensitiveness to such changes have slowed down or completely stopped reform attempts in the past.

The disproportional election outcomes inherent in current election principles and rules risk undermining the legitimacy of the whole election process and the cohesion of the unitary state and there is an urgent need for amore proportional system, and realignment of constituency demarcations with the very high urban migration patterns in Malawi. Broad consultations on these issues are currently been carried out and UNDP should continue its support to this area.

Reforming local governments has also been attempted in the past with modest results; not least compared with other countries in the region, some of which are world leaders among developing countries in innovating local governance measures such as significant fiscal transfers paired with performance based grants systems and joint reform M&E measures with the DPs. The political economy among countries in the region has been such that governments have been able to build national consensus and overcome resistance from vested interests. Whether this can be that case in Malawi remains to be seen and a first step will be approval of the reform plan formulated by MoLRD.

UNDP (and DP) support to decentralization has diminished over the years in response to declining government priorities, annulment of local elections and DP reluctance has been significantly amplified by the cashgate scandal. There now seems to be a revived interest on decentralisation and IRD since the reinstatement of elected district councillors, and inclusion of decentralisation and rural development in the Public Sector Reform is being championed by the current government. While USAID seeks to support the pilots in the reform plan, UNDP support is focusing on support to the IRD strategy. However, the success of the IRD strategy depends on the general reform process and establishment of a conducive framework for local government for the newly elected councils. The strategy could be introduced too early and UNDP needs to dedicate its attention to the sustainability of the strategy.

The promotion of human rights is anchored in the MHRC. While the UN support to MHRC is doing good progress in terms of meeting project level outputs (especially the formulation of the next NAP and progress in treaty reporting) critical questions are raised about the independence of the committee and ability to bring transformation and take lead on emerging human rights issues in Malawi. While treaty reporting is part of its mandate, it is also important that the commission advocate on new emerging HR issues such as protection of LGBT rights. Active engagement in human rights issues needs to be encouraged, while support should be mobilized to enhance the independence and the resource envelope of the commission. UNDP advocacy on these matters could be strengthened through alliances and partnerships the Parliaments HR commission, the Law Commission and the MoJCA. The same arguments can be tabled for the OO, although UNDP should await the nomination of a new Ombudsman before engaging in a dialogue on further support.

Support to gender mainstreaming appear to be good progress across the outcome, although gender assessments and disaggregate data is not consistently applied across the sector. With the arrival of UN Women in Malawi and in partnership with UNDP, UNFPA and UNICEF, the UNCT is a good position to strengthen its support to the gender mainstreaming in the DG sector and to target specific intervention areas. UN Women a. o. is very active in promoting the Gender Equality Act and the 40/60 quota for women in public sector institutions and among CSOs and looks to engage more permanently in the 50/50 campaign to mobilize more female political candidates. In general, however the designs of the next UNDAF, the RRF and the support projects could benefit from a stronger integration of gender mainstreaming in individual project designs rather than applying support through a separate project.

# 5. External Factors impeding Implementation and Results Achievements

Chapter 4 concluded that the support under Outcome 4.1 remain aligned to relevant DG policies and strategies and that support projects demonstrate fair progress according to their designs. The implementation is nonetheless facing a number of bottlenecks and straining implementation frameworks, some caused by external factors partly beyond the influence of the support rendered and partly linked to assumptions, which the original UNDAF design was based on, but did not materialize as planned.

**Political tensions, cashgate and funds mobilization**

Since 2011, political tensions and the human rights situation have caused DPs to withhold funds. In response to the resulting national budget gap, the Kwacha was devalued by 33% in 2012, which greatly affected the country. Growing accountability concerns and a lack of progress in public sector reforms eventually culminated when the 2013 cashgate financial scandal broke, and exposed the theft of millions of dollars from public sector coffers, and resulted in the freeze of direct budget support from donors, leaving the GoM with the challenge of fulfilling its mandate towards its citizens with fewer resources.

These events have affected the overall relationships between the GoM and DPs and led donors to look for alternative support modalities and partnerships. In the Democratic Governance Sector this has resulted in a shift towards support to demand side of accountability, supporting and mobilizing civil society and increase citizens capacity to claim their rights. The focus of the DCP can be seen in this light.

Such developments also have adverse impact on the government operations and absorption capacity on government institutions vis a vis technical assistance rendered by the DPs. The SWAp suffers from this development as well as a an overall general decline in traditional development funds, which strains the government’s ability to fund its development costs and force DPs to prioritize harder within their project portfolios. Declining project funds are also affecting project implementation within the Outcome 4.1, e.g. the 25% decline in the DCP funds allocations this year.

**Tripartite elections and change of government**

Five-year UNDAF cycles are inevitably going to span across election terms and the 2014 elections saw a new government coming into office. Such events are bound to affect support linked to policy development, changes in legal frameworks, and public reforms within a challenging political economy. Most reforms targeted by the UNDAF Outcome 4.1 are dependent on broad political consensus, which is difficult to mobilize in across election terms and leaves many initiatives vulnerable due to lack of ownership. Core areas of the election reforms will be difficult to move in any case as explained above, and the local government reform relies heavily on political consensus across governments and political party fault lines. The previous stop-and-go policy on decentralization illustrates the political and bureaucratic inertia it needs to bridge. The PPRR Bill was tabled in the Parliament prior to the 2014 elections and now seems to be sidelined for the time being. The change of leadership at various levels of both the executive and legislative arms of government has slowed progress as there has been considerable loss of institutional memory and also uncertainty on the part of the bureaucracy to move on certain commitments. At a local level, the nine-year absence of councilors has undermined traditions and the culture of local government and the lower governance structures, in particular the Area Development Committees and Village Development Committees are to be reconstituted.

**Delayed funds release, then quick disbursements**

Most support projects within the portfolio complained about delayed funds disbursements. Sometimes such delays may be caused by irregularities in project management and accountings other times it might be caused by delays in funds disbursements on behalf of the UNCT. The MTE team got the impression that both factors cause delays in funds disbursements. Some projects are quite capable of doing proper financial management and cannot be blamed for delays. Other projects, e.g. the MHRC support project with its multiple funding sources, attract audit comments, which then need to be complied with before new disbursements can be released. What seems to amplify the impact of the funds delays is the urgency in which the projects then are obliged to spend the funds once released for disbursement, allowing less for time to conduct planned activities. The urgency to spend quickly in less time came across as a common issue among all support projects and such unpredictability in funds disbursements is not optimal for the project management. The MTE would like to call on the UNCT of expedite funds release, when accounting and reporting is done correctly, while engage with beneficiaries not able to do proper accounting.*(See Recommendation # 16)*

# 6. UNDP Leadership and Coordination

In terms of relevance vis-à-vis the Malawian development goals in democratic governance, the overall conclusion is that all interventions are firmly anchored in government policies and strategies. Democratic governance and human rights are also core areas within the UN mandate and the UNDP is well positioned to lead support interventions in democratic governance. The broad support delivered through the UN system and the strong, comparative advantage in DG and HR also strongly positions the UNCT to pursue democratic governance and human rights broadly in its UNDAF wide support portfolio.

UNCT, under the leadership of UNDP, has been responsive to changes in government priorities, and maintained the relevance of the support rendered. This is perhaps best illustrated by the adoption of the national peace architecture in the UNDAF and in the support portfolio. This upcoming addition to the governance structure will eventually introduce a permanent mechanism for local conflicts resolutions though partnerships with civil society organizations.

## 6.1 Partnerships and Coordination

Despite the large number of actors in democratic governance in Malawi, there seems to be good cooperation among development partners. Even district plans appear to incorporate off-budget development activities and resources, which in many countries often is a problem. The SWAp is key in coordinating the many actors in democratic governance and even though the basket fund approach does not work well and some question the government ownership to SWAp, it does at least provide for a basic coordination tool to mainstream governance and human rights effort among government institutions and CSOs and harmonize the support rendered to the sector.

All stakeholders the MTE team met, in government, civil society and among DPs, also expressed their general appreciation of the lead role of UNDP in democratic governance and the manner, which the UN promotes democratic values and human rights in its cooperation with the government. The DPs highlighted the 2014 tripartite elections as an area where UNDP support has been particularly successful.

**UNCT coordination**

UNDP is lead agency in democratic governance support under UNDAF and most support is also delivered by UNDP. However, a number of other UN agencies also support DG interventions, including UNFPA, UNICEF and UN Women. Since 2009, the UNCT has, on a voluntary basis, adopted the DaO approach and worked towards a common UNDAF, which is incorporated in agency specific CPDs and which, over time, is aimed to be commonly funded and implemented.

The UNCT has come a long way towards joint planning, which the UNDAF and the linkages to agency CPDs illustrate. The linkages to the UNDAF RRF and the agency specific CDPs are not implemented in full, except for UNDP. The CPD of UNFPA e.g. refers to different outcome numbers, where Outcome 29 refers to Outcome 4.1 in UNDAF. Agency projects may be also be implemented across UNDAF Outcomes, such as the UNICEF support to child courts, which refers to UNDAF 4.1.1, but is also linked to support under UNDAF Outcome 2.5.

The joint programming efforts on project support focus on institutions, which engage with multiple UN agencies. Within Outcome 4.1, joint programming is now practiced in the MHRC project, and the commission commended this approach, and a significant improvement towards better coordination and absorption of technical support rendered. There is a limit to how far this approach can be taken, however as individual UN agencies are accountable to individual funding sources and the IP’s again need to operate with individual budget lines linked to individual agency support. This adds to the administrative workload and may also delay implementations. UN staff also stated that they not only have to deal with dual reporting requirements caused by different funding sources and agency specific reporting requirements, the reporting workload was actually worsened by the fact that reporting’s were requested in different time sequences, which does not allow for simple cut and paste measures, which could otherwise have lessened the work load.

As long as funds are mobilized and channeled through individual agencies rather than through the One Fund, however, dual reporting requirements cannot be avoided entirely. The introduction of the One Fund as a common funding source for UNCT activities was meant as a measure to compensate for inadequate or uneven funds mobilization and ensure a coherent approach towards the UNDAF objectives, but the One Fund has not met it targets and cannot compensate for funding gaps in individual support projects. In addition, the basket fund linked to the SWAp is far from meeting its objectives, leaving government agencies underfunded and resource mobilization for development projects dependent on ‘marketing’ of individual project proposals and priorities of individual DPs.

Overall, joint programming and implementation is work in good progress and currently addressed where it is most needed (MHRC). Bottlenecks are mostly rooted in multiple funding sources and global reporting requirements, beyond the influence of the UNCT. Adding to this is perhaps also a degree of ‘coordinating fatigue’ caused by the many meetings staffs are attending, both internally and in general. Nevertheless, the MTE team was left with the impression that there is positive commitment among UN agencies and the leadership of UNDP in aligning and harmonizing UN support to democratic governance.

With the reinstatement of elected councils, the decentralization process needs a new start and more support should be considered in the coming UNDAF cycle, if the reform gets political backing. Decentralization is an area, which can promote cooperation and synergies among the UN agencies as it can fuse national support to devolution with lessons learnt from district-based projects and strengthen the pivotal role of districts in local development, basic service delivery, access to informal justice, climate change adaptation, resilience and disaster risk management. Special attention should be paid to the ongoing work of UNDP, UN-Habitat and UCLG on ‘localizing’ the SDGs[[50]](#footnote-50), which may inspire further cooperation and synergies on decentralization.

**Partnerships with DPs**

As mentioned above, there is a constructive and mutual cooperation between the UNCT and the development partners in democratic governance and the feedback from the DPs on this working relationship is quite positive. While the full potential of the SWAp could not be realized due to the withdrawal from budget support, there is a good DP cooperation on support to individual institutions such as MEC and MHRC, even when parallel funding modalities are applied. The cooperation with the DPs not only creates good synergies, it is also complementary, which is equally important. Outcome 4.1 anticipates UN support to access to formal justice, although this did not really materialize, but DFID and the EU provide such support, even if there are still huge gaps to be filled.

Any attempt to improve the roles and functioning of the constitutional bodies under this outcome, as proposed by this report also depends on a mutual collaboration between the UNCT and the other DPs to unify advocacy and provide additional support.

The overall decline in funding from the donors to UN programmes does however pose a structural challenge and perhaps a need for diversification of funds mobilization. While this may not be easy in the democratic governance sector, an alternative source could be UNDP’s global Democratic Governance Thematic Trust Fund (DGTTF), which sits with UNDP in New York. This vertical trust fund is a challenge fund, established in 2001 as a mechanism through which donor partners can channel non-core contributions to UNDP’s activities on democratic governance. Its main function is to provide country offices with discretionary funds to explore innovative approaches in democratic governance in politically sensitive environments and within the areas of inclusive participation, responsive institutions or international principles. Provided UNDP can set aside resources for formulating project applications for DGTTF, it could be a source for additional funds, especially if projects applications are linked to democratic governance and promotion of the SDGs. *(See Recommendation # 17)*

CSR funds are already in use in area-based projects funded by UNICEF or UNFPA and might be a possibility in democratic governance, e.g. to fund specific pilots in decentralization like community development pilots coordinated by the district. Finally, the UN system facilitates North-South cooperation agreements with parliaments in the developed world, which could be used in the upcoming proposal from the Parliament, but this also has to be coordinated with the support rendered under the twinning agreement with the Scottish Parliament.

**Partnerships with CSOs**

CSOs met by the MTE team also commended the cooperation with the UNCT, and cooperation’s with PAC and under the DCP umbrella are fine examples of CSO partnerships in local governance, peaceful conflict resolution and Rights to Development. There are also spinoff effects in terms of inputs to the overall discussion on the NPA, federalism and new election rules. From CSO quarters, however, there is also a recommendation for the UNCT to be more open about the UNDAF management process, i.e. more involvement in planning, monitoring and evaluations and common learning. The considerable experience of the DCP management and the involved CSOs in Right to Development, including valuable insights into present capacity gaps in government and practical solutions applied by the communities in their interaction with the authorities, is a fine example of the knowledge and inside experience, which the UNCT can tap into, if engaging more actively with CSOs. *(See Recommendation # 18)* From CMD a request was brought forward to receive technical assistance from UNDP on the SDG, as CMD intends to incorporate this into its capacity building of political parties and their development of party manifestos addressing the SDG in the Malawian developing context.

