

**DEMOCRATIZATION WITHOUT DEMOCRACY: THE EFFECTS
OF ABSENCE OF COUNCILLORS ON THE PROMOTION OF
GOOD GOVERNANCE IN MALAWI**

M.A. (Political Science) Thesis

By

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DECLARATION

I the undersigned hereby declare that this thesis is my own original work which has not been submitted to any other institution for similar purposes. Where other people's work has been used acknowledgements have been made.

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In return for all favours. Many thanks for carrying me on your shoulders.

Stephen Chasukwa

Louiz ‘Mano’ Chasukwa

Anna Maria Chasukwa

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ABSTRACT

This thesis aims at establishing the effects of absence of councillors on the promotion of participation and accountability, the key tenets of good governance that are espoused in the Malawi National Decentralisation Policy, Local Government Act of 1998, and the Constitution of the Republic of Malawi. The thesis focuses on the extent to which the emerging institutions from both the state and non-state spheres are effectively filling in the gap created by the dissolution of assemblies as stand-in institutions for councillors.

The thesis uses the social contract and policy spaces theoretical underpinnings to explain the emerging issues that have a bearing on the promotion of participation and accountability and role of emerging institutions in the absence of councillors. Adopting a mixed research design with a strong bias towards qualitative research design, the thesis finds that in the absence of the local elected representatives, the good governance project at the local level in Malawi has been negatively affected. This is the case because formal political participation spaces have been closed and the newly created ones are not devolved beyond the assembly headquarters; citizen-state engagement has decreased; receptivity and responsiveness of the assemblies has dwindled; fusion of the roles on policy making and implementation into the hands of the secretariat has reflected the non-observance of the ‘principle of separation of powers’ and a recipe for abuse of resources. With reference to the emerging institutions as stand-in actors for councillors, the finding is that it is difficult for them to discharge the functions of councillors because they are not elected and their democratic and legal status is questioned to the effect that they cannot enact by-laws and pass the local budget. The study also establishes that the emerging institutions are incapacitated to play the role of stand-in actors for councillors because they are donor dependent, project oriented, and operating in the peripheral of the clique of bureaucrats managing affairs at the local level hence having little influence in the decision making process.

The thesis concludes that when the councillors are back, they have to engage well thought deliberate strategy to reclaim their political space that has been appropriated by different actors, chiefly the central government political agents.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACB	Anti-Corruption Bureau
ADC	Area Development Committee
AEC	Area Executive Committee
CBO	Community Based Organisation
CBE	Community Based Education
CC	Consultative Committee
CCJP	Catholic Commission for Justice and Peace
CDF	Constituency Development Fund
CEO	Chief Executive Officer
CSOs	Civil Society Organisations
DADO	District Agricultural Development Officer
DC	District Commissioner
DDC	District Development Committees
DDP	District Development Plans
DEM	District Education Manager
DFID	Department for International Development
DHO	District Health Officer
DPD	Director of Planning and Development
DPP	Democratic Progressive Party
FGD	Focus Group Discussions
GRF	General Resource Fund
GTZ-MGPDD	German Technical Cooperation-Malawi German Programme for Democracy and Decentralisation
GVH	Group Village Headman
LGA	Local Government Act
LGE	Local Government Elections
MCP	Malawi Congress Party
MALGA	Malawi Local Government Association

MoLGRD	Ministry of Local Government and Rural Development
MP	Member of Parliament
NLGFC	National Local Government Finance Committee
NPM	New Public Management
ODI	Overseas Development Institute
TA	Traditional Authority
UDF	United Democratic Front
UNCDF	United Nations Capital Development Fund
UNDP	United Nations Development Programme
UNESCO	United Nations Education and Science Commission
VDC	Village Development Committee
VH	Village Headman

CHAPTER ONE

INTRODUCTION AND PROBLEM ANALYSIS

1.0 Introduction

The transitions from the authoritarian to democratic regimes occurring in the third wave of democratization have been accompanied with the reconfiguration of the political systems in many African countries. The reconfiguration of the political systems was necessitated by two ideas underpinning the concepts of democracy and good governance. Firstly, the governing process has to be inclusive, open enough, and led by the rulers that have attained power through elections. This led to 38 countries out of a total of the 47 countries in the sub-Saharan region holding competitive elections between 1990 and 1994 (Bratton and van de Walle, 1997:7). Secondly, the thinking in the third democratization wave is that the public machinery has to be close to the people so that local people participate in the public life. The second line of thought has led to countries in the third democratization wave adopt democratic decentralisation as a one of the major policies to be implemented. In the comparative study of thirty African countries in 2002, Ndegwa found out that all the countries were decentralized to some degree with South Africa scoring highest and Chad scoring lowest (Jutting, Corsi, and Stockmayer, 2005:2).¹

In the same way Malawi lived up to the democratic values and good governance in the third wave of democratization. A referendum to mark the start of democratization was held on 14 June 1993. On 17 May 1994, general elections were held for the first time in three decades. In 1998, a new Local Government Act and National Decentralisation Policy came into effect. In 2000, local government elections were held to demonstrate Malawi's commitment to democratic decentralisation and good governance. Important to note is that by having local government elections, the acknowledgement is that councillors are central to the promotion of democratic values and good governance as stipulated by Section 147 (1) (2) of the Constitution of the Republic of Malawi.

¹ On a scale ranging 0-4, South Africa scored 3.7 and Chad scored 0.8. 0 for no decentralisation and 4 for maximum decentralisation (Jutting, Corsi, and Stockmayer, 2005:2).

This thesis concentrates on decentralisation as a strategy to promote good governance with a focus on the roles that councillors play in the promotion of good governance vis-à-vis participation and accountability. It rests on the premise that if good governance is to be promoted, in particular the tenets of participation and accountability, then we need locally elected representatives to operate at the grassroots. The argument is that with councillors in place, participation of the people in the decision making process at the local level and accountability is promoted as the public machinery is brought close to people. The status quo in Malawi where there have not been councillors since March 2005 who are considered vital to the achievement of good governance poses an interesting question to scholars of decentralisation and good governance as to whether the assertion that councillors are a pinnacle of good governance is an exaggeration or not. To this effect the thesis aims at establishing the effects of absence of councillors on the promotion of good governance in particular the tenets of participation and accountability.

The term good governance is understood differently depending on the context. For the purposes of this study, good governance is understood as a derivative from governance. Governance is defined as “...the formation and stewardship of the formal and informal rules that regulate the public realm, the arena in which state as well as economic and societal actors interact to make decisions” (Hyden et al in Grindle, 2007:557). On governance as well, USAID (in Grindle, 2007:557) has it that it refers to “...the ability of government to develop an efficient, effective, and accountable public management process that is open to citizen participation and that strengthens rather than weakens a democratic system of government.” Good governance as a word derived from governance, therefore entails “...citizen involvement in decision-making, representation, transparency, pluralism, and accountability; focusing particularly on 5 areas: legislative strengthening, decentralization and democratic local governance, anti-corruption, civil-military relations, and improving policy implementation” (Grindle, 2007:557).

Literature is available indicating that some studies have been carried out in the areas of the role of councillors in promoting good governance. For example, on the role of councillors in pursuing good governance, studies such as the one by Edgell (2006) have shown that councillors are more effective than parliamentarians because they reside within the locality of the people. Other studies have discussed the notion of good governance and isolated some elements for a discussion on how they have fared in Malawi, other African countries and beyond. These include; Chiweza (2005) who examined the question of the extent to which decentralisation facilitates participation and

accountability, and alludes to the roles of locally elected councillors in such processes; Kayuni (2005) who focused on the role of party politics in local participation and representation pinning down the challenges and prospects in Malawi's local assemblies. Kayuni (2005) finds that there has been regressive trend in the level of community participation over the past five years (2000-2005), which is mainly attributed to the effects of party politics. The people's perception, in relation to good governance, of local assemblies and their local political representatives is that they have not been able to meet people's expectations.

On good governance, Hussein (2005) discusses good governance and the new local government system in Malawi in the political context. Hussein (2006) in his study found out that although the legal and institutional framework tends to support the promotion of good governance on paper, it does not give any effect in practice and the effective promotion of good governance is hampered by institutions at both the central and local level coupled by the broader political and socio-economic factors. Chinsinga (2007) discusses the linkages between democracy, decentralisation and poverty reduction in Malawi in the context of good governance. However, in his study, Chinsinga remotely dwells on the role of councillors in promoting good governance. Of importance from the above studies is to note that all of them were conducted in a period when the councillors were in operation, thus, between 2000 and 2005. In view of this, the time dimension, post-2005, was another motivating factor for the researcher to study the effects of withdrawing councillors in the democratic decentralisation on the promotion of good governance.

1.1 Problem Statement

Since the expiry of term of office of councillors, various government voices have always maintained that the absence of the councillors is not felt in the promotion of participation and accountability (Somanje, 2006). Hopes of promoting participation and accountability by government are rested on structures such as parliament, Civil Society Organisations (CSOs), media, and political parties. The avenues are problematic when we consider the constitutional provisions of local government. Firstly, Parliament does not equally replace the assembly as it concentrates on issues of national Interest hence overlooking matters that apply to specific areas. Further to this, parliamentarians largely toe the line of the party for their own benefit; 80 % of the legislators do not reside in their constituents after being elected, and they are less contacted than councillors after

elections. Afrobarometer (2006) established that 12 % of the MPs are contacted by their constituents after elections whilst 18 % of the councillors are contacted by their people. Secondly, even the role of Civil Society Organisations (CSOs) is highly questionable. Chinsinga (2007:365) casts doubt on CSOs as instruments for the promotion of participation and accountability because they are “...highly fragmented, often elitist in nature and urban based, donor-driven, and do not always enjoy a cordial relationship with the Government since the Government views them as dissident political forces rather than as partners in development policy planning and implementation.” Thirdly, with respect to media, it is also questionable if they can be better avenues providing participation and accountability as compared to councillors because it is not readily accessible by the majority of Malawians.

Critics of government argue that the claims of government that CCs, parliament, media, CSOs and political parties are effectively substituting councillors in the promotion of participation and accountability is a denial of reality. The critics are of the view that the said institutions are failing to play the role of councillors in promoting participation and accountability as per issues emerging from the communities and assemblies. For example, Chief Kwataine of Ntcheu District, Central Region of Malawi complained that, the “...absence of councillors in their wards has created a big gap between them and the Assembly” (The Nation). The Public Affairs Committee Regional Chairperson also lamented that, “...lack of councillors has affected level of participation at the grassroots because people do not have freely elected representatives at district level” (Daily Times, 2007). The DC for Nkhotakota was instructed by the Ministry of Local Government and Rural Development to transfer to the head office after he failed to account for MK 3 Million meant for Constituency Development Fund (Zodiak, 2009). Again, the DC was thought to have taken the advantage of the absence of councilors as there was nobody to act as a watchdog. The inability of the CC, media, and CSOs to handle issues in a way that reflect conformity to good governance and democracy as per the intentions of Decentralisation Policy and Local Government Act of 1998 is worrisome. The critics are again worried with the observation that the financial resources from the central government being allocated to assemblies have increased from 2 % to 3 % of its net revenue between 2005 and 2008 when the watchdogs are not there (Chinsinga, 2008: 21). In nominal terms, the local assemblies budget increased by 23 % in 2007/08 fiscal year over the revised figure in 2006/07 (Malawi Economic Justice Network, 2007:25). The allocation to assemblies in the 2008/09 budget alone increased

by 18 % (Malawi Economic Justice Network, 2008:31). They prove wrong the claims by government that the absence of councillors is not felt and that it is on the right path to the accomplishment of good governance and democratic decentralisation.

