



MEMORUNDUM OF UNDERSTANDING

BETWEEN

NATIONAL INITIATIVE FOR CIVIC EDUCATION (NICE)

AND

PUBLIC AFFAIRS COMMITTEE (PAC)

AND

CATHOLIC COMMISSION FOR JUSTICE AND PEACE (CCJP)

1.0. Parties to Memorandum of Understanding (MOU)

1.1. Organizations to this Memorandum of Understanding (MOU) are the **National Initiative for Civic Education (NICE) Trust, Public Affairs Committee (PAC), the Catholic Commission for Justice and Peace (CCJP).**

1.2. **National Initiative for Civic Education (NICE) Trust Public Affairs Committee (PAC). The Catholic Commission for Justice and Peace (CCJP), hereinafter called the “institutions,”** affirm that they are all autonomous organizations that agree to work together in partnership to undertake a joint voter education and election observation for the Free Presidential elections following the courts’ nullification of the 2019 presidential elections. The parties shall therefore work together to fulfill their common goal and mutual responsibilities under this MOU, while affirming their different identities. This MOU does not preclude each partner from working independently with other organizations engaged in civic and voter education as well as in election observation.

2.0. Identity of the Institutions

2.1. The National Initiative for Civic Education (NICE) Trust is an independent and autonomous organization with its own Board of Trustees. It was registered as a Public Trust under the Trustees Incorporation Act on 14 March 2012. Initially, it was established and operated as a project of the Government of Malawi with bilateral support from the European Union (EU) from 1999 until 2010 when there was a felt need for its transformation into a Public Trust. The rationale to transform NICE into a Trust arose from the need to deepen democracy and good governance through the provision of high quality civic and voter education in a professional, coordinated, impartial, and non-partisan manner in all the districts in Malawi. While NICE has made substantial adjustments to its legal status, it has ultimately maintained its mandate, outreach structure and key objectives in the area of governance. The overall objective of NICE is to contribute to the promotion of democracy and good governance in order to achieve poverty reduction in all the districts in Malawi. The institution is being managed and implemented by 79 members of staff currently. The district officers are supported by non-salaried volunteers of over 9000 volunteers which include Area Civic Education coordinators (ACECs), Zone Coordinators, and “Para Civic Educators (PCEs)” who act as a link between the district and communities or villages in which civic and voter education activities are carried out. NICE Trust continues to function as an independent body, as a non-partisan and impartial entity.

2.2. The Public Affairs Committee (PAC)

PAC is a faith based organization and its constituency is Malawi as a nation through faith communities represented in the country by the following mother

bodies; Muslim Association of Malawi (MAM), Qadria Muslim Association of Malawi (QMAM), Malawi Council of Churches (MCC), Evangelical Association of Malawi (EAM) and Episcopal Conference of Malawi (ECM).

PAC has an experience in policy influence in democratic governance and enhancing broad-based debate on national issues. PAC's vision is to see 'A Malawian society with internalized democratic values and practices'. Mission statement is 'An organisation that promotes human dignity in the Malawian society through advocacy, civic education and conflict transformation' and PAC believes in and upholds the values of integrity and tolerance. The overall goal is to contribute to good governance, human rights, rule of law, accountability and transparency in Malawi. The purpose is to reduce undemocratic practices, political and religious intolerance.

2.3. The Catholic Commission for Justice and Peace (CCJP)

The Catholic Commission for Justice and Peace (CCJP) is the governance, advocacy and human rights arm of the Episcopal Conference of Malawi (ECM). The Episcopal Conference of Malawi (ECM) is an assembly of the eight bishops of the Catholic Church in Malawi from Blantyre and Lilongwe Archdioceses; Dedza, Chikwawa, Mangochi, Mzuzu and Zomba Dioceses. The ECM Secretariat was formed in 1961 with offices in Blantyre, but moved to Lilongwe in 1979. Since its inception, the ECM has been a member of the Association of Member Episcopal Conferences in Eastern Africa (AMECEA). The mission of the Catholic Church in Malawi is the commitment towards providing well-coordinated holistic evangelisation through teaching of the Word of God, Sacraments and facilitating Integral Human Development. The work of CCJP is largely influenced and driven by this mission. The 8 dioceses have CCJP chapters implementing various governance and human rights programmes in the districts within their jurisdiction.

3.0 Purpose of the Memorandum of Understanding (MOU)

The purpose of this MOU is to undertake a joint and well co-ordinated voter education and election observation for the 2020 Fresh Presidential Elections, and public education on covid-19.

Specific Objectives

The objectives of this MoU are as follows;

1. To track electoral related incidences including political violence for interventions.
2. To document and publish assessment of stages of the election processes.
3. To facilitate dialogue and where necessary undertake transformative conflict resolution processes.