## 6.1 Portfolio Management

The project portfolio under DG SWAp in general appear relevant and justified and targets key government areas and institutions in democratic governance and human rights, which depends on UN partnerships. Good portfolio synergies have also been achieved, in particular during the 2014 elections and through the NPA consultations, which also makes inroads on federalism and the elections reform.

The support rendered through Outcome 4.1 is generally based on solid problem analyses and capacity assessments, which were conducted when UNDAF and the individual support projects were designed. The support is rendered to key institutions and the projects and strategies are generally addressing root causes in democratic governance. It is also well worth noting, that most projects are based on lessons learned from previous support projects, which has allowed for further improvements in the project designs, such as introducing the election cycle management approach as basis for the support to MEC. It is also a fact that the outcome is very broadly defined, spanning democratic governance over human rights to local governance and even promoting of local economic development in the rural areas. While all these intervention areas are linked to government policies and strategies, it also makes it more difficult to focus and coordinate.

The number of support projects has to be balanced with their impact and the capacity of the UNCT to manage them and the IPs capacity to absorb them. In this discussion, however the actual size of individual projects is not necessary an argument in itself, as even small projects (such as the support to NPA for the moment) can become important catalysts of change. It is the view of the MTE team that the portfolio from the perspective of numbers and size is well-balanced.

**Piloting and innovation**

The project portfolio includes support, which is innovative and state of art. Some are small area-based pilots, which are meant for later upscale through the government or CSOs, others are innovations implemented at scale.

Among the notable innovations within the portfolio, the MTE team took particular note of the following:

* The support to the juvenile justice system and the promotion of child courts: Through this support, the targeted district magistrates have been able to conduct a considerable amount of child protection cases with good result. With the extension of support to four additional districts, the total number of child courts becomes eleven, and the judiciary can almost operate at scale nationwide extending access to justice to wider circles of children and youth.
* The one-stop shop approach to legal/admin/governance services piloted in the Kasungu District: The one-stop approach is an important catalyst for more transparent and efficient service delivery and links directly to the service charter approach. It promotes a service–oriented mind-set in civil service, forces authorities to work together and become more transparent and results-oriented. It’s an approach, which also needs to be incorporated into the devolution process and it is very important that such pilots are carefully documented to allow for later upscaling.
* The presidential elections peace accord, which has gained wide recognition and is replicated in Mozambique.
* The entire NPA approach, which represents state of the art in conflict prevention and is a fine example of South-South Cooperation.
* The Rights to Development approach piloted at scale in the DCP supported districts and with tangible results. The experience is taken over by other CSOs, which allows for further dissemination and replication.

The promotion of innovations through piloting has many potential advantages provided it is done correctly, and the cases mentioned above are good examples on pilots that either are sustainable, or stand a good chance of becoming sustainable through upscaling.

In general, piloting innovations within the present policy, legal and institutional framework can be a viable alternative to full-scale reforms. Good pilots can bring incremental change, when broader reform agendas are difficult to move, but they have to be planned carefully in order not to end up as yet another ad hoc support project.

**Pilots and capacity building**

The support to the IRD strategy raises two issues with regard to strategy development, piloting and capacity building. The way the IRD strategy is developed seems to mix the sequencing somewhat randomly.

Firstly, training on IRD was carried out in pilot districts before the strategy has been finalized and did not have any impact. When strategies are developed, they need to be properly finalized, before being piloted and/or disseminated. For this purpose, relevant stakeholders may seek exposure and lessons learnt from other countries, which was the case in IRD strategy development, and local consultations should be carried out as well. Piloting, however should only be applied once the draft strategy is in place.

Secondly, the district training on IRD only targeted the DC level, and evidence from the field suggests that IRD knowledge from this training was never shared with other district staff. It is important the pay attention to capacity retention as much as its development. This is all the more important given the high turnover rate in civil service, and its adverse effect on institutional memories. Training delivery in new concepts, such as applying a new planning approach, should not be delivered on an individual basis, but to groups of staffs, which are responsible for implementing new concepts. (E.g. councilors, the DC, the planning officer and sector staff in the IRD case). This will increase impact and improve sustainability.

**7. Lessons Learned**

**Elections reforms, NPA and decentralization has transformational potential**

Many of the aspirations and frustrations fueling federalism and calls for more equitable development (unequal distribution of national resources, poor access to basic services, poor democratic space and muted accountability links between the grass roots and lower levels of government) could potentially be addressed through elections reforms, NPA and decentralization, which are key pillars of the UNDAF Outcome 4.1. None of these reforms are substitutes for the others, but are complementarily interventions, which needs to be pursued jointly.

**SWAp**

The sector-wide approach to democratic governance is indispensable for achieving sustainable results in democratic governance and human rights and for building public trust in democratic institutions such as the political parties, the electoral system and the functioning of the Parliament and for the independence and functioning of the constitutional bodies. CSO support to enforce a rights-based development and for advocacy purposes complements the SWAp. It is clear, however that the DG SWAp is operating below its original objectives and only contributes to basic coordination, while it has yet to significantly impact on policy implementation and building synergies among DG institutions. The SWAp is also constrained by DPs reluctance to render budget support and by the overall decline in development funds. This development is constraining the government’s ability to deliver on its commitments; a development that is unlikely to change in the near term.

**The constitutional bodies**

The constitutional bodies supported under this outcome are constrained by the inability of the government to sufficiently sustaining their operational capacities. This ultimately has adverse effects on the role, functioning and outreach of the bodies, which to some degree diminish their independence and erode public trust in them. It also affects the absorption capacity of the bodies vis-à-vis the specialized TA rendered by the DPs.

**Human Rights need more champions**

The teething issues persisting in human rights may call for the establishment of a broader alliance with the Law Commission, the Human Rights Committee of the Parliament and MoJCA to address the issue of MHRC independence and to move the minority rights agenda. Supplementing supply side support with demand side support through CSOs in human rights to enforce legally established human rights, identify gaps and strengthen human rights advocacy, is also a valid approach and should be maintained.

**The IRD strategy and the devolution programme**

The IRD strategy depends on a fundamental devolution reform, which will address root causes of non-conduciveness in the local government system. Training and equipment are not enough to change current practices and malpractices; substantial reforms of the system and central-local working relationships also need to be addressed. The current IRD strategy and the devolution programme do not yet engage sufficiently with the underlying root causes, which create gaps and weaknesses in local government.

**Decentralization/IRD should be addressed as part of the wider Public Sector Reform**

The 4.1 outcome is broadly formulated and not very coherent, although the MTE team also recognizes that UNDAF designs are a reflection of multi-stakeholder agendas. The targeting of democratic governance, human rights and decentralization/integrated rural development, within one outcome is mixing many different areas and the value-addition of including decentralization/IRD in the outcome is not obvious. The IRD strategy depends on fundamental improvements in the local government system, which again have to be addressed as part of the overall public sector reforms.

# **8. Overall Conclusion and Recommendations**

Support to democratic governance, human rights and devolution is a long-term, incremental process, which also includes some uncertainty in policy outcomes. Any breakthroughs, however, can have huge positive impact and UNDAF Outcome 4.1 provides support to a number of reforms, which potentially could bring democratic transformation and change.

The SWAp is well justified as transformation and change in democratic governance and public trust in democratic institutions can only be achieved though broad interventions targeting political parties, constitutional bodies, government and CSOs. The UNCT under the leadership of UNDP is well positioned to support Malawi in democratic governance and the assistance rendered remains relevant and firmly anchored within the government policies, strategies and priorities. The MTE team also received overall positive feedback from all stakeholders on the role and responsiveness of the UNCT, and the DPs in particular praised the support rendered during the 2014 tripartite elections.

Most support projects under Outcome 4.1 are showing fair progress measured against the outputs they are designed to achieve. The transformation of the project achievement into achievements at the outcome level is more mixed, however.

The support to democratic governance provided under UNDAF Outcome 4.1, includes three reform areas, which in particular have potential to bring democratic transformation to Malawi: 1) Support to a more proportional and fair election system, which takes into account the high urban migration patterns in Malawi; 2) the introduction of a National Peace Architecture, with the aim to establish local dialogue platforms, which can defuse and prevent local conflicts; and 3) the support to decentralization and IRD, which may expand democratic space and become a catalyst for more equitable and pro-poor development in the rural areas. Successful achievements in these reform areas can also address some of the discontent, which is fueling federalism and local conflicts.

The support to the NPA is most likely to achieve good results in the short term, as it introduces a new system, which does not replace or compete with existing dialogue platforms or challenge vested interests. It builds on and includes relevant stakeholders and local and regional best practices. Care needs to be taken, however, that funding of a permanent NPA structure does not compete adversely with funding for devolution. The elections reform and not least the local government reform are significantly more difficult as they challenge established power bases and privileges, but continuous support needs to be provided as both areas are key to democratic change and equitable development. Local government reforms are long-term endeavours in need of sustained political backing from consecutive governments and parliaments. Failure to mobilize such consensus has stalled reform efforts in the past and UNDP needs to carefully monitor, if the reinstatement of elected district councils triggers more substantial support for a local government reform.

While achieving good progress at project output level, there are some intervention areas, which may not contribute significantly to the achievement of the outcome 4.1 targets for 2016. There are some doubts about the government ownership to the DG SWAp and the ability to coordinate among the many institutions involved. The basket fund is not likely to play a significant role in funds mobilization either since budget support is not a viable option at present. Despite these shortcomings, there is no alternative to the SWAp and it does provide a minimum of harmonization and coordination within the sector. However, there is now a need for more focus on policy implementation, addressing inter-jurisdictional coordination and cooperation.

There is also concern that the MHRC is not sufficiently independent from government and that it needs to be more transformative in its work and actively address emerging human rights issues in Malawi. In the end, such transformation might only be achieved through broader alliances with the parliament, the Law Commission, the MoJCA and civil society. The MTE team is also not convinced that the simultaneous implementation of the IRD strategy and the overall devolution strategy is the best way forward. The IRD concept is highly dependent on a conducive local government framework, which Malawi does not have and it might be argued that support to devolution should focus more on core elements of the local government framework, and create a conducive working environment for the newly elected councils, before the IRD approach is channeled through the districts.

The project portfolio as a whole is well composed. It might be diverse, but this more a reflection of the broad outcome it is targeting and does not necessarily signal a need for a reduction in the number of projects. It is crucial, however that support to decentralization/IRD is not delinked from the overall public sector reform, as fundamental changes in public administration and central-local govern relationships need to addressed before the IRD strategy can achieve its objectives.

The portfolio has demonstrated good synergies, in particular during the 2014 elections, where most projects contributed to the successful execution of the election process. The portfolio also includes a number of remarkable innovations such as the presidential elections Peace Declaration, the Child Courts, the Youth Parliament, the governance one-stop shop pilot in Kasungu and the achievements in RtD, which are scalable and sustainable.

The project portfolio also seems to make good progress in gender mainstreaming, although UNDAF is underperforming according to its target on increased percentage of female MPs based on the 2014 general elections. This percentage has decreased. In addition, gender assessments and disaggregate data is not consistently applied everywhere, and project designs can be further improved on gender mainstreaming. However, with the arrival of UN Women in Malawi and in partnership with UNDP, UNFPA and UNICEF, there is a good basis to further strengthen the support on the gender aspects of the DG reforms and in the next-cycle support projects.

The cooperation of the UNCT under the DaO approach is improving and the 2013 refocus of UNDAF has increased the relevance of the support rendered. There is also good progress towards joint planning and implementation in support projects where multiple UN agencies are supporting the same institution. Some of the bottlenecks still restraining UNCT cooperation owe more to the multiple funding sources channeled through individual agencies and global agency reporting requirements, which again creates multiple reporting needs. However, these bottlenecks seem to be lesser issues, and do not affect the overall impression of a positive trend in UNCT cooperation. If the devolution process moves forward, more synergies could be explored, fusing UN support to area-based activities in the districts with support to decentralization and local governance. The ongoing work of UNDP, UN-HABITAT and UCLG on a toolkit for implementation of the SDGs at local level may provide further inspiration for such synergies.

**Recommendations**

Based on the analyses in this report, the MTE team proposes the following recommendations, which may further improve effectiveness, efficiency and sustainability of the UNDAF Outcome 4.1 interventions:

*DG SWAp*

**Recommendation # 1:** UNDP should continue pursuing the SWAp in democratic governance and strengthen its support to MoJCA on implementation of policies, laws and regulations and cooperation across institutional jurisdictions such as the police-court-prison cooperation or the institutional gaps in addressing child marriages and GBV. Policy implementation and inter-jurisdictional cooperation could be furthered by the introduction of joint thematic M&E exercises with DP participation.

*Democratic Elections*

**Recommendation # 2:** UNDP should rigorously continue its support to the reform of election rules, including the introduction of a more proportional elections system and realignment of constituency demarcations, taking into account the high urban migration patterns in Malawi.

**Recommendation # 3:** UNDP should advocate for a more transparent, accountable and sustainable government funding of MEC, which meets the operational costs of managing the electoral process and the costs of applying the full continuous election management approach.

**Recommendation # 4:** UNDP and UN Women should integrate the gender aspect more consistently in the design of support projects for democratic elections and ensure continuous support to the political empowerment of women throughout the election cycle.