It is hard to believe or side with government or her critics in the debate on whether the absence of the councillors has positive or negative effects on good governance because the arguments presented in support of the stand taken are made from the hypothetical assumption that councillors did a good or bad job at the local level. Thus, it is deemed by government and its critics that the absence of councillors has affected the promotion of good governance positively and negatively respectively yet no empirical evidence is provided to support or disapprove such assumptions. A lot of the arguments are thus based on anecdotal evidence. It is the said events in the new local government system that gives the researcher the motivation to establish the effects of the absence of councillors on the promotion of good governance vis-à-vis participation and accountability.

1.2 Significance of the Study

This study is important because of its contribution to the existing body of knowledge in the academia. It fills the gap existing in the academic circles especially where decentralisation is linked to good governance in the context of democratic Malawi where councillors only operated for five years. It is important to note that there have been times when the position of the councillor was not filled in the authoritarian rule of Dr. Hastings Kamuzu Banda and the effects have been studied in that regard. So far, there is no study shedding light on the effects of withdrawing councillors in a democratic environment of Malawi. This study has filled in that knowledge vacuum.

Secondly, the study has generated knowledge useful to policy makers and other stakeholders when they are discussing issues surrounding decentralisation and good governance. Since the dissolution of the assemblies, Government has always claimed that things are under control when it comes to promoting good governance.

1.3 Objectives of the Study

1.3.1 Main Objective

- To establish the effects of absence of councillors on the promotion of participation and accountability at the local level.

1.3.2 Specific Objectives

- To establish how the absence of councillors at the assemblies has affected participation of the people in the assembly activities.
- To establish how the operation of the assemblies without councillors has affected accountability to be observed by the secretariat.
- To assess the effectiveness of mechanisms put in place replacing the political arm of the assembly in promoting participation and accountability at the local level.

1.4 Hypothesis

- The absence of the councillors in the assemblies has not negatively affected the efforts to the promotion of participation and accountability at the local level.

1.5 Organisation of the Thesis

The thesis is organized in five chapters. The first chapter focuses on giving the background and introducing the topic of the research on which this thesis is based. Chapter two is a review of the relevant literature guiding the study. The same chapter two also discusses the theoretical underpinnings guiding the study. Chapter three presents the methodology that was employed to execute the research process. Chapter four presents and discusses the findings on absence of councillors and effects on participation. Reference will also be made to the emerging institutions replacing councillors as channels of participation. Chapter five is on lack of councillors and effects on accountability. A discussion on the emerging institutions enforcing accountability is also contained in chapter four. Chapter six is a conclusion of the study and a discussion on the policy implications on the absence of councillors on participation, accountability, and emerging institutions sitting-in for councillors.

1.6 Conclusion

This chapter has described the introduction and methodology. It has given an overview of the background of the study, research problem, objectives and justification for its pursuance.

CHAPTER TWO

LITERATURE REVIEW AND CONCEPTUAL FRAMEWORK

2.0 Introduction

This chapter is a review and discussion of the literature relevant for the study. The literature review will reflect the major debates surrounding issues of interest in the study namely good governance, decentralisation, participation, accountability, and roles of councillors. For the purpose of setting the context, literature on decentralisation in Malawi will be reviewed. Further to this, this chapter also centers on the discussion of the theoretical underpinnings guiding the study which are social contract theory and policy spaces.

2.1 Good Governance

Though the term good governance is not settled in its meaning, it has remained at the center of discussion in fora having to do with how best to organize the society or government since 1989, the year when the World Bank introduced the term in its report entitled ‘Sub-Saharan Africa: From Crisis to Sustainable Growth’ (Ritchken, 1995). The term good governance is kaleidoscopic as evidenced by different definitions that have been brought forward by institutions and scholars. Mainly the differences exist in respect of theoretical formulations, conceptualization of the subject itself and policy prescriptions dependent on the ideological convictions of the scholars, researchers and institutions engaged in the debate. Good governance means different things to different people.

Good governance is a term derived from the word governance. If governance is taken to be a neutral term, it connotes the probability of having good or bad governance though literature emphasizes on good governance. Putnam (1993:15) defines governance as “...the process whereby elements in society wield power and authority, which are employed to enact and influence policies and decisions concerning public life as well as economic and social development.” The understanding of Plumptre (1999: 3) is that “...governance occurs through interactions among structures, processes, and traditions

that determine how power is exercised, how decisions are taken, and how citizens or other stakeholders have their say. Governance is about power, relationships, and accountability: who has influence, who decides, and how decision makers are held accountable.” The widely used definition of governance is that given by World Bank (in Feeney, 1998:13) whereby the governance is understood as “...manner in which power is exercised in the management of a country’s economic and social resources for development.”

The above definitions of governance give the impression that governance is about steering organisations or societies in which antagonistic forces with material interest in the state and civil society forge alliances and enter into conflicts so as to access more resources to reinforce their power. The understanding is that governance is a process that exists in both public and private institutions, all levels of decision making process and incorporates a number of players with different interests. Governance process intends to resolve the conflicting interests in a participatory and inclusive manner such that the welfare of the people is improved. The above definitions are all appealing for a topic discussed from a political science perspective because they revolve around the issues of resource allocation and management in a society. This aspect fits well with the Harold Lasswell’s conception of politics; who gets what, when and how? Resources are a bleeding ground for conflicts in a society particularly for the reason that they are scarce; a situation that necessitate competition (Heywood, 1997; Munroe and Johnston, 1999; Leftwich, 2004; Raphael, 1979).

As a derivative of governance, good governance is about observing the principles of governance namely accountability, rule of law, participation, equity and inclusiveness, transparency, responsiveness, consensus oriented, and efficiency and effectiveness (Olowu and Wunsch, 2004:8). It is “...epitomized by predictable, open and enlightened policy-making, a bureaucracy imbued with a professional ethos acting in furtherance of the public good, the rule of law, transparent processes, and a strong civil society participating in public affairs. On the contrary, poor governance is known by arbitrary policy making, unaccountable bureaucracies, unenforced or unjust legal systems, the abuse of executive power, a civil society unengaged in public life, and widespread corruption” (World Bank, 2001: iv). At the local level, as is the interest of this study, good governance entails a rule-governed process through which residents of a defined area participate in their own governance in limited but locally important matters; local residents are key decision-makers in determining what their priority concerns are, how they will respond to them, and what and how resources will be raised to deal with

those concerns; and local people are key decision makers in managing and learning from those responses. Representatives of these local residents may and frequently will perform these functions as agents of those people, but they remain accountable to (and removable by) the people included in the local regime through procedures specified by law. Their choices and limits are structured through rules determined by the larger political systems of which they are a part (Oluwu and Wunsch, 2004:4). The foregoing suggests that good local governance calls for an increased participation of civil society in activities that traditionally formed part of the public sphere. It is envisaged that local good governance will improve the efficiency of public services, that it will make local governments more accountable, and that it will deepen democracy-complementing representative forms with more participatory forms (Gaventa and Valderrama, 1999:4).

Critical analysis of the different definitions of governance and features of good governance indicate that the two can be understood using three approaches. Kooimans (1993:45) is of the view that the first approach can focus on the sharing of authority for public policy management and delivery of services between state and non-state institutional actors. The second approach can focus on the exercise of authority by state leaders (World Bank, 1992; UNDP, 1997). Emphasis for the third approach to the understanding of governance and good governance is on developing and operating the regimes or the fundamental (constructive) rules that structure and regulate the relationships among the populace in the management of their public affairs (Ostrom, 1997; Hyden, 1992; Hyden et al., 2000). This study takes the first and third approach because of its emphasis on the relationships between the rulers and the ruled and the incorporation of the non-state institutional actors as another unit of analysis as these fit well with the objectives of the study; thus, analysing the relationships of the local people and state and non-state actors on accountability and participation.

In the context of Malawi, the structuring of local governments is meant to enhance good local governance. Section 3 of Local Government Act (1998) stipulates that the objectives of Local Government are to further constitutional order based on democratic principles, accountability, transparency and participation of the people in decision-making and development processes. Malawi National Decentralisation Policy mirrors the objectives of Local Government Act (1998) as one of its objectives is to create a democratic environment and institutions for governance at the local level which will facilitate the participation of the grassroots in decision making, and promoting accountability and good governance at the local level in order to help Government reduce

poverty.² Of importance to note here is that both aforementioned guiding documents have two-pronged objectives; political and developmental. The above stated objectives are political aspirations of the Local Government Act (1998) and Malawi National Decentralisation Policy. This thesis is limited to the political objectives on participation and accountability for the reason that they reflect issues being studied.

2.2 Decentralisation

Decentralisation is increasingly becoming a worldwide trend. It is being adopted by both the public and private organizations in their strategy to tackling issues at the grassroots. Decentralisation refers to the “...transfer of authority or responsibility for decision-making, planning, management, or resource allocation from any level of government to its field units, district administrative units, other levels of government, regional or functional authorities, semi-autonomous public authorities, parastatal organizations, private entities, and nongovernmental private or voluntary organizations” (Rondinelli and Cheema in Hope and Chikulo, 1999:6). The foregoing holds that decentralisation is all about the shifting of authority from the center to the peripheral so that the peripheral is capable of debating and taking decisions. With decentralisation, power rests outside the center.

Decentralisation is broadly categorized into two; deconcentration³ and devolution.⁴ Hope and Chikulo (1999:8) define deconcentration as “...the passing down of selected administrative functions to lower levels or substantial units within government agencies or departments.” From another perspective, deconcentration can be seen as an administrative arrangement that entails the transfer of functions and personnel from head office to district and field offices to perform functions that could have been performed by the central office itself (Sikwese in Ott et al, 2003:136). The basic feature of deconcentration is that the assigned staff at the local level discharge their responsibilities with a limited discretion to the effect that they still report to the headquarters.

Devolution refers to the granting of decision-making powers to lower authorities and allowing them to take full responsibility without referring back to the authority to design and execute local development projects and programmes (UNDP in Hope and Chikulo,

²The remaining two objectives of Malawi National Decentralisation Policy are “...to eliminate dual administrators (field administration and local government) at the district level with the aim of making public service more efficient, more economical and cost effective and to mobilise the masses for socio-economic development at the local” (National Decentralisation Policy, 1998:2).

³ Is also referred to as administrative decentralisation or bureaucratic decentralisation.

⁴ Also known as political decentralisation.

1999:8). Without necessarily moving away from the above definition, Smith (1985:3) defines devolution as “...the conferment of the necessary legal powers to discharge specified functions upon formally constituted community structures characterised by a measure of autonomy.” It is worth noting that devolution leads to the creation of sub-national governments (communes, local governments, district councils, local authorities, assemblies) into which the political power is vested. The outstanding characteristic of devolution is that the political aspect is apparent as accountability is offered to the electorate other than to the bureaucracy. In devolution, the elected individuals are the hub of the operations at the grassroots by virtue of possessing consent that enables them to make decisions on behalf of the community.

The Malawi National Decentralisation Policy adopted devolution type of decentralisation. This is evidenced by the existence of councillors as policymakers at the assembly who are ushered into power by elections held after every five years. Councillors are essentially politicians who contest in the election on party ticket.⁵ Owing to the fact that decentralisation efforts in Malawi are implemented through the devolution, the thesis will concentrate much on the devolution type of decentralisation.

2.3 Participation

The discussion on participation is conspicuous in the decentralisation literature. Participation is a term with economic, political, social, and cultural dimensions perceived as a means to an end or an end in itself. The understanding of participation influences the framework of the activities being pursued, strategies and outcomes hence it is necessary for one to be clear on the type and nature of participation being adopted. This thesis is in the context of political participation.

Political participation has been defined in both narrow and broad terms. In broad terms, Parry et. al. (1992:16) define political participation as “...taking part in the process of formulation, passage and implementation of public policies.” In specific terms, political participation has been defined by Nie and Verba (1972:2) as “...those legal activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the actions they take.” World Bank (in Feeney, 1998:7) concurs with Nie and Verba on the general understanding of political participation, it views political participation as “...a process through which stakeholders

⁵ Individuals can also contest in the Local Government elections as independent candidates.

influence and share control over the priority setting, policy-making, resource allocation and access to public goods and services.”

