



# **MALAWI LAW COMMISSION**

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## **STRATEGIC PLAN**

### **FINAL DRAFT**

**2015-2020**

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#### **THEME**

*'Greater Support for and Appreciation of Law Reform for Improved Governance'*

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**NOVEMBER 2015**

## Law Commission Strategic Plan 2015-2020

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## Goal

To contribute to the promotion of the rule of law and good governance

## Vision

“An expert provider of advisory services on law development, reform and status of the law in Malawi and beyond”

## Mission

“To provide expert advice to Government on law development and reform”

## Core Values

In the execution of its mandate, the Commission shall uphold and espouse the following values:

- **Independence:** in the performance or exercise of its functions, duties and powers
- **Professionalism:** in the conduct of its staff and the carrying out of its mandate
- **Credibility:** with all organs of the state, development partners and the general public
- **Responsiveness:** acting promptly to the needs established by its stakeholders and the public for law reform and civic education
- **Accountability:** in the carrying out of its mandate and use of resources.

**ACKNOWLEDGEMENTS**

The Commission acknowledges the cooperation it received from various stakeholders in the development of its Strategic Plan for 2015- 2020. The Commission would also like to acknowledge with gratitude the Task Force that played a critical role of validating outputs of the consultancy. The Commission is equally grateful to Mr. Orison Chaponda, the Technical Facilitation Unit (TFU) Team Leader, who worked tirelessly to make available necessary documents for review and facilitated meetings with various stakeholders.

The Commission acknowledges the contributions of its members of staff in the development of the Strategic Plan, as well as various stakeholders in Government, Civil Society organizations and Development Partners in country.

Further, the Commission would like to acknowledge with gratitude the European Union through the Democratic Governance Programme (DGP) for the financial and technical support rendered in the development of its Strategic Plan. In this connection, the Commission acknowledges the contributions of Messrs Thomas Dolan and Justin Nyondo who facilitated the development of the Strategic Plan.

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### ABBREVIATIONS AND ACRONYMS

Bps	Bits per second
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSOs	Civil Society Organisations
DAS	Development Assistance Strategy
DGSS	Democratic Governance Sector Strategy
DPs	Development Partners
IT	Information Technology
LRA	Law Reform Agencies
MDGs	Millennium Development Goals
MGDS	Malawi Growth and Development Strategy
MTEF	Medium Term Economic Framework
MWK	Malawi Kwacha
ORT	Other Recurrent Transactions
PESTEL	Political, Economic, Social, Technological, Ecological and Legal
PFP	Policy Framework Paper
sLCs	special Law Commissions
SP	Strategic Plan
STE	Short-Term Expert
SWAp	Sector Wide Approach
SWOT	Strengths, Weaknesses, Opportunities and Threats.

## **Law Commission Strategic Plan 2015-2020**

### **MESSAGE FROM THE LAW COMMISSIONER**

I am pleased to present the 2015-2020 Strategic Plan that will be implemented under the theme '**Greater Support for and Appreciation of Law Reform for Improved Governance**'. The Plan marks an important milestone in consolidating the achievements of the Commission (the Commission) guided by its 2004 – 2009 and 2010 – 2015 Strategic Plans. The 2015 – 2020 Strategic Plan is aligned to the Post Millennium Development Agenda, Malawi Growth and Development Strategy (MGDS) II, Policy Framework Paper, and the Democratic Governance Sector Strategy (DGSS).

I note with satisfaction that the Strategic Plan was developed using a highly participatory process involving a cross section of stakeholders and an extensive review of literature. The Strategic Plan also benefited from documented experiences of other Law Reform Agencies (LRA) and the analysis of topical issues in the area of law reform. The result is a comprehensive series of interventions that I am sure will contribute significantly to the Government's development agenda.

As the Commission forges ahead in accelerating the pace at which law reforms are undertaken, it is pleasing to note the commendable strides that have been made in the past five years of the implementation of the 2010 – 2015 Strategic Plan that include, the Adoption of Children Act; the Firearms Act; the Trade-marks Act and the reviews of the Sheriffs Act and the Chiefs Act which have been concluded. In addition, a number of laws are at various stages of review and are set to be finalized by next year. These include development of legislation on Sentencing Guidelines; the review of the Public Health Act; the review of the Prevention of Domestic Violence Act; the review of the Witchcraft Act and the review of the Prisons Act and Spent Convictions. The following laws will also be reviewed i.e. the Gender Equality Act; the Legal Education and Legal Practitioners Act; the Law on Abortion<sup>1</sup>.

Notwithstanding the significant strides that the Commission has made in reviewing various laws, there are a large number of laws that still have to be reviewed. Some of the laws which are planned to be reviewed in the next four years are reflected in this Plan. In order to tackle the challenges that lie ahead, the Commission will build on its strengths and the trust it enjoys amongst its key stakeholders in undertaking law reform efforts.

It is my sincere hope that the spirit of cooperation among stakeholders that characterised the development of the 2015 – 2020 Strategic Plan will continue into its implementation, as it will take more than the Commission to ensure its success. It is my most sincere hope that Government and other key stakeholders will continue to provide unwavering support to the Commission in the discharge of its mandate.

**Mrs Gertrude Lynn Hiwa, SC**

**Law Commissioner**

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<sup>1</sup> As at the end of November 2015, the Commission completed two programmes on this list. In addition, one new law had been enacted.

## Law Commission Strategic Plan 2015-2020

### EXECUTIVE SUMMARY

This Strategic Plan has been developed to guide the Commission's service delivery over the next five years, covering (2015 – 2020). The Plan is part of efforts by the Commission to ensure continued delivery of high quality prioritised services in a manner that is aligned to the MGDS II and DGSS. The Plan reflects the Commission's commitment to respond decisively to the ever-increasing demand for law reform services in order to align statutes with the Constitution and international law.

The process of developing the Plan entailed carrying out a situation analysis, which included a review of the 2010 – 2015 Strategic Plan, as well as undertaking an environmental scan to have a firm basis for the development of the 2015 – 2020 Strategic Plan. The process was participatory and consultative in nature to not only ensure ownership of the results but also to benefit from a diversity of inputs and insights into what the Commission can do to provide an adequate response to issues requiring its attention.

In general, the Commission has made some commendable strides over the past five years. These include commissioning and concluding a number of special Law Commissions.

Despite such successes, the backlog of laws requiring reform has been growing over the years. The Commission is unable to promptly respond to the backlog of laws requiring reform due to a host of challenges such as inadequate finance, research facilities, and institutional capacities. It has also had challenges educating the public on its reform agenda and processes it follows in this regard, as well as not being able to monitor and evaluate its activities effectively.

The Commission's challenges are summarized into four strategic issues, which should be addressed over the next five years. The strategic issues are as follows:

- i) A number of laws are not consistent with the Constitution and international law;
- ii) Inadequate public awareness on law reform processes and achievements;
- iii) Inadequate research capacity to support the Commission's work; and
- iv) Inadequate institutional capacity.

As a response to these strategic issues, we have set out Goals, which shall be the centre of our focus in the next five years. The four goals, which shall drive this Strategic Plan, are:

- i) Laws, which are consistent with Constitution and relevant international law;
- ii) Well informed public on the law reform process and matters of law;
- iii) Strengthened research capacity; and
- iv) Strengthened institutional capacity.

Detailed strategies and corresponding activities have been put in place for achievement of the Goals. The implementation of the Strategic Plan will require an estimated K1,357,831,490 over the five-year implementation period.

## **1 INTRODUCTION**

### **1.1 Rationale for the Strategic Plan**

The 2015-2020 Strategic Plan has been developed following expiry of the July 2010– 2015 June Strategic Plan. The Plan is necessary to guide the activities of the Commission over the next five fiscal years as it seeks to contribute to Malawi Government's development agenda, which identifies law reform as being of prime importance to efforts to reduce poverty and accelerating the development of the country. The Plan, which is aligned, to the DGSS will also serve as an instrument for mobilizing resources to facilitate implementation of the priority programmes of the Commission. The Strategic Plan is complemented by an Implementation Plan and Investment Plan attached as Appendices 1 and 2 respectively.

### **1.2 Strategic Planning Process**

The Strategic Plan of the Commission was developed in a highly participatory manner, to ensure relevance and ownership of the results. The evaluation process entailed consultations with a cross section of groups and individual stakeholders of the Commission to obtain their inputs on what they saw as the key strategic areas that should be the focus of attention over the next five years. The evaluation process was ably supported by a Task Force established to oversee progress of the Strategic Plan development and to validate outputs emanating from the process. The Task Force was chaired by the Chief Law Reform Officer and supported by the Director of Administration and Finance who provided administrative support to the Consultants, which included coordination of the internal meeting schedule and provision of literature for review. The Consultants also had the on-going support of the TFU Team Leader based at the MOJCA as well as the STE Secretariat. The literature review was enriched by web scans of websites of similar bodies to appreciate general trends in this area, as well as literature provided by the Commission heads of sections and those institutions consulted.