4. To establish and engage all electoral stakeholders on issues of concern in order to contribute towards a credible electoral process.
5. To jointly map up resources, identify resource gaps and undertake resource mobilisation initiatives for the realisation of the objectives of this MOU.
6. To conduct joint civic and voter education activities.
7. To conduct joint press briefings, media statements and engagements on the polls.
8. To conduct joint long-term observation for the upcoming fresh presidential election.
9. To conduct joint resource mobilisation for various initiatives deemed fit for the consortium.
10. To train and deploy Long-Term and Short-Term observers for the upcoming fresh presidential election.
11. To jointly manage the Election Situation Room during the fresh presidential poll.
12. To conduct joint dialogue, social cohesion and peace building activities.
13. To jointly undertake initiatives that minimise electoral related violence and ensure accountability to combat impunity in dealing with political violence.
14. To jointly undertake stakeholders dialogue sessions (engaging MEC, Malawi Police Service, Parliament, Malawi Human Rights Commission, CSOs etc).

4.0. Values and Principles of Memorandum of Understanding (MOU)

4.1. Operating Principles and values

- Impartiality
- Reliability
- Commitment
- Honesty
- Efficiency
- Innovation
- Patriotism
- Independence
- Credibility

5. Mutual Responsibilities

- Resource Mobilisation
- Consolidation of resources into a basket fund
- Stakeholders engagement on interventions
- Media relations
- Messaging on Covid-19

- Press briefing and Press statement
- Election observations
- Civic and Voter education
- Leadership of the consortium
- Field monitoring and sharing of reports
- Joint proposal development
- Engagement on emerging issues such as Covid-19, blood suckers etc.

6. Individual Members responsibilities

6.1 Public Affairs Committee (PAC)

PAC will specifically be responsible for the following:

- Peaceful co-existence and social cohesion on electoral issues at national level
- Advocacy on election issues
- Engage youths and women on conflict/violence/Early Warning
- Development and production of IEC Materials
- Production of field monitoring and activities reports

6.2 National Initiative for Civic Education (NICE)

NICE will specifically be responsible for the following:

- Peaceful Co-existence and Social Cohesion on electoral issues at local level
- Host Election Situation Room for the Consortium
- Training of Short and Long Term Observers
- Training of media and artist on electoral process
- Documenting electoral related issues and incidence for the observation report
- Facilitate grassroots collaboration with key electoral stakeholders
- Arrange press briefing and conferences
- Production of field monitoring and activities reports
- Consolidation of election monitoring report
- Printing of the election observation reports
- Facilitate national and local level dialogue among non-state actors.

6.3 Responsibilities of Catholic Commission for Peace and Justice (CCJP).

CCJP will specifically be responsible for the following:

- Recruitment of Short and Long Term Observers
- Deployment of Short and Long Term Observers
- Facilitating national stakeholder engagements on the elections.
- Facilitating engagement of political, religious and traditional leaders at the local level.
- Mainstreaming disability issues in electoral observation and stakeholder engagement
- Harmonisation of human and material resources for the elections
- Development of deployment plan and feedback mechanism
- Compilation of field monitoring report

- Production of field monitoring and activities reports.

7.0 Communication

All parties to this MOU shall advocate for open communication between each other and shall be committed to the ownership of the relationship, thus, equally bearing the responsibility for initiating the communication process. Some modes of communication the partners shall use are, and not limited to, the following:

- Minutes of meetings
- Workshop, conference, and training reports
- Observation, monitoring, and supervision field visits.
- Joint and independent facilitation of meetings, workshops, and training sessions
- Field trip reports
- Progress and research reports
- Training manuals
- Exchange visits

All exchanges, correspondences and/or directives regarding implementation of the activities will be communicated directly to the Executive Director of National Initiative for Civic Education (NICE) Trust, the Executive Director of Public Affairs Committee (PAC) and the National Coordinator of Catholic Commission for Justice and Peace (CCJP).

8. General Provisions

8.1 Amendments.

Either party may request changes to this MOU. Any changes, modifications, revisions or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.

8.2 Applicable Law.

The construction, interpretation and enforcement of this MOU shall be governed by the laws of Malawi.

8.3 Dispute Resolution

Where subject to this Memorandum of Understanding and the work resulting thereof, a dispute arises, negotiation and mediation shall be the primary means of disposing the matter to the extent that no part shall seek legal remedy without attempting to handle the matter through negotiation and mediation.

8.4. Entirety of Agreement.

This MOU, consisting of 8 pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

8.5 Severability.

Should any portion of this MOU be judicially determined to be illegal or unenforceable, the remainder of the MOU shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

8.6 Sovereign Immunity.

The [requesting law enforcement agency] and the [assigning law enforcement agency] and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

8.7 Third Party Beneficiary Rights.

The parties do not intend to create in any other individual or entity the status of a third party beneficiary, and this MOU shall not be construed so as to create such status. The rights, duties and obligations contained in this MOU shall operate only between the parties to this MOU, and shall inure solely to the benefit of the parties to this MOU. The provisions of this MOU are intended only to assist the parties in determining and performing their obligations under this MOU. The parties to this MOU intend and expressly agree that only parties' signatory to this MOU shall have any legal or equitable right to seek to enforce this MOU, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this MOU, or to bring an action for the breach of this MOU.

9. Signatures.

In witness whereof, the parties to this MOU through their duly authorized representatives have executed this MOU on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this MOU as set forth herein.