*Political Parties*

**Recommendation # 5:** In addition to a continuous lobbying for the PPRR Bill, UNDP in collaboration with CMD and similar stakeholders should facilitate public awareness campaigns on the need for 1) a legal framework on party-internal democratic functioning and management practices, 2) a reduction on the constitutional threshold (of ten percent of the national vote) to qualify for public funding to ensure that a majority of political parties that have secured representation in Parliament can also access public funding, and 3) introduction of a legal framework that will regulate private and campaign financing of political parties.

**Recommendation # 6:** The support to CMD remains relevant, despite the delay in the new PPRR Bill and UNDP and UN Women should continue supporting CMD. There is a need for long-term support to the collaborative efforts of the political parties as a whole to help parties and factions to work together by offering a supplementary neutral platform where politicians can get together to discuss issues away from public arenas such as the Parliament and the media.

**Recommendation # 7:** The elections of new District and City Councils create a need for support to local party politicians. Similar to national MPs, council members need to be able to work collaboratively with each other, and to facilitate such collaborations, they need a neutral space for productive discussions outside of pubic council meetings. UNDP should discuss with CMD, if CMD is in a position to deliver such assistance at the local level or if other institutions with a sound understanding of local conditions and with adequate skills to broker political relationships could do this, if possible in partnerships with NIMD and/or DIPD.

*Human Rights*

**Recommendation # 8:** UNDP should continue advocating for the implementation of the recommendations made by the United Nations Human Rights Committee, including the amendment of the HRC Act to ensure full independence of the committee and to remedy the capacity constraints pertaining to the Commission’s resource envelope and its ability to attract and retain the right quantity and quality of personnel. UNDP should liaise with the Law Commission, the HR Committee of the Parliament and MoJCA to rally support for the independence of the MHRC.

**Recommendation # 9:** UNDP should continue its dialogue with the MHRC to actively engage in LGBT rights. Technical support in this area should be offered by OHCHR, If MHRC considers this could improve its capacity and impact.

*The Ombudsman Institution*

**Recommendation # 10:** UNDP should initiate discussions with the incoming Ombudsman on future needs for institutional development of the Office of the Ombudsman. This should include the need for improving parliamentary oversight of the OO, improving the legal framework of the institution as well as enhancing the resource envelope, skills development and outreach activities. The dialogue should form the basis for a broader discussion with the government (executive), parliament and the DPs on how the independence and operational capacity of the institution can be improved and supported.

*The National Peace Architecture*

**Recommendation # 11:** UNDP should encourage OPC to include costing as a key criterion for the design of the NPA. The NPA is an important supplement to the broader devolution process, but not a substitute for it and funding of a permanent NPA structure must not make adverse inroads into overall funding of the devolution process. Instead, alternative sources of funding should be pursued, such as fuel levies, own contributions through income generation activities and donor funding.

*IRD and decentralization*

**Recommendation # 12:** UNDP should discuss with MoLRD and relevant DPs how reform oversight can be improved. Coordination of the dual local government reform and IRD approach needs strong oversight and coordination which can build linkages to more fundamental reforms in fiscal assignments and transfers, in civil service, IFMIS, sector planning, etc. As a minimum, the SWG on Decentralization and IRD should include elected councillors in their meetings, preferably the Chair of MALGA and participants from the key line ministries (agriculture, education, health) as foreseen by the TOR for the SWG. Ultimately, strong OPC support might be needed in order to sanction any resistance to inter-ministry coordination and to ensure a very close integration with the public sector reform efforts.

**Recommendation # 13:** UNDP should support the SWG decision on designing a joint decentralization monitoring framework. Lessons learnt from countries in the region such as Tanzania, Rwanda, Uganda and Ghana should be studied carefully as they can provide valuable inputs to a monitoring framework for Malawi. Particular attention should be paid to the application of performance-based grants and performance incentives in these reforms, which could serve as inspiration for similar approaches in Malawi.

**Recommendation # 14:** UNDP should ensure that the remaining consultancy on the IRD strategy takes into account the conduciveness of the current local government framework towards successful implementation of the strategy. The consultancy should revisit a) the lessons learnt from the Millennium Village Project in Mwandama and Gumulira, b) international research on support to local government’s role in local economic development, and c) the conducive elements in the local government framework, which makes the IRD approach implementable in Tanzania. Based on these analyses, the strategy should establish minimum conditions within the LG framework, which are key for the IRD success in Malawi and whether these minimum conditions are sufficiently addressed in the present devolution process. Minimum conditions should include the fiscal aspects and links to the district development plan, the role of district councils, the conduciveness of sector approaches in area based planning, staff requirements and their accountability links to the district council as well as the need for performance incentives and oversight. These minimum conditions and the feasibility of the IRD strategy should be discussed in the SWG prior to the implementation of the strategy.

**Recommendation # 15:** If the IRD strategy moves forward, UNDP and MoLRD should enter into discussions with MoLRD, LUNANAR, Malawi Institute of Management and the University of Malawi on the establishment of a national IRD knowledge base, which is firmly linked to the devolution process and can provide policy support to, and practice-based in-service training in, IRD.

*Funds disbursement*

**Recommendation # 16:** The UNCT should expedite timely funds disbursement to support projects, when reporting and accounting otherwise comply with UN procedures and guidelines.

*Resource Mobilisation*

**Recommendation # 17:** Funding from UNDPs global Democratic Governance Trust Fund could be an additional funding source for piloting of new governance innovations and UNDP should investigate the feasibility of mobilizing additional funding from this source.

*CSO Partnerships*

**Recommendation # 18:** CSOs play important advocacy and facilitation roles in the project portfolio, but the UNCT should also engage more openly with CSOs in planning and evaluations of UN support in order to improve programming, implementation and common learning. Given the DCP managements considerable experience and valuable insights into present capacity gaps in government and practical solutions applied by the communities in their interaction with the authorities, enhanced CSO engagement should include discussions on how to further Rights to Development, both through supply and demand side support,.

# Annex 1. Terms of Reference



**TERMS OF REFERENCE**

For Joint Mid-term Evaluation of the UNDAF **Outcome 4.1**

***National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016***

1. **BACKGROUND AND CONTEXT**

The Malawi United Nations Development Assistance Framework (UNDAF) 2012-2014 has 14 priority development outcomes. As a Delivery As One volunteering country, the United Nations Country Team (UNCT) agreed that individual UN agencies would adopt appropriate UNDAF outcomes in their CP documents instead of developing agency specific outcome statements for their respective Country Programme Documents (CPDs).

Outcome 4.1, namely: ***National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016*** is one of the six outcomes of the UNDAF to which UNDP is directly contributing financially and technically.The areas of intervention under the outcome are contributing to MGDS II, Theme 5: Improved Governance - Sub-theme 3: Democratic Governance which focuses on justice and rule of law, human rights, elections and peace and security.

Outcome 4.1 has three outputs as follows:

**Output 4.1.1:** Democratic Governance sector strategy operationalized

**Output 4.1.2:** Capacity of national institutions strengthened for collaborative dialogue to support the establishment and operationalization of the national peace architecture

**Output 4.1.3:** Local governance structures strengthened in participatory planning, budgeting and managing integrated rural development

The outputs are being achieved by activities in annual work plans (AWPs) at the UNDAF and agency level. Annex 1 presents the relevant operational documents contributing to the outcome.

The current list of outputs is an outcome of a rationalization exercise which was conducted by the United Nations Country Team (UNCT) in 2013. This resulted in the reduction of the number of outputs from five to three. This also led to the introduction of an output on peace and development.

The interventions under this outcome are being implemented with assistance from the following UN agencies: *UNDP, UNICEF, UNCDF, UNFPA, ILO, UNOHCHR.*  UNDP is the lead UN Agency for the Outcome. It has been strongly recommended that the outcome be jointly evaluated by the participating UN agencies. Annex 3 provides a full list of key stakeholders and partners for the outcome.

1. **PURPOSE, OBJECTIVES AND SCOPE OF THE EVALUATION**

**The purpose of the evaluation is to**:

1. Assess the contribution made by the UNCT, collectively, and participating UN agencies, individually, to promote good democratic governance as envisaged under outcome 4.1 of the UNDAF including cross-cutting issues of human rights and gender equality;
2. Support learning across the UN to improve programme effectiveness.

**The objectives of the evaluation are**:

1. Determine the extent to which the outcome and related outputs have been achieved or are being achieved and the likelihood of being achieved by the end of 2016 in general and the extent of participating UN agencies’ contributions.
2. Determine the impact, both positive and negative, from achievement of the outcome and its related outputs;
3. Assess the relevance of the outputs to the effective achievement of the outcome;
4. Assess the adequacy or inadequacy of UNCT and UN agency partnership strategy(ies) for the achievement of the outcome;
5. Examine and analyse factors that facilitate and/or hinder the progress in achieving the outcome by the UNCT collectively and the participating UN agencies, individually, both in terms of the external environment and those internal to the portfolio interventions including: weakness in design, management, human resource skills and resources;
6. Explore strategic values and comparative advantage of each of the participating UN agency in contributing to the outcome;
7. Assess how the participating UN agencies worked together jointly in the planning, implementation and reporting of the outcome;
8. Document lessons learnt from the implementation of the interventions.
9. Make recommendations for the UNCT and specifically for each participating UN agency in strategic areas for improving the achievement and sustainability of the outcome; partnership arrangements, mainstreaming of cross-cutting issues and resource mobilization strategies.

**Evaluation scope:**

The evaluation will cover the period from January 2012 to 31 December, 2014. Geographically, the evaluation is national in nature although there are also district interventions. It will include a review of the UNDAF annual work plans and annual reports, agency level project documents and work plans and related progress reports. Annex 4 provides a list of further documents to be consulted by the evaluators.

1. **EVALUATION QUESTIONS AND CRITERIA**:

In order to fulfil the purpose and specific objectives stated above, the evaluation shall address the following five specific questions:

1. Whether the Results and Resources Framework (RRF) including the Outcome and Output indicators were properly designed.
2. Whether the level of financial resources made available by different UN Agencies was sufficient for successful implementation of the outcome vis-a-vis the planned resource envelope.
3. What progress has been made so far towards the outcome and whether the outcome will be met by December, 2016;
4. To what extent has each participating UN agency, separately, contributed to the achievement of the outcome?
5. What are the main factors (positive and negative) that are affecting the achievement of the outcomes? How have these factors limited or facilitated progress towards the outcome?

**Evaluation Criteria:** The evaluation of performance of the UNCT and the participating UN Agencies individually in the outcome and outputs will be made using the standard criteria: relevance; effectiveness; efficiency; impact and sustainability. Below are detailed questions related to each criterion to be addressed by the evaluator.

Relevance:

* To what extent is the UNCT’s collectively and each UN agency’ engaging in promoting democratic governance together with reflection of strategic considerations, including UNCT’s role in the development context of Malawi and its comparative advantage vis-a-vis other partners?To what extent has the UNCT’s collectively, and each participating UN agencies selected method of delivery been appropriated to the development context?
* Has the UNCT been influential in national debates in promoting democratic governance issues, and has it influenced national policies on legal reforms and human rights protection?

Effectiveness

* What evidence is there that the UNCT collectively and as individual UN agency contributed towards improved national government capacities, including institutional strengthening?
* Has the support at the national level been effective in helping improve democratic governance at all levels in Malawi?
* Has the UNCT and individual UN agencies worked effectively with other international and national development partners to improve democratic governance in Malawi?
* How effective has the UNCT collectively and individual participating UN agencies been in partnering with civil society and the private sector to promote democratic governance in Malawi?
* Has the UNCT collectively, and participating individual UN agencies utilised innovative techniques and best practices in its programming?
* Did the UN coordination reduce transaction costs and increase the efficiency of implementation of the programmes relating to the outcome? To what extent did the programme create actual synergies among agencies and involve concerted efforts to optimise results and avoid duplication?
* Is the UNCT collectively, and other participating UN agencies perceived by stakeholders as a strong advocates for improving democratic governance in Malawi?
* What contributing factors and impediments or enhance UNCT’s collective, and individual participating UN agencies’ performance in this area?

Efficiency

* Have participating UN agency strategies and execution of the outcome been efficient and cost effective?
* Has there been an economical use of financial and human resources?
* Are the monitoring and evaluation systems that UNCT collectively and individual participating UN agencies have in place helping to ensure that programmes are managed efficiently and effectively?

Sustainability

* What is the likelihood that the interventions are sustainable?
* What mechanisms have been set in place by UNCT and participating UN agencies of Malawi to sustain improvements made through these interventions?
* How should this portfolio be enhanced to support central authorities, local communities and civil society in improving service delivery over the long term?
* What changes should be made in the current set of partnerships and strategies in order to promote long-term sustainability?
* What could be done to strengthen sustainability of outcomes?
* Is the UNCT and individuals agency resource mobilization strategy in the area of democratic governance appropriate and likely to be effective in achieving this outcome?
* Are UNCT’s management structures and working methods appropriate and likely to be effective in achieving this outcome?

The evaluation should also include an assessment of the extent to which programme design, implementation and monitoring have taken the cross cutting issues into consideration: including gender equality and human rights.

Based on the above analysis, the evaluators are expected to provide overarching conclusions on the UNCT and individual participating UN agency results in this area of support, as well as recommend on how adjustments in the areas of: programming, partnership arrangements, resource mobilization strategies, and capacities would ensure that the portfolio fully achieves current planned outcomes and is positioned for sustainable results in the future. The evaluation analysis is additionally expected to offer wider lessons for the UNCT collectively, and individual participating UN agencies as well as the broader supportive development mechanisms to the country. The evaluators will be expected to develop and present detailed statement of evaluations methods/approaches in an inception report to show how each objective, evaluation question and criterion will be answered.

1. **METHODOLOGY**

The evaluation team should provide details in respect of:

**Review of project documentation**. Review of key project documents such as approved program documents, recent studies, evaluations and reviews, project monitoring documents, disbursement reports, progress reports and other information available implementing agencies or participating UN agency offices.

