

TERMS OF REFERENCE

FOR

THE TECHNICAL WORKING GROUPS (TWGs)

ON

**OPEN GOVERNMENT PARTNERSHIP IN
MALAWI**

NAME OF TECHNICAL WORKING GROUP

1. ANTI-CORRUPTION: BENEFICIAL OWNERSHIP TRANSPARENCY AND OPEN CONTRACTING

(1) Composition

The Technical Working Groups (TWG) shall be composed of representatives from relevant Government agencies, civil society organizations, the private sector, and academia with expertise in public procurement, anti-corruption, transparency and accountability. The TWGs may co-opt other members into the TWG and the initial members are as follows:

1. Public Procurement and Disposal of Assets Authority – Co-Chair	1. Malaŵi Economic Justice Network (MEJN) – Co-Chair
2. Anti-Corruption Bureau	2. Evangelical Association of Malaŵi
3. Government Contracting Unit	3. Civil Society Accountability and Transparency (CSAT)
4. Registrar General’s Department	4. Youth and Society (YAS)
5. Office of Director of Public Officers’ Declarations	5. OXFAM in Malaŵi
6. Ministry of Finance (MWEITI)	6. Construction Sector Transparency Initiative (COST) Malawi
7. National Audit Office	
8. Malaŵi Institute of Procurement and Supply	
9. The Office of the Ombudsman	

(2) Main Commitment

Enhanced Open Contracting to improve transparency and reduce opportunities for procurement malfeasance through open tendering; institutionalizing through legislation or other regulation; and operationalizing (collecting, publishing, verifying, and using) beneficial ownership transparency for all legal entities in Malaŵi engaged in public procurement.

(3) Purpose

The purpose of the TWG is to support the implementation of Malaŵi's OGP commitments related to enhanced open contracting and beneficial ownership transparency in public procurement. The TWG will provide technical expertise, guidance, and support to relevant Government agencies, civil society organizations, and other stakeholders to ensure the successful implementation of these commitments.

(4) Objectives

The objectives of the TWG are to:

- (a) review existing laws, regulations, and procedures related to public procurement in Malaŵi, and identify gaps and opportunities for enhancing transparency and reducing opportunities for fraud and corruption in procurement processes;
- (b) provide technical assistance to relevant Government agencies, civil society organizations and other stakeholders to improve the quality and transparency of public procurement processes, particularly through open tendering;
- (c) support the institutionalization of beneficial ownership transparency for all legal entities engaged in public procurement in Malaŵi, including by providing guidance on the development of legislation and regulations, and the collection, publication, verification, and use of beneficial ownership information;
- (d) develop and implement an action plan of activities derived from the objectives;
- (e) develop and implement a monitoring and evaluation framework to track progress in the implementation of commitments of Malaŵi OGP related to enhanced open contracting and beneficial ownership transparency.

(5) Roles and Responsibilities

The TWG shall have the following roles and responsibilities:

- (a) to provide technical assistance and guidance to relevant government agencies, civil society organizations, and other stakeholders on the implementation of Malaŵi's OGP commitments related to enhanced open contracting and beneficial ownership transparency;
- (b) to develop and recommend policies, procedures, and guidelines for enhancing transparency and reducing opportunities for corruption in public procurement processes;
- (c) to monitor and evaluate progress in the implementation of Malaŵi's OGP commitments related to enhanced open contracting and beneficial ownership transparency;
- (d) to provide regular updates and reports to the OGP National Steering Committee on the progress and challenges in the implementation of Malaŵi's OGP commitments related to enhanced open contracting and beneficial ownership transparency;
- (e) to engage in outreach and awareness-raising activities to promote the importance of enhanced open contracting and beneficial ownership transparency in reducing corruption and promoting accountability in public procurement processes.

(6) Meeting Frequency and Duration

The TWG shall meet at least quarterly and as needed to carry out its functions. Meetings shall be scheduled for a duration of two to four hours.

(7) Reporting

The TWG shall report to the OGP National Steering Committee on a regular basis, providing updates on progress and challenges in the implementation of Malaŵi's OGP commitments related to enhanced open contracting and beneficial ownership transparency. The TWG shall

also prepare an annual report, which shall be submitted to the OGP National Steering Committee for review and dissemination.