The development of the Commission's Strategic Plan was informed by a number of key policy and development frameworks that included the Millennium Development Goals, Malawi Growth and Development Strategy II (2011-2016), and the Malawi Democratic Governance Sector Strategy (2013 – 2017).

The following major steps were involved in the preparation of the Strategic Plan:

- i. A situational analysis was undertaken that sought to identify the key challenges and opportunities in the operating environment of the Commission in general and those in the democratic governance sector in particular, including those related to systemic challenges to do with the Commission's organisational structures and systems.
- ii. The Draft Strategic Plan was presented initially to the Commission and then at a Stakeholder's Workshop.

### **1.3 MANDATE, POWERS AND INSTITUTIONAL SET UP OF THE COMMISSION**

#### **1.3.1 Mandate of the Law Commission**

The Commission is established under section 132 of the Constitution which empowers the Commission “to review and make recommendations relating to the repeal and amendment of laws”. The Commission was established under the 1994 Constitution of the Republic of Malawi and its operations commenced in earnest in 1996 when the first Law Commissioner was appointed.

#### **1.3.2 Powers of the Commission**

According to section 135 of the Constitution, the Commission has powers:

- (a) to review and make recommendations regarding any matter pertaining to the laws of Malawi and their conformity with this Constitution and applicable international law;
- (b) to review and make recommendations regarding any matter pertaining to this Constitution;
- (c) to receive any submissions from any person or body regarding the laws of Malawi or this Constitution; and
- (d) to report its findings and recommendations to the Minister for the time being responsible for Justice who shall publish any such report and lay it before Parliament.”

The constitutional mandate of the Commission is supplemented by section 6 of the Law Commission Act (Cap. 3:09), which provides as follows:

“The functions of the Commission, in addition to those referred to by the Constitution, shall be-

- (a) *to review the Laws of Malawi with a view to the systematic development and reform of the law, including, in particular-*
  - i. *the modernization of laws by bringing them into accord with current national and international conditions and norms;*
  - ii. *the elimination from the laws of any defects, whether of a procedural, substantive or policy nature;*
  - iii. *the simplification of the laws;*
  - iv. *the recommendation of new or more effective methods and procedures for the administration of the laws;*
- (b) *to make recommendations for the fusion or harmonization of customary law with other laws of Malawi;*
- (c) *to make recommendations for the codification of any branch of the law or of any customary law; and*
- (d) *to promote awareness of the laws and the Constitution by the public and by departments of the Government and other authorities or bodies.”*

Section 7(1)(j) of the same Act mandates the Commission to act as the repository of public information on the state of the law in Malawi and of international instruments to which Malawi is a party.

#### **1.3.3 Institutional Structure of the Commission**

Under section 133, “The Commission shall consist of -

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- (a) a salaried Law Commissioner who shall be appointed by the President on the recommendation of the Judicial Service Commission and who shall be a legal practitioner or a person qualified to be a judge; and
- (b) such number of other persons as the Law Commissioner in consultation with the Judicial Service Commission may appoint from time to time and for such time as they are required on account of their expert knowledge of a matter of law being then under review by the Law Commissioner, or on account of their expert knowledge of other matters relating to a legal issue being then under review.”

The Law Commissioner is appointed by the President on the recommendation of the Judicial Service Commission for a renewable term of five years. The present Law Commissioner was appointed in June 2008. There have been two previous Law Commissioners.

The Commission operates as a secretariat for the special Law Commissions (sLCs) set up for a particular task or programme. The core staff of the Commission comprises an establishment of 13 lawyers<sup>2</sup> who service the sLCs. They are recruited as Law Reform Officers or Assistant Law Reform Officers. These officers offer expert guidance to the Commission, conduct background research prior to commencement of work of the sLCs and also facilitate the consultative process and are heavily engaged in the drafting of proposed laws. The Commission has an establishment of 43 support staff positions. These members of staff offer support services in civic education, administration, human resources, secretarial, procurement, IT, messenger, accounting and driver services. The Commission has a total staff establishment of 57 positions and actual staff strength of 30, as 27 positions are vacant at the time of development of the Strategic Plan. However, the establishment could change as the Commission was undergoing a Functional Review at the time of developing the Strategic Plan.

## 2 CONTEXTUAL ANALYSIS

### 2.1 Millennium Development Goals (MDGs) and the Post-2015 Development Agenda

Malawi's development agenda is aligned to the eight Millennium Development Goals (MDGs), which range from halving extreme poverty rates to halting the spread of HIV and AIDS and providing universal primary education, all by the target date of 2015. As attention turns towards the Post – 2015 Development Agenda, it is important to underscore the role played by the eight MDGs in galvanizing development efforts at global and national level. Of particular importance to Malawi, is the link between reduction in poverty and strong governance institutions. Governance is seen as central to Malawi's economic competitiveness<sup>3</sup>, which is a key ingredient for economic development and poverty reduction efforts.

### 2.2 Malawi Growth and Development Strategy (MGDS) II

Improving access to justice, the rule of law and internal security are central themes for democratic governance in the Malawi Growth and Development Strategy of 2011-2016 (MGDS II). The Malawi Government through the MGDS II recognizes that improving democratic governance is a foundation for poverty reduction and a sustainable development agenda in Malawi.

Malawi's reform theory, as implicitly articulated in the Constitution and the MGDS II, is that “Governance matters in Malawi for three reasons: first, the quality and depth of the country's economic development depends on the quality and depth of its institutions: open, accountable and inclusive institutions out-perform opaque and unaccountable ones by encouraging investment and protecting human rights; second, equality and especially the protection of historically excluded or

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<sup>2</sup> Currently there are 9 lawyers in post

<sup>3</sup>Democratic Governance Sector Strategy, page 23.

disadvantaged insular or discrete groups whether these are defined in racial, ethnic or gender terms eliminates conflict and thus stabilizes the country and, thirdly, that appropriate environment and land husbandry secures sustainable growth by protecting the rights of the current generation without destroying that of future generations.”<sup>4</sup> Given Malawi’s colonial and one party legacy, law reform is expected to play a catalytic role in the development efforts of the country.

### **2.3 Policy Framework Paper (PFP)**

The PFP provides the conceptual platform upon which sector institutions may harness their programmes, strategies, and activities in order to forge a unity of purpose in their democratic governance reform agenda. The PFP also provides a sector budgeting and financing framework for the sector based on the Development Assistance Strategy (DAS) and Medium Term Economic Framework (MTEF) for securing sustainable funding by the government and development partners<sup>5</sup>.

There is an expectation that various Government institutions in collaboration with Civil Society Organisations (CSOs) shall continuously take action in accordance with their statutory mandates and civic duty to originate new laws and regulations, amend existing laws and regulations, and repeal laws and regulations to consolidate the basic tenets of democracy and human rights and to facilitate socio-economic development. In this connection, the Commission is expected to support fundamental reforms of the law as well as facilitate the development of new ones.

### **2.4 Democratic Governance Sector Strategy**

The primary purpose of this Sector Strategy is to specify a Priority Reform Program (PRP) from which sector institutions and agencies will identify activities that, if implemented, will in five years contribute significantly to strengthening democratic institutions and good governance in Malawi in order to deepen the MGDS II goal of poverty reduction and sustainable economic growth<sup>6</sup>. There is a recognition that many of the changes introduced by the 1994 Constitution were not self-executing, they depend on the enactment and implementation of enabling legislation. This is an on-going process requiring the attention of all key implementing agencies but more particularly that of the Law Commission.<sup>7</sup> In this regard, a number of areas of legislative reform are proposed in the Democratic Governance Sector Strategy. Some of the laws have been tackled or are being addressed, but they are some that are still outstanding and will have to be tackled in the next four years and beyond together with other priority laws outside the governance sector that need review.

## **3 SITUATIONAL ANALYSIS**

### **3.1 Introduction**

To inform identification of strategic issues, an analysis was conducted that looked at achievements of the 2010 – 2015 Strategic Plan and lessons learnt from its implementation. The analysis also looked at both the internal and external environments in which the Commission operates and executes its mandates. The environmental scan was done through the use of PESTEL (Political, Economic, Social, Technological, Ecological and Legal) and SWOT (Strengths, Weaknesses, Opportunities and Threats). The environmental scan for the Commission is highlighted below.

### **3.2 Review of the 2010-2015 Strategic Plan**

#### **3.2.1 Key Achievements**

The Commission made some strides in relation to strategic outcomes set out in its 2010 – 2015 Strategic Plan. The Commission completed the review of the laws relating to Trademarks, Firearms,

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<sup>4</sup>Democratic Governance Sector Strategy, page 21

<sup>5</sup>Policy Framework Paper, page 4.

<sup>6</sup>Democratic Governance Sector Strategy, page 15

<sup>7</sup>Ibid, page 29

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Adoption of Children, Chiefs and Abortion<sup>8</sup>. It also concluded the review of the Sheriff's Act, which will be in print soon<sup>9</sup>. Some of these laws have also been highlighted to be in need of reform under the Democratic Governance Sector Strategy (DG-SS).

The review process is continuing in relation to the Prevention of Domestic Violence Act, the Witchcraft Act, and the Public Health Act. Work is also in progress on the development of legislation on Sentencing Guidelines, the development of legislation on Spent Convictions and the review of the Prisons Act – all of which come under the DGP.