Construct a theory, identify detail evaluation questions, methods (mixed methods) and instruments, stakeholder mapping, etc.

**Data collection**: (i) visits to selected stakeholders to carry out in depth interviews, inspection, and analysis of the project activities; (ii) phone interviews and performance data surveys of institutions not visited in person; (iii) interviews with the implementing agencies and participating UN agencies. For each of these interviews, the consultant should first develop and present their ideas for the content and format of the interview forms that will be applied to capture the information required, as well as the method to be used in administering them and tabulating the results.

**Analysis:** Data triangulation and analysis triangulation to validate evidence and arrive at findings.

The evaluators will be expected to develop and present detailed statement of evaluations methods/approaches in an inception report to show how each objective, evaluation question and criterion will be answered.

1. **IMPLEMENTATION ARRANGEMENTS**
2. An Evaluation Management Task Force will be established to manage the evaluation process. Each participating UN Agency will appoint an evaluation focal point who will be members of the task force. The full membership of the task force will include government counterparts to UNDAF outcome 4.1 and selected UN officers from the UNDAF outcome 4.1 group. The task force will assist in key aspects of the evaluation process including reviewing evaluation Terms of Reference, selecting evaluators, providing documents, providing detailed comments on the inception and draft evaluation reports and dissemination of evaluation findings, lessons learnt and recommendations.
3. The evaluation coordinating agency, UNDP in consultation with the RCO will provide the necessary guidance on the process and in reviewing reports.
4. A UNDP focal point will be identified to support the Evaluation Team on daily basis with respect to providing background information and progress reports and other documentation on Outcome 4.1, setting up stakeholder meetings and interviews, arrange field visits and coordinating with Government, other IPs and DPs. The focal point will also lead the Evaluation Management Task Force.
5. The Evaluation team leader will have the overall responsibility for the conduct of the evaluation exercise as well as quality and timely submission of the final evaluation report to UNDP.
6. The Evaluation Team will be expected to be fully self-sufficient in terms of office equipment and supplies, communication, accommodation and transport. Furthermore the evaluators will be expected to familiarize themselves with the United Nations Evaluation Group’s standards and norms for conducting project evaluations.
7. The Evaluation Team will provide the UNDP Outcome 4.1 focal point with regular reports and feedback on the progress of the evaluation process.
8. The UNDAF Cluster 4 Lead, i.e. the UNDP Deputy Resident Representative (Programme) will provide the overall oversight to the Outcome evaluation and ensure timely delivery and satisfactory final product.
9. **DELIVERABLES**

* **Inception report** – within 5 days of the start of the assignment with UNDP. The report will include a detailed approach and methodology, schedule, a draft data collection protocols and an evaluation matrix. Annex 5 gives a template of the evaluation matrix. The work plan should also include an outline of the evaluation report as set out in Annex 2 of this TOR.
* **Key emerging issues paper** – a presentation of preliminary findings to key stakeholders orally and in writing will be made after the data collection exercise with 4 weeks after presentation of the inception report. The purpose of this session is to provide opportunity for initial validation and elaboration of the evaluator’s observations and analysis.
* **Draft evaluation report** – The Evaluator will present a Draft Report within 5 weeks after presentation of the inception report.
* **Final Evaluation Report**. The evaluators will present a Final Report 5 days after receiving feedback and comments from UNDP.

1. **COMPOSITION OF THE EVALUATION TEAM**

**Team Leader will work with a national consultant employed by UNDP Malawi**

The evaluation team will consist of the following members:

* **Team Leader** (International consultant) who will be responsible for the overall outcome evaluation implementation and quality of the report. He/she will solicit the input of a team member, an output evaluator.
* **Evaluation Team Member** will report to the Team Leader, providing assessment of progress towards achievement of two outputs of the UNDAF Outcome 4.1 and who will be responsible for drafting relevant parts of the report. Her/his technical expertise will cover at least two of the following areas:1) public sector management; 2) democratic governance; 3) national elections management; 4) social cohesion and 5) human rights promotion and protection.
  1. **Qualifications**

The Evaluation Team Leader must satisfy the following qualifications:

* Minimum of Master’s degree in in economics, political science, public administration, regional development/planning, or other social science;
* Minimum of 7 years of professional experience in the area public sector management or democratic governance or human rights promotion including gender;
* Proven experience in leading consultancy teams:
  + Track record of conducting evaluation of governments and international aid agencies in any of the following areas in the past 5 years: 1) public sector management; 2) democratic governance; 3) national elections management; 4) social cohesion; and 5) human rights promotion and protection.
* Experience in conducting evaluations of UN agency project, outcome and Country Programme or UNDAF evaluations will be an added advantage;
* Excellent communication skills for report writing and presentation of research and evaluation projects backed by extensive technical reports and publications.
* Availability between 20 October and 20 December, 2015.

**Team leader competencies:**

* Institutional Strengthening
* Democratic governance
* Strategic thinking
* Strong analytical, reporting and communication skills
* Team work skills and experience in leading teams
* Result oriented

1. **TIME AND DURATION:**

The evaluation team will be hired for a combined total of 35 man/days.

Contract Start Date: 21 October, 2015. Contract End Date: 20 December 2015.

1. **TIME TABLE**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Activity** | **Weeks** | | | | | | |  |  |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Contract and Entry meeting | x |  |  |  |  |  |  |  |  |
| Inception report, draft revised |  | x |  |  |  |  |  |  |  |
| Data collection and analysis |  | x | x | x |  |  |  |  |  |
| Synthesis and development of report of main findings and recommendations (Including inputs from output assessor) |  |  |  |  | x |  |  |  |  |
| Summary of main findings and interpretation and conclusions (including inputs from output assessors) |  |  |  |  |  | x |  |  |  |
| Drafting and submission of Evaluation Report |  |  |  |  |  |  | x |  |  |
| Receipt of comments from stakeholders and reference group members |  |  |  |  |  |  |  | x |  |
| Revision and submission of Final Report |  |  |  |  |  |  |  | X | X |

**EVALUATION ETHICS**

Responsibility of the CO to ensure credibility and independence of evaluation; responsibility of TL to provide impartial, evidence-based, report adhering to international evaluation standards, etc.

# Annex 2. List of Documents

*Guidelines*

UNDP Evaluation Policy

UNEG Evaluation Standards

UNEG Evaluation Norms

UNDP Outcome-Level Evaluation: A Companion Guide

*UNDAF*

UNDAF 2012-2016

UNDAF Revised RRF, 2013

UNDAF Action Plan

UNDAF Annual Progress Report 2013, 2014

UNDAF Evaluation Final, May 2015

*Country Programme Documents*

UNFPA Country Programme 2012-2016

UNICEF Country Programme 2012-2016

UNDP Country Programme 2012-2016

*Project Support Documents*

Democratic Governance Sector Support Program

Electoral Support Project Document 2013-2016

Democracy Consolidation Programme (DCP IV) 2012-2016

Political Empowerment of Women in Malawi 2013-2016

Human Rights Support Project 2012-2014

Integrated Rural Development Programme

Strengthening Political Parties Project

Social Cohesion Project

PSD quarterly, semi-annual and annual progress reports

*Background*

UNDP SP Alignment documents for Malawi, 2014

Democratic Government Sector Policy Framework Paper

Social Cohesion Strategy, Malawi, 2014

‘International Covenant on Civil and Political Rights – Malawi (19 Aug 2014)’, OHCHR

Malawi Report, Amnesty International Annual Report 2014/15

‘Malawi: UPR Submission, Sept 2014’, by Human Rights Watch

NDP II Review Report, 25 July 2015

Democratic Governance Sector Strategy

Final Draft IRD Strategy Submission, March 2015

IRD Issues Paper Final Report, 2010

MLGRD Reform Agenda 2015

Decentralisation and Rural Livelihoods in Malawi, LADDER Working Paper No.4, Sept 2001

O’Neil, Tam et al: ‘Fragmented governance and local service delivery in Malawi’, ODI 2014

Zoë Scott: Decentralization, Local Development and Social Cohesion: An Analytical Review, GSDRC Research Paper, May 2009

Elaboration of a Toolkit for Facilitating the Implementation of the SDGs at Local Level - A UNDP, Un-Habitat, GTF Partnership

Chingaipe, H., (2013): The state of Preparedness for the 2014 Tripartite Elections, presentation made at a National Consultative Conference organized by the Malawi Electoral Support Network

Chinsinga, B., (2011) Benchmarking the Core Capacities of Political Parties (Lilongwe: Centre for Multiparty Democracy).

Chinsinga, B., Comments on Draft IRDS, 28 May 2015

EISA (2009) Malawi: Election Observation Report (Johannesburg: ISA)

Svåsand, Lars and Khembo (2013) ‘Political parties in Malawi’ in Government and Politics in Malawi, Capital Printing Press, Lilongwe.

Chiweza, A. (2013), ‘Local Government’ in Government and Politics in Malawi, Capital Printing Press, Lilongwe.

Janda K (2005) Political Parties and Democracy in Theoretical and Practical Perspectives: Adopting Party Law (National Democratic Institute for International Affairs (NDI), USA.

Chingaipe, H., (2010) Business and the State in Malawi: The Politics of Institutional Formation, Maintenance and Change (PhD Thesis, University of York).

CMD (2012) Sensitivities and Benefits of Paid Up Party Membership (Lilongwe: CMD).

Kanyongolo, Edge and Martin Ott (eds.) Democracy in Progress: Malawi’s 2009 Presidential and Parliamentary Elections (Kachere Books No.48).

Classen, M and Carmen Alpin-Lardies (2010), Social Accountability in Africa: Practitioners' Experiences and Lessons (African Books Collective: 2010).

Patel, N (2009), Promoting the effectiveness of democracy protection institutions in southern Africa the Malawi human rights commission and the office of the ombudsman.

Andreassen and Oftedal (2007), ‘The Office of the Ombudsman (OoO) in Malawi - An Appraisal’, NORAD Collected Reviews.

Nawaz F (2012), ’Overview of corruption and anti-corruption in Malawi’, Transparency International..

# Annex 3. Schedule of Meetings

|  |  |  |
| --- | --- | --- |
| **Date and Time** | **Person(s) to meet** | **Location** |
| **Monday, 26 Oct., 2015** |  |  |
| 09:00 – 09:30 | Ms. Susan Mkandawire, Procurement Associate, UNDP | UNDP |
| 09:45– 10:15 | Clemence Alfazema, Programme Analyst | UNDP |
| 14:00 – 15:00 | Responsible Institutions and Citizen Engagement Portfolio Team (Agnes, Clemence, David, Anne-Thora, Laureen, Sean Becky, Charles, Ruth) | UNDP conference room B |
| 15:15 – 16:00 | Ms. Carol Flore-Smereczniak, UNDP Deputy Resident Representative  Ms. Agnes Chimbiri, Portfolio Manager, UNDP | UNDP |
| **Tuesday, 27 Oct., 2015** |  |  |
| 09:00 – 09:45 | Mrs. Grace Malera, Executive Director, Malawi Human Rights Commission, Lilongwe | Off Paul Kagame Road, next to Chipiku Store |
| 10:00 – 10:30 | Security briefing, UNDSS | Lingadzi House |
| 14:00 – 14:45 | Mr. R. Mapemba and/or Mr. H. Njolomole, Deputy Clerks of Parliament | Parliament Building  (deferred to 11 Nov) |
| 15:00 – 16:00 | Mr. Kizito Tenthani, Executive Director, Centre for Multi-Party Democracy (CMD) – Confirmed | Catholic Secretariat, Area 11 |
| **Wednesday, 28 Oct., 2015** |  |  |
|  | Literature review |  |
| **Thurs, 29 Oct., 2015** |  |  |
| 09.00 – 09:45 | Mr. Ellos Lodzeni, Executive Secretary, Ombudsman Office, Lilongwe | (deferred to 2 Nov) |
| 10.00 – 17.00 | Preparation of Inception Report |  |
| **Friday, 30 Oct., 2015** |  |  |
| 9:00-10:00 | Mr. Luckie Sikwese, Clerk to the Cabinet and Principal Secretary, Office of the President and Cabinet, Lilongwe 3. | Capital Hill |
|  |  |  |
| 11.15 – 12.00 | Mr. Chris Kang’ombe, Secretary for Local Government and Rural Development | Capital Hill  (Deferred to 2 Nov) |
| Afternoon | Preparation of Inception Report |  |
| **Monday, 2 Nov., 2015** |  |  |
| 09-00 – 17.00 | Finalization of submission of Inception report |  |
| **Tuesday, 3 Nov., 2015** |  |  |
| 15:00 – 16:00 | Preliminary review of draft Inception Report | UNDP |
| **Wednesday, 4 Nov., 2015** |  |  |
| 9:00 | Travel to Blantyre | Petroda House |
| 13:30 – 14:30 | Meet DCP community | Senzani |
| **Thursday, 5 Nov., 2015** |  |  |
| 09:00 – 10:00 | Mr. Willy Kalonga, Chief Elections Officer, Malawi Electoral Commission | MEC offices, Blantyre |
| 12:00 – 13:00 | Rev. Dr. Chingota, PAC Chairman | Zomba |
| 15:00 | Travel to Mangochi |  |
| **Friday, 6 Nov., 2015** |  |  |
| 09:00 – 10:30 | Social Cohesion Project Community | Mangochi |
| Afternoon | Travel to Lilongwe |  |
| **Monday, 9 Nov., 2015** |  |  |
| 09:00 – 10: 00 | Mr. Charles Chunga, MALGA **Confirmed** | Off-Paul Kagame Road |
| 14:00 – 14:45 | Mr. Phaniso Kalua/Mr. Joseph Mpinganjira, Irish Aid. **Confirmed** |  |
| 15:00 – 15:45 | Mr. Julius Munthali, EU. **Confirmed** |  |
| **Tuesday, 10 Nov.2015** |  |  |
| 09:30 – 10:15 | Dr. Rogaia Abdelrahim, Deputy UNFPA Representative. **Confirmed.** | Evelyn Court, Area 13 |
| 10.30 – 11.15 | Mr. Michael Nyirenda, Royal Norwegian Embassy. **Confirmed** | Arwa |
| 14:00 – 14:45 | Ms. Roisin De Burca, Deputy UNICEF Representative. **Confirmed** | UNICEF House |
| **Wednesday, 11 Nov., 2015** |  |  |
| 09:00 – 09:45 | Mr. R. Mapemba, Deputy Clerk of Parliament. **Confirmed** | Parliament Building |
| 10:00 – 10.45 | Mr. Amani Mussa, Programme Manager, DCP. **Confirmed** | Filimoni House, City Centre |
| 14:00 – 14:45 | Dr. Janet Banda, Solicitor General, MoJCA  **Confirmed** | Capital Hill |
| **Thursday, 12 Nov., 2015** |  |  |
| 10:00 – 10:45 | UNFPA **Confirmed** |  |
| 11::00 – 11:45 | Director of Planning and Development, Lilongwe District Council. **Confirmed** | DC’s Office01756110/0888641596 |
| 12:00 – 12:45 | Ms. Alice Shackelford, UN Women. **Confirmed** | Evelyn Court, Area 13 |
| 13:00-17:00 | Decentralisation/IRD SWG | Sunbird Capital |
| **Friday, 13 Nov., 2015** |  |  |
| 9.00-10.00 | Mr. Sean Dunne, Chief Elections Adviser, UNDP. **Confirmed** | UNDP |
| **Monday, 16 Nov., 2015** |  |  |
|  |  |  |
| **Tuesday, 17 Nov., 2015** |  |  |
| 08:00 – 08:45 | Ms. Rebecca Adda Dontoh, Peace and Development Adviser, UNDP | UNDP |
| 09:00 – 9:45 | Mr. Neal Gilmore, Human Rights Adviser, UN | UNDP |
| **Wednesday, 18 Nov., 2015** |  |  |
| 09:30 – 10:15 | Ms. Lone Sorensen, DFID-Malawi | British High Commission |
| 11:00-12:00 | Martin | UNICEF |
| **Thursday, 19 Nov., 2015** |  |  |
| 08:15 – 09:15 | Ms. Mia Seppo, UNDP Resident Representative | UNDP |
| 15:00 – 17:00 | Debriefing meeting with Outcome 4.1 Implementing Partners | UNDP |