(8) Resources

The TWG shall mobilise resources to carry out its functions, including staff support, office space, equipment, and materials. The TWG may also seek external funding or technical assistance as needed to support its work.

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2. RIGHT TO INFORMATION: INCREASING ACCESS TO INFORMATION ON POLITICAL PARTY FINANCING

(1) Composition

The TWG shall be composed of representatives from relevant Government agencies, civil society organizations, the private sector, and academia with expertise in access to information, political party financing, transparency, and accountability. The TWGs may co-opt other members into the TWG and the initial members are as follows:

1. Malaŵi Human Rights Commission – Co-Chair	1. Centre for Human Rights and Rehabilitation (CHRR) – Co-Chair
2. Department of Information	2. Media Institute for Southern Africa (MISA) Malaŵi
3. Malaŵi Communications Regulatory Authority (MACRA)	3. Print media representative
4. Registrar of Political Parties	4. Electronic media representative
5. Ministry of Justice	5. Human Rights Consultative Committee (HRCC)
6. NICE Trust	6. Centre for Multiparty Democracy (CMD)
7. Malawi Electoral Commission (MEC)	7. Catholic for Justice and Peace (CCJP)
	8. Malaŵi Economics Justice Network (MEJN)
	9. Youth and Society (YAS)
	10. Church and Society
	11. FEDOMA

(2) Main Commitment

Actualization of transparency on political party and campaign financing by enabling the implementation of Political Parties Act, 2018 which requires financial reporting and disclosures by political parties to the Registrar of Political Parties.

(3) Purpose

The purpose of the Technical Working Group (TWG) is to support the implementation of Malaŵi's Open Government Partnership commitments related to promoting access to information, specifically the actualization of transparency on political party and campaign financing by enabling the implementation of the Political Parties Act, 2018 which requires financial reporting and disclosures by political parties to the Registrar of Political parties.

The TWG will provide technical expertise, guidance, and support to relevant government agencies, civil society organizations, and other stakeholders to ensure the successful implementation of these commitments.

(4) Objectives

The objectives of the TWG are to:

- (a) review existing laws, regulations, and policies related to access to information in Malaŵi, and identify gaps and opportunities for enhancing the implementation of the Political Parties Act, 2018 to promote transparency on political party and campaign financing;
- (b) provide technical assistance to relevant government agencies, civil society organizations, and other stakeholders to ensure the successful implementation of the Political Parties Act, 2018, specifically with regards to financial reporting and disclosures by political parties to the Registrar of Political Parties;
- (c) promote public awareness and education on the importance of transparency in political party and campaign financing, and to encourage citizen engagement in monitoring and evaluating compliance with the Political Parties Act, 2018;
- (d) develop and implement a monitoring and evaluation framework to track progress in the implementation of Malaŵi's OGP commitments related to access to information, specifically with regards to political party and campaign financing.

(5) Roles and Responsibilities

The TWG shall have the following roles and responsibilities:

- (a) to provide technical assistance and guidance to relevant government agencies, civil society organizations, and other

- stakeholders on the implementation of the Political Parties Act, 2018, specifically with regards to financial reporting and disclosures by political parties to the Registrar of Political parties;
- (b) to develop and recommend policies, procedures, and guidelines for enhancing the implementation of the Political Parties Act, 2018 in order to promote transparency on political party and campaign financing;
 - (c) to support the development and implementation of tools and platforms to make information related to political party and campaign financing more accessible and user-friendly, including by promoting the use of open data standards and formats;
 - (d) to monitor and evaluate progress in the implementation of Malaŵi's OGP commitments related to access to information, specifically with regards to political party and campaign financing;
 - (e) to provide regular updates and reports to the OGP National Steering Committee on the progress and challenges in the implementation of Malaŵi's OGP commitments related to access to information;
 - (f) to engage in outreach and awareness-raising activities to promote the importance of transparency in political party and campaign financing, and to encourage citizen engagement in monitoring and evaluating compliance with the Political Parties Act, 2018.

