

TERMS OF REFERENCE

Reference:	TA/MWI/0018 (NGCWG0921)
Post Title:	Electoral boundary demarcation expert
Project Title:	Demarcation of Constituency Boundaries in Malawi
Project Location:	Malawi
Duration:	120 working days delivered over 8 months
Responsible to:	Chief Elections Officer, Malawi Electoral Commission
Start Date:	February 2016 (approx.)
Closing Date:	9 March 2016
Fee:	The Commonwealth Secretariat will provide an all-inclusive fee for the assignment at a competitive rate. This will include all costs associated with delivery of the Terms of Reference, notably including: professional fees, international travel costs (4 long-haul flights) and accommodation and living costs.

How to Apply: Applicants who meet post criteria will need to complete an application online, attaching a CV along with a covering letter including names and contact details of three referees. Applicants should also include a brief Proposal for delivery of the support identifying how the 120 Working Days would be allocated over the 8 month period. The Proposal should also include a proposed itemised and all-inclusive budget in compliance with the details above.

1. Project Background

This project will support the Malawi Electoral Commission (MEC), which is a constitutional body charged with supervising and directing the conduct of all elections in Malawi (i.e. Parliamentary, Presidential, Local Government, By-elections and Referenda). The function of MEC is guided by provision of both the Constitution and a range of supporting legislation.

Malawi uses the First-Past-The-Post (FPTP) electoral system and the country is divided into electoral districts (Constituencies/wards). From independence in 1964 to 1994, there were 28 constituencies. These kept on increasing and by 1999 there were 193. In 1994, when Malawi re-embraced a multiparty system of government, effort was made to demarcate constituencies impartially on the basis of ensuring that constituencies contained approximately equal numbers of eligible voters subject to five key criteria¹. These efforts

¹ Population density; Ease of communication; Geographical features; Existing administrative areas; Wishes of the people.

however proved futile as some constituencies are over represented while others are highly under represented.

Since 1999, the Electoral Commission has not conducted a constituency demarcation exercise despite a constitutional requirement [Section 76 (2) of the Constitution] to review boundaries at intervals of not more than five years. As a result of increasing concerns about mal-apportionment as a result of variations in population across electoral districts, the Malawi Electoral Commission's Strategic Plan 2013-2017 includes a specific goal "*To review ward and constituency and undertake boundary delimitation according to the constitutional requirement by 2017*".

In meeting this goal, a number of additional issues must be addressed, including the review of current legislative requirements on constituency boundaries and assessing whether existing constituency and boundary delimitations meet constitutional requirements.

In addition to the above, the Commonwealth Observer Group Report on Malawi's 2014 Tripartite Elections specifically identified the credibility issues faced by the fact that the existing parliamentary constituency boundaries have not been reviewed since 1999. A dedicated recommendation was made by the Report that "Delimitation of parliamentary constituencies and a review of ward boundaries needs to be undertaken as part of the commission's next phase of activities."

Given the specialised expertise requirements and politically sensitive nature of this exercise, as well as the need for independent and impartial guidance, a request for technical assistance was submitted to the Commonwealth Secretariat.

The immediate beneficiaries of the Project are expected to be staff of the Electoral Services Committee and selected key staff of the Malawi Electoral Commission. Ultimately, the successful completion of the project will benefit the whole of Malawi's electorate, ensuring lawful, constitutional and internationally-benchmarked constituency boundaries upon which to undertake the 2019 elections.

2. Project Purpose

Implementation Arrangements: Both Outputs under this project will be implemented in a flexible and responsible timing accommodating of the stakeholder consultation and engagement exercises described below. The 120 working days allotted is consequently designed to be utilised non-consecutively through successive missions as required.

Short-term Outcome: Malawi's' Constituency and boundary delimitation meets constitutional requirements in time for the 2019 General Elections.

Output 1: Development of a *Demarcation of Electoral Boundaries Strategy* for the Malawi Electoral Commission.

