



Centre for Multiparty Democracy

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Terms of Reference for the Review of the CMD Constitution

Introduction

The Centre for Multiparty Democracy - Malawi (CMD-M) is a platform for dialogue for political parties. It was officially registered in October 2005. The Centre sets out to promote dialogue for the entrenchment of multiparty democracy in the country. It further strives to contribute to development of capacity of political parties in order for them to deliver on their core functions. Membership to the Centre is open to political parties that have representation in the National Assembly. In order to achieve inclusivity non parliamentary parties are given block membership on the CMD Board.

The Centre believes that for a multiparty democracy to work and to be effective there is need for strong and well-institutionalized political parties that can channel the demands of citizens, govern in the public good and satisfy the basic needs of the people. However, political parties in Malawi continue to face many challenges. These include inadequate institutionalisation, limited internal democracy and capacity to generate alternative policy positions on issues of national interest, as well as to resolve internal conflicts in a constructive manner. For all these reasons, political parties fail to perform to the expectations of the citizenry.

CMD was registered as a trust in 2005. Since its inception and registration, CMD has not reviewed its constitution to make sure that it is still relevant to the current context. In light of the rapidly changing political context particularly the enactment of the Political Parties Act (2018) which is a major milestone in the political arena, CMD intends to review its Constitution to make sure that it is relevant to the present realities.

Scope of the Assignment

CMD has been in existence for 15 years now and throughout the period it has used the Constitution that was made at its inception. The proposed review of the Constitution is primarily expected to take into account experiences gained within the period and to align it to the current realities. Principally, the exercise is expected to identify or affirm the CMD's core mandate and status. Bearing in mind that the CMD exists primarily to serve political parties, the revised constitution is expected to articulate the ownership of CMD and also guide the Centre in addressing the capacity and institutional gaps that exist in political parties in Malawi.

Objectives of the assignment

The main objective of the assignment is to carry out a detailed review of the Constitution of the CMD in consultation with the political parties.

Specific Activities

The Consultant will be required to undertake the following:

1. Review all the documents pertaining to the current constitution.
2. Undertake a stock of all relevant provisions in the constitution in order to determine if they were aiding or hampering the proper functioning of the organization.
3. Consult widely all principle stakeholders especially political parties with the aim of determining the relevance of CMD, as an organisation to Malawi politics, and its role in the years ahead.
4. Identify if there are provisions that are stale, redundant or irrelevant to the current political context.
5. Align the CMD Constitution to the Political Parties Act
6. Assess the registration status of CMD (i.e. a Trust) and advise if this remains suitable and appropriate for an organization of CMD's nature
7. Advise and support CMD to comply with its registration requirements (e.g. updating its records).

Deliverables

At the end of the assignment the consultant is expected to produce a revised Constitution for the Centre for Multiparty Democracy.

Management and Coordination of the Assignment

The Consultant will work closely with the Executive Director of CMD and any other person that may be designated for this exercise.

Qualifications and Experience

The assignment will require a high level of technical competence in legal matters especially developing Constitutions for non profit making organizations. Experience and exposure to legal drafting is essential.

The consultant should therefore have:

1. A university degree, preferably a Masters in Law.
2. Minimum 5 years demonstrated experience in similar assignments.
3. An in-depth understanding of Malawi's politics, political system and political party system.
4. Have conducted similar assignments for reputable organisations. Demonstrate analytical and facilitation skills.

Submission of the Technical and Financial Proposal

Interested consultants are expected to submit both technical and financial proposal to the Executive Director through email at cmdmalawi.general@gmail.com

Expressions of interest must be sent by e-mail to the same address as above by CoB on 8th of September, 2020. When submitting please put subject line: **Review of CMD Constitution.**

Reporting

The Consultant shall report to the Executive Director for the Centre for Multiparty Democracy.