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enhancement of accountable, transparent and inclusive governance

Malawi Scotland Partnership (MASP) Project concept note

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# Introduction

## Background

The Malawi Scotland Partnership- MaSP- is a Malawian-owned and Malawian-led network which exists to support and develop Malawi’s many civil society links with Scotland, thereby enhancing the cooperation between Malawi and Scotland Governments on one hand, and the North and South on the other. MaSP helps to coordinate, represent and support the many people-to-people and community-to-community links between Malawi and Scotland. It is an independent, politically-neutral charity and core funded by successive Scottish Governments. The MaSP is an agreement of mutual support and collaboration between the two polities that champion the people to people model of engagement. The partnership between Malawi and Scotland largely focuses on promoting good governance and is based on respect and dignity. Specific interests include politics of the day both in Malawi and Scotland.

MaSP pays special attention to the cooperation between people of the two countries, namely Malawi and Scotland. The mutual relationship of the two countries will enable sharing of ideas and experiences between the two countries. MaSP has three core result areas, namely, Open Government; Peace, Justice and Strong Institutions (Strategic Development Goal 16); and Democratic Systems for National Elections (2019 for Malawi and 2021 for Scotland). MaSP works closely with stakeholders and partners with the scope and areas of cooperation under MaSP Agreement and from time to time the secretariat convenes consultative meetings on governance issues.

## Analysis of the problem to be addressed

Malawi has many good governance institutions and legislative frameworks. However, the problem is their functionality and low effectiveness. The general observation is that oversight or accountability institutions are not as effective as they should be. Another observation is that institutions that preach and teach about good governance such as CSOs seem to be the first to tramp on good governance tenets. Good governance should be practiced within CSOs. In order to acquire credibility and sustain legitimacy especially when they raise questions of accountability and transparency in government, CSOs should also lead by example. In other words, good governance must begin with good corporate governance within the CSOs themselves. It is therefore important that CSOs and other stakeholders should not just point figures at government alone but also emanate from good corporate governance of oversight institutions and NGOs themselves. Some aspects of good governance require that CSOs should have a sound legislative framework.

Transparency and accountability standards for CSOs and private sector must be very high and information necessary to achieve transparency and accountability in government, CSOs and private sectors need to be easily accessible. There have been cases whereby on one hand, CSOs have felt marginalized by Government while on the other hand Government has complained of CSOs being partisan and largely interfering in matters of national interest. In some instances, CSOs have been accused also by both Government and the masses for lack of transparency, accountability and putting much of their interest in serving their funders interests instead of serving the local masses. Though some cases warranted CSOs to act as watchdogs, it is important that they become partners in development. In a nutshell, the marriage or relationship between Government and CSOs has been mostly reactive rather than complementary necessitating the need to build a regular and functional relationship capable of promoting and agreeing to the same agenda supported by relevant and credible research and assessments.

Active citizen participation is also compromised to the extent that the 5-year election cycle is the only major way public or elected officials are held to account through an election. There is insignificant enforcement of accountability by citizens and organized groups on Members of Parliament (MPs) between elections. The removal of the recall provision in the law made it even more difficult to hold MPs accountable. What is very notable is that ordinary citizens have in most cases quietly remained political spectators of democratic governance processes that have remained in the constitution document. The consequences on the political, economic, social and cultural livelihood of the citizens are dire. In addition, the grassroot citizens have little and sometimes confusing guidance during election campaign and yet they are supposed to make the right choices that will affect their future and that of the country for the next 5 years. They deserve to be informed and be properly guided by providing information through civic education and basic political training for their elected officials. Citizens need to know why they should vote for a candidate and what they demand of him/her when elected as representatives of the people and this forms the basis for this project concept.