However, no work was undertaken in relation to certain laws targeted for reform in the 2010-2015 Strategic Plan such as Patents, Elections, Registered Designs, Utility Models, Immigration, and Citizenship, Environmental Management, Statistics, Housing, Energy, Cooperative Societies and Investments.

This shows that the period 2010-2015 was not as successful as planned. The non-commencement list is particularly high with the failure to commence given as financial constraints i.e. failure to find funding. Intermittent funding also contributed to poor progress in some areas such as the Witchcraft Act, which goes back to 2010 and the Prevention of Domestic Violence Act, which also commenced in 2010. Despite this, the Commission did however manage to mobilise almost all the resources required to implement the 2010 – 2015 Strategic Plan as illustrated in the table below.

**Table 1 : Government and Development Partner funding – in Kwacha**

Years	Total Funding	Resources Required	% of Actual Funding against Required Funding
2011/2012	273,426,497	334,000,000	81.86%
2012/2013	288,548,301	371,000,000	77.77%
2013/2014	545,242,378	436,000,000	125.06%
2014/2015	529,474,278	498,000,000	106.32%
Total	1,636,691,454	1,639,000,000	99.86%

### 3.3 Key Challenges

A number of challenges compromised the Commission's ability to efficiently and effectively deliver on its mandate. These are highlighted below.

1. Inadequate human resources, especially in the Legal Services Division. Table 2, shows that the Commission did not operate at full strength during the period under review. The Table shows that for the last three years the Commission has operated with only 7 lawyers out of a total establishment of 13 lawyers. Staffing challenges were also evident in relation to support staff. Out of a total establishment of 43 posts, only 22 posts were filled, representing a vacancy rate of about 51 per cent. The main reasons for the Commission's inability to maintain full staff strength is uncompetitive remuneration, unattractive working environment, remuneration packages and bureaucratic recruitment processes that affect sub vented organisations.

<sup>8</sup> This had not been included in the Strategic Plan 2010-2015

<sup>9</sup> The information published here is valid as at the end of July 2015.

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**Table 2 : Legal Services Division – Staffing Status**

	2011			2012			2013			2014			2015 (July)		
	Est	In Pst	Vac	Est	In Post	Vac	Est	In Pst	Vac	Est	In Pst	Vac	Est	In Pst	Vac
<b>CLRO</b>	1	1	0	1	1	0	1	1	0	1	1	0	1	1	0
<b>DCLRO</b>	2	2	0	2	2	0	2	1	1	2	1	1	2	1	1
<b>ACLRO</b>	4	3	1	4	2	2	4	3	1	4	3	1	4	3	1
<b>LRO</b>	3	2	1	3	2	1	3	0	3	3	0	3	3	0	3
<b>ALRO</b>	3	2	1	3	3	0	3	2	1	3	2	1	3	2	1
<b>Totals:</b>	13	10	3	13	10	3	13	7	6	13	7	6	13	7	6

<b>Legend:</b>	In Pst = in Post	Est = Establishment	Vac = Vacancy
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2. Although, the Commission has a mandate to undertake law reform, it is not the only law reform process available to Government, which can initiate legislative review through Ministries and Departments. This creates a need for a coordinated and collaborative approach to law reform.
3. The use of IT in the Commission is less than satisfactory. Although limited use is made of IT for research, communication, word processing and web hosting, IT capabilities remain underutilised.
4. There is a gap between the national and development partner timetable and priorities. The Commission develops a one-year calendar of work, which is seen as inadequate for long term planning that envisaged either the Medium Term Expenditure Framework or planning cycle of Development Partners (DPs) that require more lead time to mobilise necessary resources for the Commission's work.

### **3.4 Key Lessons Learnt from the Implementation of the Strategic Plan for 2010 – 2015**

In the implementation of the Commission's Strategic Plan many lessons were learnt, the key lessons are highlighted below.

The Strategic Plan was not adequately institutionalized as a guiding tool in all the operations of the organization, as there were instances of other legislative reviews taking precedence over those specified for review. Consequently, knowledge of the contents of the Strategic Plan among key stakeholders was low.

Planned evaluations of the implementation of the Strategic Plan over its life to inform key decisions and adjust where necessary strategic targets were not done. In addition, the Plan was not accompanied by a Monitoring Plan with clear indicators of performance making it difficult to evaluate.

Capacity to facilitate effective implementation of the Strategic Plan was assumed. Consequently, some activities were not implemented as expected due to inadequate capacity, primarily due to lawyers and other key staff leaving the Commission primarily mid-way through implementation of the Strategic Plan.

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The annual budgeting and activities were not properly aligned with the funding cycles of key implementing partners. As a consequence, some planned activities were not undertaken while others were delayed in their implementation due to late funding including related cash flow problems.

The Commission has a mandate to provide civic education on issues pertaining to law reform initiatives it undertakes. However, it has not been able to effectively provide civic education to all parties that need it, as the scope of work is too broad for the number of officers on its staff establishment. In addition, the Civic Education Unit has been constrained by budget limitations.

### **3.5 Results of PESTEL**

#### **3.5.1 Political**

1. The democratisation process is in its infancy with reported issues of abuse of power and lack of accountability by duty bearers. As a consequence, citizens feel powerless to change things as the legal system is inadequate to address their concerns.
2. Given the representative role of Members of Parliament (MPs), their level of involvement in formulating laws needs to be clarified. This is compounded by the lack of technical skills on the part of MPs on one hand and capacity in research by the Parliamentary Secretariat on the other hand. As a consequence, the input of MPs in the legal reform process is inadequate.

#### **3.5.2 Economic**

1. The country has been negatively impacted with Cashgate as Development Partners that provide about 40 % of the country's Development Budget have withdrawn budgetary support, although discrete/project support is being provided directly. As a consequence, transaction costs have increased and resulted in the creation of 'silos' that are difficult to dismantle.
2. The country remains one of the least developed countries in the world. Although, allocations towards ORT have generally been adequate, the challenge is largely in the area of capital financing, which is supported by DPs. As a consequence of lack of funding from Treasury for capital items, the Commission is relying on an aged fleet of vehicles that are expensive to maintain.

#### **3.5.3 Social**

1. The level of literacy in the country is quite low. Awareness among citizens of the law is low. As a consequence, the low literacy level also affects the participation of citizens in law formulation processes.
2. Despite Malawi being a signatory to many treaties and conventions, their domestication remains a challenge. For example, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has yet to be fully domesticated. Consequently, women continue to suffer a range of abuses.
3. Although, HIV prevalence rates have stabilised at about 10 per cent, there is continued need for vigilance by all stakeholders in the national response. Consequently, many entities including the Commission have been negatively impacted with HIV and AIDS.

#### **3.5.4 Technological**

1. The country has experienced a technological revolution over the last twenty years. As a result, the Commission stands to benefit from this revolution, especially in ICT, as it relates to research to support law reform efforts and sLC consultative processes.
2. Costs however remain high, but with more ISPs entering the market with better technologies and more uptake on services costs are likely to drop.

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3. There is no Technology Plan in place for the Commission, ICT solutions have primarily been delivered at a low level with little prioritisation of the needs of a research body.

### 3.5.5 Ecological

1. The laws of the country are seen to be ineffective to redress the deterioration of the environment. As a result, climate change is beginning to have devastating impact on socio-economic well-being of the citizens of the country.

### 3.5.6 Legal

1. A number of statutes are inconsistent with the Constitution, especially the Bill of Rights. For example, some provisions in statutes that are related to media freedom, same sex marriage, and treason are seen to be at odds with the Bill of Rights.
2. There is realisation that the Constitution is in some respects not responsive to the needs of the country, hence the review that was undertaken of the Constitution whose report was published in 2007.
3. Many of the laws governing Malawians, for example, the Prisons Act currently under review were devised during colonial times and some provisions have no relevance today

## 3.6 SWOT Analysis

### 3.6.1 A Summary of Strengths

1. Qualified and experienced Law Commissioner, special Law Commissioners, law reform officers, and support staff.
2. Continued Government support, as the bulk of its ORT funding is from Treasury.
3. Good working relationship with Government and other key stakeholders.
4. Existence of a comprehensive legal framework for the operations of the Commission, which provides a basis for its law reform work.
5. Existence of an institution website, potentially an important implementation tool for its Communication Strategy.
6. The process of law reform is very open and comprehensive in the way the public is engaged.

### 3.6.2 A Summary of Weaknesses

1. Special Law Commissions are seen as time consuming and costly. With increasing costs, these may not be sustainable in the long term. (This could provide an opportunity to the Commission to focus on reforming certain types of laws i.e. requiring extensive study).
2. Have a challenge with vehicles and other equipment and do not have adequate – computers, lack cameras, videos.
3. The legal framework is inadequate in some aspects, e.g. Law Commissioner currently doubles as Controlling Officer, and “definition of independence” in matters such as remuneration is not clear, etc.
4. Weak management structures and systems e.g. having only one Permanent Commissioner, an outdated Office Procedures and Working Practices Manual (whose aim is to improve management systems and the working practices at the Commission), job descriptions that do not reflect existing functions and no IT plan nor developed IT structure which would facilitate modern business practices.
5. The website is not interactive, as it does not provide for feedback, discussion, and question and answer sessions. The Commission does not engage with social media e.g.; it does not have an active Facebook page.

