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for Civil Registration**
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Guidelines on the drafting of memorandums of understanding for better coordination among national stakeholders of civil registration and vital statistics systems at the country level

The success or failure of civil registration and vital statistics system, as a shared outcome, depends on the strength of the coordination and cooperation framework enshrined in a legal framework, including a memorandum of understanding.

Conference Theme: Innovative Civil Registration and Vital Statistics System: Foundation for Legal Identity Management



APAI-CRVS
Everyone visible in Africa

**Decade for Repositioning
of Civil Registration and
Vital Statistics in Africa
2017-2026**



**CENTRE OF EXCELLENCE
for CRVS Systems**



I. Introduction

1. Recognizing the critical role that civil registration and vital statistics (CRVS) systems play in the developmental efforts of the African continent and also noting their poor state of functioning in most countries, the Second Conference of African Ministers Responsible for Civil Registration, held on 6 and 7 September 2012 in Durban, South Africa, underscored the need to provide programmatic guidance to African countries in reinvigorating and establishing proper functioning CRVS systems in those countries.

2. Ministers recognized the multidisciplinary and multisectoral dimensions of CRVS systems and called for improved and coordinated partnership efforts at the regional and country levels for this purpose¹. A crucial tool in fostering this approach has been the assessment and planning process bringing together, in a coordinated effort, all stakeholders of the CRVS system.

3. In order to ensure that this coordination mechanism is being sustained throughout and beyond the assessment and planning process, it has been recommended for each country to set up a coordination framework consisting of a high-level coordination committee and a technical working group as a necessary condition for national CRVS improvement initiatives.

4. A number of countries have completed comprehensive assessments, in line with the guidelines for conducting assessment issued by the Africa Programme for Accelerated Improvement of Civil Registration and Vital Statistics (APAI-CRVS)² and many of those countries established a high-level coordination mechanism. However, it has been observed that in some countries the coordination body has not been sustained beyond the assessment and planning exercise, while in most of the countries where one exists it is not well functioning.

II. Purpose of the guidelines

5. The success or failure of the CRVS system, as a shared outcome, depends on the strength of the cooperation framework enshrined in a legal document, including a memorandum of understanding. Effective coordination among all stakeholders throughout CRVS operational stages is vital to the proper functioning of the system. Ensuring the renewed commitment of all stakeholders and re-emphasizing the pivotal role of the high-level committees and the technical working groups at different levels in the CRVS system improvement process are therefore crucial steps in moving the CRVS improvement agenda to the next level.

6. The purpose of these guidelines is to assist African countries in their efforts to improve their CRVS systems with a well-functioning, formal and effective framework for stakeholder coordination at the country level. It is expected that where countries have such memorandums of understanding in place, the coordination among key stakeholders will work well.

7. Considering the diversity of political, legal and administrative settings and different stages of development of CRVS systems across African countries, both the drafting process and the content of the memorandums of understanding will be indicative and suggestive rather than prescriptive. They will require contextual adaptation to reflect the realities of each country and the state of their CRVS systems.

¹ See http://www.apai-crvs.org/sites/default/files/public/Ministerial%20Statement_Eng_0.pdf.

² See www.apai-crvs.org/resources/apai-crvs.

8. The objective of these guidelines is therefore to help each country review existing and desired coordination mechanisms in order to develop a sustainable and effective framework. Once duly signed by all CRVS stakeholders, memorandums of understanding will become time-bound agreements that will shape and improve their collective efforts towards a more effective and sustained partnership.

9. These guidelines will form an integral part of existing APAI-CRVS tools and guidelines. They were developed on the basis of an extensive desk review of policy documents and tools pertaining to CRVS systems and some specific memorandums of understanding developed by countries like the Ethiopia and the United Republic of Tanzania.