Expected activities include (but not limited to):

- Review the current documentation and legislation on constituency boundaries
- Prepare an assessment report of the current situation and major challenges (including capacity constraints) with initial recommendation.
- Under MEC leadership, participate in the consultation with relevant stakeholders and support the development of an effective engagement strategy.

- Assist MEC with developing guidelines on boundaries in line with the required legal frameworks.
- Provide input to MEC for the production of preliminary maps on the suggested demarcation of boundaries.
- Provided MEC with suggested and recommended demarcations of boundaries based on a defined methodology and international principles.
- Facilitate training for staff implementing the activities in the field
- Develop a model terms of reference for boundary disputes
- Organise and facilitate a stakeholder's workshop to validate and solicit views on the Strategy and sensitise people to the process of demarcation, generating buy-in.
- Finalisation of the *Demarcation of Electoral Boundaries Strategy* and plan for the actual demarcation exercise.

Output 2: Implementation of the *Demarcation of Electoral Boundaries Strategy*

Expected activities include (but not limited to):

- Facilitate training for staff implementing the Strategy activities in the field
- Support the demarcation exercise and the drawing of the constituency boundaries on the ground
- Under MEC leadership, support consultations with stakeholders to resolve issues that arise.
- Consolidate the outcomes of the constituency and boundary delimitation exercise.

3. Management and Reporting Arrangements

The Electoral boundary demarcation expert will be based at the Malawi Electoral Commission in Blantyre with extensive travel to more districts in Malawi. The Expert will work hand in hand with the Electoral Services Committee and selected key staff of the Commission as well as wider stakeholders.

The Adviser will report on a day-to-day basis to the Chief Elections Officer, Malawi Electoral Commission. The project will be managed by the Technical Assistance Unit (TAU) with the support of the Political Affairs Division of the Commonwealth Secretariat.

Monitoring and Evaluation of the project will take place during the course of its implementation. The Adviser will be expected to provide an Inception Report and Periodic Progress Reports supported by supplementary information and reporting as required. All reports will be submitted to the designated Project Manager at the Commonwealth Secretariat and signed by the Reporting Officer in the host organisation. A final Project Completion Report which combines evidence from all review mechanisms will be completed at the end of the project.

4. Transfer of Expertise

The Commonwealth Secretariat attaches particular importance to the transfer of expertise and knowledge. The Adviser in his/her discussions with the Reporting Officer should draw attention to opportunities for key staff to be assigned as counterparts at the beginning of the assignment for this purposes. This should be reported on in the Inception Report.

5. Gender Mainstreaming

The Adviser under this project will be expected to actively support the Commonwealth Secretariat's Gender Equality Policy. This Policy provides a mandate and framework for realising the Commonwealths commitment to mainstreaming gender equality and equity into all its policies, structures, systems and operations. It is intended to strengthen and guide the collective effort of all Secretariat staff to ensure that women, men, girls and boys benefit equally from their work. The Adviser will be expected to highlight and respond to specific gender questions attached to the process under this project, which will be included in all project reporting.

6. Experience & Qualifications

The successful candidate should possess the following experience and qualifications to be considered for this post:

Professional Experience

- i. Minimum of 10 years' relevant experience providing relevant electoral assistance.
- ii. Extensive knowledge and experience in boundary and constituency delimitation and demarcation
- iii. Demonstrated experience in developing/using GIS for the purpose of electoral mapping and boundary delimitation;
- iv. Knowledge of democratic governance in Africa; experience working with Electoral Bodies in Africa is an advantage.
- v. Experience of producing high quality reports and analytical documents.
- vi. Excellent training and communication skills as well as the ability to communicate fluently in English (spoken and written);
- vii. Ability to engage with gender mainstreaming issues in the context of national development planning.

Educational Qualifications

- viii. Advanced degree (Masters Degree or equivalent) in Geo-Spatial Analysis, Geography, Public Administration or a related field from a recognised and reputable institution.