The consensus that one can see in the different definitions above is that political participation centers on the involvement different players in matters of public interest for the purpose of influencing the decision making process. Political participation entails actors from both public and private spheres seeking decisions being made in their favour by those who are entrusted with the responsibility of making decisions. Political participation is an appreciation of the fact that the rulers make decisions with limited discretion as they are still subjected to influence by those not mandated to make decisions but hold the ‘original’ power. Political participation ensures some degree of autonomy by the local people in managing of their resources and affairs for the pursuance of the societal objectives.

Whilst hinging on the above definitions and implications of political participation, the working definition that this thesis adopts is that Verba (1967:55). He refers to political participation as “...acts by those not formally empowered to make decisions aiming at influencing the behaviour of those who have such decisional power.” In his exposition, (Verba, 1967:58) contends that political participation:

stresses the intention to influence decision-makers, does not include what can be called ‘ceremonial’ or ‘support’ participation, where citizens ‘take part’ by expressing support for the government, marching in parades, working hard in community projects, or voting in ceremonial elections, is not confined to the electoral process nor is it limited to any particular type of political act such as voting, letter-writing, is not limited to any particular government level, participatory acts refer to interactions between citizens and decision-makers, and political participation is not necessarily successful participation.

Political participation is realized through several channels. Local people can influence the decision making process by voting in elections, contacting and lobbying, campaigning, protests, action group and protests, letter-writing or petitioning and picketing (Grant, 2002; Verba, 1967; Gaventa and Valderrama, 1999). The channels of participation point towards having a two-way communication between the constituents and the representatives. According to Parry and Moyser (1994:12), “...contacting and lobbying involve efforts by individuals or groups to influence officials and policy makers; campaigning is about effort to rouse support and resources; group action and protest focus

on collective goals and are significant to mobilizing people to make direct demands on government.”

Political participation manifests itself in the forms of direct or indirect (representative) involvement in the public decision making process. Through democratic lens, an individual can see political participation breeding two distinct forms of democracies namely participatory democracy and representative democracy. All these democracies are necessary for good governance. Good governance emphasizes on the rulers attaining political power through the ballot box. Representative democracy depicts meets this description of democracy because according to Rakodi (2001:9), representative democracy is about “...elected government, free and fair elections, universal adult suffrage, political competition, freedom of conscience, the right of all adults to oppose their government and stand for office, associational autonomy, and institutional separation of powers between the executive, legislature and judiciary.” Participatory democracy is an extension of Representative democracy on the basis that the former is founded on elections as they accord citizens an opportunity to participate in the decision-making through mechanisms such as discussions and associations. Through elections, participatory democracy also enhances citizen voice and accountability (Grant, 2002:8). The above suppose that participation is beyond simple representation.

2.4 Accountability

Just like participation, accountability is theoretical construct that is widely used in democratic decentralisation discourse. Accountability explains the relationship between office holder and those voting an individual into office. Accountability revolves around power and resources, in particular, providing justification on why and how the two have been utilized.

Narayan (2002) takes accountability as “...the ability to call public officials, private employers, or service providers to account, requiring that they be answerable for their policies, actions, and use of funds.” Accountability has been succinctly defined by Stewart (1992) as involving “...giving an account for actions taken and being held to account for those actions.” The proposition here is that accountability operates within the circles of ‘for what’ and ‘to whom.’

Accountability ‘for what’ involves decision makers justifying their decisions. If there are no decision-making powers, then it is hard to see how an entity can be deemed to be accountable. Beyond decision-making is accountability for results and performance. This

has become an increasingly important expectation of public bodies. The sum of the decisions made by an accountable body should add up to delivery of improved performance in terms of outcomes and in terms of value for money or even best value. A critical aspect of accountability for performance is accountability for non-performance-in other words for when things go wrong (Fresko, 2004:3). In light of the foregoing, accountability for 'what' would be: for decision making, for results and performance, and for governance behaviour.

Accountability 'to whom' is about an individual having an obligation to explain the decisions to another individual/group of people either in upper or lower levels of the public entity. For elected officials, there is a much clearer constituency for accountability. For example, for local government elected representatives, accountability is to the local electorate (not just at ward level, but across the patch). So accountability 'to whom' can range from: government, local electorate, users and carers, stakeholders, and staff.

The 'for what' and 'to whom' aspects of accountability highlight the horizontal and vertical directions that the officials may observe. Horizontal accountability is observed by government officials when they are being answerable to the citizens through elected representatives. Thus horizontal accountability hinges on the appointed officials reporting to the elected officials. If we are to have effective horizontal accountability, there is need to have a strong body of elected representatives that is well equipped with technical, interpersonal and communication skills. Existence of effective horizontal accountability also demands the existence of the local council whose staff is independent from the central bureaucrats on policies, resources, and personal material benefits such as promotion, salaries, and career progression. In his study on decentralisation and development in Uganda, Golooba-Mutebi (1999:15) observes that horizontal accountability is affected by the inadequacies of the elected representatives in skills and central government tendencies of diverting the attention of the local government staff to the center instead of the local elected representatives. To illustrate the foregoing, he points out: "...in local government budgeting in Uganda, many councillors are unable to participate effectively in budget decisions let alone hold officials to account for implementation, as budgets are written in English and they do not understand the details" Golooba-Mutebi (1999:15). On central government tendencies weakening horizontal accountability, Blair (2000:27) gives an example of Karnataka where "...weak authority over staffing at the local level due to the continued central control over salaries, postings,

and tenure, reduces the capacity for mayors (and indeed senior local civil servants) to discipline staff.”

Vertical accountability exists in two forms; vertical downward and vertical upward. Vertical downward accountability refers to the accountability of elected representatives to citizens whereas vertical upward accountability is defined as the accountability of local government to higher levels or central government (Grant, 2002:4). Both vertical downward and vertical upward accountability are enforced by seven mechanisms namely elections, political parties, civil society, the media, public meetings, formal grievance procedures and opinion surveys (Blair, 2000:32). Blair (2002:32) argues that there is a probability for the accountability mechanisms between elected officials and the public to vary from ‘reasonably effective to virtually useless.’

Accountability involves two parties namely the principal and agent. The principal in an accountability relationship is the “...one who holds to account” and the agent is the one who “accounts and is held to account.” The need for accountability arises because the principal seeks to get an agent to do something for him or her. The principal gives the agent resources or delegates power for a purpose and wishes to constrain or incentivise the agent to provide value for money and achieve outcomes (Sappington, 1991).

Accountability is also linked to some dimensions including legitimacy, decision-making, and openness of which these have effect on trust in public services. Legitimacy relates to the status of the accountable body. It is relevant because many appointed public service entities feel they do not have the same level of legitimacy as democratically elected members. Theoretically, this should be the case in Malawi where assemblies are manned by appointed officials and some ex-officials. This perceived democratic deficit in legitimacy has led to a number of changes to the accountability arrangements.

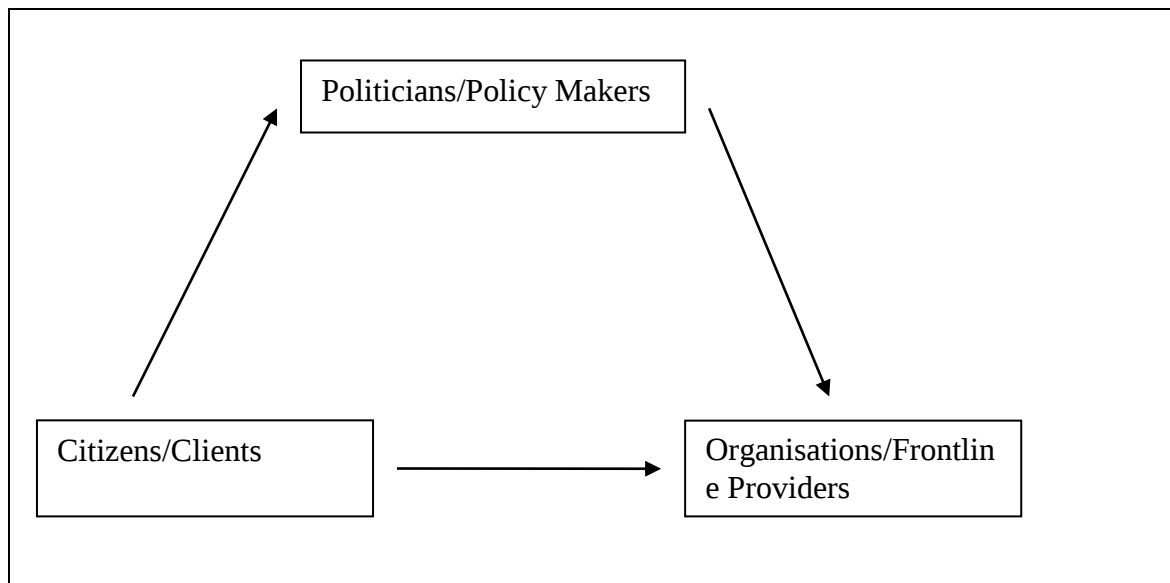
On the dimension of decision-making, defining where and how decisions are taken is an important acid test of accountability. The basic question that is under scrutiny is ‘Has the principal devolved decision-making appropriately to the agent, or is there confusion about where decisions really get taken’ (Fresko, 2004:2).

According to Fresko (2004:2), openness and transparency goes beyond the ‘what’ of accountability to ‘how’ it should be exercised. If the approaches used by the principal to hold to account and the approaches used by the agent to account for decisions and performance are not undertaken in an open and transparent manner then they will adversely affect public trust. Examples abound here, sometimes despite the best intentions of the public bodies concerned. However, if it becomes apparent to the attending public

and media that decisions have already been thoroughly discussed in private and that the decisions taken at the board meeting are effectively a *fait accompli*, then the process loses credibility. All too often, this link back to the decision making process is lost, and the effect is perceived lack of transparency and a loss of trust.

The World Bank (in Usui, 2007:4) captures the horizontal and vertical accountability and the principal-agent relationship in a figure called ‘Accountability Chain Approach in Public Services Delivery Triangle’ as shown in figure 1 below:

Figure 1: Accountability Chain Approach in Public Services Delivery Triangle



Source: Usui (2007)

The Accountability Chain Approach to the understanding of accountability in the public realm holds that politicians, citizens (clients) and organisations (frontline providers) are the main primary players in the public service provision. The players are on a network connected by voice (connecting citizens to policy makers), compact (linking politicians and frontline providers), and client power (connecting citizens to organisations).

According to Usui (2007:4), long and short routes can be utilised by the citizens to hold frontline providers accountable for service delivery. Citizens can give mandates to policy makers to design services to respond to their needs. If policymakers cannot fulfill their mandates, this can result in an electoral or other political backlash (voice). In turn, policymakers exercise control over civil service management authorities to motivate frontline providers to serve for citizens (compact). The mix of the voice and compact chains forms the long route of accountability. The short route connects citizens and

frontline providers (client power) through a direct accountability relationship. It works if citizens are given a choice among service providers, creating competition. Their participation in service provision will also strengthen client power.

2.5 Defining a Councillor (Local Elected Representatives) and His/Her Functions of a Councillor

According to James and Cox (2007:1), ward councillors are defined as the representatives of specific communities who are ideally placed to be the link between the people and the local government so that they bring people's needs and problems to the local governance and consult and inform the community around local government services and programmes. In this regard, councillors are important to deciding what is in the public interest amidst a range of conflicting issues and views. Makhubedu–Mametja and Bauer (2003:370) categorise the functions of councillors as individual and collective.

2.6 Functions of a Councillor: A General Perspective

2.6.1 Representation

The councillor as a representative, he or she is supposed to be a 'connector' between the local government authority and people. This function requires the councillor to present the views of the community which he or she is representing. Presentation of the needs that are outside the interests of the needs of the people defies the notion of representation.