III. Memorandum of understanding drafting process

10. The following five major steps are proposed in the process of drafting the most viable cooperation agreements, such as memorandums of understanding:

Step 1: Identify the parties and stakeholders

Step 2: Establish common ground

Step 3: Review existing coordination mechanisms

Step 4: Define the elements of the memorandum of understanding

Step 5: Timeline of the memorandum of understanding

Step 6: Draft the memorandum of understanding and prepare for signature

Step 1: Identify the parties and stakeholders

11. Before embarking on the process of drafting a memorandum of understanding to improve coordination in the national CRVS process, it is important to define the stakeholders and parties to the agreement. Individuals, groups and institutions that will be positively or negatively impacted by the CRVS system, on the one hand, or will affect the outcome of the system, on the other, are considered to be stakeholders. Stakeholders in general will affect the success of the system. The first step is to identify all stakeholders and conduct an analysis of the primary institutions responsible for the CRVS process. The analysis will help map out their respective mandates, roles and leverage points as well as their institutional linkages as contributors and end users of the CRVS system. This can be achieved through a stakeholder analysis, if it was not done during the comprehensive assessment.

12. The analysis should include all stakeholders and actors, including governmental bodies, non-governmental entities, development partners and the public. If necessary, civil society organizations and development partners can become parties to all or parts of the memorandum of understanding.

13. With this multisectoral approach, it would be ideal to have a single-functioning national coordinating mechanism composed of key ministries or agencies, with the national designated anchor ministry or agency overseeing the development, implementation and monitoring of the memorandum of understanding. As is true in all multisectoral endeavours, it is essential to agree on the roles and responsibilities of the ministries that are parties to the memorandum of

understanding. The anchor ministry, in particular, is positioned as a dedicated focal point to liaise with stakeholders, among ministries and with development partners. In most countries key stakeholders in the CRVS improvement process are: (a) The ministry responsible for civil registration;³ (b) The national statistics agency, usually under the Ministry of Planning; and (c) The Ministry of Health. It is critical that a memorandum of understanding that involves these institutions should be a multilateral rather than a bilateral arrangement.

14. Stakeholders and institutions involved in CRVS systems have their own defined mandates and vertical lines of reporting, internal processes and interdependent links between various departments. The cornerstone of a viable agreement between stakeholders is the common space they establish together, based on a clear understanding of their respective and collective roles and the expected benefits they can account for as a result of their engagement in joint assessments, strategic planning, implementation, monitoring and evaluation processes.

15. For instance, a well-developed strategic plan will have a common vision of the key stakeholders ensuring common buy-in in the need to strengthen CRVS systems in the country. The memorandum of understanding will reflect that and should enable all parties to tap into the strengths and expertise of all parties involved. For instance, the ministry responsible for civil registration will work towards improved, accessible and efficient service delivery, and the service that can be assisted by health facilities to improve the coverage and completeness of registration will be enhanced by the Ministry of Health. The national statistical agency will ensure all relevant information is captured and that statistics are produced on a current basis to support development plans and monitor implementations at all administrative levels. Unless there is value addition in cooperation and shared responsibility, it is difficult to commit human and financial resources to reach the end result: a sustainable and effective CRVS system.

Step 2: Establish common ground

16. The purpose of these guidelines is to renew African countries' commitment to improve the CRVS system through effective coordination among key stakeholders. At the start of the process, it is crucial to establish common ground and understanding among stakeholders on the critical importance of an effective coordination mechanism within the CRVS system, considering its inherent multidisciplinary and multisector nature.

17. Tools such as situation analysis of the CRVS internal and external environment (strength, weakness, opportunities and threats) and a value chain analysis of key stakeholder institutions are useful in the process of forging a strong partnership among stakeholders. The process of conducting a joint assessment, a mapping exercise and a value chain analysis by all stakeholders adds a critical value to the CRVS system in terms of establishing collective ownership and accountability for the effective functioning of the CRVS system at the country level and, where necessary and feasible, at lower administrative levels.