6. There is a narrow stakeholder's consultative base, compounded by the lack of a stakeholder database.
7. Limited use of information technology. For example, the Commission has no access to subscription legal research sites.
8. Limited public access to information on the work of the Commission. The Commission makes very little effort to sell itself.
9. The Commission lacks appropriate offices.
10. The Commission has challenges to recruit and retain staff, due to what is perceived as uncompetitive remuneration packages.

### **3.6.3 A Summary of Opportunities**

1. Existence of the Constitution and a national policy framework, which require reform of different laws, as well as the Democratic Governance sectoral policy frameworks.
2. Willingness of the public to be engaged in consultative processes during law reform work.
3. Increasing public demand for the reform of different laws.
4. Government's decision to move towards Sector Wide Approach (SWAp) in the good governance sector, as well as support towards the good governance sector from development partners.
5. Existence of local and international bodies focusing on law reform.
6. A number of statutes are inconsistent with the Constitution, especially the Bill of Rights. As a result, enforcement of provisions has proved to be a challenge.
7. Constitution seen by many as not responsive to the needs of the country.
8. Many of the laws governing Malawians were devised during colonial times and have no relevance today.
9. The proper use and management of Information Technology (IT) may permit different forms of consultation and the collection of data.

### **3.6.4 A Summary of Threats**

1. Delays by Government to enact the Commission's recommendations into law.
2. Lack of public awareness on law reform process and achievements.
3. Heavy involvement of consultants in law reform, while Government is not fully supporting the Commission.
4. Continued high HIV prevalence.
5. Relatively low economic growth impacting on allocations towards the Commission.
6. The level of literacy is low posing challenges in terms of law reform and awareness of the implications of laws.
7. Number of languages that have to be used.

## **4 STRATEGIC FRAMEWORK**

### **4.1 Introduction**

As the preceding contextual and strategic analysis has shown, there are weaknesses and threats that the Commission should address moving forward, while building on its strengths. There are also opportunities that it should exploit as it seeks to fulfil its mandate of providing expert advice to Government on law development and reform. The strategic direction set out in this section therefore is the Commission's response to the key challenges and issues that require adequate attention over

the Strategic Plan life span in a focused and action oriented manner. The strategic direction outlines the priorities of the Commission, strategic goals and objectives, and implementation strategies.

In setting the strategic direction, the Commission recognizes that it is not possible for it to address in totality all the issues identified in the situational analysis within the lifespan of the Strategic Plan due to capacity and resource limitations and therefore has identified priorities or areas of strategic focus. The priorities are reflected in the form of strategic issues.

## **4.2 Strategic Issues**

The key emerging strategic issues to be addressed over the next five years are as follows:

### **1. There are a number of existing laws that are not consistent with the Constitution and applicable international law, as well as not responsive to the needs of the country**

The main factors contributing to this state of affairs are set out below.

- a) Many of the changes introduced by the 1994 Constitution were not self-executing; they depend on the enactment and implementation of enabling legislation. A number of statutes are inconsistent with Constitution, especially the Bill of Rights; and
- b) Many of the laws governing Malawians were devised during colonial times and have no relevance today.

### **2. Inadequate public awareness on law reform process and achievements**

The main factors contributing to this state of affairs are set out below.

- a) Limited public access to the work of the Commission;
- b) Lack of a civic education and public relations policy; and
- c) Narrow consultative base.

### **3. Inadequate research capacity to support the Commissions' work**

The main factors contributing to this state of affairs are set out below.

- a) Totally inadequate broadband services at the Commission which provides a de facto 256bps service to the whole Commission.
- b) No access to major legal subscription based databases.
- c) No formalised linkage to external legal resources centres (e.g. other LRAs) for sources of data to inform research efforts by the Commission;
- d) Lack of any formalised link with the Law Faculty of Chancellor College on matters of legal research and possible use of researchers; and
- e) Undeveloped IT research skills among the Commission staff.

### **4. Inadequate institutional capacity**

The main factors contributing to this state of affairs are set out below.

- a) Weak management structures and systems;
- b) Limited use of technology compounded by inadequate IT equipment, internet access and other related accessories;

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- c) Although, funding from Treasury largely caters for ORT, it does not cover capital items, especially vehicles. The Commission is seriously handicapped in terms of vehicles; and
- d) The Offices are located away from the centre of government activity i.e. Capital Hill; offices are spread over several floors in a four story building with poor and defective infrastructure which presents legal, physical and financial challenges to office security.

### 4.3 Strategic Goals

To address the strategic issues set out above, the following are the Strategic Goals.

1. Laws that are consistent with the Constitution and Relevant

This would entail undertaking the following:

- a) *Review and reform laws inconsistent with the Constitution; and*
- b) *Develop laws that are relevant;*

2. Well informed public on the law reform process and matters of law

This would entail undertaking the following:

- a) *Sensitisation of the public on the Commission's Communication Policy;*
- b) *Sensitisation of the public on the Commission's law reform processes; and*
- c) *Sensitisation of the public on the law;*

3. Strengthened research capacity

This would entail undertaking the following:

- a) *Formalise linkages with external sources of legal materials;*
- b) *Build capacity of legal personnel in the areas of research; and*
- c) *Formalise relationship with Faculty of Law of Chancellor College on matters of legal research;*

4. Strengthened institutional capacity

This would be undertaken through the following:

- a) *Review management structure and system in view of Missions works and new Strategic Plan;*
- b) *Upgrading computing capacity and internet connectivity;*
- c) *Capacitate Commission with required vehicles and other necessary equipment; and*
- d) *Lobby Treasury to introduce a Development Budget for the Commission*

### 4.4 Strategic Goals, Objectives and Outputs

#### 4.4.1 Strategic Goal 1: Laws that are consistent with the Constitution and relevant

##### 4.4.1.1 Rationale:

A number of laws are inconsistent with the Constitution, especially the Bill of Rights. Many of the laws governing Malawians were devised during colonial times and some have no relevance today. The laws that are seen as inconsistent with the Constitution are set out in the Democratic Governance Sector Strategy. Others have been brought to the attention of Law Commission by other agencies of Government.

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During the period 2010-2015, the Commission had planned to reform some eighteen (18) specific laws. Thirteen (13) of these laws were not commenced due to lack of funding. By the end of the planning period, only four of these laws were completed.

Over the next four and a half years, the Commission intends to undertake fourteen law reform programmes. Of these fourteen programmes, all but two will be aligned with the Democratic Governance Sector Strategy. Four of these programmes form part of the continuing programme of reform at the Commission i.e. the review of the Prisons Act, the review of the Public Health Act, the review of the Witchcraft Act and the development of legislation on Sentencing Guidelines.

The new programmes for reform will also include the following: the development of legislation on Spent Convictions Act, the review of the Citizenship Act, the review of the Probation Offenders Act, the review of the Public Security Act, the review of the Patents Act, and the review of Utility Models legislation. In addition, the Commission will also review the Electoral laws and the laws relating to Court Administration - in particular, the Development of Judicial Services Act, the review of the Supreme Court of Appeal Act, and the review of the Courts Act. Furthermore, it will review the Immigration Act, and the development of legislation on Sectional Titles.

### 4.4.1.2 Expected Outcomes

1. Reduction in number of laws that are not consistent with the Constitution
2. Increase in number of laws that are relevant and compliant with international laws and conventions including gender and disability

### 4.4.1.3 Indicators of achievement

The indicators of achievement are as follows:

1. % of targeted laws reformed that are inconsistent with the Constitution
2. % of targeted laws reformed that are relevant and compliant with international laws and conventions including gender and disability

#### 4.4.1.3.1 Objective: To review laws that are inconsistent with the Constitution

#### 4.4.1.3.2 Outputs:

1. Issue papers developed for laws to be reformed.
2. Discussion Papers prepared on laws to be reformed.
3. Special Law Commissions appointed.
4. Consultations on laws to be reformed undertaken.
5. Special Law Commission Reports compiled.
6. Law reform assignments finalised. Press Statements highlight findings and recommendations.
7. Minister of Justice supported in publishing the reports.
8. Reports scrutinised, edited, printed and published in the Gazette.

### 4.4.2 Strategic Goal 2: Well informed public on the law reform process and matters of law.

#### 4.4.2.1 Rationale:

There is recognition by the Commission that the public is largely uninformed on matters of law and on processes used to reform the law. The public is also generally not well informed on the achievements of the Commission. The operating environment is largely similar to what it was during the 2010 – 2015 Strategic Plan, as a large percentage of the population in Malawi are still residing in the rural areas,

poverty levels remain high, as well as high levels of illiteracy. This poses unique challenges in terms of how to effectively reach such a population.