The function of representation demands that the councillor is in touch with the community more often. James and Cox (2007:11) subscribe to this view by observing that the councillor should have the "...ability to connect with all parts of the community and ability to balance local concerns with the political demands of the group manifesto." In view of the foregoing, some activities are supposed to be undertaken by the councillor if he or she is to perform accordingly.

2.6.2 Community Leadership

As a leader, the councillor is in the forefront organizing and motivating the people towards the achievement of both short term and strategic goals. To steer the ship that decides the destiny of the council, councillors need to develop a working knowledge of the organizations, services, activities and other factors important to the community's well

being and identity.

According to Canterbury City (2005) the role of community leadership is played by councillors in two strands namely participation and representation. Participation as an element of community leadership entails “...participating in the activities of any outside body to which councillors are appointed and reporting back to the council” whilst representation implies “...representing the council and constituents on local management boards, school governor committees or local partnership panels” (Canterbury City, 2005).

2.6.3 Policy Making

All councillors are involved in decision-making. Councillors, as members of the local government authorities and sub-committees meet with colleagues from all political and other groups, to debate and approve local government authority business in a formal setting. Councillors make policies that guide the operations of the council and implementation of the policies (Makhubedu–Mametja and Bauer, 2003:370).

The policy making process is within reach of councillors for influence. Councillors can influence local policies through their roles in the sub-committees which both scrutinise the work of the full council and recommend policy developments, their role as employers of staff, on appointment panels, disciplinary and grievance appeals, membership of management boards of voluntary bodies and school governors, membership of partnership boards, and membership of a political group, which meet separately from council meetings.

2.6.4 Community Advocacy

Advocacy is the other function of the councillors. This is where councillors need to pursue interests of the grassroots by influencing both the top decision makers for change in the policies and local people for their support. It is paramount that councillors are a skilled advocate for everyone (including people from different backgrounds, cultures and values), confident to speak freely and challenge the full council and bureaucrats, a good communicator (explain simply what political decisions and structures mean to constituents and community organizations), sensitive to diversity issues and equality, have knowledge and skill to engage people in a variety of ways (not just meetings), and a conflict broker (James and Cox, 1007:13).

2.6.5 Place Sharper

The office of the councillor is that of local model and figurehead. This is to say that the councillor is an individual who by being in the limelight, he/she should be somebody whom people can turn to for assistance. Following this role is the expectation that the councillor should be able to shape the very local environment, identify priorities, work with officers and service providers to address public realm problems, and manage delegated locally budgets (Makhubedu–Mametja and Bauer, 2003:370).

2.6.6 Knowledge Champion

The councillor is the repository of the information regarding to the local situation both at the council and grassroots level. The councillor is required to be the primary source of local intelligence flowing between the community and the council. The abilities needed from the councillor include those that have to do with the collection and analysis of local information and use it to benefit the community (James and Cox, 1007:13).

2.7 Decentralisation in Malawi: Organisation Structure, Channels of Participation and Accountability, and Functions of the Councillor

2.7.1 Organizational Structure of Assemblies

Councillors operate in the setup of the Local Governments composed of the secretariat and the assembly. Councillors are in the arm of the assembly of the Local Government. The structure of the Local Government and duties of councillors auger well with the intention of the Decentralisation Policy; achievement of democratic decentralisation pursued side by side with good governance. Apart from the assembly meetings that enable councillors to discharge their duties of representation and deliberation, the assemblies have also committees namely Finance Committee, Development Committee, Education Committee, Works Committee, Health and Environment Committee, and Appointments and Disciplinary Committee (Malawi Decentralisation Policy, 1998:9). The aspects of good governance being fulfilled as a result of councillors discharging their duties are participation and accountability, especially when good governance is defined as “...the process through which power and authority are exercised between and within institutions in the state and civil society around allocation of resources” (Fitzgerald, 1995:195).

The National Decentralisation Policy aims at devolving administration and political authority to the district level; integrate governmental agencies at the district and local levels into one administrative unit through the process of institutional integration, manpower absorption, composite budgeting and provision of funds for the decentralised services; divert the centre of implementation responsibilities and transfers to the districts; assign functions and responsibilities to the various levels of government; and promote popular participation in the governance and development of districts (National Decentralisation Policy, 1998). In general terms, the policy objectives cover political and developmental aspects (National Decentralisation Policy, 1998) and these are:

- 1) to create a democratic environment and institutions in Malawi for governance and development, at the local level which will facilitate the participation of the grassroots in decision-making;
- 2) to eliminate dual administrations (field administration and local government) at the district level with the aim of making public service more efficient, more economical and cost effective;
- 3) to promote accountability and good governance at the local level in order to help government reduce poverty; and
- 4) to mobilize the masses for socio-economic development at the local level.

Worth noting is that the focal point of decentralisation in Malawi is the District Assembly also called local government authorities. The new local government is made up of District Assemblies, and cities and municipalities are regarded as districts in their own right. The District Assemblies were established by merging two parallel structures, namely, the District Administration (District Commissioners office) and District Councils. Currently, there are 40 District Assemblies (city and town assemblies are districts in their own right), and in terms of structure, each District Assembly has the political structure and the management structure. According to section 9 of the Local Government Act, the political structure consists of councillors elected from each ward and they hold office for a period of five years, non-voting (ex-officio) members such as traditional authorities and sub-traditional authorities, MPs, and five persons appointed by the District Assembly to represent special interest groups. The political structure is responsible for policy formulation and promotion of good governance principles such as political accountability, transparency and citizen participation in local government affairs under the leadership of the chairperson or mayor. The political leader is elected among the councillors during the first meeting of the District Assembly held within 14 days after

local government elections (Local Government Act of 1998, Section 7). The management structure, which is also called the District Secretariat, consists of all administrators and directors, and it is responsible for implementing various sector-programme policies and activities under the leadership of the District Commissioner or Chief Executive (Kamanga, et. al., 2000:71).

The point from the foregoing is that discussion is that councillors conform to good governance spirit by participating in the assembly and committee meetings where the members of the secretariat are held accountable on some activities. It can be argued here that for the purposes of advancing the good governance agenda, it is in order that the Local Governments were designed in a way that they are composed of the secretariat and assembly with the former executing the administrative functions whilst the latter predominantly discharging the policy making function on behalf of the people at the grassroots. The secretariat is a professional entity whilst the Office of the Chairman is a political body composed of locally elected representatives. In the context of good governance, the political arm of the assembly is the one well placed to help government in promoting and consolidating good governance at the local level for the reason that the political arm is responsible for the realization of most of the tenets of good governance such as participation and accountability. Councillors represent people at the grassroots (participation) and they get the explanations from the public officials on some of their actions and behaviour (accountability). With this reasoning, the incorporation of councillors into the local government system was a good idea if good local governance is to be promoted.

2.7.2 Institutional Channels of Participation and Accountability: The Ideal

2.7.2.1 Full Assembly Meetings

Part of the business of the assemblies in Malawi is deliberated at the full assembly meeting. Full assembly meetings are gatherings of all assembly members including the senior management of the secretariat where they formulate policies, assign responsibilities and receive reports from service committees or stakeholders. Full assembly meetings are supposed to be held four times in a year. However, this is only a minimum requirement and there is no limit as regards to maximum number of full meetings an assembly may hold. It is within the powers of the assembly to call for a full assembly meeting that is outside to the quarterly requirement when it sees fit especially in times of emergency.

Section 23 (a) of the Local Government Act No. 42 of 1998 demands that before a full assembly meeting is held, a note informing people of the same must be posted at the offices of the assembly three days before the meeting and assembly members be sent the agenda twenty-one days before the meeting. The reason behind this law is to allow councillors to find out from their constituents issues they wish should be presented to the assembly. The meetings are conducted based on the agenda and it is expected that councillors should send the items to the Chairman of the assembly who compiles the agenda list in conjunction with the head of the secretariat. It should be noted that the chairman of the assembly and the District Commissioner/ Chief Executive use their discretion to choose the items for discussion since neither the Local Government Act nor policy documents offer them guidance on choosing a topic for full assembly meetings. The implication of the foregoing is that the meeting may center on issues that are not of concern to the communities but rather to the Chairman and Chief Executive.

Despite the fact that the full assembly meetings are for assembly members, Section 23 (1) of the Local Government Act 42 of 1998 allow people to attend, participate and ask some questions in the deliberations of the assembly meetings except where the representatives feel the items on the agenda are too sensitive for the public ear (Hussein, 2001:80).

The logistics surrounding assembly meetings are to some extent a threat to participation and accountability. Direct participation exposes the assembly business hence facilitating the monitoring of powers and resources of the assembly to avoid abuse. In this respect, direct participation plays the function of checks and balances. However, the provision to deny people attending and participating in assembly meetings on grounds of ‘sensitivity’ of the matter is a threat to good governance. As much as it is appreciated that assemblies need confidentiality so as not to jeopardize public order and security, a question still remains; to what extent is an issue sensitive? Faced with the elected councillors that are not for the promotion of participation of the people in the public machinery and accountability, good governance can be frustrated because every item will be branded sensitive.

2.7.2.2 The Committee System

It is often said that a council is a sovereign body that wields the supreme authority at local level. Given the workload of initializing policy and directing administration, it is obvious that assemblies cannot manage to consider the nitty gritty of any business that

needs their attention. Heavy reliance on committees is therefore employed. The committees have been named 'workshop of the Local Government' for the reason that a great percentage of assembly work is carried out by the committees. However, committees do not have inherent powers considering the fact that they are integral and vital entities of the assembly. The operations of committees are limited by the powers conferred upon them by the assembly just as the assembly itself is restricted by the powers given by central government. Where government considers it appropriate, a law is enacted to institute a statutory committee with exclusive functions and duties that may not be performed by both the assembly and committees. more often than not, committees operate on delegated powers as such they may not discuss any matter up until the time a resolution enabling them to do so has been passed.

Committees have proved to be useful because of their ability to consolidate power and authority. Thus, while the individual may lack sufficient authority to make decisions by himself, the coming together of many members may bring legitimacy to the decisions made. Committees also act very well in an advisory capacity since they benefit from different skills of their various members brought together to deal with a problem. It is again argued that committees promote democratic principles because they allow greater participation in the decision-making process and are representative. Committees are said to be representative because through co-option, they are able to involve all sectors of life.

Malawi Local Government system makes use of committee system as well. Section 14 (1) of the Local Government No. 48 of 1998 provides for the establishment of standing committees namely Finance, Health and Environment, Development, Appointments and Disciplinary, Education, and Works. Other committees may be established at area, ward and village level. Section 23 (1) of the Local Government Act No. of 1998 makes meetings of the standing committees open to the public and press. However, the Act is silent as to whether the provision to allow people to attend the meetings extends to the opportunity of airing out their views putting into consideration that Local Government system is based on representative democracy. In the words of Pretty (in Dulani, 2003:5), the presence of the people may be considered as participation (though passive) that put into practice transparency and accountability principle.

2.7.2.3 Structures Below the Assembly

History of the structures existing below the assembly can be traced back to the time when the government possessed the desire to promote rapid socio-economic development

and this compelled government to establish the District Development Committees (DDCs). The DDCs, operating under the office of the DC, were charged with the responsibility of providing decentralized district planning and enhancing the efficient development of micro projects in each district through people's participation (Chiweza, 1998:99). The formulation of DDCs meant dual approach to issues of district administration and development as there were already District Councils in existence introduced formally under 1993 Local Government (District Council) Ordinance. Even though the DDCs enjoyed much support as compared to District Councils, they were weak and failed to deliver. As an attempt to revive the DDCs, DEC was created at district level, ADC at the traditional authority level, and VDC at the village level. The District Focus for Development approach adopted in 1993 aimed at strengthening these communities. In 1998, a new Local Government Act was enacted and Section 14 (3) of this Act provides for the establishment of committees at the ward area or village level as determined by the assembly itself. With this discretion, assemblies have actually not created committees but rather adopted the VDCs and ADCs already in existence. Of interest here is that assemblies have not created committees at ward level where a councillor has his or her jurisdiction and yet the local government system rests so much on them.