Step 3: Review existing coordination mechanisms

18. A few African countries have well-functioning CRVS coordination mechanisms. Most countries need to improve their non-binding frameworks of cooperation or traditional inter-agency linkages that manage the flow of data and information from one source to the next and into the anchor institution, which is ultimately responsible for coordinating inputs in the CRVS

³ This could be Ministry of Home Affairs, the Ministry of Interior or the Ministry of Justice and, in a few cases, the Ministry of Health.

system. It is important to review this value chain and the legal framework, as well as existing agreements between responsible stakeholders, in order to fill the gaps where needed. In most cases, stakeholders are only vertically accountable for their own contribution to the CRVS system.

19. In some countries the civil registration law is strong on coordination, whereas in the majority of the countries it is silent. It would help if civil registration laws and regulations had some provisions on coordination without going into details, and required that key stakeholders entered into time-bound and renewable memorandums of understanding on their roles and responsibilities in the CRVS systems. It is important to review the legal framework and existing agreements between responsible stakeholders in order to fill the gaps where needed. These guidelines are intended to help countries take stock of existing coordination and collaboration mechanisms, identify gaps and missing links in the value chain that may need improvement. The value addition of this review exercise is to establish the necessary vertical and horizontal coordination linkages.

20. The objective of the memorandum of understanding is to reach an agreement among all parties and stakeholders on the most sustainable and best functioning framework that will enhance the CRVS system in the country. This process may require tailoring and adjustment, including proper human and financial resources allocated to support the CRVS system.

Step 4: Define the elements of the memorandum of understanding

21. The memorandum of understanding is a framework for a coordination and cooperation agreement that clarifies all aspects of the CRVS process as a collective effort. It defines how signatories decide to work together for a common purpose.

22. The process of engaging stakeholders in identifying their unique and complementary roles, as well as the collective results they are able to achieve through better coordination, is key to the actual crafting of the memorandum of understanding. It validates, step-by-step, all parties' joint commitments and accountability for the design, implementation and delivery of the elements of the memorandum of understanding and of the entire CRVS system at the national level.

Step 5: Timeline of the memorandum of understanding

23. A memorandum of understanding in general is time bound. How long an agreement backed by such a memorandum should last depends on the conditions in the country, its relation to CRVS and other related laws and regulations. It is desirable that the memorandum of understanding be reviewed every three years so that revised versions take into account new developments, such as use of new technology in CRVS operations.

Step 6: Draft the memorandum of understanding and prepare for signature

24. This is the final step in the process and as such, it may be a simple drafting and editing exercise if all parties have reached full agreement through the previous steps. It may also be a step for negotiations towards well-crafted compromise language that brings closure to any outstanding differences.

25. The signing of the memorandum of understanding marks the consent of all parties and the beginning of full implementation of an improved coordination mechanism that is

sustainable and effective with proper provisions for amendments from time to time, if and when necessary.

IV. Content of the memorandum of understanding template at the national level

26. The following section presents the proposed content of a memorandum of understanding for CRVS stakeholders. The sections presented below can serve as a model for countries. Under each section topic, an overview of the topics that should be included is given as a guide.

4.1 Preface

27. Several ministries and agencies are closely involved with the CRVS system. Some of these are the Ministry of Health, the Ministry of Home Affairs, the Ministry of Justice, the Ministry of Local Governments, the Ministry of Foreign Affairs, the National Statistics Office, the Ministry of Finance and Economic Planning, and the National Identification Agency. One agency or ministry cannot successfully handle all aspects of CRVS alone. It is strategic to establish by law a coordinating mechanism, an anchor at the national level, so that the laws, procedures and data that decentralized offices produce are generally uniform and comparable.

4.2 Purpose

28. The purpose of this memorandum of understanding is to provide a generic collaborative framework that is inclusive, functional and results-oriented but is flexible to adaptations based on the specific realities of each country and new developments that could affect the operations of CRVS systems.

4.3 Content

29. The following questions can serve as a reference checklist that could generate valuable content that stakeholders may consider in their collective efforts towards developing the memorandum of understanding. The drafting process may be as important as the final signature agreement if it is an informed and inclusive process.