The law-making process and enforcement in Malawi is also marred by inefficiencies and individual interests. It has been seen at different points in time that Parliamentarians make decisions that reinforce narrow interests of one group against the interests of another. At the same time, the rule of law is an important aspect of governance. Compliance with the law is necessary even when people do not agree with the law itself. Malawi has enacted many laws. However, compliance with laws is low and effectiveness of institutions that implement specific statutes is sub-optimal. There is need of a system that enables assessing of laws over time to determine their impact, especially when it comes to protecting the marginalised in society. This would be in line with the Bill of Rights in the Malawi Constitution, which stipulates that discrimination of any form is prohibited and all persons are, under the law, guaranteed equal and effective protection against discrimination on grounds of race, colour, sex, language, religion, political or other option, nationality, ethnic or social origin, disability, property, birth or other status.[[1]](#footnote-1) The act also states that legislation may be passed addressing inequalities in society and prohibiting discriminatory practices and the propagation of such practices criminally punishable by law.[[2]](#footnote-2)

## Project Rationale

MaSP secretariat in collaboration with its partners intends to implement a governance project that addresses problems and delivers results that are within the MaSP Agreement. MaSP is committed to promote good governance. In this case, the key attributes of good governance are participation; the rule of law; transparency where by information is freely available and accessible to citizens affected by government decisions and actions; responsiveness of institutions and processes to serve the needs of citizens in a prompt and reasonable manner; equity and inclusiveness ensuring that all members of society are treated equally and have support from the society for improving their well-being; effectiveness and efficiency whereby government maintains processes and institutions that meet the needs of society and of course accountability. Government is for this reason accountable to the public, the private sector, and civil society as institutional stakeholders.

The project shall also consider the available national and international instruments that promote citizens’ rights. In its Article 25 the International Convention on Civil and Political Rights (ICCPR) states that every citizen shall have the right to take part in the conduct of public affairs, directly or through freely chosen representatives and that every citizen shall have the right to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot guaranteeing the free expression of the will of the elections. In addition, every citizen shall have the right to have access, on general terms of equality, to public service in the country.[[3]](#footnote-3) It is a governing doctrine that citizens should have the right to access documents and proceedings of the governments to allow for effective oversight. Policy is of ultimate importance in regulating the relationship between government, organizations and the people they serve. Implementers of policy must practice good governance and ensure they serve the people they purport to serve with an adherence to the virtues of good governance.

## Project Core Result Areas

Through the project, MaSp and its partners will strive to promote three key aspects of good governance namely Open Government; Peace, Justice and Strong Institutions; and Democratic Systems for Elections.

### Open government

**Through the Open Government** pillar MaSP will advocate for information transparency that will challenge secrecy on one hand, and promote mechanisms for public scrutiny on the other. MaSP will also promote public engagement whereby citizens shall be empowered and encouraged to participate in policy processes and in delivery of programmes. It is expected that in the process the government (at all levels) will be held to account by the people to the people for policy decisions and delivery performance. It is important to understand that Open Government initiatives are about reforms to achieve more transparency – duty bearers disclosing information dutifully; more accountability – people demanding and duty bearers explaining commissions, omissions, actions and inactions as well as taking responsibility and consequences for them.

### Peace, justice and strong institutions

**The Peace, Justice and Strong Institutions** pillar will focus on promoting peaceful and inclusive societies for sustainable development; prevent violence and combat crime; non-discrimination; and promote access to justice for all. Currently less than 15% of the Malawi population access justice in the formal courts (magistrates and high court) while more than 85% access primary justice (traditional leaders). Through this pillar stakeholders shall identify and assess the social groups that need special attention to access justice. There shall also be deliberate efforts to work closely with and support institutions of local governance (rural and urban) to promote peace and justice.

### Democratic systems for national elections

**The Democratic Systems for National Elections** pillar relates to civil society organisations, the Malawi Electoral Commission, political parties or other stakeholders such as chiefs, voters etc. Interventions in this case seek to promote democracy in the electoral process by making it and actors more inclusive, more accountable and more responsive. Citizen participation is paramount for the success of democracy. If the decision-making process excludes the masses, one cannot talk of a democracy. For meaningful citizen participation in the politics of their country and, thus, the success of democracy, it is necessary that citizens know their roles and duties in a democracy. Besides this, the task of citizens is to nurture institutions and practices that are compatible with local conditions and conducive to democratic aspirations. The project will therefore focus on issues that affect the election process or its outcomes.

# Project goal, objectives, expected outcomes

## Overall Objective

The main objective of the governance project is to enhance citizens participation and interactions with CSOs, government and other key stakeholders in governance to promote the effective and efficient use of public resources in an accountable, transparent, inclusive and just manner.