With respect to the ADC, it is a representative body under the jurisdiction of the traditional authority. It is responsible for organizing monthly general meetings of the ADC in liaison with VDCs; assisting in the identification, prioritization, and preparation of community needs which encompass more than one VDC and submit them to DEC; supervising, monitoring, and evaluating the implementing projects at TA level; mobilizing community resources and soliciting funds, and receiving, prioritising and preparing project proposals from VDCs for submission to the DEC. Membership of ADC is comprised of the VDC chairpersons and their deputies ward representatives, representatives of religion faiths, representatives of youth and women groups in the area, representatives from the business community and chairperson of AEC. The chairperson of ADC is elected by the members themselves and the TA/STA only supervises it and all other committees within his or her jurisdiction (District Planning System Handbook for District Assemblies, 2001:9)

The VDC is the lowest institution of development activities at the district level. It is formed by a group of villages. The VDC is an overseer of developmental initiatives at a village level and this extends to coordinating community-based issues with the ADC and

DEC and communicating messages from the ADC and DEC to the communities; encouraging and mobilizing community resources for popular participation in self-help activities; assisting in identifying, prioritizing, and preparing community needs and submitting the same to the ADC; and initiating locally funded self-help activities. The VDCs are composed of the elected member from each village within the VDC, ward representatives as members, four women representatives nominated by the people within the VDC and elected extension worker representative. Members of the VDC elect among themselves a chairperson, vice chairperson, secretary, vice secretary, treasurer, and vice treasurer. The rule for electing the chairperson and his vice states that in a case of a male person being elected chairperson of the committee, the vice-person is elected from among the women members and vice versa. In the VDCs, the Group Village Headman/Headwoman cannot chair a VDC but supervises the VDCs and all other committees within his/her jurisdiction (District Planning System Handbook for District Assemblies, 2001:9).

The membership of both ADC and VDC seems to be a mockery to local democratic governance. It is understood that the ADCs and VDCs were partly established to promote democratic governance at the local level hence having the democratically elected leaders in these committees. However, there is a feeling that the emphasis on representatives has gone to the extreme in this case bearing in mind that ADCs are grassroots structures as such it is expected that people will have direct access to them. Thus, it is within expectation that as structures are getting closer to the community, the dependence on representatives is supposed to be minimized as population turns to be smaller hence permitting direct participation.

The composition of the VDC and ADC is a mockery of good governance because the reality has it that most of the people gain membership by virtue of occupying a certain position in the society. Even the key positions are attained by means of co-option among others. To this end, it sounds contradictory that a committee that is undemocratically established should be charged with a responsibility of promoting democratic principles such as participatory development initiatives.

2.7.2.4 Elections

Elections defined as “...a democratic method of forming representative bodies and/or for delegating authority,” (Nohlen, 1996:1) are an alternative to undemocratic methods of occupying office such as succession, ex-officio or appointment. The importance of

elections needs not to be overemphasized. They are a source of legitimacy for the political leadership; expression of trust in the persons elected; and means through which government of the day is controlled, re-elected or defeated.

Elections have another prime function of providing people with a forum for participating in the political decision-making processes. In this regard, "...elections have a special importance in so far as they form the type of participation in the political process available for the mass population" (Nohlen, 1996:4). Through the principles of universal suffrage (universality, equality, secret, and direct) all citizens in society are entitled to vote hence taking part in political process. It should be noted that some requirements such as age and nationality do not negate the universality of elections but rather try to ensure producing unquestionable results.

Councillors in Malawi are elected under the Local Government Act of 1996. This means that Malawi local government system empowers the local people to choose for themselves leaders that will rule them. The mandate is subject to be renewed every five years. To this end, it can be said that the legal and political authority of the assemblies derives from the people themselves through the voting process. Effort towards democratizing local governments would be incomplete if the right to full participation in the choice of the leaders was undermined.

From the above discussion on institutional participatory and accountability structures, it is clear that the said institutions need to be close to people if their participation is to be meaningful. It is important as well that the grassroots structures should possess power and authority so that they make independent decisions.

2.7.3 Functions of Councillors

Narrowing down to the specific context, Malawi does not have the functions of the councillors clearly laid down in any of its legislations. To address the lack of clarity on the duties assigned to councillors in Malawi, Chiweza (2007:161) makes an effort to outline duties of councillors based on the traditional way of distinguishing duties of the councillor and Members of the Parliament. According to Chiweza (2007:161), the duties of councillors are:

- 1) to represent the people of their wards in the local district assemblies and bring to the local forum the local concerns that require Local Government solutions;
- 2) to mobilize local support for local development and bring to the attention of the MPs those matters that require national solutions and Central

Government where such matters cannot be contained within the District Development Plans (DDPs);

- 3) to initiate and contribute to debate in the local development matters and management of the district assemblies' resources;
- 4) to provide a systematic check on Local Government expenditure and service delivery in the district, ensuring accountability and transparency;
- 5) to receive at the district assemblies all proposals for the DDP and scrutinise the proposals and pass the budget; and
- 6) to ensure an equitable system of distribution of resources amongst all wards and ensure an even spread of development amongst all wards.

In addition to the above, the other duties of the councillor in Malawi have been outlined by the GTZ-MGPDD (2008:38) as to provide a systematic check on the DEC and expenditure and service delivery within their respective wards and district as a whole, to make plans for development covering all wards in a district and deliver services to all wards, and ensure a fair distribution of resources and development in all wards, to facilitate implementation of local development, and to inform people about decisions made at the assembly.

2.8 Theoretical Framework

The study will be guided by social contract and policy spaces as a theoretical framework. The choice of these theoretical underpinnings is based on the fact that they explain issues of participation and accountability which are of interest in this study. The social contract theory is important in the explanation to the creation of local governments where the councillor is made a representative of the people to promote participation and accountability as part of the terms of contract. The policy spaces is key in explaining the role of emerging institutions in the promotion of participation and accountability whereby social contract falls short of explanations. The social contract will be discussed first followed by the policy spaces.

2.9 Arguments in Social Contract Theory

One theory about how political participation and accountability can arise is social contract. According to the social contract theory consent is the basis of government. In the words of Heywood (1997:43) social contract holds the view that "...government's legitimacy is drawn from the agreements between the people and states." It is because people have agreed to be ruled that governments are entitled to rule. Social contract

theorists envisage a transaction from a state of nature to a state of government. Individuals come together and form contracts which serve their interests, and these contracts establish rule. Basically, according to Grant (2003:7) social contract is anchored by three fundamental principles namely; people have certain rights independently of any government, and these rights include the right to liberty (the right to do as one has decided and not be coerced), people with such rights join together to form governments, for they have good reasons for preferring to live under a government than in a state of nature, and the government draws its legitimacy from the fact that each person has agreed to its existence and to its use of coercion to enforce its laws.

Thomas Hobbes (in Grant, 2003:79) argues that a state of nature is equated to anarchy where life is poor, nasty, brutish and short necessitated by the features of the human condition namely equality of need, scarcity, the essential equality of human power, and limited altruism. Because of lawlessness, there are no social goods in the state of nature because the social cooperation needed to produce these social goods doesn't exist. As a means of avoiding this fate, guarantees must exist to ensure that people will not harm one another and are able to rely on one another to keep their agreements. Government comes about in this case as it is in a position to provide all the conditions that avoid anarchy. However, of most important is the point that when establishing a government, people give up some of their personal freedom (for example, the freedom of anarchy) and give the government the authority to enforce laws and agreements. Following the establishment of government, those living under it are parties to a social contract. Each person agrees to follow the laws of the state on the condition that everyone else does the same. That way, we are all relatively safe from each other and we all benefit from the other social goods that will result. The motive behind the social contract is to avoid anarchy in the society. The contract between government and citizens is in on condition that citizens will surrender their rights to the state and give it power to rule them on condition that it provides them with security and help them satisfy their other needs. In this modern world, these agreements are entered into at the day of polling and are outlined in the Manifestos together with all other conditions of the contract. When these conditions have been violated, agreed sanctions are applied and in the extreme case, the contract is terminated.

The analysis of the views contained in social contract suggests that people in a community are in need of an authoritative institution that is able to override individual

interests for the sake of attaining order and freedoms in the society⁶ (Hobbes in Raphael, 1979:88). However, this is on condition that such a government will be subject to scrutiny by the people themselves to ensure that it does not suppress the very aspirations of order and freedoms which they want to enjoy with the help of government. It is from this perspective where the community thinks of having a limited government (Locke, in Coutler 1997:30). A limited government is important because it has no absolute powers over people as it can be deposed if it goes against the wishes of the people that form the core terms of the social contract. The contractual view here is that as much as agents of government (councillors in this case) have the mandate to make by-laws and policies which they attain through elections, the discharging of these functions should be done in consultation with the governed. Further to this, councillors need to report back to the people they are representing on the issues transpiring in the governing process. In respect of the foregoing, social contract explains how councillors are central in the relationship of the governors and the governed. Their election into office ensures that the local people still participate in the issues of public interest and hold the authorities accountable for the decisions taken and resources utilized.

2.10 Justifying the Use of Social Contract Theory

Social contract is in a better position to guide the study because it explains theoretically the emergence of need for the local people to participate in the governing process and the importance of councillors in ensuring that people are participating in the local public life and holding the power-holders accountable for their actions.

On the first account, social contract explains the need for elections as part of the process for establishing governing institutions. Social contract holds the view that government and its rulers are supposed to be legitimate and elections are critical to that effect. Elections provide consent to government to make decisions on behalf of the people. Through elections, the electorate comes into agreement with the elected that they can make policies and laws on their behalf, and in return, the constituents will observe the policies and laws enacted. The need for elections is also emphasized in the contemporary times by Article 21 of the Universal Declaration on Human Rights that stipulates,

⁶ In his book, *The Leviathan*, Hobbes advocated for a *Leviathan* or absolutist state that acts like a gigantic monster. Hobbes argued that the *Leviathan* state was needed to be above all men because it was not party to the contract that the people had made. Besides, he argued that once made the contract could not be revoked since anyone who refused to follow the dictates of the state returned to the original state of war and could be destroyed. Essentially, the argument is that the state is a necessary evil “needed to protect men from their salvage instincts” (Wanlass, 1956).

“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives, everyone has the right of equal access to public service in his country, and the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

Contextualizing the social contract in the decentralisation effort in Malawi, it explains the need to have local government elections. In the eyes of social contract, local government elections are important because they are a source of legitimate representatives; councillors as they are called in Malawi. Elections produce councillors who act as a bridge between the assemblies and the local people. With the postponement of local government elections in Malawi, social contract will explain whether the governors at the local level are legitimate or not? If they are legitimate, what is the source of their legitimacy? If they are not, social contract will explain the reasons as to why the grassroots have accepted to be governed by the people whom they have not provided consent.

Secondly, social contract is useful in this study because it explains the reasons behind the need for participation of the people in the local public life and observance of accountability by the elected representatives and appointed officials. As explained earlier on, social contract from Locke’s point of view is that government is limited in her mandate. This applies even to local governments by virtue of being independent institutions with their own body of elected representatives mandated to make policies and laws. Local governments are limited to the terms of contract that is binding between the governed and itself. To make sure that terms of contract are enforced, participation of the people in the decision-making process is therefore inevitable. Participation of the people in the decision-making process at the assembly is important so as to make sure that the assembly is operating within the agreed terms of contract. Where there are issues to be clarified, the grassroots can seek an explanation. It is worth noting that seeking explanations from the governors is possible when there is provision for participation in the governance process. The bottom line of social contract from the foregoing suggests that a limited government champions rights and freedoms of the people including the right to participate in government machinery and hold authorities accountable. People are encouraged to be active participants in public life as a means of providing checks and balances to government so that it does not abuse its powers. With the participation of the

people, the government is limited because it is under the public eye of the electorate. Any abuse of the powers seen by the electorate amounts to the vote of no confidence in the next polls as such the government is always cautious of its actions.

