

Government of Flanders



Republic of Malawi

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF FLANDERS

AND

THE GOVERNMENT OF THE REPUBLIC OF MALAWI

ON DEVELOPMENT COOPERATION

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The Government of Flanders and the Government of the Republic of Malawi ('the Parties'),

- Desiring to strengthen and develop their relations;
- Reaffirming their attachment to the principles of the Charter of the United Nations, including the values of democracy and human rights, as recognised in the Universal Declaration of Human Rights;
- Referring to the international consensus on development cooperation and sustainable development, as set out in the Rio Declaration on Environment and Development, including Agenda 21 (14 June 1992) and its follow-up, the Millennium Declaration (8 September 2000), the Monterrey Consensus on Financing for Development (22 March 2002), the Paris Declaration on Aid Effectiveness (2 March 2005), the Accra Agenda for Action (4 September 2008) and the Busan Partnership for Effective Development Cooperation (1 December 2011);
- Referring to the Malawi Growth and Development Strategy and the Flemish Framework Decree on Development Cooperation;



- Recalling the provisions of the Memorandum of Understanding on Development Cooperation, signed in Brussels on 23 January 2007 by the Parties which is coming to an end on the 31st of December 2013;
- Considering that it is important to establish a framework for their co-operation based on dialogue and shared responsibility in management for results;

Have reached the following understanding:

Section 1. Purpose

The purpose of this Memorandum is to provide a framework for the development cooperation between the Parties.

Section 2. Objectives and areas of cooperation

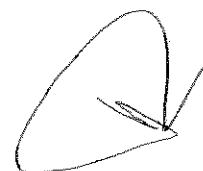
The overall goal of the cooperation is to support the efforts of the Government of the Republic of Malawi to enhance equity, growth and development effectively and efficiently, and to contribute to the wellbeing of the population of Malawi, in line with the solemn declarations reflecting the international consensus on development cooperation and sustainable development.

The Government of the Republic of Malawi and the Government of Flanders will jointly agree upon the specific objectives, the areas and the modalities of their cooperation. This cooperation will contribute to the realisation of Malawian national policies and the wellbeing of the population.



Section 3. Guiding principles

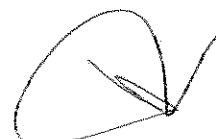
1. The cooperation between the Parties will take place within the framework of the national development policies of the Government of the Republic of Malawi and the Decree for Development Cooperation of Flanders.
2. Flanders and Malawi undertake to implement their programme of cooperation in accordance with the internationally recognized principles on aid effectiveness.
3. The cooperation between the Parties takes place against the general background of the objectives defined in a regional context, such as the development objectives of the African Union, the New Partnership for Africa's Development and the Southern African Development Community, as well as the European Union's Strategy for Africa and the fundamental principles of EU-ACP cooperation set out in the Cotonou Agreement (2nd revision 2010).
4. The sector(s) of cooperation will be identified jointly by the Parties. A policy dialogue will lead to a joint country strategy paper between Flanders and the Republic of Malawi, grafted onto the existing national development policies of the Government of the Republic of Malawi.
5. To enhance aid effectiveness, the Government of Flanders will actively support and facilitate the efforts of the Government of the Republic of Malawi towards the coordination of donor inputs. When appropriate Flanders' support will move from project and programme support towards new aid modalities.



6. In order to achieve the objectives of this Memorandum, the cooperation will be subject to regular joint evaluations. In addition, ad hoc evaluation is possible at the request of one of the Parties. Each Party will inform the other of any controls and evaluations it intends to carry out separately.

Section 4. Forms and instruments of cooperation

1. The country strategy paper will be negotiated between the Flemish Department of Foreign Affairs and the Ministry of Economic Planning and Development of the Republic of Malawi.
2. The cooperation covered by this Memorandum can be implemented through direct or indirect cooperation. In the case of direct cooperation, the implementation of the programmes and projects shall be entrusted by mutual consent to a national, district or local government structure.
3. The relevant Malawian partners and the Flemish International Cooperation Agency (FICA) will jointly identify and formulate the programmes and projects of cooperation.
4. The cooperation modalities will be articulated in programme or project agreements. The latter specify the purpose and expected outputs, the rights and responsibilities of the Parties, the format and content of the reporting and the procedures of the cooperation.



