

Terms of reference

Consultant: Malawi National Anti-Corruption Strategy (NACS II) performance desk review

About the Basel Institute on Governance

The Basel Institute on Governance is an independent non-profit organisation working across sectors to counter corruption and related financial crimes and to improve the quality of governance. Registered as a Swiss foundation with headquarters in Basel, the Institute works globally and maintains field operations around the world. The Basel Institute is an Associated Institute of the University of Basel.

Tackling Serious and Organised Corruption (TSOC Malawi)

The objective of the Tackling Serious and Organised Corruption (TSOC) programme is to increase the likelihood and severity of sanctions for high-level corruption, and in doing so deter future crimes. The largest component is implemented by the International Centre for Asset Recovery (ICAR). This responds to strategic and technical assistance needs requested and agreed with the Anti-Corruption Bureau (ACB), the Financial Intelligence Authority (FIA), and the Office of the Director of Public Prosecutions (DPP). TSOC also emphasises prevention-oriented activities, including private-sector engagement, supporting the work of the ACB's prevention, education, and research teams, and working with journalists to improve the quality of reporting on corruption and anti-corruption in Malawi through the Continuing Journalism Education (CJE) activities.

Assignment

In 2019, the Government of Malawi, through the ACB and with support from the Basel Institute on Governance developed the National Anti-Corruption Strategy NACS II (2019-2024) as a key document aimed at providing a holistic approach and guiding anti-corruption efforts in order to strengthen the rule of law, promote a culture of integrity and improve public service delivery in the country. NACS II, like its predecessor NACS (2008-2013), identified fighting corruption as a shared responsibility among all stakeholders, to be guided by a unified vision for a corruption-free Malawi. In this regard NACS II identified tasks and responsibilities for each of the twelve pillars that represent all sectors of Malawian society in the fight against corruption.

NACS II is currently in its final year of implementation, and the ACB is aiming to develop the NACS III to ensure a continued, systematic approach to combating corruption in Malawi. While some progress has been registered under NACS II, challenges and lessons learned during its implementation will inform the new strategy.

Several significant developments over the past five years will inform the development of NACS III. These include a) the introduction of the Malawi Agenda 2063 (MW2063) as a blueprint for Malawi's aspirations and sustained development agenda, which has replaced the MGDS III that informed NACS II; b) the recent amendment of the Corrupt Practices Act (CPA) granting the ACB full prosecutorial powers; c) the review and enactment of several laws such as the Public Finance Management Act, Public Procurement and Disposal of Assets Act, and Public Audit Act; and d) the establishment of new governance structures and institutions such as the Financial Crimes Court.

In order to properly set the foundations for the drafting of the NACS III in a manner that is responsive to the evolving landscape of corruption in Malawi and to ensure it will reflect the right balance of ambition and feasibility, a thorough review of the NACS II is necessary. The review process will involve assessing the performance of NACS II by evaluating its achievements and effectiveness in terms of goals, objectives, outputs; relevance of particular approaches and interventions; effectiveness and implementation capabilities of the governance structure of NACS II; and financing of NACSII. This TOR pertains the development and implementation of the aforementioned review process as well as making proposals for the development of a rigorous, evidence-based methodology to support the drafting of NACS III in a manner that ensures that it will be a rigorous, evidence-based document, fit to address relevant priorities in the fight against corruption in Malawi.

Key tasks include:

- Review NACS II (2019-2024) implementation including assessing alignment with Mw2063, assessing results achieved, lessons learned, gaps, and challenges, and providing recommendations.
- Review of the background research conducted for NACS II and Identify the main changes in the anti-corruption landscape in Malawi from then to the present moment.
- Review legal frameworks promoting good governance in Malawi.
Collect and document relevant information for the development of NACS III, analysing and laying out the evidence on the main corruption and anti-corruption trends in Malawi
- Develop tools to guide consultative meetings, drafting, validation, and finalisation of NACS II Review Report.
- Facilitate consultative meetings with ACB staff, NACS II Pillars, and key stakeholders to inform the review process.
- Assess the appropriateness of NACS II M&E Framework and Implementation Plan and make recommendations for NACS III.

- Based on an assessment of the effectiveness of the NACS II governance structure recommend a governance structure for NACS III that will ensure government ownership.
- Assess the financing of NACS II and make recommendations for financing modalities of NACS III
- Draft NACS II Review Report

Qualifications

- At least Master's Degree in Social Sciences or related fields
- A minimum of 10 years of professional experience, with at least six (6) years in Public Management related field.
- At least five (5) years of experience in project management and implementation
- A track record of similar or related assignments.
- Strong computer literacy (MS Office).
- At least five (5) years demonstrated experience in institutional development interventions and the design and review of Strategic Development Plans/Policies/Strategies, including monitoring and evaluation.
- Demonstrated experience and understanding of Anti-Corruption issues and Governance Sector in Malawi.
- Demonstrated experience in implementation of Governance and Corruption interventions in Malawi or the Region.

Activities and timeline

The assignment will require a maximum of 15 workdays starting as soon as possible upon signing the consultancy contract. It is expected that final product will be submitted not later than 31 January, 2025.

Reporting

The consultant will report to Ms Carolyn Lamprey, Team Leader, in consultation with the ACB Director of Corruption Prevention.

Deliverables

The deliverables include the following:

- Conduct a desk review of the Nacs II; The review will include but not be limited to the ACB internal performance report and engagement with key pillars and stakeholders; the consultant will be expected to develop tools, checklists and other mechanisms to guide the desk review process and later consultative meetings as part of this deliverable.
- Submit a draft NACS II Review Report for ACB
- Facilitate workshop to validate the draft review report with ACB, Nacs II Pillars and stakeholders; Consolidated feedback from the validation meetings to inform the final review report.
- Submit final NACS II Review Report.

Applications

Interested applicants should submit an expression of interest of not more than 3 pages, outlining: (i) their relevant experience for the assignment; (ii) Expected fees for the assignment and any clarifications they would wish to seek from the Basel Institute prior to executing the assignment. Expert CVs should be limited to 2 pages maximum and are in addition to the 3-page limit.

Applications should be submitted to proposal@baselgovernance.org copy anti-corruption@acbmw.org, and to tsocprocurement@baselgovernance.org, no later than 18:00 CET on 27 November, 2024.