## Specific Objectives

* To enhance access to information that is clear and user friendly to the general public through interactive fora and research.
* To raise the voices of the citizens on democratic governance issues in Malawi through strengthening of individual, civil society organisations’ and other stakeholders capacity to demand political accountability
* To promote public involvement in the fight against corruption and fraud at all levels of society
* To promote public duty for the rights of children, women and people living with albinism.
* To enhance learning from the experiences and expertise of Malawi and Scotland.

## Groups that will benefit from the project

Several layers of groups are expected to benefit from the project. First will be the people of Malawi and Scotland. The project will provide forums where the peoples of the two countries will learn from each other’s experiences. The aim is not only to enhance awareness, but also to raise the voices of the general public to demand good governance. Second will be the CSOs which will be accorded forums for discussing pertinent governance issues and interfacing with relevant public officers. This will also enhance the capacity of CSOs to demand transparent, accountable, inclusive and just systems and practices of governance. Lastly but not least, the governments of Malawi and Scotland are also expected to benefit. By getting criticism and advice from key governance stakeholders through the forums. In that regard, government officials will become aware of the depth of the issues from the input or alternative views of citizens, CSOs and other key stakeholders in governance issues.

# Project results

The project results are structured at 3 levels namely impact, outcome and output using a results framework approach, refer to figure 1 below.

**Figure 1: Project results diagram**

IMPACT

OUTCOME

OUTPUT

INPUT

Accountable, Transparent and Inclusive Governance

Open government

Peace, Justice and Strong Institutions

Democratic Systems for Elections

-Increased access to primary & formal justice system

-Reduced violence against children, women & people with Albinism

-Enhanced Trust, Transparency & Accountability

-Peaceful elections

-Increased voter turn out

-Impartial composition of MEC Commissioners

-Independence of MEC

-Increased collaboration & synergies between governments. & CSOs

-Critical citizenship

-Independence of governance institutions

## 4.2. Results framework matrix

|  |  |
| --- | --- |
| **Impact** | |
| At the end of the project, it is expected that there will be more accountable, transparent and inclusive governance in Malawi. This entails democratic, fiscal and corporate governance for CSOs. | |
| **Expected Outcomes, outputs and inputs matrix** | |
| **Outcome 1: Open Government** | |
| **Outputs** | |
| 1.1 | Improved collaboration and synergies between government and CSOs |
| 1.2 | Enhanced capacity of civil society actors to promote democratic governance and accountability at local government level and to conduct grassroots civic education |
|  |  |
| 1.3 | Increased citizen participation in development planning, implementation and oversight through local governance structures. Citizens should not just understand the democratic system but identify with it and support it – or challenge its shortcomings so that it can be improved. |
| 1.4 | Independence of key governance institutions |
| 1.5 | Civic education for communities is institutionalized and not based on elections |
| **Inputs** | |
| 1.1.1  1.1.2  1.1.3  1.1.4  1.1.5  1.1.6 | * Develop a communication strategy * Hold quarterly Interface meetings between and among governance stakeholders * Conduct and participate in Exchange learning visits between Malawi and Scotland * Conduct quarterly Expert & stakeholder engagement forums * Conduct ad hoc responsive meetings for addressing important emerging governance issues. * Conduct short action research and analytical studies for key emerging governance issues |
|  |  |
| **Outcome 2: Peace, Justice and Strong Institutions** | |
| **Outputs** | |
| 2.1 | Increased access to primary and formal justice system |
| 2.2 | Reduced violence against children, women and people with albinism |
| 2.3 | Enhanced trust, transparency and accountability |
| **Inputs** | |
| 2.1.1  2.1.2  2.1.3  2.1.4  2.1.5 | * Conduct in-depth research awareness on the beliefs surrounding the killing of people with albinism * Engage the Justice Department and key stakeholders on timely access and delivery of justice particularly for the vulnerable groups * Lobby for increased funding and support for primary justice systems * Engage Political party groups on how to maintain peace and avoid electoral violence within and between political parties |
| **Outcome 3: Democratic Systems for National Elections -Increased voter turn out** | |
| **Outputs** | |
| 3.1 | Impartial composition of MEC Commissioners and independence of MEC |
| 3.2 | Increased capacities of and mechanisms for civil society and elected officials to fulfil their roles and responsibilities in a democratic system more effectively |
| 3.3 | Increased trust and collaboration between CSOs and government |
| 3.4 | Enhanced critical citizenship |
| 3.5 | Increased collaboration and partnerships among CSOs. |
| **Inputs** | |
| 3.1.1  3.1.2  3.1.3  3.1.4  3.1.5 | * Document electoral incidences that hinge on good governance in the run up to the 2019 Tripartite elections in Malawi * Track and document incidents of electoral violence and lobby for strict and impartial enforcement of the law * Lobby and advocate for impartial conduct of the electoral process * Monitor the conduct of key stakeholders and players in the electoral process * Support one national stakeholder and player conference to share action research findings and facilitate discussion and dialogue. * Support 1 public and Radio/TV panel discussion on importance of participating in democratic systems for national elections |
|  |  |