Why improve coordination and cooperation mechanisms?

30. Many African countries are faced with considerable technical and financial challenges in their efforts to improve their CRVS systems. The assessment conducted in a number of countries has established that CRVS systems are in a poor state of functioning in most countries on the continent. It is important to reflect on the challenges that each country faces and will need to overcome in order to establish a better coordination mechanism for the CRVS system to function.

31. Although there is consensus on the fact that CRVS systems are inherently multidisciplinary and multisector by virtue of the interdependence of data and information generated, processed and used by different bodies, there is still limited convergence towards a holistic, systematic and coordinated approach.

32. African countries have centralized, decentralized and hybrid systems of governance and administration, depending on their political history. In all these systems, effective civil registration is a reflection of good governance. Within the specific administrative and political structure of the country, civil registration requires strong legislative provisions, efficient and modern systems of operation and effective management systems. To that end, improvements are still needed.

33. Individual stakeholders and anchor institution have their own defined roles and responsibilities. Their reporting lines are vertical and their horizontal linkages are often neglected and left out of their reward system. The challenge is to include and value the CRVS system as an integral part of each stakeholder's accountability system and as a common public good. CRVS systems can be transformative in this respect.

Whose mandate is it?

34. The national coordination committee should delineate the functions and roles of partners with respect to the CRVS system. The memorandum of understanding drafting process would benefit from a mapping of all institutions that are involved in the system's demand and supply chain.

35. Coordination is important in both centralized and decentralized administrative structures. Countries should decide on the vertical and horizontal coordination approach and how far down in the administrative structure the coordination and reporting mechanism should be established.

36. In a centralized structure, the responsibility and authority of managing a CRVS system rests with the central Government at the national level. The central Government sets the laws and regulations, establishes uniform policies and standard procedures for the entire country, creates local registration offices and appoints registrars, among other tasks.

37. In a decentralized system, the responsibility for making decisions and managing a CRVS system and the authority to do so rest within each subnational government (for example, at the state or provincial level). Each subnational government establishes regulations and registration processes, decides which data will be recorded, produces its own vital statistics, and shares that data with a central office to enable the compilation of national vital statistics.

What is the impact of political commitment on CRVS systems?

38. Political commitment is a prerequisite for strengthening CRVS systems. It affects every facet of CRVS system activities. First, political commitment translates into laws, regulations and policies, providing the legal basis and motivation for every activity. Political leadership can also reach and engage stakeholders from various agencies and organizations. It is also demonstrated by the level of the national authority in charge of leading and overseeing CRVS improvement programme implementation, including the financial commitment to strengthen CRVS systems, through adequate resources from public expenditure. In addition to setting the legal basis for implementing CRVS, national financial and political commitment to strengthening CRVS systems, as reflected by adequate public expenditure to strengthening components of CRVS, is an important ingredient for success. The World Bank *Global Civil Registration and Vital Statistics Scaling Up Investment Plan 2015-2024* encourages countries receiving international financial assistance for the improvement of their national CRVS systems to increase their self-financing incrementally.

Is the legal framework supportive?

39. In general, CRVS laws will cover the responsibility of government bodies for CRVS systems, including the roles and responsibilities of civil registrars in the performance of their duties under the law. This could also encompass such issues as citizens' compliance, rights and remedies; the use of civil registration data for the production of vital statistics; information and data privacy and confidentiality, including the collection and transmission of records; linking civil register records with other systems, such as identity management systems; and compiling and disseminating vital statistics and any reference thereto in national statistics laws.

How to assess existing coordination mechanisms?

40. At the country level, a memorandum of understanding drafting group should start with an assessment that includes:

- Identification of key stakeholders using stakeholder analysis or a similar approach.
- A review of stakeholder mandates and responsibilities for CRVS.
- A review of the roles and responsibilities of the anchor ministry and of high-level policymaking and decision-making bodies.
- Technical level implementation.
- A review of specific or shared mandates for coordination, where appropriate.
- Identification of any overlaps and intersections in shared mandates.
- Joint working groups.
- Joint reporting mechanisms.
- Data safety, confidentiality and security.