Thirdly, going by the principle of social contract theory that the agents need to be in touch with their constituents, it can be argued that the conduct of business in local governments among the stakeholders (councillors, public, and appointed officials) is characterised by participation and accountability. Soliciting of the terms of agreement is a participatory process that involves all people that are to be party to the contract. In this regard, councillors discharge the function of interest aggregation whereby people raise issues that should be accommodated in the agreements establishing the local government. Even after establishing local governments, people still participate in its operations as a matter of ensuring that government is living up to their expectations guided by the contract. Basically, people put forward their concerns to government through "...elections, demonstrations, petitions, sit-ins, initiatives, and public debates" (Rockwell et. al., 1966:78). As much as it is appreciated that the foregoing are means of participation, it should also be noted that they imply avenues of enforcing political accountability. The said activities are essentially double-edged.

2.11 Policy Spaces on Participation and Accountability.

Democratic decentralisation ideals preach of increased participation and accountability when the power and functions of the central government have been shifted from higher level of government to lower levels. The realignment of the government structures in the form of democratic decentralisation is accompanied by the creation of avenues that enhance participation of the people in the public machinery and voice or accountability. This is to say that policy spaces have to do with participation and accountability as well.

Policy spaces concept originates from the observation that many of the countries in the third democratization wave are only democratic to the degree of holding elections but in essence they have retained the authoritarian tendencies where participation of the people in government machinery is a problem beyond elections (Carothers, 2002). In order to circumvent the authoritarian tendencies, there is need to change the balance of power between the citizens and the state through the promotion of direct participation in governance. In view of the above, policy spaces come in as a means of opportunities where citizens address public problems by reasoning together with the government about

how best to solve them (Cohen and Fung, 2004 quoted in Gaventa 2006:17). Policy spaces are not limited to the government sphere. They can be created ‘from above’ by powerful institutions as in ‘invited spaces’ or created ‘from below’ through more independent forms of social action as in ‘autonomous spaces’ (Brock, et. al, 2001:22).

The concept of spaces in general terms refer to the means by which ordinary people can participate in the process of governance. In specific terms, Grindle and Thomas (in Brock, et. al, 2001:22) refer to policy spaces as “...moments in which interventions or events throw up new opportunities, reconfiguring relationships between actors within these spaces or bringing in new actors, and opening up the possibilities of a shift in direction.” Policy spaces are a product of continuous change that leads to negotiation and renegotiation. Brock et al (2001:22) observe that policy spaces are “...an active and interactive context in which social relations and structures are transformed over time.”

Policy spaces are of different forms. Gaventa (2006:26) comes up with different forms of public spaces. In his typology of public spaces, Gaventa (2006:26) identifies five policy spaces. Firstly are the Popular Spaces. Popular Spaces are also known as Created Spaces or Claimed Spaces. They are initiated by citizens themselves and attempt to influence the state. They are spaces which are claimed by less powerful actors from or against the power holders, or created more autonomously by them. Popular spaces constitute the protests, demonstrations, and social movements put pressure on formal policymakers. Then there exists the Bureaucratic Spaces, also called Invited Spaces, that are formal policymaking spaces within the government bureaucracy or legal system led by government civil servants with selected input from external experts. Cornwall (in Gaventa 2006:26) understand Invited Spaces as “...spaces created by the state or some other kind of authority (including non-government organisations and international agencies), into which people (as users, citizens or beneficiaries) are invited to participate.” Whilst the Practical Spaces refer to the pilot field based projects initiated by NGOs or fieldworkers providing opportunities for ‘witnessing’ by policymakers, Electoral or Political Spaces are viewed as formal participation in electoral system that allows voting on policy position of competing candidates. Last in Gaventa’s work on policy spaces is the Conceptual Spaces that is discursive spaces where new ideas are introduced into debate and circulated through various media.

The debate on policy spaces has attracted contributions from a number of scholars who in the process have confirmed the existence of other policy spaces. Berberton, Blake and Kotze (1998) identified the ‘action spaces’ as the space for poor people that are used

to resist, challenge their conditions and create alternatives. Evans and Boyte (1986) have come up with the ‘free spaces’ as those opportunities for engagement which exist between private lives and large-scale institutions, in which ordinary citizens act, and also where they learn and practice new skills and understandings and visions that may later be articulately in more formal policy arenas.

The relevance of the concept of policy spaces in this study and its linkage with to social contract has been discussed by the Schonwalder (1997) where he describes the nature of the spaces that decentralization either *de jure* or *de facto* might open in the policy process from both the pragmatic and political point of view. Sight should not be lost here that decentralization breeds local governments. From the pragmatic perspective, decentralization is considered to be instrumental as such it is a policy tool that relies on local organizations as intermediaries between state and local population. From this light of thought, decentralization is taken to be a technical and administrative process rather than a political one. On the other hand, political approach to decentralization implies viewing decentralization as the democratization of the state, opening up new channels for participation in the political system through administrative reform and new avenues for direct participation. In the political perspective, local and regional governments constitute a ‘meeting place’ between the state and her people and civil society, in which a ‘new social contract’ can be negotiated.

Based on the same concept of ‘new social contract’ in the Malawi scenario, it can be said that where there are no councillors, then the debate is on renegotiating the ‘new social contract’ to include how mechanisms which people will utilize to participate in public matters and hold accountable the public officers. The renegotiations of the ‘new social contract’ may include the new actors to play the functions of councillors and policy spaces become relevant as well.

The policy spaces offer room for participation of the people in public machinery and in the process holding the officials accountable. The term voice captures both participation and accountability aspects. Goetz and Jenkins (in O’Neil et. al, 2007:3) define voice as “...both the capacity of people to express their views and the ways in which they do so through a variety of formal and informal channels and mechanisms. Referring primarily to the efforts of the poor to have their views heard by more powerful decision-makers, voice can include complaint, organized protest, lobbying and participation in decision making, service delivery or policy implementation.”

Voice is the concept that captures the essence of participation and accountability terms at one time though the two when combined or taken one on one, cannot be equated to the underpinnings of the concept itself. Scholars indicate that voice, participation, and accountability though inter-related, they are different (Goetz and Jenkins, 2004; Gaventa, 2007; O'Neil et. al, 2007). O'Neil et. al (2007:4) observe; "Whilst voice and accountability are intimately related, they are not the same. Voice is about the relationship between two agents, one of which makes decisions which have an impact on the other and/or which the other has delegated to them." The juncture between the voice and accountability is seen where the two "...come together at the point where those exercising voice seek accountability. It is important to note that voice can strengthen accountability, including by pushing for greater transparency, whilst accountability can encourage voice by demonstrating that exercising voice can make a difference. In this respect, there is a two-way relationship between voice and accountability" (O' Neil et al., 2007:4).

2.12 Conclusion

This chapter has done literature survey where relevant debates have been discussed. Focus has been on the decentralisation, duties of the councillors, and good governance tenets namely participation and accountability as they are concepts upon which this research study is built on. The social contract, policy spaces, and voice have also been discussed as the theoretical underpinnings guiding the study.

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.0 Introduction

This chapter discusses how the research objectives were operationalised. This is done by explaining the research design capturing the sampling techniques, data collection tools, data analysis techniques, limitations and ethical considerations.

3.1 Research Design

The study adopts a predominantly qualitative approach to the operationalization of the research objectives. The study also appreciates the quantitative methodology. The mixed approach has been employed due to the nature of the objectives that happens to be primarily qualitative and secondarily quantitative.

3.1.1 Population, Sampling Frame, and Sampling Techniques

The sampling frame for this study were the assemblies. Sampling frame was composed of the assembly secretariat, gatekeepers, former councillors, civil society organizations, central government officials and local people that have been living in the study areas since 2000. The rationale behind inclusion of local people that have been in the communities since 2000 was that they were in a better position to explain how participation and accountability transpired in their assemblies in the era when councillors were in place and how the same issues are being pursued without the councillors in existence. The sample was also in a position to explain the effectiveness and efficiency of the institutions emerging in the absence of the councillors to promote participation of the people in local affairs and accountability at the assemblies. Eighty local people were interviewed using a questionnaire. Only those people who had been living in the selected ward since 2000 were interviewed.

Systematic random sampling and purposive sampling techniques were used to identify the interviewees. Systematic random sampling was used to identify interviewees at the ward level where the questionnaire was administered. It was important to use Systematic

random sampling to avoid bringing in bias and personal interests in the study (Wisker, 2001:139). The village headman provided a register for the village where duration indicating how long the individual has been in the village was captured. The names of people that have been in the village since 2000 were noted and written on a different piece of paper. The sum of the people that had been in the village since 2000 was divided by 20 (number of respondents per village). The quotient was used to determine the respondents. As to purposive sampling, it was employed to identify key informants to be interviewed using a guide. In this respect, key informants were identified by virtue of holding strategic positions in the society or possessing specialized knowledge. The ultimate goal of purposive sampling was to generate insights from experts (Brayman, 1999:96). The use of two sampling techniques was utilized for the purposes of triangulation.

3.1.2 Data Collection Techniques

3.1.2.1 Review of Documents

The documents that were reviewed were from the databanks of Lilongwe District Assembly and Balaka Town Assembly, Non-Government Organisations being involved in the operations of the assemblies, Ministry of Local Government and Rural Development, Local Government Finance Committee and the defunct Decentralisation Secretariat. The researcher was alert and objective when reviewing the documents putting into consideration that documents sometimes contain distorted facts because of the biasness of the author.

3.1.2.2 Key Informant Interviews

Key informant interviews were used in a semi-structured manner where a set of general questions were drawn from the themes of participation, accountability, and effectiveness and efficiency of emerging institutions. Specific questions aimed at gathering detailed data were posed to the key informants in course of the interview (see annex 2).

The key informants included officials from the Secretariat, members of the political wing of the assembly (ex-councillors), civil society, District Executive Committee, and traditional leaders. The justification for conducting key informant interviews is that key informants "...are a very special group of people because they possess specific

knowledge, are articulate and insightful in many areas of interest to social sciences” (United Nations Education and Science Commission, 1999:15).

Key informant interviews were conducted with the aims of generating specific knowledge with regard to issues of participation, accountability, and mode of operation for the mechanisms replacing councillors. The non-directive approach was adopted in the interviewing process whereby the interviewer refrained from offering alternatives and making expressions of approval and disapproval. With the appreciation that good rapport is prerequisite to successful interview, the researcher strived to establish that much needed rapport by involving the key informants in an informal talk before starting the actual interview.

3.1.2.3 Focus Group Discussions (FGDs)

Eight FGDs were conducted in the two assemblies. Thus, two FGDs were conducted in each ward. On average, each FGD involved ten participants. Attention was also given to gender balance when selecting participants in the FGDs. The FGDs were conducted using an interview guideline based on the themes under study (see annex 2). The use of a guide permitted the researcher to probe some issues and get insights from the people themselves.

The FGDs complemented well the key informant interviews, questionnaires, official documents, non-participant observation, and participant observation in gathering reliable and valid data because they captured some important data related to attitudes and opinions which would be difficult to gather using other data collection methods. Again, FGDs were important in the sense that they enabled the researcher to gather data from the illiterate people especially in rural communities where illiteracy rate is high, participants cross-checked and reminded each other on the issues of interest, and the researcher collected quite substantial data in a relatively short period of time. The data that was sought using the FGDs revolved around the opinions, attitudes, and perceptions on the promotion of participation and accountability and effectiveness of the emerging institutions replacing councillors.