5. FICA will monitor and evaluate the implementation of the programmes and projects of cooperation on behalf of the Government of Flanders.
6. FICA operates an office in Lilongwe, in order to carry out its tasks and responsibilities.
7. In case the Government of Flanders provides financial support to indirect cooperation, it undertakes to inform the Government of the Republic of Malawi of the programmes or projects that it intends to support.
8. Complementary to this Memorandum, the Parties shall give appropriate attention to the possibilities of realizing common objectives through other types of cooperation such as the funding of international organizations in the Republic of Malawi.

Section 5. Funding

1. Both Parties undertake to make all efforts to sustain their cooperation at an appropriate budgetary level.
2. The Government of Flanders commits itself on the long term to the allocation of funds for its development cooperation with the Republic of Malawi, thereby aiming at a maximization of the predictability of its aid efforts towards its partner country. It will publish the budget allocated on a yearly basis.



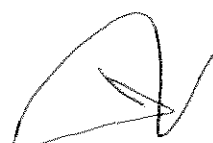
3. The budgetary means will be spent in line with the international criteria for official development assistance (ODA), as determined by the Development Assistance Committee of the Organisation for Economic Cooperation and Development.
4. The funding for the direct cooperation will be managed and reported upon by the Ministry of Finance of the Government of the Republic of Malawi.
5. The established national administrative standards and procedures of both Parties will be used, and will be in accordance with accountable and transparent financial management.

Section 6. Delegation of competencies

1. For the implementation of this Memorandum, the Flemish Department of Foreign Affairs will be competent to represent the Government of Flanders and the Government of the Republic of Malawi will be represented by the Ministry of Foreign Affairs ('the competent authorities').

There will be regular consultations between the representatives of the competent authorities. These consultations will take place on a regular basis or whenever considered necessary by the Parties.

2. The Ministry of Finance will be authorised to sign the programme and project agreements on behalf of the Government of the Republic of Malawi. FICA will be authorized to sign these agreements on behalf of the Government of Flanders.



Section 7. Status of personnel

1. For holders of diplomatic and official passports, the Vienna Convention on Diplomatic Relations of 18 April 1961 or the Vienna Convention on Consular Relations of 24 April 1963 will apply.
2. In as far as subsection 1 does not apply, the Republic of Malawi will accord most favoured nation treatment to the international staff of FICA, provided that they are not Malawian nationals, as well as to the representation of FICA.

Section 8. Disputes

Any dispute about the interpretation or application of this Memorandum will be resolved by consultations between the Parties, and will not be referred to any national or international tribunal or third party for settlement.

Section 9. Entry into effect, duration, amendment and termination

1. This Memorandum will come into effect on the date of the last signature.
2. This Memorandum has been concluded for an undetermined period of time.
3. This Memorandum replaces the Memorandum of Understanding between the Government of Flanders and the Government of the Republic of Malawi on Development Cooperation, signed in Brussels on 23 January 2007.
4. This Memorandum can be terminated by any Party provided that he informs the other Party in writing of his intentions. Unless the Party agree otherwise, running

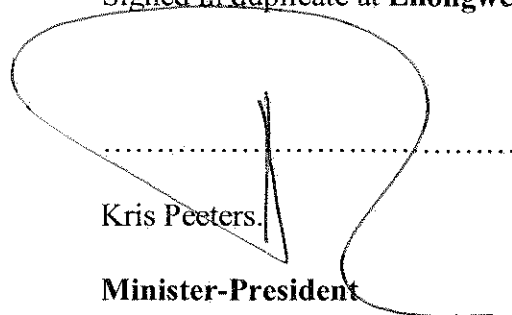


programmes and projects will continue to be governed by the existing programme and project agreements.

5. This Memorandum can be amended or supplemented with mutual agreement of the Parties, following an exchange of letters between the competent authorities.

The foregoing represents the understanding reached between the Parties on the matters referred to in this Memorandum.

Signed in duplicate at Lilongwe on 2nd April, 2013




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Kris Peeters.

Minister-President

For the Government of Flanders



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Ephraim Mganda Chiume, MP

Minister of Foreign Affairs and

International Cooperation

For the Government of the

Republic of Malawi