What are some critical success factors of an effective coordination arrangement?

41. In addition to political commitment, a national financial commitment is important, as reflected by budgetary allocations to strengthening CRVS systems. These factors, combined with appropriate legislation, contribute to improving the governance of CRVS systems and enhancing their efficiency, effectiveness and accountability. Accordingly, a successful memorandum of understanding should include the following elements: strong political will and leadership; interministerial collaboration and resource sharing; consistent and timely strategic planning; skilled human resources; flexible financial investments; public-private partnerships; and data protection and confidentiality.

How is data privacy and confidentiality protected?

42. Data privacy and confidentiality should be maintained and protected in all aspects and stages of the CRVS systems and by all stakeholders. The large amount of personal data from different sources requires strict implementation of information security standards. Data privacy and confidentiality should be considered seriously not only when collecting information from individuals but also when civil registry records are transmitted and linked with other systems, such as identity management systems. Citizens are important stakeholders as sources of information, subjects of the information collected and as its beneficiaries.

43. The United Nations clearly specifies confidentiality as one of the principles of civil registration⁴. As such, a comprehensive legal framework is needed to defend citizens' constitutional rights to privacy and access to public information and to foster trust and transparency. The issue of data privacy and confidentiality should be enshrined in laws and regulations on civil registration and statistics.

Why is civil society engagement necessary?

44. Civil society organization engagement in the CRVS system can help to achieve universal registration coverage of vital events in all areas, including with respect to internally displaced populations, refugees and hard-to-reach population groups. As these organizations work closely with local communities, they are knowledgeable about the population's needs and sociocultural traditions and have access to vulnerable groups. Involving civil societies in public campaigns can be effective in raising awareness about the importance and benefits of CRVS systems.

45. Integrating civil society engagement can establish a long-term support mechanism for implementing civil registration. Civil societies also play an important role in advocating for the improvement of CRVS systems to policymakers, in facilitating notification of the occurrence of vital events and in identifying vulnerable groups.

Memorandums of understanding to institutionalize coordination?

46. Various organizations in a country can function together to ensure the proper planning, implementation and monitoring of activities to improve CRVS systems. The United Nations *Principles and Recommendations for a Vital Statistics System*⁵, contains the following assessment: "It is neither efficient nor effective to attempt to carry out these inter-agency coordination functions through a series of bilateral meetings, committees or communications with other agencies, one at a time. Rather, an inter-agency coordinating committee should be established, comprising representatives from each involved or interested agency." In order to ensure successful coordination, some or all of the following activities are therefore proposed:

- A high-level national inter-agency coordinating committee should be established, comprising representatives from all the relevant stakeholders.

⁴ *Principles and Recommendations for a Vital Statistics System, Revision 3*, United Nations Publication, Sales No.E.13.XVII.10, United Nations, 2014, paragraph 298.

⁵ *Ibid*, paragraph 322.

- A high-ranking official (such as the minister of the anchor ministry or representative in the office of the President or Prime Minister) should chair the national coordination committee.
- The high-level committee should be backed by a technical working group of senior persons from the institutions, led by the members of the steering committee, additional public institutions, development partners and civil societies with a stake in CRVS improvements.
- At least once a year (preferably quarterly), the anchor ministry should convene the national coordination committee and senior officials from each stakeholder institution should review progress in the implementation of the memorandum of understanding and the state of the country's CRVS system.

47. While the proposed approach outlined above is not exhaustive, it covers key areas that the memorandum of understanding will need to consider in the process of developing what will ultimately become a joint framework for better cooperation. The level of participation and the inclusiveness of the process are key factors that will sustain internal coherence and inter-agency collaboration.

48. The elements of the memorandum of understanding suggested here are not a blueprint but rather standard inputs for the indicative template given in Chapter 5. The descriptions provided here should therefore inform the drafting process, in conjunction with the proposed indicative template.