(6) Meeting Frequency and Duration

The TWG shall meet at least quarterly and as needed to carry out its functions. Meetings shall be scheduled for a duration of two to four hours.

(7) Reporting

The TWG shall report to the OGP National Steering Committee on a regular basis, providing updates on progress and challenges in the implementation of Malaŵi's OGP commitments related to access to information. The TWG shall also prepare an annual report, which shall be submitted to the OGP National Steering Committee for review and dissemination.

(8) Resources

The TWG shall mobilise resources to carry out its functions, including staff support, office space, equipment, and materials. The TWG may also seek external funding or technical assistance as needed to support its work.

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3. DIGITAL GOVERNANCE: ACCELERATING ADOPTION OF DIGITAL GOVERNANCE IN GOVERNMENT AND USE OF ICT AMONG MALAWIANS

1. Composition

The TWG shall be composed of representatives from relevant Government agencies, civil society organizations, the private sector, and academia with expertise in ICT, digital governance, service delivery, transparency, and accountability. The TWGs may co-opt other members into the TWG and the initial members are as follows:

1. Ministry of Information and Digitization – Co-Chair	1. Malaŵi Internet Service Providers Association – Co-Chair
2. National Commission for Science and Technology	2. Centre for Human Rights and Rehabilitation (CHRR)
3. Department of E-Government	3. Civil Society Coalition on Education
4. Department of Digitization	4. Civil Society on Agriculture Network
5. Department of the Elderly	5. Malaŵi Health Equity Network
6. Department of Persons with Disabilities	6. Media Institute for Southern Africa Malaŵi (MISA)
7. Ministry of Youth and Sports	7. FEDOMA
8. National Youth Council	8. ICT Association of Malaŵi
	9. Malaŵi Network for Older Persons Organization (MANEPO)

(2) Main Commitment

Enhancement of Government’s capacity to utilize ICT in service delivery while increasing citizen utilization of ICT in accessing information to make service delivery transparent, responsive, and accountable.

(3) Purpose

The purpose of the TWG is to support the implementation of Malaŵi's OGP commitments related to enhancing the Government's capacity to achieve its OGP commitment. The TWG will provide technical expertise, guidance, and support to relevant government agencies, civil society organizations, and other stakeholders to ensure the successful implementation of these commitments.

(4) Objectives

The objectives of the TWG are to:

- (a) review existing laws, regulations, and policies related to digital governance in Malaŵi, and identify gaps and opportunities for enhancing the use of ICT in making service delivery more transparent, responsive, and accountable;
- (b) provide technical assistance to relevant government agencies, civil society organizations, and other stakeholders to enhance the Government's capacity to utilize ICT in service delivery, particularly in the areas of digital governance, transparency, accountability, and citizen engagement;
- (c) promote citizen utilization of ICT in accessing information related to service delivery, and to support the development and implementation of tools and platforms to make such information more accessible and user-friendly;
- (d) develop and implement a monitoring and evaluation framework to track progress in the implementation of Malaŵi's OGP commitments related to digital governance.

(5) Roles and Responsibilities

The TWG shall have the following roles and responsibilities:

- (a) to provide technical assistance and guidance to relevant government agencies, civil society organizations, and other stakeholders on the implementation of Malaŵi's OGP commitments related to enhancing the Government's capacity to utilize ICT in service delivery while increasing citizen utilization of ICT in accessing information in order to make service delivery transparent, responsive and accountable;

- (b) to develop and recommend policies, procedures, and guidelines for enhancing the use of ICT in service delivery, particularly in the areas of digital governance, transparency, accountability, and citizen engagement;
- (c) to support the development and implementation of tools and platforms to make information related to service delivery more accessible and user-friendly, including by promoting the use of open data standards and formats;
- (d) to monitor and evaluate progress in the implementation of Malaŵi's OGP commitments related to digital governance;
- (e) to provide regular updates and reports to the OGP National Steering Committee on the progress and challenges in the implementation of Malaŵi's OGP commitments related to digital governance;
- (f) to engage in outreach and awareness-raising activities to promote the use of ICT in service delivery, and to encourage citizen engagement in monitoring and evaluating service delivery.