Although, significant steps have been taken by the Commission in upscaling information dissemination to the general public through various media, beginning with the development of a draft Communications Policy, Communication Strategy and Plan, the communication challenge still remains daunting and cannot be effectively carried out by one agency. Over the next five years, the Commission intends to forge alliances with like-minded public institutions and CSOs, as well as intensify efforts to educate the public on matters of law and the work of the Commission.

#### **4.4.2.2 Expected Outcomes:**

1. Increase in number of people aware of laws that are being reformed.
2. Increase in number of people aware of the work and achievements of the Commission.
3. Increase in institutions implementing the Communication Strategy of the Commission.
4. Increase in number of people aware of the laws of Malawi.

#### **4.4.2.3 Indicators of achievement**

The Indicators of achievement are as follows:

1. % of people aware of laws being reformed by the end of the plan period.
2. % of people aware of the work and achievements of the Commission by the end of the plan period.
3. Number of institutions with MOUs with the Commission to disseminate information on law reform.

#### **4.4.2.4 Objective # 1: To increase public awareness on laws being reformed**

##### **4.4.2.4.1 Outputs:**

1. Information, Education, Communication materials developed.
2. Information, Education, Communication materials disseminated.
3. Public education (training workshops) conducted.
4. Awareness campaigns conducted.
5. Publications on law reform work published.
6. Provision of information continuously monitored.

#### **4.4.2.5 Objective # 2: To increase public awareness on law reform processes and achievements of the Commission**

##### **4.4.2.5.1 Outputs:**

1. Print and electronic media provided with material on law reform.
2. Commission's website populated with relevant, up-to-date information on the Commission and its work.
3. Access by all to the Commission's annual reports, newsletters and other information created.
4. Access by stakeholders to key Commission documentation for special Law Commissions.
5. Commission's website upgraded into an interactive one.

**4.4.2.6 Objective #3: To increase participation of collaborating institutions in implementing the Communication Strategy of the Commission**

**4.4.2.6.1 Outputs:**

1. MoUs concluded with institutions that are to collaborate with the Commission on civic education.
2. Institutions participating in implementing civic education activities on behalf of the Commission supported technically and financially.

**4.4.3 Strategic Goal #3: Strengthened Research Capacity**

**4.4.3.1 Rationale:**

The Commission is essentially a legal research institution, designed to support the reform or development of the law. Therefore, it is necessary that the LROs have the requisite knowledge and technical skills to support law reform efforts. Unlike many Law Reform Agencies, the Commission drafts bills, which form part of the Report. To ensure a high standard of drafting, all LROs are obliged to attend an internationally recognized legal drafting course as part of their training. Much of a LROs work is research based. As nearly all LROs will have a Master's Degree in Law, the key basic legal research skills are assumed. However, there are three key areas in which LROs receive no training i.e. (a) policy analysis (b) advanced research and methodology and (c) research of legal databases. In the case of (a) and (b) above, knowledge in these areas would assist in the development of better-formulated issues and discussions papers. The capacity enhancement is also needed in light of the changing economic and governance environment in Malawi. In the case of (c) the LROs have limited Internet access due to poor bandwidth at the Commission and they have no access to the subscription-based services such as LexisNexis.

The Commission has over recent years built good relations with a number of LRAs in both Africa and Europe. Some of them have been supportive through the provision of law books and other legal materials. The advances made in technology now offer the Commission an opportunity to deepen the relationship with these LRAs through video-conferencing. As part of its plan to increase bandwidth for research purposes, the Commission also intends to ensure that it is enabled to have single and group videoconferencing. Such a facility would also facility consultations within Malawi.

Further, the Commission's library needs to be well stocked with relevant and current books, publications, and periodicals that can support research. It should also be able to offer internet based research facilities to the special Law Commission Commissioners during their tenure.

**4.4.3.2 Expected Outcomes:**

1. Increase in capacity to undertake legal research.
2. Increase in legal resources internally and externally.

**4.4.3.3 Indicators of achievement**

The indicators are as follows

1. Number of law reform officers undertaking advanced research courses.
2. Number of law reform officers equipped with IT research skills.
3. Number of relevant and recent publications, periodicals and books.
4. Number of subscriptions to external legal resources.
5. Number of video conference calls held with external information providers.

**4.4.3.4 Objective # 1: To equip law reform officers with research skills**

**4.4.3.4.1 Outputs:**

1. Advanced training programme in research developed for law reform officers.
2. Law reform officers equipped with technical research skills.
3. Development of short-term advanced legal research course in techniques and methodology with Chancellor College.
4. Development of IT based legal research techniques course.

**4.4.3.5 Objective # 2: To equip LROs with skills in policy development and legal reform**

**4.4.3.5.1 Outputs**

1. Training needs in policy development and legal reform for LROs assessed.
2. Tailor made course in policy development and legal reform developed.
3. Policy development and legal reform course implemented.

**4.4.3.6 Objective # 3: To increase legal resources for research**

**4.4.3.6.1 Outputs:**

1. Funding of subscription to LexisNexis.
2. Purchase of IT equipment to facilitate videoconferencing.
3. Needs assessment of library undertaken.
4. Catalogue of books and other resources required developed.

**4.4.4 Strategic Goal 4: Strengthened Institutional Capacity**

**4.4.4.1 Rationale:**

The Commission has recognized the need to strengthen its institutional capacity if it is to effectively deliver on its mandate. The Law Commission Act that has served it well for many years is seen as requiring amendment to provide for at least one Deputy Law Commissioner who can carry out some of the Law Commissioner's responsibilities. The institution is also beset by a host of other bottlenecks which include limited use of technology compounded by inadequate IT equipment, internet access and other related accessories and Treasury funding that does not cater for capital items. This has also led to the Commission lacking items such as vehicles.

There is also recognition that the Commission requires a more robust monitoring and evaluation system, with clear performance indicators. In addition, the Commission is challenged in terms of development of plans under the sector wide approach that is based on Medium Term Expenditure Framework and the programme budgeting concepts. While some measure of monitoring and evaluation, as well as programme budgeting takes place currently, it is unable to clearly demonstrate linkage between resource usage and results, making it difficult to justify further funding overtime.

The Commission's inability to retain staff in all areas was identified as a major bottleneck to its ability to deliver on its mandate. This is due to the fact; the Commission seems to be losing its competitiveness.

Further, in view of the functional review and new Strategic Plan, as well as expiry of the Training Plan, the Commission will need to update its training needs assessment, so as to ensure optimal delivery of its mandate. This should not require much effort as the Commission commissioned a training needs

assessment, under the DGP which commenced in February 2014. The mission report was finalised in October 2014<sup>10</sup>.

**4.4.4.2 Expected Outcomes:**

1. Strengthened leadership capacity.
2. Increased capacity of the Commission to implement programmes.
3. Increased ability of the Commission to retain its staff.
4. Robust planning, monitoring and evaluation system.

**4.4.4.3 Indicators of achievement**

The indicators of achievement are as follows:

1. Increased number of programmes being implemented by the Commission.
2. Increased capacity among Commission staff.
3. Low staff turnover.
4. Increased ability to plan, monitor and evaluate.

**4.4.4.4 Objective # 1: To increase the visibility of the Commission in all high level fora**

**4.4.4.4.1 Outputs:**

1. Position of Deputy Law Commissioner created.
2. Deputy Law Commissioner appointed.

**4.4.4.5 Objective # 2: To increase the capacity of the Commission to implement programmes**

**4.4.4.5.1 Outputs:**

1. Capital equipment and vehicles set out in the Commission's Investment Plan procured and maintained.
2. Capital equipment and vehicles set out in the Commission's Investment Plan in serviceable condition over the life of the Strategic Plan.
3. Capacity of staff developed.
4. IT Plan developed.
5. Conditions of Service reviewed.
6. Manuals updated.
7. Performance contract system installed at the Commission.

**4.4.4.6 Objective # 3: To develop a robust monitoring and evaluation system**

**4.4.4.6.1 Outputs:**

1. Position of Planner/Economist created and filled.
2. System of project/programme management formalised and documented.
3. Monitoring and Evaluation Framework developed, with clear indicators.

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<sup>10</sup> DGP STE02 Final Mission report "Training Needs Assessment (TNA) for the Law Commission, Prisons Service and National Registration Bureau Final Mission Report October 2014".

4. Monitoring and evaluation conducted as scheduled.

## **5 KEY SUCCESS FACTORS**

Factors considered key to the successful implementation of the Strategic Plan are set out below.

1. Sustained commitment by Government to the governance sector in general and to the Commission in particular.
2. Collaboration with stakeholders.
3. Continued support by Development Partners.
4. Staff retention.
5. Robust and comprehensive monitoring and evaluation.

## **6 IMPLEMENTATION, MONITORING AND EVALUATION ARRANGEMENTS**

### **6.1 Introduction**

To facilitate implementation of the Strategic Plan, a number of activities will be undertaken to raise its visibility, which will include; a launch and development of a clear communication strategy for the Plan.

### **6.2 Implementation Arrangements**

The Management Team through the departments shall take a lead in implementation of the interventions outlined in this Strategic Plan. Each Section or Division will be expected to develop annual work plans to facilitate implementation of the Strategic Plan with reference to the implementation matrix (Appendix 1).