V. Indicative template for drafting a memorandum of understanding

This Memorandum of Understanding (hereafter “MoU”) is an agreement reached on [DD/MM/YYYY] in [city/country] between stakeholders of national civil registration and vital statistics (CRVS) to improve their coordination into a sustainable and efficient system.

Between

1. Name of the official
Title
Ministry/institution/agency
Address
Acronym

And

2. Name of the official
Title
Ministry/institution/agency
Address
Acronym
.....
[add the same information for each Party]

Collectively, [list of acronyms] are referred to as “Parties” and each individually as a “Party” to this MoU.

1. Interpretation

The definition of the terms and acronyms used in this MoU should be clearly listed along with appropriate references.

2. Purpose of MoU

Establish sustainable and effective cooperation between the MoU signatories.
Strengthen the CRVS system.

3. Terms of the agreement

In accordance with the MoU objectives, specify the elements of the agreement and specify the results oriented activities to be undertaken by each Party and by the Anchor Ministry, as well as collectively by the joint coordination mechanism, in order to achieve measurable results in terms of better collaboration and shared accountability among all Parties for the improvement of the CRVS system.

Define the legal, political and administrative framework that will serve and support the MoU objectives.

4. Roles and responsibilities

- Map each stakeholder’s mandate and responsibilities
- Review the mandate of the Anchor Ministry
- Review and strengthen the coordination functions of each Party
- Define the responsibilities of the joint cooperation mechanism
- Agree on the human and financial capacities required for MoU implementation

5. Data protection, security and confidentiality

- Define collective responsibility to ensure data protection, security and confidentiality
- Cite appropriate legislature where applicable and available
- Establish control systems and management processes

6. Planning, reporting on and monitoring progress of work

The Parties will agree on a regular schedule of meetings, preferably on a quarterly basis among the appropriate senior technical representatives, to monitor the implementation of this MoU.

7. Financial clause

If necessary, add the financial implications associated with coordination activities, such as costs associated with meetings, who will be responsible, etc.

8. Human resources

Assign appropriate levels of competent staff to carry out specific responsibilities.

Establish accountability levels and lines of communication (horizontal and vertical).

9. Joint Cooperation/Steering Committee

The promotion, implementation and interpretation of this MoU shall be done in good faith by all Parties and by mutual understanding and consultation.

Legal or administrative decision [...] to establish or strengthen the Joint Cooperation/Steering Committee at the CRVS working group level and at the policy level, respectively.

Define the role of the Joint Cooperation/Steering Committee and its reporting line at the national level, and lower administrative levels if applicable.

10. General clauses

10.1 Entry into force: This MoU shall come into force when signed by all Parties.

10.2 Duration of MoU: This MoU shall remain in force for [...] years from the date of signature.

10.3 Amendment: Any amendment or modifications to this MoU shall only be binding if it is documented in writing and signed by all Parties.

10.4 Language: The language of this MoU.

10.5 Dispute settlement: If in the execution of this MoU any controversy as to its interpretation or application arises, or any dispute emerges, this shall be resolved amicably between the Parties through consultation and direct negotiation.

10.6 Application: This MoU shall take effect as of the date of its signature by all Parties and shall remain in force until all Parties agree to its revision or expiration.

10.7 This MoU acknowledges other existing government ministries or institutions that are stakeholders in CRVS systems and have a critical interest in the furtherance of their objectives but are not party to the present MoU at the time of signing. Such stakeholders may be made party to this MoU by execution of the deed through their respective ministries, indicating their degree of involvement and the role to be played by those institutions. Where such execution is done, it shall be annexed to this MoU to read as part hereof and shall become binding from the date to which it has been signed by the additional Party or Parties.

11. IN WITNESS WHEREOF the undersigned, duly appointed representatives of the respective ministries and agency have, on behalf of the Parties, signed the present MoU at [city, country], this DD of YYYY.

Signature page

Date