(6) Meeting Frequency and Duration

The TWG shall meet at least quarterly and as needed to carry out its functions. Meetings shall be scheduled for a duration of two to four hours.

(7) Reporting

The TWG shall report to the OGP National Steering Committee on a regular basis, providing updates on progress and challenges in the implementation of Malaŵi's OGP commitments related to digital governance. The TWG shall also prepare an annual report, which shall be submitted to the OGP National Steering Committee for review and dissemination.

(8) Resources

The TWG shall mobilise the necessary resources to carry out its functions, including staff support, office space, equipment, and materials. The TWG may also seek external funding or technical assistance to support its work.

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4. OPEN PARLIAMENT: ENHANCING TRANSPARENCY AND PARLIAMENTARY OVERSIGHT ON GOVERNMENT BORROWING

(1) Composition

The TWG shall be composed of representatives from relevant Government agencies, civil society organizations, the private sector, and academia with expertise in democratic governance, legislation, service delivery, transparency, and accountability. The TWGs may co-opt other members into the TWG and the initial members are as follows:

1. The National Assembly – Co-Chair	1. Child or Youth Parliament – Co-Chair
2. Ministry of Justice	2. Centre for Social Accountability and Transparency (CSAT)
3. Ministry of Information, Department of E-Government	3. Child or Youth Parliament
4. NICE Trust	4. NGO-GCN
5. Parliamentary Women’s Caucus	5. FEDOMA
6. Malaŵi Communications Regulating Authority (MACRA)	6. Malaŵi Health Equity Network
7. Secretary to the Treasury	7. Civil Society Coalition for Education
8. National Audit Office	8. Media Institute for Southern Africa Malaŵi Chapter
9. Ministry of Local Government	9. Youth Network Organization
10. Coalition for the Empowerment of Women and Girls (CEWAG)	10. Malaŵi Economic Justice Network (MEJN)
	11. Economics Association of Malaŵi (ECAMA)
	12. Centre for Social Accountability and Transparency (CSAT)
	13. Youth Network and Counseling (YONECO)

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(2) Main Commitment

The Open Government Partnership (OGP) has identified Open Parliament as a key thematic area to promote transparency, accountability, and citizen engagement.

Government commits to create the much sought opportunity for Parliamentarians to effectively address the problem of opaque public debt by enabling meaningful scrutiny of loan Authorization Bills through committee public hearings. The importance of this commitment is that additional public debt shall be agreed with clear, transparent and measurable policy objectives that align with Malawi Vision 2063.

(3) Purpose

The purpose of the TWG is to support the implementation of Malawi's OGP commitments related to enhancing the Government's capacity to improve transparency in political party and campaign financing through the implementation of the Political Parties Act, 2018 and enabling meaningful scrutiny of loan Authorization Bills through committee public hearings to address the problem of opaque public debt. The TWG will provide technical expertise, guidance, and support to relevant Government agencies, civil society organizations, and other stakeholders to ensure the successful implementation of these commitments.

(4) Objectives

The objectives of the TWG are to:

- (a) identify and develop strategies to improve transparency and accountability in political party and campaign financing;
- (b) develop guidelines and tools for effective public hearings on Loan Authorization Bills to enable meaningful scrutiny;
- (c) strengthen the capacity of Members of Parliament and staff at Parliament Secretariat to effectively carry out their oversight role.

(5) Roles and Responsibilities

The TWG shall be responsible for:

- (a) identifying gaps in the Political Parties Act, 2018 and proposing amendments to enhance transparency and accountability in political party and campaign financing;
- (b) developing guidelines and tools for effective public hearings on Loan Authorization Bills, including a checklist of key issues to be addressed during the hearings;
- (c) develop an action plan for the activities to be carried out under their commitment;
- (d) developing a communication strategy to raise awareness among citizens on the importance of Open Parliament.

(6) Meeting Frequency and Duration

The TWG shall meet at least quarterly and as needed to carry out its functions. Meetings shall be scheduled for a duration of two to four hours.

(7) Reporting

The TWG shall report to the OGP National Steering Committee on a regular basis, providing updates on progress and challenges in the implementation of Malawi's OGP commitments related to Open Parliaments. The TWG shall also prepare an annual report, which shall be submitted to the OGP National Steering Committee for review and dissemination.