The Annual Work plans shall form the basis for development of the Commission's Annual Budgets. The projected cost estimates for implementation of the plan are summarised below.

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Table 3 : Implementation Plan – projected cost estimates

STRATEGIC GOAL	AMOUNT (MWK)
	2015 – 2020
Laws that are consistent with the Constitution and relevant	261,000,000
Well informed public on the law reform process and matters of law	311,000,000
Strengthened research capacity	295,902,400
Strengthened institutional capacity	489,929,090
<b>TOTAL</b>	<b>K1,357,831,490</b>

### 6.3 Monitoring and Evaluation

Each Department head shall on a monthly and quarterly basis submit Quarterly Reports to the Law Commissioner outlining progress on implementation of the Strategic Plan. The implementation of the Strategic Plan shall be evaluated by the Commission internally annually, while a mid-term and end of Plan evaluation shall be undertaken by an independent evaluator.

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### 7 APPENDIX 1: IMPLEMENTATION PLAN

#### 7.1 GOAL #1: LAWS THAT ARE CONSISTENT WITH THE CONSTITUTION AND RELEVANT

##### 7.1.1 Objective #1: To review laws that are inconsistent with the Constitution

Outputs	Activities	Performance Indicators (Baseline and Targets)	Responsible Person	Period of Implementation
1. Issue Papers developed for laws to be reformed.	Undertake initial research on law to be reformed.	Baseline: 4 Target: 14	Chief Law Reform Officer	2015-2017
	Prepare Issue Paper on law to be reformed.	Baseline: 4 Target: 14 Issue papers	Chief Law Reform Officer	2015-2017
2. Discussion Papers prepared on law to be reformed.	Prepare Discussion Paper.	Baseline: 4 Target: 14 Discussion papers	Chief Law Reform Officer	2015-2020
	Organise Fora for Discussion Paper with Interest Groups and Stakeholders.	Baseline: 4 Target: 14 Workshops	Law Commissioner	2015-2020
3. Special Law Commission appointed.	Develop database for potential special Law Commissioners.	Baseline: no database Target: Potential sLC for five years identified	Chief Law Reform Officer	2015-2016
	Appoint special Law Commissioners as required.	Baseline: 4 Target: 14	Law Commissioner	2015-2017
4. Consultations on law to be reformed undertaken.	Planning of the consultations.	Baseline: 4 Target: 14	Chief Law Reform Officer	2015-2017

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Outputs	Activities	Performance Indicators (Baseline and Targets)	Responsible Person	Period of Implementation
	Conduct of consultations.	Baseline: 4 Target: 14	Chief Law Reform Officer	2015-2020
5. Special Law Commission Reports compiled.	Compile special Law Commission Reports.	Baseline: nil Target: 14	Chief Law Reform Officer	2015-2020
6. Special Law Commission Reports Launched.	Launch special Law Commission Reports.	Baseline: nil Target: 14 reports	Law Commissioner	2015-2020
7. Public sensitised on the recommendations and proposed legislation.	Develop Communication Plan.	Baseline: nil Target: Plan revised	Principal Civic Education Officer	2015-2016
	Implement Communication Plan.	Baseline: nil Target: plan implemented	Principal Civic Education Officer	2015-2020
8. Special Law Commission Reports printed.	Arrange for printing of the special Law Commission Reports.	Baseline: nil Target: 14 reports	Director of Finance and Administration	2015-2020

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**7.2 GOAL #2: WELL INFORMED PUBLIC ON THE LAW REFORM PROCESS AND MATTERS OF LAW**

**7.2.1 Objective #1: To increase public awareness on laws being reformed**

<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Responsible Person</b>	<b>Period of Implementation</b>
1. Information, Education, Communication materials developed.	Prepare Information, Education, Communication materials.	Baseline: 4 Target: material for each of the 14 reformed laws	Principal Civic Education Officer	2015-2020
	Organise the printing of Information, Education and Communication materials.	Baseline: nil Target: 14 reports	Director of Finance and Administration	2015-2020
2. Information, Education, Communication materials disseminated.	Disseminate Information, Education, Communication materials.	Baseline: 4 Target: material disseminated for each of the 14 reformed laws	Principal Civic Education Officer	2015-2020
3. Public education (training workshops) undertaken.	Plan education training workshops.	Baseline: nil Target: 1 workshop	Principal Civic Education Officer	2016
	Conduct training workshops.	Baseline: nil Target: 1 workshop	Principal Civic Education Officer	2016
4. Awareness campaigns conducted.	Plan awareness campaigns.	Baseline: nil Target: for each of the 14 reformed laws	Principal Civic Education Officer	2015-2020
	Conduct awareness campaigns.	Baseline: nil Target: for each of the 14 reformed laws	Principal Civic Education Officer	2015-2020
5. Publications on law reform work published.	Prepare publications on law reform.	Baseline: nil Target: for each of the 14 reformed laws	Principal Civic Education Officer	2015-2020
	Arrange for printing of publications.	Baseline: nil Target: 14 reformed laws	Director of Finance and Administration	2015-2020
6. Provision of information continuously monitored.	Launch revised Communication Plan.	Baseline:1	Principal Civic Education Officer	2016

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Outputs	Activities	Performance Indicators (Baseline and Targets)	Responsible Person	Period of Implementation
		Target: Launched revised Communication Plan		
	Implement Communication Plan.	Baseline: 1l Target: plan implemented	Principal Civic Education Officer	2015-2020
	Monitor and evaluate Communication Plan.	Baseline: nil Target: Annually	Principal Civic Education Officer	2016-2020

#### 7.2.2 Objective #2: To increase public awareness on law reform process and achievements of the Commission.

Outputs	Activities	Performance Indicators (Baseline and Targets)	Responsible Person	Period of Implementation
1. Print and electronic media provided with material on law reform.	Regularly prepare communication briefs on law reform for print and electronic media outlets.	Baseline: nil Target: Quarterly	Principal Civic Education Officer	2015-2020
	Arrange for printing and airing of communication briefs on law reform.	Baseline: nil Target: Quarterly	Director of Finance and Administration	2015-2020
2. Commission's website populated with relevant, up-to-date information on the Commission and its work.	Coordinate preparation of materials for the website.	Baseline: nil Target: Quarterly	Principal Civil Education Officer	2015-2020
	Regularly update material on the website.	Baseline: nil Target: Quarterly	Systems Analyst Programmer	2015-2020
3. Access by key stakeholders to the Commission's annual reports, newsletters and other information created.	Identify key stakeholders that need access to Law Commission annual reports, newsletters and other information.	Baseline: nil Target: first year of plan	Principal Civic Education Officer	2015-2016
	Arrange for provision/dissemination of annual reports, newsletters and other information to key stakeholders.	Baseline: nil Target: Quarterly and Annually	Principal Civic Education Officer	2015-2016

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<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Responsible Person</b>	<b>Period of Implementation</b>
4. Access by stakeholders to key Commission documentation for sLCs.	Develop circulation list for sLCs documentation.	Baseline: nil Target: Once in Strategic Plan life span	Principal Civic Education Officer	2016
	Arrange for circulation of documentation on sLCs.	Baseline: nil Target: Quarterly	Principal Civic Education Officer	2015-2020
5. Commission's website upgraded into an interactive one.	Source consultant to upgrade website.	Baseline: nil Target: first year of the Strategic Plan lifespan	Systems Analyst	2015-2016
	Upgrade website.	Baseline: nil Target: first year of the Strategic Plan lifespan	Systems Analyst	2015-2020

**7.2.3 Objective #3: To increase participation of collaborating institutions in implementing the Communication Strategy of the Commission.**

<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Responsible Person</b>	<b>Period of Implementation</b>
1. MoUs concluded with institutions that are to collaborate with the Commission on civic education.	Prepare list of institutions that could work with the Commission on civic education.	Baseline: nil Target: list drawn	Principal Civic Education Officer	2015-2016
	Engage institutions that could work with the Commission on civic education to agree on scope of collaboration.	Baseline: nil Target: institutions engaged	Principal Civic Education Officer	2016

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Outputs	Activities	Performance Indicators (Baseline and Targets)	Responsible Person	Period of Implementation
2. Institutions participating in implementing civic education activities on behalf of supported technically and financially.	Undertake workshop for institutions to work with the Commission on civic education.	Baseline: nil Target: Once	Principal Civic Education Officer	2016
	Arrange regular communication briefs for collaborating institutions on civic education.	Baseline: nil Target: Quarterly	Principal Civic Education Officer	2015-2020
	Sub-grant institutions collaborating on civic education with funding to facilitate implementation.	Baseline: nil Targets: Quarterly	Principal Civic Education Officer	2015-2020

### 7.3 GOAL #3: STRENGTHENED RESEARCH CAPACITY

#### 7.3.1 Objective #1: To equip law reform officers with research skills

Outputs	Activities	Performance Indicators (Baseline and Targets)	Responsible Person	Period of Implementation
1. Advanced Training programme in research developed for law reform officers.	Conduct Training Needs Assessment in research for law reform officers.	Baseline: nil Target: once	Controller of Human Resource Management	2015-2016
	Prepare training programmes in research for law reform officers.	Baseline: nil Target: once	Controller of Human Resource Management	2015-2016
2. Officers equipped with research skills.	Identify training institutions.	Baseline: nil Target: List of institutions identified	Controller of Human Resource Management	2016