# Annex 4. List of Persons Met

Abraham Adamson, DFiD

Agatha Nieboj, EU

Alice, UN Women

Amani Musa, Programme Manager, DCP

Anna, UN Women

Anne-Thora Vardoy-Mutale, UNDP

Beatrice Kumwenda, Gender Specialist, UNFPA

Carol, Deputy Resident rep NDP

Chipiliro Thombozi, MoJC

Clemence, Programme Analyst, UNDP

De Burca, Deputy Resident Representative, UNICEF

Dr Agnes Chimbiri, Portfolio Manager, UNDP

Dr Rev Chingota, Chairperson, PAC

Edson Chikoko, Senzani Community Rights Committee

Ellos Lodzeni, Executive Secretary, OO

Grace Malera, Executive Director, MHRC

Johnstone Mdala, Chief Policy and Planning Officer, Parliament

Jonathan Cheib, UNICEF

Kalonga, MEC

Khumbo Mwalwimba, Principal Research and Civic Education Officer, OO

Kilembe, Programme, UNDP

Kisswell Dakamau, DLDS, MLGRD

Kizito Tenthani, Executive Director, CMD

Lone Sorensen, DFiD

Lucky Sikwese, OPC

Madalitso Mbendera, Program Officer, Centre for Multiparty Democracy (CMD)

Makunja, Governance Advisor, UNDP,

Martin Nkuna, Child Protection Officer, UNICEF

Mavuto, Logistics, UNDP

Michael Nyirenda-Norwegian Embassy

Mpinganjira-Irish Aid

Mr. Chunga-MALGA

Mrs. Valera-Deputy Programme manager, DCP

Munthali, EU

Mwafulirwa, MHRC

Neal Gilmore, Human Right Advisor, UNDP

Pastor Mark Songolo, Chairperson, Youth Violence Awareness Committee-Mangochi

Dr Paul Jackson, Professor, Head of International Department, Birmingham University

Peter Jimusole, DPD, Lilongwe City Council

Peter Kulemeka, Planning, M&E, Programme Coordination Specialist, UNDP

Phaniso Kaluwa, Irish Aid

Rebbecca Adonto Peace Advisor, UNDP

Renhard Mapemba-Deputy Clerk of Parliament

Rev Lazarus Kadango, Regional Secretary PAC

Ruqaya AbdulKarim, Deputy Resident Representative UNFPA

Sam Alfandika, UN Women

Sam Chikakusa, MoJCA

Sean, Election Advisor, UNDP

Senzani Community Rights Committee Group

Seppo Mia, Resident Representative, UNDP

Sewethe Mawhayo, Senzani Community Rights Committee

Simutowe, MoJCA

Sophia Nthenda, Director of Education, PAC

Susan Mkandawire, Procurement

Thandiwe Mijowa, Gender, UNFPA

Wycliffe Maso, MHRC

*The team would like to apologize to any persons met not listed above.*

# Annex 5. Evaluation Criteria Matrix

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Criterion** | **Evaluation questions** | **Sub questions** | **Data sources** | **Data collection methods** |
| **Relevance** | 1.To what extent is the UNCT’s collectively and each UN agency’ engaging in promoting democratic governance together with reflection of strategic considerations, including UNCT’s role in the development context of Malawi and its comparative advantage vis-a-vis other partners?  2. To what extent has the UNCT’s collectively, and each participating UN agencies selected method of delivery been appropriated to the development context?  3. Has the UNCT been influential in national debates in promoting democratic governance issues, and has it influenced national policies on legal reforms and human rights protection? | 1.1. What common analyses were done in designing the UNDAF outcome and the PSDs? To what extent was a rights based approach and a gender mainstreaming been incorporated into the design and implementation of the support?  1.2. Is it consistent with current needs and challenges in democratic governance in the country?  1.3. Does it complement other DP support and draw on the collective strategic advantages and offers of the UN system.  1.4. Is the outcome aligned with national strategies: MGDS II, DGSS, Devolution strategy (1998)  1.5.To what extent was the addition of the peace architecture support aligned with government initiatives  1.6 Are there any emerging policies in need of support? Any missed opportunities, gaps in the present support?  1.7 How responsive has the UNCT been in addressing emerging opportunities or issues during implementation of UNDAF.  1.8 To what extent do UN agency project documents reflect UNDAF?  2.1 To what extent has UNCT adopted participatory  approaches in planning and delivery of the support and what has been feasible in the country context?  2.2 Is the approach to CD adequate to build and sustain governance capacity in the targeted institutions and focal areas? Is it innovative and state of the art?  2.3 Are the resources allocated sufficient to achieve outcome 4.1? Was the level of financial resources mobilized jointly and by individual UN Agencies sufficient for successful implementation of the outcome vis-a-vis the planned resource envelope, including integrating RBA and gender mainstreaming?  2.4 Is the support rendered coherent and focused? Is there a balance between targets, project designs and the resource envelope (TA, funding, time)?  2.5 It there an appropriate balance between support to demand and supply side of governance, support to upstream and downstream interventions?  3.1 Which reform areas or reform strategies can be attributed to UN influence? | UNDAF document and action plans  UNDP, UNICEF, UNPFA country programmes  Support project documents  Annual progress reports and work plans  MTE of UNDAF, Outcome 4.2, 4.3  Government’s national  planning documents  MDG progress reports  Government partners  progress reports  Stakeholder Interviews | Desk reviews of secondary  data  Interviews with IPs, see Annex 6  Interviews with other DGSWG members, civil society partners and MALGA  Interviews with development partners (EU, WB, AfDB, USAID, JICA, DfID, RNE, GIZ)  Interviews with UNCT: UNDP, UNICEF, UNFPA, (and UNOHCHR)  Field visits to selected  Projects/districts |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Criterion** | **Evaluation questions** | **Sub questions** | **Data sources** | **Data collection methods** |
| **Effectiveness** | 1. What evidence is there that the UNCT collectively and as individual UN agency contributed towards improved national government capacities, including institutional strengthening?  2. Has the UNCT and individual UN agencies worked effectively with other international and national development partners to improve democratic governance in Malawi?  3. Has the UNCT collectively, and participating individual UN agencies utilised innovative techniques and best practices in its programming?  4. Is the UNCT collectively, and other participating UN agencies perceived by stakeholders as strong advocates for improving democratic governance in Malawi?  5 What contributing factors and impediments or enhance UNCT’s collective, and individual participating UN agencies’ performance in this area? | 1.1 Assess the contribution made by the UNCT, collectively, and by participating UN agencies, individually, to promote good democratic governance as envisaged under outcome 4.1 of the UNDAF; including cross-cutting issues of human rights and gender equality.  1.2 Has the support at the national level been effective in helping improve democratic governance at all levels in Malawi?  1.3 Did the support contribute towards the stated outcome or contributed to changes and processes that move towards the outcome? Did it complement additional DP support?  2.1 How effective has the UNCT collectively and individual participating UN agencies been in partnering with civil society and the private sector to promote democratic governance in Malawi?  1.4 What outcome and outputs does the support intend to achieve and what outputs have been achieved?  1.5 What changes can be observed as a result of these outputs?  1.6 How does the UNCT measure its progress towards expected results/outcomes in a dynamic context?  1.7 How have strategic values and comparative advantages of each of the participating UN agencies contributed to the outcome?  1.8 What were the unintended results of UNDAF related initiatives and how did they affect development in DG?  2.2 Have UN agency partnerships strategies been adequate for the achievement of the outcome?  2.3 How well did the UNCT use its partnerships (with civil society, private sector, local government, parliament, national human rights institutions, gender equality advocates, international development partners) to improve performance?  2.4 Do CSO partnerships balance between service provision and advocacy roles of CSOs?  3.1 Is there concrete evidence that the support has succeeded in applying innovative measures and value addition to the sector  4.1 Which examples of evidence on advocacy for DG can be identified?  5.1 Which factors has facilitated and/or hindered the progress in achieving the outcome by the UNCT collectively and the participating UN agencies, individually, both in terms of the external factors and internal linked to portfolio management interventions including: weakness in design, oversight, human resource skills and resources  5.2 In addition to UNCT initiatives, what other factors may have affected the results? | UNDAF Programme documents  - Annual Work Plans  - progress reports  - Evaluation reports  PSDs, progress reports  Interviews with UN agency staff, development partners, Government partners, Beneficiaries | Desk reviews of secondary data  Interviews with government partners, development partners,  UNDP staff, civil society partners, associations, and federations  Field visits to selected districts |

| **Criterion** | **Evaluation questions** | **Sub questions** | **Data sources** | **Data collection methods** |
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| **Efficiency** | 1. Have participating UN agency strategies and execution of the outcome been efficient and cost effective?  2. Are the monitoring and evaluation systems that UNCT collectively and individual participating UN agencies have in place helping to ensure that programmes are managed efficiently and effectively?  3. Did the UN coordination reduce transaction costs and increase the efficiency of implementation of the programmes relating to the outcome? To what extent did the programme create actual synergies among agencies and involve concerted efforts to optimize results and avoid duplication? | 1.1 Has the support been implemented within deadline  and cost estimates?  1.2 Has there been an economical use of financial and human resources?  1.3 Are resources concentrated on the most important initiatives or are they scattered/spread thinly across initiatives  1.4 What impact did cashgate and tripartite elections  had on delivery timelines?  2.1 Has management and oversight systems been adequate and did UNDP and its partners taken prompt actions to solve implementation issues?  2.2 Has response to inadequate resource mobilization or funds allocations been appropriate?  2.3 Has there been over-expenditure or under-expenditure in the projects?  2.4 Has RTM had an impact on programme oversight  3.1 To what extent did the change in UNCT outcome management structures promote or challenge outcome 4.1 delivery?  3.2 To which extent has joint programming been implemented in outcome 4.1 support.  3.3 Evidence of overlaps and synergies between projects, silo approaches along agency lines?  3.4 To what level are SWAp and DP synergies and complementarities exploited? | Programme documents  Annual Work Plans  Evaluation reports  ATLAS reports  Government partners  Development partners  UN agency staff  DPs | Desk reviews of  secondary data  Interviews with  government  partners and  development  partners |

| **Criterion** | **Evaluation questions** | **Sub questions** | **Data sources** | **Data collection methods** |
| --- | --- | --- | --- | --- |
| **Sustainability** | 1. What is the likelihood that the interventions are sustainable and what could be done to strengthen sustainability of outcomes?  2. What mechanisms have been set in place by UNCT and participating UN agencies of Malawi to sustain improvements made through these interventions?  3. How should this portfolio be enhanced to support central authorities, local communities and civil society in improving DG/service delivery over the long term?  4. What changes should be made in the current set of partnerships and strategies in order to promote long-term sustainability?  5. Is the UNCT and individuals agency resource mobilization strategy in the area of democratic governance appropriate and likely to be effective in achieving this outcome?  6. Are UNCT’s management structures and working methods appropriate and likely to be effective in achieving this outcome | 1.1 Is institutional absorption capacity correctly addressed?  1.2 Evidence of unanticipated sustainability threats emerging during implementation? What corrective  measures were adopted?  2.1 Were initiatives designed to have sustainable results given the identifiable risks?  2.2 Did they include exit strategies?  3.1 How can strategic DG support be more coherent and improve synergies between NPA, decentralization, service delivery, accountability  5.1 Which additional resources can be tapped into? (SSC, TrC, CSR, vertical trust funds etc)  6.1How has UNCT approached upscaling of successful pilot initiatives and catalytic projects?  6.2 Are they sufficiently documented?  6.3 Has the government taken on these initiatives?  6.4 Have DPs stepped in to scale up initiatives?  6.5 Did the realignment and restructuring of clusters improve collective programme management? | Programme documents  Annual Work Plans  Evaluation reports  Progress reports  Stakeholder interviews | Desk reviews of  secondary data  Interviews with UN  programme staff, IPs, other stakeholders, DPs |

| **Criterion** | **Evaluation questions** | **Sub questions** | **Data sources** | **Data collection methods** |
| --- | --- | --- | --- | --- |
| **Impact** | 1.What lasting impact has did the support had on democratic governance in Malawi | 1.1 What changes have occurred, attributable to UN support?  1.2 What changes that were planned or expected did not occur, and why?  1.3 Any realignment of support or changes in approach, which could improve the relevance and design of the next UNDAF vis-à-vis democratic governance? | Programme documents  Annual Work Plans  Evaluation reports,  Evidence-based documentation of innovation pilots and best practices,  Government partners  Development partners  UN agency staff  DPs | Desk reviews of  secondary data  Interviews with  government  partners and  development  partners |