# Project implementation plan

The project description below outlines the project’s tasks, the responsibility for each task and associated target dates and task dependencies on each other. This will a tool for obtaining awareness of what tasks need to be accomplished and the status of the project at any given time.

## Project Personnel

The overall management will be the responsibility of the MaSP Chief Executive Officer and MaSp offices will be the secretariat for the project. MaSP also has Programme Officers who are responsible for the daily management of its programs. In addition to these, there are also member organisations that will actively be involved in the implementation of the project through their structures across Malawi.

## Monitoring and Evaluation Plan

A monitoring and evaluation matrix complete with milestones, targets and indicators will be developed when project activities have been agreed and specified. The purpose of monitoring and evaluation will be to determine progress towards the key outputs; identify in good time where improvements are necessary, to enable the project to achieve its objectives, and to make preliminary assessments about further training needs of the target groups. Monitoring and evaluation interventions are therefore built into the design of the program. MaSP and partner organisations in the governance sector will adopt various tools to monitor its activities based on monthly, quarterly and specific activities. Monitoring will be carried out on a monthly and quarterly basis. The personnel involved in the monitoring will include; the Board of Directors, Management, staff, representatives of the civil society organisations, government representatives and the concerned public. Some key monitoring strategies shall include the following:

* MaSP will carry out planning of its activities at the beginning of the project. Key personnel shall include management, staff, civil society representatives, stakeholders and grassroots community members. After every three months, a participatory review of the plans will be conducted and necessary adaptations shall be made.
* The Project team will prepare monthly briefings in form of reports. The team will be responsible for ensuring the reports are shared with all key stakeholders and that their comments are taken into consideration. To evaluate the accountability of the project actors, the MaSP will apply its usual mechanisms for assurance of project quality.
* MaSP will be link monitoring and evaluation with learning learning in order to improve organizational relevance and achievement of results. It will also optimize the use of resources and beneficiary involvement to promote beneficiary satisfaction and maximize the impact of organizational contribution to the community.
* Community based facilitators shall be required to produce reports on activities and work plans every month. In addition, the community members will be required to document and share success stories regarding their engagement with public and elected officials. The reports, work plans and success stories will provide an opportunity for evaluation of community activities as well as providing the project team and stakeholders at all levels with a review of the project’s performance.
* MaSP as well as community based facilitators shall together with the relevant stakeholders hold quarterly review meetings during implementing and at the end of the project. These shall provide the project management team and stakeholders with periodic evaluation of the project.

## Sustainability

Sustainability is expected to be achieved through skills and competencies that the public and key governance stakeholders will gain in the course of project implementation. MaSP will from the start ensure participation of all stakeholders, including beneficiaries in project planning, implementation, monitoring and evaluation. Awareness creation will be conducted throughout the life of the project to help in changing negative community attitudes, cultures and perceptions towards active citizenship.

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1. Malawi Constitution, Chapter IV Section 20 sub-section 1 [↑](#footnote-ref-1)
2. Malawi Constitution, Chapter IV Section 20 sub-section 2 [↑](#footnote-ref-2)
3. The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly with resolution 2200A (XXI) on 16 December 1966, and in force from 23 March 1976 in accordance with Article 49 of the covenant. [↑](#footnote-ref-3)