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Outputs	Activities	Performance Indicators (Baseline and Targets)	Responsible Person	Period of Implementation
	Facilitate implementation of training programme in research for law reform officers.	Baseline: nil Target: All reform officers	Controller of Human Resource Management	2016-2020
3. Development of short-term advanced legal research course in techniques and methodology with Chancellor College.	Develop a Tailor made programme in Techniques and Research Methodology.	Baseline: nil Target: once in SP life span	Chief Law Reform Officer	2016
	Support the implementation of Research Course in law.	Baseline: nil Target:3 programmes to be run	Chief Law Reform Officer	2016-2020
4. Development of IT based legal research techniques course.	Assess IT skills of each LRO.	Baseline: nil Target: once in Strategic Plan life span	Systems Analyst	2016
	Support implementation of IT based legal research techniques course.	Baseline: nil Target: one course	Controller of Human Resource Management	2016

#### 7.3.2 Objective #2: To equip LROs with skills in policy development and legal reform

Outputs	Activities	Targets	Responsible Person	Period of implementation
1. Training needs undertaken.	Undertake training needs in policy development and legal reform for LROs.	Baseline: nil Target: all LROs	CLRO	2016
2. Policy development and legal reform course developed.	Develop Tailor made course in policy development and legal reform for LROs.	Baseline: nil Targets: all LROs	CLRO	2016
3. Policy development and legal reform course implemented.	Implement Policy development and legal reform course.	Baseline: nil Targets: all LROs	CLRO	2016

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**7.3.3 Objective #3: To increase legal resources for research**

<b>Outputs</b>	<b>Activities</b>	<b>Targets</b>	<b>Responsible Person</b>	<b>Period of implementation</b>
1. Funding of subscription to LexisNexis.	Identify supplier.	Baseline: nil Target: supplier identified	Systems Analyst	2016
	Agree terms.	Baseline: nil Targets: contracted signed	Law Commissioner	2016
2. Needs assessment of library undertaken.	Undertake needs assessment of the library.	Baseline: nil Target: once in four years	Librarian	2016
	Catalogue of books and other resources required developed.	Baseline: nil Target: library stocked with new books	Librarian	2016

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**7.4 GOAL #4: STRENGTHENED INSTITUTIONAL CAPACITY**

**7.4.1 Objective #1: To increase the visibility of the Commission in all high level fora**

<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Responsible Person</b>	<b>Period of Implementation</b>
1. Position of Deputy Law Commissioner created.	Motivate and lobby for creation of position of Deputy Law Commissioner.	Baseline: nil Target: One position of Deputy Law Commission created	Law Commissioner	2015-2016
	Obtain establishment warrant from Treasury through DHRMD.	Baseline: nil Target: warrant obtained	Law Commissioner	2015-2016
2. Deputy Law Commissioner appointed.	Facilitate appointment of Deputy Law Commissioner.	Baseline: nil Target: Deputy Law Commissioner appointed	Law Commissioner	2015-2016

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**7.4.2 Objective #2: To increase the capacity of the Commission to implement programmes.**

<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Responsible Person</b>	<b>Period of Implementation</b>
1. Capital equipment and vehicles set out in the Commission's Investment Plan procured and maintained.	Prepare tender document for procurement of capital assets required by the Commission.	Baseline: nil Target: Tender document developed	Director of Finance and Administration	2015
	Execute tender to procure capital equipment.	Baseline: nil Target: Tender document executed	Director of Finance and Administration	2016
2. Capital equipment and vehicles set out in the Commission's Investment Plan in serviceable condition over the life of the Strategic Plan.	Prepare Maintenance Policy for servicing capital items.	Baseline: nil Target: Maintenance Policy developed	Director of Finance and Administration	2015
	Identify maintenance providers.	Baseline: nil Target: Maintenance providers identified/identified	Director of Finance and Administration	2015
	Prepare maintenance agreements.	Baseline: nil Target: Service Agreements Updated/Agreed	Director of Finance and Administration	2016
	Execute maintenance agreements with various providers.	Baseline: nil Target: Maintenance agreements executed	Director of Finance and Administration	2016-2020
3. Staff capacity increased.	Conduct training needs assessment.	Baseline: nil Target: TNA conducted	Controller of Human Resource Management	2016

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<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Responsible Person</b>	<b>Period of Implementation</b>
	Develop a Training Plan.	Baseline: nil Target: Plan developed	Controller of Human Resource Management	2016
	Implement the Training Plan.	Baseline: na Target: Plan implemented	Controller of Human Resource Management	2016-2020
4. IT Plan developed.	Engage a Consult to develop IT Plan.	Baseline: na Target: Consultant engaged	Controller of Human Resource Management	2015
	Implement IT Plan.	Baseline: na Target: Plan implemented	Controller of Human Resource Management	2016-2020
5. Conditions of Service reviewed.	Conditions of Service review finalised.	Baseline: na Target: Parliamentary approval	Controller of Human Resource Management	2016
	Review and implement the Conditions of Service.	Baseline: outdated Conditions of Service Target: Revised Conditions of Service	Controller of Human Resource Management	2016-2020
6. Manuals updated.	Update HR Manuals.	Baseline: outdated HR Manuals Target: HR Manuals updated	Controller of Human Resource Management	2016
	Update work practice and procedure manuals.	Baseline: Outdated manuals Target: Updated manuals	Controller of Human Resource Management	2016
7. Performance contract system installed at the Commission.	Engage lead agency in modalities for the performance contract system.	Baseline: nil Target: System installed	Controller of Human Resource Management	2016

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**7.4.3 Objective #3: To develop a robust monitoring and evaluation system.**

<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Responsible Person</b>	<b>Period of Implementation</b>
1. Position of Economist created and filled.	Motivate for the creation of the position of Economist.	Baseline: nil Targets: Post of Economist created	Law Commissioner	2016
	Obtain establishment warrant for Treasury through DHRMD.	Baseline: nil Targets: warrant obtained	Law Commissioner	2016
	Recruit an Economist.	Baseline: nil Targets: Economist recruited	Controller of Human Resource Management	2016
2. System of project/programme management formalised and documented.	Recruit a Consultant.	Baseline: nil Target: Consultant recruited	Controller of Human Resource Management	2016
	Formalise and document system of project/programme management.	Baseline: project management guidelines not formalised Target: Project guidelines formalised	Controller of Human Resource Management	2016
3. Monitoring and Evaluation Framework developed, with clear indicators.	Develop a monitoring and evaluation framework, with clear indicators.	Baseline: nil Targets: M&E Framework developed	Economist	2016
	Undertake baseline survey.	Baseline: nil Target: Baseline survey undertaken	Economist	2016

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<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Responsible Person</b>	<b>Period of Implementation</b>
4. Monitoring and evaluation conducted as scheduled.	Collect data on indicators of performance.	Baseline: nil Target: Performance data collected	Economist	2016
	Prepare monitoring and evaluation reports.	Baseline: nil Target: M&E reports prepared	Economist	2016-2020
	Interpret monitoring reports.	Baseline: nil Target: M&E reports interpreted	Economist	2016-2020

**8 APPENDIX 2: INVESTMENT PLAN (2015-2020)**

**8.1 GOAL #1: LAWS THAT ARE CONSISTENT WITH THE CONSTITUTION AND RELEVANT**

**8.1.1 Objective #1: To review laws that are inconsistent with the Constitution**

<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
1. Issue Papers developed for laws to be reformed.	Undertake initial research on law to be reformed.	Staff inputs	-
	Prepare Issue Paper on law to be reformed.	Staff inputs	-
2. Discussion Papers prepared on law to be reformed.	Prepare Discussion Paper.	Staff inputs	-
	Organise Fora for Discussion Paper with Interest Groups and Stakeholders.	Workshops x 4	5,000,000
3. Special Law Commission appointed.	Develop database for potential Special Law Commissioners.	Consultant	5,000,000
	Appoint Special Law Commissioners as required.	Staff inputs	
4. Consultations on law to be reformed undertaken.	Planning of the consultations.	Staff inputs	-
	Conduct of consultations.	14 x sLCs	210,000,000
5. Special Law Commission Reports compiled.	Compile Special Law Reform Reports.	Refreshments x 14 meetings	1,000,000
6. Law reform assignments finalised.	Press Statements – highlighting findings and recommendations.	Press Briefings x 14	3,000,000
7. Reports printed and published.	Support to Minister for Justice in publishing reports.	Printing x 14 reports	12,000,000

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<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
8. Public sensitised on new law or reformed law.	Develop Communication Plan.	Staff inputs	-
	Implement Communication Plan.	Jingles, radio/TV show, public lecturers, mass campaigns	25,000,000

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**8.2 GOAL #2: WELL INFORMED PUBLIC ON THE COMMISSION PROCESS AND MATTERS OF LAW**