# Annex 6. UNDAF Outcome 4.1 - Action Plan 2012-2016

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| **UNDAF Priority Area 4: Good Governance and Human Rights** | | | | | | | | | | |
|  | **UN Agency** | **Indicators, Baseline and Targets** | **Means of Verification** | **Risk and assumptions** | **Key Partners** |  | **Indicative Resources (USD)** | | | |
| **Agency** | **Core** | **Non-Core** | **Gap** | **Total** |
| **Outcome 4.1National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016.** | UNCDF, **UNDP**, UNICEF | Proportion of the public holding duty bearers accountable (2010: 40%, Dec 2016: 65%) | DCP Baseline, NICE Report | **Assumptions:** Resource availability; donor partner support; separation of powers; capacity of the coordinating institutions; Adherence to constitutionalism; Resource availability; Good donor/government working relationships; Political will; government willingness to devolve authority to the lower levels; strong coordination structures at national and District levels | OPC, MEC, Parliaments, ACB, Human Rights Commission, MOJ, Ombudsman, CMD, DCP, NSA, MoLG, Media Council, Academia, MODPC, Malawi Prisons, Law Commission, Judiciary, MoGCCD, DCP, NSA, MoLG, Malawi Police, MoDP, NLGFC, MALGA, MoLGRD, District Councils, MoH, Media Council |  | **12,200,000** | **18,300,000** | **18,060,000** | **48,560,000** |
| Proportion of people (men, women, youth, children) accessing formal justice (2010: 10%, Dec 2016: 60%) | Democratic Governance Baseline Survey (NSO |  |
| Voter turnout (2009: 70%; 2014: 90%) | Malawi Electoral Commission (MEC) |  |
| Percentage of devolved sectors (2010: 63%; 2016: 85%) | Ministry of Local Government |  |

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|  | **UN Agency** | | **Indicators, Baseline and Targets** | **Means of Verification** | **Risk and assumptions** | **Key Partners** |  | **Indicative Resources (USD)** | | | | | |
| **Agency** | **Core** | | **Non-Core** | **Gap** | | **Total** |
| **Output 4.1.1 Democratic Governance sector wide approach inclusive of sector strategy, M&E indicator framework, investment and capacity development plan encompassing national democratic accountability and justice institutions operationalised.** | | UNDP UNICEF | Number of stakeholders aligning their support to sector funding mechanisms (2010: 0; 2016: 30) | Sector Strategic Plan and annual sector budgets | **Risks:** Unpredictable political and economic situation (e.g. political uncertainty, funding withdraw from development partners, low/ poor production of tobacco hence affecting the country’s economy etc)  • Limited participation of stakeholders (institutional and non institutional) during and after the Multi Stakeholder Process for some reasons e.g. stakeholders not being clear of their respective roles, no financial incentives, other office commitments, conflict of interests etc  • Delays in completing the outstanding assessments and baselines in good time hence affecting the timeline/ work schedule  • Unrealistic Democratic Governance Sector budget that might attract less funding from the treasury and development partners | OPC, MEC Parliaments ACB, Human Rights Commission MOJ, Ombudsman CMD, DCP, NSA, MoLG Media Council Academia |  |  |  | | |  |  |
| Number of democratic accountability and justice institutions (sector institutions) using M&E framework for evidence based policy formulation (2010: 0; 2016: 19) | Sector Strategic Plan and annual sector budgets |  |
| Number of sector institutions implementing Capacity Development activities | Sector Strategic Plan and annual sector budgets |  |
| **Annualized Key Results 2012** | | A: A nationally owned 5 year Democratic Governance Sector Strategy developed (UNDP) | | | | | UNDP | 400,000 | 500,000 | | | 500,000 | 1,400,000 |
| B: Child Justice Strategy developed and integrated into Democratic Governance Sector Strategy (UNICEF | | | | | UNICEF | 20,000 | 220,000 | | | 100,000 | 340,000 |
| **4.1.1-Total Budget for Annualised Key Results for 2012** | | | | |  | **420,000** | **720,000** | | | **600,000** | **1,740,000** |
| **Annualized Key Results 2013** | | C: Coordinated funding mechanism for DG secotr formulated and endorsed by stakeholders (UNDP) | | | | | UNDP | 100,000 |  | | | 350,000 | 450,000 |
| UNICEF | 20,000 | 220,000 | | | 100,000 | 340,000 |
| D: Long term government owned M&E framework functinoal (UNDP . | | | | | UNDP | 200,000 |  | | | 350,000 | 550,000 |
| **4.1.1-Total Budget for Annualised Key Results for 2013** | | | | |  | **320,000** | **220,000** | | | **800,000** | **1,340,000** |
| **Annualized Key Results 2014** | | E: 2 capacity building initiatives implemented by Democratic Governance Institutions (UNDP) | | | | | UNDP | 250,000 |  | | | 500,000 | 750,000 |
| UNICEF | 20,502 | 220,000 | | | 100,000 | 340,502 |
| F: 2 Justice Institutions implementing capacity building identified by the sector strategy to improve Democratic Accountability (UNDP) | | | | | UNDP | 100,000 |  | | | 500,000 | 600,000 |
| UNICEF | 20,000 | 220,000 | | | 100,000 | 340,000 |
| **4.1.1-Total Budget for Annualised Key Results for 2014** | | | | |  | **390,502** | **440,000** | | | **1,200,000** | **2,030,502** |
| **Annualized Key Results 2015** | | E: 2 additional capacity building initiatives implemented by Democratic Governance Institutions (UNDP) | | | | | UNDP | 100,000 |  | | | 500,000 | 600,000 |
| F: 3 Justice Institutions implementing capacity building identified by the sector strategy to improve Democratic | | | | | UNDP | 100,000 |  | | | 500,000 | 600,000 |
| UNICEF | 20,000 | 220,000 | | | 100,000 | 340,000 |
| **4.1.1-Total budget for Annualised Key Results for 2015** | | | | |  | **220,000** | **220,000** | | | **1,100,000** | **1,540,000** |
| **Annualized Key Results 2016** | | E: 2 additional capacity building initiatives implemented by Democratic Governance Institutions (UNDP) | | | | | UNDP | 100,000 |  | | | 200,000 | 300,000 |
| G: Second 5 year sector wide strategic plan formulated (UNDP) | | | | | UNDP | 100,000 |  | | | 300,000 | 400,000 |
| UNICEF | 20,000 | 220,000 | | | 100,000 | 340,000 |
| **4.4.1-Total Budget for Annualised Key Results for 2016** | | | | |  | **220,000** | **220,000** | | | **600,000** | **1,040,000** |
|  | | **TOTAL- OUTPUT 4.1.1** | | | | |  | **1,570,502** | **1,820,000** | | | **4,300,000** | **7,690,502** |

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|  | **UN Agency** | | **Indicators, Baseline and Targets** | **Means of Verification** | **Risk and assumptions** | **Key Partners** |  | **Indicative Resources (USD)** | | | | | |
| **Agency** | **Core** | | **Non-Core** | **Gap** | | **Total** |
| **Output 4.1.2 Strategic plans for five democratic accountability and justice institutions developed and implemented that promote and protect human rights, participatory democracy and access to justice for all especially the vulnerable, women and children** | | UNDP UNICEF UNFPA | Number of criminal cases that stayed open more than 2 years (2010: 49.5%; 2016: 20%) | Democratic Governance Baseline Survey 2010 | **Assumptions:** DP support; capacity of the coordinating institutions; MGDS II endorsed and linked to sector priorities; Sector strategic plan finalized by June 2012  **Risks:** Implementing Partners capacity; uncoordinated DP' interventions; sector budget unrealistic; low commitment from DP's to sector budget in 2012/2013 | MODPC Malawi Prisons, Law Commission Judiciary Parliaments ACB Human Rights Commission MOJ, Ombudsman MOGCCD, DCP, NSA, MoLGRD Malawi Police, Academia |  |  |  | | |  |  |
| Proportion of children diverted from formal justice system (2010:30% 2016: 90%) | UNICEF Baseline assesment report | **Assumptions:** Databases for recording cases for all protection services developed and functional. **Risk:** Structures for reporting not being friendly to women and children. |
| No. Of sittings of youth parliament (2010: 0; 2016:5) | National Assembly report |
| **Annualized Key Results 2012** | | A: Coordinated framework of complaints and case handling institutions formulated (UNDP). | | | | | UNDP | 200,000 |  | | | 300,000 | 500,000 |
| B: Child Court services strengthened in 7 districts and diversion programs rolled out to 28 districts (UNICEF). | | | | | UNICEF | 10,000 | 200,000 | | | 300,000 | 510,000 |
| C: Youth Parliament integrated into the National Assembly and the 1st Session of the Youth Parliament held (UNICEF). | | | | | UNICEF | 10,000 | 180,000 | | | 300,000 | 490,000 |
| **4.1.2-Total Budget for Annualised Key Results for 2012** | | | | |  | **220,000** | **380,000** | | | **900,000** | **1,500,000** |
| **Annualized Key Results 2013** | | B: Child Court services strengthened in 7 districts and diversion programs rolled out to 28 districts (UNICEF). | | | | | UNICEF | 10,000 | 200,000 | | | 300,000 | 510,000 |
| D: 2 institutions in the DGSWG develop institutional strategic plans (UNDP). | | | | | UNDP | 200,000 |  | | | 150,000 | 350,000 |
| E: Justice and DA sub sector institutions using case and complaints handling framework (UNDP) | | | | | UNDP | 100,000 |  | | | 150,000 | 250,000 |
| F: Civil surveillance with participation of children established and functional to monitor implementation and policies and budget for children (UNICEF) | | | | | UNICEF | 10,000 | 180,000 | | | 300,000 | 490,000 |
| **4.1.2-Total Budget for Annualised Key Results for 2013** | | | | |  | **320,000** | **380,000** | | | **900,000** | **1,600,000** |
| **Annualized Key Results 2014** | | B: Child Court services strengthened in 7 districts and diversion programs rolled out to 28 districts (UNICEF). | | | | | UNICEF | 10,000 | 180,000 | | | 300,000 | 490,000 |
| E: Additional 2 institutions in the DGSWG develop institutional strategic plans (UNDP). | | | | | UNDP | 300,000 |  | | | 300,000 | 600,000 |
| G: Resolutions from the 2nd Session of the Youth Parliament influence parliamentary debates and policy decisions. (UNICEF). | | | | | UNICEF | 10,000 | 200,000 | | | 300,000 | 510,000 |
| **4.1.2-Total Budget for Annualised Key Results for 2014** | | | | |  | **320,000** | **380,000** | | | **900,000** | **1,600,000** |
| **Annualized Key Results 2015** | | B: Child Court services strengthened in 7 districts and diversion programs rolled out to 28 districts (UNICEF). | | | | | UNICEF | 10,000 | 180,000 | | | 300,000 | 490,000 |
| D: Additional 2 institutions in the DGSWG develop institutional strategic plans (UNDP). | | | | | UNDP | 300,000 |  | | | 300,000 | 600,000 |
| H: Resolutions from the 2nd Session of the Youth Parliament influence parliamentary debates and policy decisions. (UNICEF). | | | | | UNICEF | 10,000 | 200,000 | | | 300,000 | 510,000 |
|  | | **4.1.2-Total Budget for Annualised Key Results for 2015** | | | | |  | **320,000** | **380,000** | | | **900,000** | **1,600,000** |
| **Annualized Key Results 2016** | | B: Child Court services strengthened in 7 districts and diversion programs rolled out to 28 districts (UNICEF). | | | | | UNICEF | 10,000 | 180,000 | | | 300,000 | 490,000 |
| G: Resolutions from the 2nd Session of the Youth Parliament influence parliamentary debates and policy decisions. (UNICEF). | | | | | UNICEF | 10,000 | 200,000 | | | 300,000 | 510,000 |
| I: Follow up survey on Democratic Governance conducted (UNDP) | | | | | UNDP | 200,000 |  | | | 300,000 | 500,000 |
|  | | **4.1.2-Total Budget for Annualised Key Results for 2015** | | | | |  | **220,000** | **380,000** | | | **900,000** | **1,500,000** |
|  | | **TOTAL- OUTPUT 4.1.2** | | | | |  | **1,400,000** | **1,900,000** | | | **4,500,000** | **7,800,000** |