3.1.2.4 Questionnaires

A total of eighty questionnaires were administered by the researcher himself to the local people at the ward level who were chosen randomly (see annex 3). Self administering of the questionnaires enhanced the chances of generating reliable data as

the respondent had an opportunity to seek clarification where she or he did not understand the question, the researcher probed on salient issues. Steps were taken by the researcher to avoid biases brought into the study by face-to-face interaction and interviewer variability. Establishment of rapport was critical here. Questionnaires were used to collect data on individual perceptions and attitudes of the dynamics of participation and accountability in the absence of councillors and the effectiveness of emerging institutions replacing councillors.

3.1.3 Data Analysis

Data analysis involves examining, sorting, categorizing, evaluating, comparing, synthesizing, and contemplating the coded data, as well as reviewing the raw and recorded data (UNESCO, 1999:21).

Qualitative data was analysed using content analysis and process-tracing methods. Firstly, qualitative data was subjected to data reduction exercise where it was read for a number of times (and recorded data was transcribed), transformed and integrated. This was done by summarizing, coding and categorizing the data for the purpose of analysis. The second step in the analysis was data organization involving the assembling of data around themes of participation, accountability, and effectiveness and efficiency of the emerging institutions in promoting participation and accountability. The data organization also paid attention to patterns, trends, and time periods among other items. Interpretation of data was the last stage in the analysis of qualitative data. At this stage, the researcher engaged himself in trying to give meaning to the data, making decisions, drawing lessons and conclusions (Sarantakos, 1997:169). It is important to note that data analysis was handled as a continuous process starting with the preliminary data analysis starting in the field.

3.1.4 Pre-testing

The study was pre-tested in Zomba District Assembly in particular Ntonya constituency. The research design was a semblance of the main study. The pre-testing exercise provided an opportunity to fine-tune the instruments by correcting shortcomings, generating fixed-choice answers, getting familiar with the data collection instruments, and knowing the study population (Bryman, 1999:155).

3.1.5 Ethical Considerations

In order to conform to ethical standards in research circles, consent was sought from the respondents before the interview and recording of the same when need arose. The data was treated as confidential so as to respect the right to privacy.

3.2 Study Areas

The research was carried out in two areas namely Lilongwe District Assembly and Balaka Town Assembly. The choice of the assemblies was random adopting a fishbowl procedure with consideration of the rural and urban dimension of the assemblies. In this regard, names of the district and urban assemblies in Malawi were written down on pieces of paper, put in two different bags of district and town assemblies, mixed, and finally one piece of paper was picked from each bag without looking into the bag. The rural and urban dimension of the assemblies was incorporated because the study had a particular interest in comparing the operations of the district and urban assemblies in the absence of councillors and how this is affecting the promotion of participation and accountability. For a detailed study, four wards were chosen; thus, two wards in each assembly. The wards were also identified randomly using the same fishbowl technique. The procedure was the same as to the one of choosing the assemblies though in this case it was names of all wards in each assembly that were written down on pieces of paper, put in different bags of district and town assemblies, mixed, and finally two pieces of paper were picked from each bag without looking into the bag. Babie (2002:17) recommends the use of fishbowl random sampling on the basis of avoiding introducing biases as an individual does not pick a site of his or her choice in addition to the fact that the choice is made having given all sites equal chance of being selected.

Specifically, in Lilongwe the study was conducted in the area of Senior Traditional Authority Mazengera targeting Mazengera and Nkuza wards. Mazengera and Nkuza wards are in the Lilongwe Mpeni constituency.⁷ In Balaka Town Assembly, the study was carried out in the Traditional Authority of Msamala focusing on Nkhalango and

⁷ Senior Traditional Authority Mazengera's area covers Lilongwe Mpeni and Lilongwe Nkhoma Constituencies. Honourable Makala Ngozo is the Member of Parliament (MP) for Lilongwe Mpeni. He has been the MP for this area since 1999. Lilongwe Nkhoma constituency is under the leadership of Honourable Joyce Azizi Banda who is a successor of Honourable Louis Chimango. Honourable Louis Chimango has been the MP for Lilongwe Nkhoma Constituency from early 1970s to May 2009.

Ntaya wards. Nkhalango ward is in the Balaka Central East constituency whereas Ntaya ward is in the Balaka West constituency.⁸

3.3 The Limitations

Due to the sensitivity of the topic and time which the data was collected (campaigning period), some of the respondents were skeptical of the researcher thinking that he is an agent of political parties or shadow MPs. This skeptical mind was erased after producing a personal identity card of the University of Malawi and an introduction letter from the office of the District Commissioner.

3.4 Conclusion

This chapter has described the introduction and methodology. It has given an overview of the background of the study, research problem, objectives and justification for its pursuance. Discussed in this chapter is also the research methodology where focus has been on the research design, study population, sample, sampling techniques, data collection tools, analysis, and pre-testing, ethical considerations, and limitations. The study limitations and organization of the study have also been highlighted in this chapter.

⁸ The National Assembly seat for Balaka Central West was vacant from 2005 up to May 2009 following the conviction of the MP, Honourable Yusuf Mwawa. Following the 19 May 2009 Parliamentary elections, the MP for the constituency is Nasrin Pillane. Honourable Chathunya was the MP for Balaka West constituency between 2004-2009.

CHAPTER FOUR

ABSENCE OF COUNCILLORS ON PROMOTION OF PARTICIPATION AT THE LOCAL LEVEL

4.0 Introduction

This chapter presents and discusses the effects of the absence of councillors in so far as promotion of participation of the local people in the assemblies as far as local public life is concerned. It also aims at presenting and discussing the effectiveness of the public spaces for participation that have emerged or opened up to replace the councillors. This is done by focusing on situations before and after the tenure of councillors expired in 2005. This chapter is divided into three sections. Section one and two discuss participation after the dissolution of assemblies and withdrawn policy spaces and the weakening of the voice respectively. Section three focuses on the actors in the participatory process.

4.1 Participation after the Dissolution of Assemblies

Participation of the people in the assembly affairs is ordinarily supposed to be done through the assembly structures namely Assembly Full Meeting, Assembly Service Committee and structures below the assembly (ADC and VDC). Thus, in a bid to let the people take part in the decision making process, committees are established at the grassroots where they are within reach of the community members. The VDC is the closest committee to the people at the grassroots.

Prior to the dissolution of the councils in 2005, Lilongwe District Assembly and Balaka Town Assembly in consonance with the Local Government Act operated through the Assembly Service Committees that acted as the workshop of the Assembly. Lilongwe District Assembly had seven service committees namely Finance, Development, Health and Environment, Education, Human Resources, Public Works, and Agriculture and Natural Resources (Lilongwe District Socio-Economic Profile, 2006:7). Balaka Town Assembly had six Service Committees namely Finance, Planning and Development, Education, Works, Health and Environment and Appointment and Disciplinary (Balaka Town Assembly, 2004:61-2). The service committees were composed of the councillors as the voting members and MPs, Chiefs, representatives of the interest groups as ex-

officio. Depending on the nature of work by the committee, the relevant head of the directorate would serve as the secretariat and sit in the committee as an ex-officio.

Participation of the people in the assembly matters, in particular service committees, was mainly supposed to be done through the councillor who was their elected representative. This is in line with the principles of representative democracy and social contract where people enter into an agreement that the elected individuals will have to be representing the community in matters of local interest. As per the Constitution of the Republic of Malawi, Section 147 (1), the legal position on the legitimate representative of the people in local public life is that a councillor is the one who has the mandate to represent people in matters bordering on local public life. The mode of operation was that the councillors would consult the people on the issues that he was to present in the meetings for a detailed discussion. After deliberation at service committee level, the recommendations would be forwarded to the Full Assembly Meeting for ratification or rejection.

The study found that with the dissolution of assemblies, it was found out that in both Lilongwe District Assembly and Balaka Town Assembly, the service committees were no longer operational. Further to this, the current organogram in all the study areas has not created some structures equivalent to the service committees in terms of nature of work and the stratum. In other words, unlike the period between November 2000 and March 2005 where service committees were in operational as an initiative to bring the public machinery closer to the people for participation, the current organizational structure has not provided means of participation to the people to the lowest possible level.

In order to find out how the councillors consulted their constituents, participants in FGD were asked the mode used by their ex-councillor to let them engaged and contribute to public life, it emerged that though councillors did not consult the people so often directly either on individual basis or public meetings, they had the tendency of consulting specific groups of people in the society such as chiefs and religious leaders. At one of the FGD in TA Mazengera, Lilongwe District Assembly, the participants observed that "...the ex-councillor was not for us common people...the venue for his meetings was the church and those in attendance were chiefs and some invited people especially from the political party which he belonged to; the Malawi Congress Party (MCP)." The picture painted above is that councillors acted as agents of specific groups in the society. The consultation of the other members of the society was at the will of the councillor. From the foregoing, it can be argued that in the absence of councillors, all members or groups

of the society have difficulties in accessing the local government machinery so as to have their input considered by the secretariat when making decisions that even affect them. The absence of the councillors has further weakened the link between the people and the assembly and enhanced the disfranchisement of the people from the assemblies. Whilst the less affluent in the community distanced themselves from the assembly activities because their councillor looked down upon them as people with no sensible voice when the affluent maintained touch with the councillors, in the absence of the councillors, even the once active affluent now feel the link between them and the assembly is broken and the logic of the assembly being a catalyst of 'power to the people' is now getting out of their mind. The picture painted above is that not all groups of people were being consulted and had access to the councillors as such the degree of missing the councillor varies from one group of the community to the other. To others, there is less difference because the councillors were not a significant link when others miss them a lot because they had a huge impact in their lives.

Even at an individual level, when the question of whether people still felt the assembly belonged to them in the absence of the councillors, the results corresponded with the views emerging from the FGD as the view was that the assembly does not belong to them. In this regard, 62.7 % of the respondents were of the view that the assembly does not belong to them anymore whilst 37.3 % of the respondents thought that the assembly still belongs to them. The 37.3 % of the respondents who still feel linked to the assemblies are those that are close to the chief as chiefs are still part of the discussions at the assembly.

In view of the point that councillors promoted participation of a few specific people in local affairs, their absence is positive as this has reduced the chance of the assemblies being captured by the local elites. The tendency of the councillors to involve specific groups of people made the assemblies vulnerable to manipulation and serve only the interests of those being given the platform. In this respect, councillors with their tendency of consulting specific groups of people defied the logic of decentralization that it promotes equality (Steiner, 2008; van Dijk, 2008).

Whilst the finding is that the absence of councillors has affected the participation of some categories people in local public life, a note should be taken that the expiry of tenure of office for councillors has lead to the opening up of formal and informal policy spaces that present themselves as the alternative means of participation in the local public matters. Thus, policy spaces have emerged to replace councillors in their functions

including that of representation in so doing letting people participating in public life. One of such policy space that has emerged in the absence of councillors to facilitate participation and represent the people is the Consultative Committee.⁹

The Consultative Committee (CC) is a structure at the assembly that has been established under the directive from the Central Government entrusted with the overall task of running the operations of the local governments. Generally, the CC is composed of the DC, Director of Planning and Development (DPD), MPs, TAs and Sub-TAs in the area of jurisdiction of the Assembly, and five representatives of the interest groups. The CC is under the leadership of the secretariat. The DC is the chairperson and it is serviced by the DPD. The terms of reference for CC include providing direction to the secretariat on how operations should be run, allocating resources, and preparing budgets for the Central Government. The CC is required to meet once in quarter.¹⁰

In essence, the CC is a make shift institution that is meant to be interim. Thus, longevity of the CC will depend on the duration that may take before the holding of local government elections. In this regard, the death of the CC will be pronounced upon holding the local government elections unless they are withdrawn before the local government elections. The composition indicates that there are no elected officials in the CC. The CC is not founded on law as it is a committee that is operating outside the framework of democratic decentralization as per Local Government Act 1998 and National Decentralisation Policy. The CC “...does not feature anywhere in the LGA and Decentralisation Policy.”¹¹

The CC as an emerging policy space of participation has the advantage over the formal means of participation of full assembly or service committees from the perspective that discussion is less influenced by the political affiliations as members are not politicians as per se who have filled the position not by election but rather by holding a certain position in the society. By having ex-officios, “...discussion is of less tension and competition because the ‘members of the assembly’ now have less interest in outclassing

⁹ The CC is also referred to as Planning and Development Consultative Committee, District Development Steering Committee, Taskforce, Stakeholders Meeting, District Consultative Forum (DCF), and Advisory Committee. Cammack et al (2007:23) observe that CC is also referred to as “...Interim Assembly or Interim District Development Committee.” At Balaka District Assembly which hosts the CC for the Town Assembly, the CC is known as ‘DCF’ whereas at Lilongwe District Assembly, it is called ‘District Development Steering Committee’ (Lilongwe District Socio-Economic Profile, 2006:5)

¹⁰ Interview with the Deputy Director of Local Government Services, DC for Balaka District Assembly and Acting CEO for Balaka Town Assembly, DPD for Balaka Town Assembly, DPD for Lilongwe District Assembly, MP for Lilongwe Mpeni, Senior Chief Mazengera, and Programme Manager-Democracy Consolidation Programme. Note that there are no guidelines/manual on how the CC should operate.