**8.2.1 Objective #1: To increase public awareness on laws being reformed**

<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
1. Information, Education, Communication materials developed.	Develop Information, Education, Communication materials.	Staff inputs	-
	Organise the printing of Information, Education and Communication materials.	Printing of brochures, calendars	25,000,000
2. Information, Education, Communication materials disseminated.	Disseminate Information, Education, Communication materials.	Workshops, road shows, TV/Radio, Newspaper articles, Bill Boards	25,000,000
3. Public education (training workshops) undertaken.	Plan education training workshops.	Staff inputs	-
	Conduct training workshops.	Workshops x 14	25,000,000
4. Awareness campaigns conducted.	Plan awareness campaigns.	Staff inputs	-
	Conduct awareness campaigns.	Campaigns x 14	25,000,000
5. Publications on law reform work published.	Prepare publications on law reform.	Staff inputs	-
	Arrange for printing of publications.	Printing	25,000,000
6. Provision of information continuously monitored.	Develop Communication Plan.	Staff inputs	-
	Implement Communication Plan.	Radio/TV, communication briefs	25,000,000
	Monitor and evaluate Communication Plan.	Staff inputs	-

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**8.2.2 Objective #2: To increase public awareness on law reform processes and achievements of the Commission.**

<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
1. Print and electronic media provided with material on law reform.	Regularly prepare communication briefs on law reform for print and electronic media outlets.	Staff inputs	-
	Arrange for printing and airing of communication briefs on law reform.	Printing	25,000,000
2. Commission's website populated with relevant, up-to-date information on the Commission and its work.	Coordinate preparation of materials for the website.	Staff inputs	-
	Regularly update material on the website.	Staff inputs	-
3. Access by key stakeholders to the Commission's annual reports, newsletters and other information created.	Identify key stakeholders that need access to Law Commission annual reports, newsletters and other information.	Staff inputs	-
	Arrange for provision/dissemination of annual reports, newsletters and other information to key stakeholders.	Leaflets, annual reports, newsletter	25,000,000
4. Access by stakeholders to key Commission documentation for sLCs.	Develop circulation list for sLCs documentation.	Staff inputs	-
	Arrange for circulation of documentation on sLCs.	Courier	1,000,000
5. Commission's website upgraded into an interactive one.	Source consultant to upgrade website.	Consultant	5,000,000
	Upgrade website.	Same as above	-

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**8.2.3 Objective #3: To increase participation of collaborating institutions in implementing the Communication Strategy of the Commission**

<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
1. MoUs agreed with institutions that are to collaborate with LC on civic education.	Prepare list of institutions that could work with the Commission on civic education.	Staff inputs	-
	Engage institutions that could work with the Commission on civic education to agree on scope of collaboration	Staff inputs	-
2. Institutions participating in implementing civic education activities on behalf of supported technically and financially.	Undertake workshop for institutions to work with the Commission on civic education.	Workshop x 1	5,000,000
	Arrange regular communication briefs for collaborating institutions on civic education.	Staff inputs	-
	Sub-grant institutions collaborating on civic education with funding to facilitate implementation.	Sub-grant	100,000,000

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**8.3 GOAL #3: STRENGTHENED RESEARCH CAPACITY**

**8.3.1 Objective #1: To equip law reform officers with relevant research skills**

<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
1. Advanced Training programme in research developed for law reform officers.	Conduct Training Needs Assessment in research for law reform officers.	Consultant	5,000,000
	Prepare training programmes in research for law reform officers.	Same as above	-
2. Officers equipped with research skills.	Identify training institutions.	Staff inputs	-
	Facilitate implementation of training programme in research for law reform officers.	Training institution	75,000,000
3. Development of short-term advanced legal research course in techniques and methodology with Chancellor College.	Develop a Tailor made programme in Techniques and Research Methodology.	Training institution	25,000,000
	Support the implementation of Research Course in law.	Training institution	50,000,000
4. Development of IT based legal research techniques course.	Assess IT skills of each LRO.	Consultant	5,000,000
	Support implementation of IT based legal research techniques course.	Training institution	15,000,000

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**8.3.2 Objective #2: To equip LROs with skills in policy development and legal reform.**

<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
1. Training needs undertaken.	Undertake training needs in policy development and legal reform for LROs.	External Consultant	5,000,000
2. Policy development and legal reform course developed.	Develop Tailor made course in policy development and legal reform for LROs.	External Consultant	Same as above
3. Policy development and legal reform course implemented.	Implement Policy development and legal reform course.	External Consultant	15,000,000

**8.3.3 Objective #3: To increase legal resources for research**

<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
1. Funding of subscription to LexisNexis.	Identify supplier.	Subscription for up to 10 users for a Primary Law collection (K15,180, 480 per annum x 5 years)	75,902,400
2. Needs assessment of library undertaken.	Undertake needs assessment of the library.	Staff input	-
	Catalogue of books and other resources required developed.	Books and periodicals	25,000,000

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**8.4 GOAL #4: STRENGTHENED INSTITUTIONAL CAPACITY**

**8.4.1 Objective #1: To increase the visibility of the Commission in all high level fora**

<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
1. Position of Deputy Law Commissioner created.	Motivate and lobby for creation of position of Deputy Law Commissioner.	Staff inputs.	-
	Obtain establishment warrant from Treasury through DHRMD.	Staff inputs.	
2. Deputy Law Commissioner appointed.	Facilitate appointment of Deputy Law Commissioner.	Salary (K800,000 per month), Benefits - Car (K70,000,000 for Toyota Prado), Fuel (500 litres per month - (K36,764.50,) VIP Medical Scheme for staff and 5 dependents per month (K332,400 per month), Cell phone allowance – K35,000 per month). (5 Years)	142,249,840

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**8.4.2 Objective #2: To increase the capacity of the Commission to implement programmes**

<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Budget MWK</b>
1. Capital equipment and vehicles set out in the Commission's Investment Plan procured.	Prepare tender document for procurement of capital required by the Commission.	Staff inputs.	-
	Execute tender to procure capital equipment.	Advertising, capital items 2 (4x4 vehicles), 1x (Minibus) 2x (Saloon Cars) – K166,000,000. Hardware (Additional and replacement computers (23) and printers (11), scanners K15,200,000. Other Equipment (Heavy Duty Photocopier, PABX machine, Shelving, Simultaneous translation) – K21,600,000. Videoconferencing 1 Large VDU, 5 Webcams– K506.250. Software – K1,000,000. Video-cameras (CE) 2 – K168,000. Bar code readers (2) - K125,000. Security – CCTV, Physical Reinforcement - K2,700,000. Furniture – K14,500,000.	221,199,250
2. Capital equipment and vehicles set out in the Commission's Investment Plan in serviceable condition	Prepare Maintenance Policy for servicing capital items.	Staff inputs.	-
	Identify maintenance providers.	Staff inputs.	-
	Prepare maintenance agreements.	Staff inputs.	-

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<b>Outputs</b>	<b>Activities</b>	<b>Performance Indicators (Baseline and Targets)</b>	<b>Budget MWK</b>
over the life of the SP.	Execute maintenance agreements with various providers.	Suppliers.	40,000,000
3. Staff capacity increased.	Conduct training needs assessment.	Consultant.	5,000,000
	Develop a Training Plan	Consultant.	Same as above
	Implement the Training Plan.	Staff inputs.	-
4. IT Plan developed.	Engage a Consult to develop IT Plan.	Same consultant.	Same as above
	Implement IT Plan.	Staff inputs.	
5. Conditions of Service reviewed.	Conditions of Service review finalised.	Staff inputs.	-
6. Manuals updated.	Update HR Manuals.	Staff inputs.	-
	Update work practice and procedure manuals.	External consultant.	-
7. Performance contract system installed at the Commission.	Engage lead agency in modalities for the performance contract system.	Staff inputs.	-

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8.4.3 Objective #3: To develop a robust monitoring and evaluation system

Outputs	Activities	Inputs	Budget MWK
1. Position of Economist created and filled	Motivate for the creation of the position of Economist.	Staff inputs.	-
	Obtain establishment warrant for Treasury through DHRMD.	Staff inputs.	-
	Recruit Economist.	Salary – K358,000 per month) x 5 years .	21,480,000
2. System of project/programme management formalised and documented.	Recruit a Consultant	Consultant	5,000,000
	Formalise and document system of project/programme management.	Same as above.	-
3. Monitoring and Evaluation Framework developed, with clear indicators.	Develop a monitoring and evaluation framework, with clear indicators.	Consultant.	5,000,000
	Undertake baseline survey.	Researcher, Research assistants, transport, accommodation, allowances.	50,000,000
4. Monitoring and evaluation conducted as scheduled.	Collect data on indicators of performance.	Staff inputs.	-
5. Monitoring reports prepared.	Prepare monitoring and evaluation reports.	Staff inputs.	-

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<b>Outputs</b>	<b>Activities</b>	<b>Inputs</b>	<b>Budget MWK</b>
6. Monitoring reports interpreted	Interpret monitoring reports	Staff inputs	-