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|  | **UN Agency** | | **Indicators, Baseline and Targets** | **Means of Verification** | **Risk and assumptions** | **Key Partners** |  | **Indicative Resources (USD)** | | | | | |
| **Agency** | **Core** | | **Non-Core** | **Gap** | | **Total** |
| **Output 4.1.3 City and District Councils, Area and Village Development Committees (VDC) in targeted districts have capacity to conduct participatory planning, budgeting and manage integrated rural development in line with the national decentralization policy** | | UNDP UNICEF UNCDF, UNFPA, ILO, UNOHCHR | Number of Districts developing and implementing local economic development (LED) strategy (Baseline: 0, Target: 28) | **Reports from MoLGRD** | **Assumption:** Resource availability; Good donor/government working relationships; Political will; government willingness to devolve authority to the lower levels; strong coordination structures at national and District levels Assumption: That the pilot will be successful and that additional resources will be available for the up-scaling of LED initiative | MODP, MGCCD, OPC, DCP NLGFC MALGA MoLGRD District Councils Academia |  |  |  | | |  |  |
| Number of Councils trained in the IRD strategy and policy (Baseline: 0, Target:28) | **Reports from MoLGRD** | **Risks:** Resource availability; Good donor/government working relationships; weak coordination structures at national and District levels **Assumption**: Government commitment to IRD |
| Percentage of Net Government Revenues allocated to the District Councils through the General Resource Fund. (Baseline:0.23 ; Target 5) | **National Local Governance Finance Committee** | **Risk:** Government reversing commitment to devolution. **Assumption:** Government continued commitment to fiscal devolution |
| **Annualized Key Results 2012** | | A. LED strategy for each of the 2 pilot LED districts developed/Policy framework for LED developed (UNCDF) | | | | | UNCDF | 100,000 |  | | | 300,000 | 400,000 |
| B: Fiscal decentralization, sector devolution policy and guidelines finalized (UNDP) | | | | | UNDP | 100,000 |  | | | 400,000 | 500,000 |
| C: IRD Sector Strategy & M&E framework in place (UNDP) | | | | | UNDP | 150,000 | 300,000 | | | 200,000 | 650,000 |
| D: Children's councils at district level established and integrated within local development planning framework in 5 districts (UNICEF). | | | | | UNICEF | 50,234 |  | | | 43,334 | 93,568 |
|  | | **4.1.3-Total Budget for Annualized Key Results for 2012** | | | | |  | **400,234** | **300,000** | | | **943,334** | **1,643,568** |
| **Annualized Key Results 2013** | | D: Children's councils at district level established and integrated within local development planning framework 10 districts (UNICEF) | | | | | UNICEF | 50,234 |  | | | 43,334 | 93,568 |
| E: Initial LED investments made in each of the 2 pilot districts (UNCDF). | | | | | UNCDF | 150,000 |  | | | 350,000 | 500,000 |
| F: Training in integrated planning, coordination and implementation in accordance with IRDS and decentralization programme carried out in 8 districts (UNDP). | | | | | UNDP | 200,000 | 600,000 | | | 500,000 | 1,300,000 |
| G: IRD Policy and Programme in place (UNDP) | | | | | UNDP | 200,000 | 100,000 | | | 300,000 | 600,000 |
| **4.1.3-Total Budget for Annualized Key Results for 2013** | | | | |  | **600,234** | **700,000** | | | **1,193,334** | **2,493,568** |
| **Annualized Key Results 2014** | | D: Children's councils at district level established and integrated within local development planning framework 10 districts (UNICEF) | | | | | UNICEF | 50,234 |  | | | 43,334 | 93,568 |
| E: Training in integrated planning, coordination and implementation in accordance with IRDS and decentralization programme carried out in 10 districts (UNDP). | | | | | UNDP | 300,000 | 600,000 | | | 500,000 | 1,400,000 |
| H: A plan for replication/upscaling of LED developed (UNCDF) | | | | | UNCDF | 30,000 |  | | |  | 30,000 |
| I: IRD Management and Coordination Structures in place (UNDP). | | | | | UNDP | 400,000 |  | | |  | 400,000 |
| **4.1.3-Total Budget for Annualized Key Results for 2014** | | | | |  | **780,234** | **600,000** | | | **543,334** | **1,923,568** |
| **Annualized Key Results 2015** | | J: LED policy framework finalized (UNCDF) | | | | | UNCDF | 100,000 |  | | |  | 100,000 |
| K: Capacity building of elected members of the District Councils (councillors) (UNDP) | | | | | UNDP | 100,000 |  | | |  | 100,000 |
| L: IRD institutional structures and systems (RGCs, Satellite Millennium Village) in place (UNDP) | | | | | UNDP | 150,000 | 700,000 | | | 500,000 | 1,350,000 |
| M: 10 District Councils designated as being child friendly (UNICEF). | | | | | UNICEF | 50,234 |  | | | 43,334 | 93,568 |
| **4.1.3-Total Budget for Annualized Key Results for 2015** | | | | |  | **400,234** | **700,000** | | | **543,334** | **1,643,568** |
| **Annualized Key Results 2016** | | D: Children's councils at district level established and integrated within local development planning framework at all districts with formalized/legalized status (UNICEF) | | | | | UNICEF | 50,234 |  | | | 43,334 | 93,568 |
| F: 12 additional districts have developed local economic development strategies (UNCDF). | | | | | UNCDF | 50,000 |  | | |  | 50,000 |
| N: New UNDP and UNCDF strategy on decentralization and local development developed (UNDP). | | | | | UNDP | 50,000 |  | | |  | 50,000 |
| UNCDF | 50,000 |  | | |  | 50,000 |
| O: IRD framework and structures for joint planning, implementation, and monitoring in place (UNDP). | | | | | UNDP | 100,000 | 600,000 | | | 500,000 | 1,200,000 |
| **4.1.3-Total Budget for Annualized Key Results for 2015** | | | | |  | **300,234** | **600,000** | | | **543,334** | **1,443,568** |
|  | | **TOTAL- OUTPUT 4.1.3** | | | | |  | **2,481,170** | **2,900,000** | | | **3,766,670** | **9,147,840** |

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|  | **UN Agency** | **Indicators, Baseline and Targets** | **Means of Verification** | **Risk and assumptions** | **Key Partners** |  | **Indicative Resources (USD)** | | | | |
| **Agency** | **Core** | **Non-Core** | **Gap** | | **Total** |
| **Output 4.1.4 National elections processes and capacities in Malawi Electoral Commission, Civil Society and different arms of Government strengthened to ensure free and credible national and by-elections** | UNDP | % voter turn-out (2010: 70 ; 2016:90) | Electoral Commission Report | **Assumptions:** Availability of funds from donors; Ownership and willingness of electoral processes by MEC and government; **Risk:** Lack of commitment from Government to show efforts in resolving the issues raised in both audit reports as a matter of urgency; The vacant senior positions in the organizational structure of MEC; Variations in Political climate; lack of independence of the EMB. | MEC |  |  |  | |  |  |
| Proportion of women elected during Presidential and Parliamentarian Election) (2010: 22; 2016 : 30) | Electoral Commission Report |
| **Annualized Key Results 2012** | A: 2012 - 2014 Strategic Plan for the Malawi Electoral Commission formulated (UNDP). | | | | | UNDP | 250,000 |  | | 250,000 | 500,000 |
| B: Asset management and storage systems operational at MEC (UNDP) | | | | | UNDP | 100,000 |  | | 500,000 | 600,000 |
| **4.1.4-Total Budget for Annualized Key Results for 2012** | | | | |  | **350,000** | **-** | | **750,000** | **1,100,000** |
| **Annualized Key Results 2013** | B3: Elections Calendar for the 2014 Tripartite Elections with Election Calendar Tracking Tool produced (UNDP). | | | | | UNDP | 70,000 |  | |  | 70,000 |
| C: Code of conduct for the CSOs and the media formulated and operational (UNDP). | | | | | UNDP | 100,000 |  | | 500,000 | 600,000 |
| D: Electoral Laws for the tripartite elections in place (UNDP) | | | | | UNDP | 100,000 |  | |  | 100,000 |
| E: Electoral materials including registration materials, polling booths and polling boxes procured (UNDP). | | | | | UNDP |  | 2,000,000 | | 3,000,000 | 5,000,000 |
| **4.1.4-Total Budget for Annualized Key Results for 2013** | | | | |  | **270,000** | **2,000,000** | | **3,500,000** | **5,770,000** |
| **Annualized Key Results 2014** | E: Ballot papers, indelible ink and other polling materials procured (UNDP). | | | | | UNDP | 500,000 | 1,000,000 | | 1,797,000 | 3,297,000 |
| F: Free and credible elections conducted on the due date | | | | | UNDP | 500,000 |  | |  | 500,000 |
| **4.1.4-Total Budget for Annualized Key Results for 2014** | | | | |  | **1,000,000** | **1,000,000** | | **1,797,000** | **3,797,000** |
| **Annualized Key Results 2015** | G: 2015 - 2019 Strategic Plan for the Malawi Electoral Commission formulated (UNDP) | | | | | UNDP |  |  | | 500,000 | 500,000 |
| **4.1.4-Total Budget for Annualized Key Results for 2015** | | | | |  | **-** | **-** | | **500,000** | **500,000** |
| **Annualized Key Results 2016** | H: Financial policies and asset management system reviewed (UNDP) | | | | | UNDP | 500,000 |  | | 500,000 | 1,000,000 |
| **4.1.4-Total Budget for Annualized Key Results for 2016** | | | | |  | **500,000** |  | | **500,000** | **1,000,000** |
|  | **TOTAL- OUTPUT 4.1.4** | | | | |  | **2,120,000** | **3,000,000** | | **7,047,000** | **12,167,000** |

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|  | **UN Agency** | **Indicators, Baseline and Targets** | **Means of Verification** | **Risk and assumptions** | **Key Partners** |  | **Indicative Resources (USD)** | | | | | | | |
| **Agency** | **Core** | **Non-Core** | | **Gap** | | | **Total** | |
| **Output 4.1.5 National institutions have capacity to promote and protect human rights, especially the vulnerable, women and children** |  | A gender responsive National Human Rights Action Plan for the Promotion and Protection of Human Rights Developed and implemented (2011: 0; 2016: 1) | Reports of MHRC | **Assumption:** human rights infrastructure in place and human rights players buy into the infrastructure **Risk:** unreliable funding sources; worsening human rights situation presenting potential danger to independence and existence of human rights constitutional bodies | OPC, MoH, Parliaments ACB, Human Rights Commission, MOJ Ombudsman, MGCCD, Malawi Police, NSA, DCP Media Council, Academia, Law Commission |  |  |  | | |  | |  | |
| Number of institutions aligning to a coordinated mechanism for human rights 92010: 0; 2011: 9) | **project reports** |
| % of rural and urban population able to claim human rights (disaggregated by Gender) (2010: 16% females; 19% males; 20% urban; 17% rural ; 2016: 50% Males: 50% Females; 50% Urban; 50 % rural) | DCP Baseline, NICE Report | **Assumption:** DCP approach is re-designed; data available and new benchmarks set; new funding mechanism in place  **Risk:** DP support; Resources are available; willingness of Program Steering Committee to adapt new implementation arrangements. |
| **Annualized Key Results 2012** | A: New implementation arrangements for Democracy Consolidation and Civic Education in place (UNDP) | | | | | UNDP | 500,000 | 650,000 | | | 800,000 | | 1,950,000 | |
| **4.1.5-Total Budget for Annualized Key Results for 2012** | | | | |  | **500,000** | **650,000** | | | **800,000** | | **1,950,000** | |
| **Annualized Key Results 2013** | B: A strategy to mainstream human rights into policy analysis and planning developed (UNDP) | | | | | UNDP | 20,000 |  | | |  | | 20,000 | |
| C: 70 village rights committees in 21 districts established and oriented on good governance (UNDP) | | | | | UNDP | 600,000 | 600,000 | | | 800,000 | | 2,000,000 | |
| D: Capacity of government and civil society for preparation of CRC and African Charter report strengthened. (UNICEF) | | | | | UNICEF | 35,000 |  | | | 25,000 | | 60,000 | |
| **4.1.5-Total Budget for Annualized Key Results for 2013** | | | | |  | **655,000** | **600,000** | | | **825,000** | | **2,080,000** | |
| **Annualized Key Results 2014** | B: A National Human Rights Action Plan aligned with the DG Sector strategy in place (UNDP) | | | | | UNDP | 20,000 |  | | |  | | 20,000 | |
| C: Additional 70 village rights committees in 24 districts established and oriented on good governance (UNDP) | | | | | UNDP | 600,000 | 500,000 | | | 1,010,000 | | 2,110,000 | |
| E: Timely submission of government and civil society CRC and African Charter reports. (UNICEF) | | | | | UNICEF | 31,825 |  | | | 50,000 | | 81,825 | |
| **4.1.5-Total Budget for Annualized Key Results for 2014** | | | | |  | **651,825** | **500,000** | | | **1,060,000** | | **2,211,825** | |
| **Annualized Key Results 2015** | B: Capacity of government and Civil Society to engage with the UPR strengthened(UNDP) | | | | | UNDP | 30,000 |  | | |  | | 30,000 | |
| C : Additional 70 village rights committees in 27 districts established and oriented on good governance (UNDP) | | | | | UNDP | 600,000 | 700,000 | | | 1,300,000 | | 2,600,000 | |
| F: Children's voices and inputs are reflected in the next Malawi Growth and Development Strategy (MGDS) (UNICEF.) | | | | | UNICEF | 184,500 |  | | | 83,333 | | 267,833 | |
|  | **4.1.5-Total Budget for Annualized Key Results for 2015** | | | | |  | **814,500** | | **700,000** | | | **1,383,333** | | **2,897,833** |
| **Annualized Key Results 2016** | B: Leadership and technical capacities of MHRC and Office of the Ombudsman strengthened to deliver more effectively on their human rights mandates (UNDP) | | | | | UNDP | 40,000 | |  | | |  | | 40,000 |
| C: Additional 70 village rights committees in 28 districts established and oriented on good governance (UNDP) | | | | | UNDP | 490,000 | | 750,000 | | | 1,300,000 | | 2,540,000 |
| G: Timely drafting and submission of MDG report (UNICEF) | | | | | UNICEF | 35,000 | |  | | |  | | 35,000 |
|  | **4.1.5-Total Budget for Annualized Key Results for 2015** | | | | |  | **565,000** | | **750,000** | | | **1,300,000** | | **2,615,000** |
|  | **TOTAL- OUTPUT 4.1.5** | | | | |  | **3,186,325** | | **3,200,000** | | | **5,368,333** | | **11,754,658** |