(8) Resources

The TWG shall mobilise the necessary resources to carry out its functions, including staff support, office space, equipment, and materials. The TWG may also seek external funding or technical assistance to support its work.

5. NATURAL RESOURCES: ENHANCING TRANSPARENCY IN NATURAL RESOURCE GOVERNANCE

(1) Composition

The TWG shall be composed of representatives from relevant Government agencies, civil society organizations, the private sector, and academia with expertise in natural resource management, the extractive industries, transparency and accountability. The TWGs may co-opt other members into the TWG and the initial members are as follows:

1. Ministry of Mining – Co-Chair	1.Natural Resources Justice Network – Co- Chair
2. Ministry of Finance (Malaŵi Extractive Industries Transparency Initiative)	2.Centre for Environmental Policy and Advocacy
3. Malaŵi Police Service	3. Action Aid Malaŵi
4. Malaŵi Revenue Authority	4. Forum for Community Support (FOCUS)
5. Department of Forestry	5. Institute for Policy Research and Social Empowerment
6. Environmental Affairs Department	
7. Ministry of Lands	

(2) Main Commitment

Increase in transparency on all aspects of the natural resource chain, including the status of existing known resources, contracting and licensing processes and agreements, production, exports, employment, revenue and expenditure, and social and environmental governance. It builds on but modifies and extends the Extractive Industries Transparency Initiative (EITI) since EITI focuses on only one component of the resource chain, revenue.

(3) Purpose

Malaŵi is endowed with a variety of natural resources, including minerals, forestry, wildlife, and water bodies. However, the management of these resources has been marred by lack of transparency, accountability, and weak governance systems. As part of Malaŵi's commitment to the OGP Framework, a commitment has been made to increase transparency on all aspects of the natural resource chain. This includes the status of existing known resources, contracting and licensing processes and agreements, production, exports, employment, revenue and expenditure, and social and environmental governance.

To achieve this commitment, the TWG on Natural Resources will be responsible for developing and implementing strategies that enhance transparency and accountability in the natural resource sector in Malaŵi.

(4) Objectives

The objectives of the TWG on Natural Resources are to:

- (a) improve the transparency and accountability of all aspects of the natural resource chain in Malaŵi, including the status of existing known resources, contracting and licensing processes and agreements, production, exports, employment, revenue and expenditure, and social and environmental governance;
- (b) develop strategies for the implementation of the commitment to increase transparency on all aspects of the natural resource chain;
- (c) monitor and evaluate the implementation of the commitment and provide regular progress reports to the relevant stakeholders.

(5) Roles and Responsibilities

The TWG shall be responsible for:

- (a) developing and implementing strategies that enhance transparency and accountability in the natural resource sector in Malaŵi;
- (b) facilitating the implementation of the Extractive Industry Transparency Initiative (EITI) in Malaŵi and modifying and extending the EITI to cover all aspects of the natural resource chain.

- (c) developing guidelines and standards for the disclosure of information on all aspects of the natural resource chain, including the status of existing known resources, contracting and licensing processes and agreements, production, exports, employment, revenue and expenditure, and social and environmental governance;
- (d) developing and implementing capacity building programs for relevant stakeholders, including government officials, civil society organizations, and the private sector;
- (e) establishing a reporting and feedback mechanism for stakeholders to provide feedback on the implementation of the commitment;
- (f) monitoring and evaluating the implementation of the commitment, and providing regular progress reports to the relevant stakeholders.

(6) Meeting Frequency and Duration

The TWG shall meet at least quarterly and as needed to carry out its functions. Meetings shall be scheduled for a duration of two to four hours.

(7) Reporting

The TWG shall report to the OGP National Steering Committee on a regular basis, providing updates on progress and challenges in the implementation of Malaŵi's OGP commitments related to natural resources. The TWG shall also prepare an annual report, which shall be submitted to the OGP National Steering Committee for review and dissemination.

(8) Resources

The TWG shall be mobilise resources to carry out its functions, including staff support, office space, equipment, and materials. The TWG may also seek external funding or technical assistance as needed to support its work.