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|  | **TOTAL FOR OUTCOME 4.1 (UNDAF)** |  | 12,200,000 | 18,300,000 | 18,060,000 | 48,560,000 |
|  | **TOTAL FOR OUTCOME 4.1 (UNDAF-AP)** |  | 10,757,997 | 12,820,000 | 24,982,003 | 48,560,000 |

# Annex 7. UNDAF Outcome 4.1 - Results Matrix (2013 Revision)



# Annex 8. UNDAF Outcome 4.1 - Results Chain, Project Linkages and Output Achievements

| **UNDAF**  **Outcome** | **UNDAF OUTCOME 4.1:**  **National institutions foster democratic governance and human rights to promote transparency, accountability, participation and access to justice for all especially women and children by 2016** | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **UNDAF**  **Outputs** | **Output 4.1.1:**  Democratic Governance sector strategy operationalized | | | **Output 4.1.2:**  Capacity of national institutions strengthened for collaborative dialogue to support the establishment and operationalization of the national peace architecture | | | | **Output 4.1.3:**  Local governance structures strengthened in participatory planning, budgeting and managing integrated rural development | | |
|  |  | | | | | | | | | |
| **Support projects with a bearing on Outcome 4.1** | **Malawi Electoral Cycle Support Project Document**  **2013-2016**  (4.1.1) | **DG SWAp Support Project**  **2012-2016**  (4.1.1) | **Strengthening Political parties project**  **2013-2016**  (4.1.1) | | **Human Rights Support Project 2012-2016**  (4.1.1) | **Social Cohesion Project**  **2013-2016** (4.1.2) | **Political Empowerment of Women in Malawi**  **2013-2016**  (4.3/4.3.3) | | **Democracy Consolidation Programme (DCP IV)**  **2012-2016**  (4.1.3) | **Policy and Institutional Framework for Integrated Rural Development Programme 2013-2015**  (4.1.3) |
| **Project Output 1** | Electoral policy and regulatory environment is harmonized and stabilized | Change management and capacity development strategies developed and implemented | National Assembly enacts revised Political Parties Registration and Regulation Act (PPRRA); | | A gender responsive national human rights action plan developed in a participatory manner and implemented | Consensus among government and civic actors reached on the parameters of national peace architecture and on a strategic plan for the establishment of the architecture | Political party policies and laws that promote the participation of women and female youth in decision-making structures and processes developed and adopted | | At least 70% of Group Villages in 28 districts effectively demanding progressive accessibility and acceptability of basic social services, basic services, and good governance. | Gender responsive IRD strategy document approved and disseminated widely |
| **Project Output 2** | Technical and institutional capacity of MEC strengthened | DG sector and institutional policy, legal and regulatory frameworks that enhance access to justice and democratic accountability reviewed and reformed | Political Parties’ issue-based Platforms for 2014 elections developed and disseminated | | Strengthened leadership and technical capacities of the Malawi Human Rights Commission and the Ombudsman to deliver on their human rights mandates effectively | Potentially violent disputes resolved through mediation, and consensus on key national priorities reached, through facilitation and advocacy by the Public Affairs Committee | Campaign management capacity and skills of nominated female candidates for parliament and local councils strengthened. | | At least 70% of Group Villages in 28 districts demanding fair labour practices and markets and consumer protection. | MoLGRD strengthened to manage IRD interventions |
| **Project Output 3** | Organisation and management of elections enhanced | DG Sector coordination mechanisms operationalized | Governance/organizational structure for political parties developed to foster transparency and accountability | | Enhanced engagement in the state party reporting and UPR in a participatory and consultative manner | Civic capacities for conflict prevention extended and applied through development of conflict-and-gender-sensitive reporting by media, and through the enhancement of the capabilities of women’s networks for conflict resolution and for advocacy for peace | Women and Youth Wings of Political Parties reformed to promote gender equality and women empowerment. | | Community members facilitating voter education for the right to development and good governance. | Formulation of national programme for strengthening local governance and promoting integrated rural development supported |
| **Project Output 4** | Effective and efficient management, partnership formation and monitoring and evaluation of the project | Effective and efficient management, partnership formation and monitoring and evaluation of the project | Platform for inter-party dialogue strengthened to promote transparency and accountability as well as enhance credibility and legitimacy of political parties at all levels | | Strengthened partnership between Malawi Human Rights Commission and Non-State actors on human rights through establishment and institutionalization of an interface platform mechanism | Programme management and support capacities acquired and implemented | Capacity of non-state actors to enhance the voice and civic engagement of women and female youth in politics strengthened. | | Effective and efficient management, partnership formation and monitoring and evaluation of the Programme. |  |
| **Project Output 5** |  |  | Effective and efficient management, partnership development and monitoring and evaluation of the project | | Effective and efficient management, partnership formation and monitoring and evaluation of the programme |  | Effective and efficient management, partnership formation and monitoring and evaluation of the Programme. | |  |  |

The performance rating of the outcome achievements is coloured as follows:

• Green: Full output achievement

• Yellow: Substantial output achievement

• Red: Limited output achievement

1. WB data, 2014. [↑](#footnote-ref-1)
2. WB data, 2010, the current extreme poverty line is set at USD 1.90 a day in 2011 PPP terms, which represents the mean of the poverty lines found in the poorest 15 countries ranked by per capita consumption. [↑](#footnote-ref-2)
3. This project relates to Outcome 4.3, and was included in the Gender MTE prior to this evaluation. It has been added here since it has an UNDAF wide outreach. [↑](#footnote-ref-3)
4. The Judiciary, National Assembly, Financial Intelligence Unit, Ministry of Internal Affairs and Public Security, Malawi Police Service, Prison Service, Immigration Department, Ministry of Justice and Constitutional Affairs, Directorate of Public Prosecution and State Advocate, the Registrar General, The Administrator General, Legal Aid Department, Human Rights Commission, Malawi Electoral Commission, Anti-corruption Bureau, Office of the Ombudsman, Law Commission, Ministry of Defense and Malawi Defense Force. [↑](#footnote-ref-4)
5. UNDAF Annual Report – 2013 [↑](#footnote-ref-5)
6. See Annual Work Plans, Social Cohesion Project 2013, 2014 [↑](#footnote-ref-6)
7. Social Cohesion Project, Annual Report, 2012 [↑](#footnote-ref-7)
8. See e. g. Zoë Scott: Decentralization, Local Development and Social Cohesion: An Analytical Review, GSDRC Research Paper, May 2009, which is a meta-evaluation study on a. o. support to LED. [↑](#footnote-ref-8)
9. According to data obtained from the official website of International Institute for Democracy and Electoral Assistance (International IDEA) [↑](#footnote-ref-9)
10. The Government-DP meant that the DPs would fund up to 40% of the costs, while the government would at least cover 60% of the costs. The DP contributions turned out to total 18% of the costs, while the government failed to fund the remaining costs. [↑](#footnote-ref-10)
11. Chingaipe, Henry (2013) The state of Preparedness for the 2014 Tripartite Elections, presentation made at a National Consultative Conference organized by the Malawi Electoral Support Network [↑](#footnote-ref-11)
12. EISA Report on the 2009 general elections in Malawi. [↑](#footnote-ref-12)
13. Constituency demarcations have not changed since 1988. [↑](#footnote-ref-13)
14. Last general elections saw a 70% turnover of MPs. [↑](#footnote-ref-14)
15. Lars Svåsand and Nixon S. Khembo ‘political parties in Malawi’ in Government and Politics in Malawi-A textbook P 223. [↑](#footnote-ref-15)
16. Asiyati Chiweza ‘Local Government’ in Government and Politics in Malawi-A textbook. P. 171. [↑](#footnote-ref-16)
17. Ibid. p 171. [↑](#footnote-ref-17)
18. Ibid. [↑](#footnote-ref-18)
19. See for example, The MCP, the DPP and UDF Constitutions. [↑](#footnote-ref-19)
20. Chinsinga, Blessings (2011) Benchmaking the Core Capacities of Political Parties (Lilongwe: Centre for Multiparty Democracy). [↑](#footnote-ref-20)
21. Article 25 ICCPR, United Nations Human Rights Commission, General Comment No. 25, paragraph 26: “The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25.” See also Article 10 of the African Charter of Human and Peoples’ Rights OAU Document CAB/LEG/67/3 rev, 1986 and African Union Declaration on the Principles Governing Democratic Elections in Africa, IV. Elections: Rights and Obligations, paragraph 5: “Every citizen shall have the freedom to establish or to be a member of a political party or Organization in accordance with the law.” [↑](#footnote-ref-21)
22. Section 40(1) of the Constitution of the Republic of Malawi [↑](#footnote-ref-22)
23. For instance, the application for registration of the country’s 45th political party Maravi People’s Party was initially rejected on the basis that the name Maravi is very similar to Malawi which is a protected name under the Protected Names and Emblems Act. However, the applicants sought court interpretation and were relieved by the court ruling that ordered the Registrar to register the party. [↑](#footnote-ref-23)
24. Janda K (2005) Political Parties and Democracy in Theoretical and Practical Perspectives: Adopting Party Law (National Democratic Institute for International Affairs (NDI), USA. [↑](#footnote-ref-24)
25. Chingaipe (2010) Business and the State in Malawi: The Politics of Institutional Formation, Maintenance and Change (PhD Thesis, University of York). [↑](#footnote-ref-25)
26. Ibid. [↑](#footnote-ref-26)
27. Chinsinga (2011) Benchmarking Core Capacities and Competencies of Political Parties in Malawi), (Lilongwe: Centre for Multiparty Democracy). [↑](#footnote-ref-27)
28. Some view this as a convenient way of sharing out the allocation for party funding rather than using the proportion of votes amassed by each parliamentary party. The law does not spell out how the money should be shared among the parties that qualify for funding. [↑](#footnote-ref-28)
29. Interview with party officials and Parliamentary staff, July 2010. See also CMD (2012) Sensitivities and Benefits of Paid Up Party Membership (Lilongwe: CMD). [↑](#footnote-ref-29)
30. MTE interview with Parliamentary Official. See also Chinsinga (2011) Benchmarking core capacities of Political Parties (Lilongwe: CMD) [↑](#footnote-ref-30)
31. Kanyongolo, Edge and Martin Ott (eds.) Democracy in Progress: Malawi’s 2009 Presidential and Parliamentary Elections (Kachere Books No.48). [↑](#footnote-ref-31)
32. EISA (2009) Malawi: Election Observation Report (Johannesburg: ISA). [↑](#footnote-ref-32)
33. ibid [↑](#footnote-ref-33)
34. Author observation from various media reports. [↑](#footnote-ref-34)
35. The following builds the ICCPR, 19 Aug 2014; Amnesty International’s Annual Report on Malawi 2014/15, and ‘Malawi: UPR Submission, Sept 2014’, by Human Rights Watch as well as on MTE interviews with the DP’s in Malawi. [↑](#footnote-ref-35)
36. “Malawi: UPR Submission, Sept 2014”, by Human Rights Watch. [↑](#footnote-ref-36)
37. ICCPR, 19 Aug 2014, Section C6. [↑](#footnote-ref-37)
38. Mario Classen, Carmen Alpin-Lardies: “Social Accountability in Africa: Practitioners' Experiences and Lessons”(African Books Collective: 2010). [↑](#footnote-ref-38)
39. Section 125 of the Constitution reads: ‘A person holding the office of Ombudsman shall (a) be provided with the necessary resources to discharge the functions of that office;’ [↑](#footnote-ref-39)
40. Section 12 of the Ombudsman’s Act reads: ‘The expenditure in connexion with the office of the Ombudsman and the exercise of his power and the performance of his duties and functions shall be paid from moneys appropriated by Parliament for that purpose.’ [↑](#footnote-ref-40)
41. MTE Interview with Mr Lodzeni, Executive Secretary- Office of the Ombudsman. [↑](#footnote-ref-41)
42. For instance see N. Patel Promoting the effectiveness of democracy protection institutions in southern Africa the Malawi human rights commission and the office of the ombudsman(2009) p 22.Also see BA Andreassen and T Oftedal, ‘The Office of the Ombudsman (OoO) in Malawi - An Appraisal’, NORAD Collected Reviews (May 2007) Commissioned by the Royal Norwegian Embassy, Lilongwe. Also see Report of the International Bar Association’s Human Rights Institute (August 2012) p. 28. [↑](#footnote-ref-42)
43. Interview with Mr Lodzeni, Executive Secretary- Office of the Ombudsman. [↑](#footnote-ref-43)
44. Ibid. [↑](#footnote-ref-44)
45. Ibid. [↑](#footnote-ref-45)
46. Ibid. [↑](#footnote-ref-46)
47. Ibid. [↑](#footnote-ref-47)
48. Farzana Nawaz, Overview of corruption and anti-corruption in Malawi Transparency International: 2012. [↑](#footnote-ref-48)
49. See O’Neil et al: Fragmented governance and local service delivery in Malawi, ODI 2014 for a thorough analysis on decentralisation in Malawi and Cross et al: Decentralisation and Rural Livelihoods in Malawi, Sept 2001 for a more fundamental discussion on patrimonial traditions and root causes for failed decentralization in Malawi. [↑](#footnote-ref-49)
50. Elaboration of a Toolkit for Facilitating the Implementation of the SDGs at Local Level - A UNDP, Un-Habitat, GTF Partnership. [↑](#footnote-ref-50)