¹¹ Interview with DC for Balaka District Assembly and Acting Chief Executive Officer for Balaka Town Assembly

each other so as to gain political mileage and popularity among the local people.”¹² The explanation for the competition over resources that waved the merit in the allocation of resources during the term of office for councillors is that they wanted to prove to the community that they are development conscious and use those development projects to seek re-election or campaign for the position of the MP.

The demerit in CC leading to its ineffectiveness in discharging the functions that councillors used to execute is based on its composition and the way it is founded. The CCs are founded on the principle of co-option so as to include different groups in the governance process. The view here is that CC is a governing structure at the local level that is a microcosm of the community. Perceiving the CC as such does not reflect the reality because in essence CC represents specific groups of the community. Whilst the political arm of the assembly was composed of elected individuals in their respective wards, the CC consists of appointed officials who are based at the boma (district headquarters), the MPs who most of the times live in town, and the traditional leaders who reside in the village but out of reach from the common man largely because of superiority complex. The point emerging here is that the CC is detached from the community which it is supposed to represent hence performing negatively the representation role. CC best represents the technical people and local elite who may have different interests from those of the grassroots. CC is a policy space that has open up for the local elites whose agenda is set, pushed and adopted at the local level using political connections, expert power and traditional authority. This bureaucratic space is closed for the common man because the secretariat possesses the prerogative of who to consult of which the common man is more often left out on the list of people to be consulted. This is to say that the CC is an uninvited space for participation for the local people.

The foregoing discussion points out that in the absence of councillors, there has been centralization of the means of participation for the local people since the CC is not devolved to the grassroots but it only operates at the district assembly level. CC is a policy space that has accorded an opportunity to participation in the local public life but only to a few people that are close to the members of the same. The absence of the councillors and the emerging of the CC in this regard is negatively affecting the efforts of promoting good governance in Malawi.

¹² Interview with the DPD, Lilongwe District Assembly

4.2 Frequency of Full Assembly Meetings vis-à-vis Consultative Meetings

As per the dictates of the Standing Orders guiding Assembly meetings, assemblies are required to meet quarterly. Full Assembly Meetings are an opportunity offered to the grassroots to participate in government transactions either indirectly¹³ or directly as empowered by Section 23 (1) of LGA which states that “... the meetings of the Assembly including meetings of any committee, sub-committee or joint committee shall be open to the public and the press.” Full Assembly Meetings are enshrined in the national laws in tandem with the aspiration of enhancing good governance as contained in the National Decentralisation Policy (1998:2); “...to promote good governance and accountability at the local level in order to help Government reduce poverty.”

During the tenure of councillors, assemblies did not respect the legal requirement of holding Full Assembly Meetings quarterly in a year largely due to financial constraints (Chinsinga, 2007; Hussein, 2006). For example, Lilongwe District Assembly and Balaka Town Assembly held 14 and 12 Full Assembly Meetings respectively in the period between November 2000 and March 2005. Ideally, both of the assemblies were supposed to have held 18 Full Assembly Meetings between November 2000 and March 2005. Below is the table capturing the number of meetings held by Lilongwe District Assembly and Balaka Town Assembly per year.

Table 1: Full Assembly Meetings Held by Lilongwe District Assembly and Balaka Town Assembly between Nov 2005 and March 2005

	2000	2001	2002	2003	2004	2005	Total
Lilongwe District Assembly	1	3	3	3	3	1	14
Balaka Town Assembly	1	2	3	2	3	1	12

Source: Compiled by the author from the Assembly records

Based on the Table 1 above, it can be argued that though the Assembly did not meet as required, a chance availed itself to the people to participate in the deliberations of the Assembly when such a meeting was being held. Otherwise, the local people participated through councillors.

The dissolution of assemblies meant doing away with the Full Assembly Meetings as well because the main actors are the councillors in such meetings. Councillors are the

¹³ Through councillors.

policy makers and the only voting members of the assembly therefore it did not sound appealing to maintain the institution, as it would be composed of the non-voting members.

From the Key Informant Interviews, it was again established that in the absence of the councillors, the formal avenue of participation of the people in assembly decision-making process is supposed to be through the CC Meetings. CC Meetings are a semblance of the Full Assembly Meetings. However, the CC Meetings in the three years that have been in existence have proved to be an institution that "...pushes the local people to the periphery of the Assembly activities."¹⁴ The observation is made in line with the fact that "...the members constituting the CCs are less motivated to engage the people in local affairs as they do not face them in an election where they can be voted out. The members of the CC feel they can turn their back against the people and play with their mind since they are insulated from the wrath of competitive politics."¹⁵

The observation is that the members of the CCs do not consult the people neither do the people approach them to air out their views. The members of the CCs simply do not see an incentive to get in touch with the people. On the other hand, the people do not link up with the members of the CC because they are not aware of the existence of this new policy space and its agents. The sample survey indicated that only 1.3 % respondents had heard about CCs and 98.7 % had not heard of CCs. From the respondents that had heard about the CCs, none of them had ever attended one of their meetings.

The secretariat, as members of the CCs, are central government employees whose jobs do not depend on the how popular they are with the grassroots but their satisfactory performance in the eyes of the headquarters. Chiefs command traditional authority and their positions are ascribed not achieved. Though MPs are elected, the local government is not their forum and take advantage of that to neglect their duty of representation assigned to them as an interim measure. This indicates that the CC Meetings are deficient in their ability to meet the objective of their establishment; that of promoting participation for the local people in assembly activities.

From the theoretical perspective, Social Contract theorists regard the non-committal by the members of the CC to consult the grassroots as the result of the lack of the social contract between themselves and the local people. The members of the CC are in a

¹⁴ Interview with the MP, Lilongwe District Assembly.

¹⁵ Interview with an ex-councillor of Balaka Town Assembly. The Consultative Committees are composed of MPs, Traditional Leaders, Secretariat staff, and representatives of special interest groups (Chinsinga, 2008)

position of power without the consent of the people they are ruling as the process of ascending to such positions did not accord the general populace a voice but rather relegated them to just mere spectators. In the absence of the social contract between the members of the CC (the governors) and the local people (the governed), it is hard to enforce the governing relationship in the interest of good governance. The governing relationship is based on sheer good will of each party, as the framework in which interaction plays out is weak due to the fact that there are no specific terms of contract.

Lack of commitment and interest on the part of the CC members to engage the local people in the decision-making process is seen where CC meetings are held rarely because of the *laissez-attitude* by the bureaucrats, in particular the DC/CEO who is the chairperson. In addition, the CC meetings are also not being held as per the requirement¹⁶ because the Chair who is an interested party do not call for the meetings as he/she is the one with the sole mandate of calling for the CC meetings. The number of assembly meetings has even declined further when compared with the time when councillors were in office. Records indicate that at Lilongwe District Assembly and Balaka Town Assembly, 5 and 3 CC Meetings have been held respectively as shown in figure below. Lilongwe District Assembly did not have any CC meeting in 2005, had one in 2006, two in 2007 and 2008. Just like Lilongwe District Assembly, Balaka Town Assembly did not convene any CC Meeting in 2005. Again, there was no CC meeting in 2006. However, there was one CC meeting in 2007 and two CC meetings in 2008 respectively. No extraordinary CC Meetings have been held in all assemblies. If we are to compare with the first four years of councillors, this means that the number of Full Assembly Meeting has reduced by 62 percent in case of Lilongwe District Assembly whilst the decrease in the number of Full Assembly meetings at Balaka Town Assembly is by 77 percent. Comparing the number of Full Assembly Meetings that were being held by the councillors and the current CC meetings, the picture painted is that the councillors were more active than the individuals now running the assembly; the bureaucrats, chiefs, MPs and representatives of interest groups. Table 2 below shows details on the CC meetings held in a year in Lilongwe District Assembly and Balaka Town Assembly for the first four years that they have been in operation.

¹⁶ Four times in a year.

Table 2: Number of Meetings held by Consultative Committees in Lilongwe and Balaka Town Assembly.

	2005	2006	2007	2008	Total
Lilongwe District Assembly	0	1	2	2	5
Balaka Town Assembly	0	0	1	2	3

Source: Compiled by the author with Assembly records

4.3 Withdrawn Policy Spaces and the Weakening of the Voice

Section 147 (5) of the Constitution of the Republic of Malawi provides for local government elections as a policy space for the local people to participate in local public machinery. In the aforesaid Section, the Constitution of the Republic of Malawi stipulates that “...local government elections shall take place in the third week of May in the year following the general election of the National Assembly, and local government authorities shall stand dissolved on the 20th day of March in the fifth year following their election.” Section 147 (5) of the same Constitution of the Republic of Malawi proceed to stipulate that “...provided that where it is not practical for the polling to be held in the third week of May, the polling shall be held on a day, within seven days from the expiration of the third week of May, appointed by the Electoral Commission.”

Local government elections have not been conducted as stipulated by the Republic Constitution of Malawi. This implies that the policy space of local government elections where people were supposed to take part in public life and initiate the state-citizen engagement has been withdrawn. The closing down of such a space has led to the weakening of voice as well. According to (ODI, 2007:31), the effect of lack of councillors that has had on the participation of the grassroots is the reduction of “...the capacity of people-including the poor and most marginalised-to express views and interests and demand action of those in power.” Through the withdraw of the elections as a means of participation, it can be argued as well that what has been weakened is the capacity of the people to have access to information from the assembly, scrutinise the decisions and actions of the bureaucrats, and demand responses on the queries raised in view of influencing the governance process. These are the roles that the elected representatives would have been playing if they were in office.

The withdraw of elections as a critical policy space is a setback to the good governance project vis-à-vis participation of the people in local level affairs in two folds. Firstly, the withdraw of the local government elections that happen to be a formal policy space where democratic and good governance principles are promoted has made people resort to the utilization of informal policy spaces whose guarantee of service is not assured of and often times with cosmetic democratic and good governance principles.

The withdraw of the elections as an avenue for participation in local public life also has implications on good governance vis-à-vis participation in the way that the action will delay process of activating the mind of people towards critical thinking that is associated with the voice considering that the previous local governments under Dr. Kamuzu Banda leadership were repressive and authoritarian (Hussein, 2006; Chiweza, 2007; Chinsinga, 2007). Further to this, Malawi has already had intermittent existence of local governments.¹⁷

The withdrawal of the elections for councillors has opened up for the policy spaces of elections for block leaders and shadow councillors that have replaced councillors. These can be said to be the new policy spaces that have been opened up in the absence of councillors giving an opportunity to the grassroots to participate in events of public life. The difference between the block leaders and shadow councillors is that the former is state institution (formal policy space) whereby the latter is a non-state institution (informal policy space). Further to this, block leaders only exist in town and city assemblies and reflect the admission by government that urban areas are more difficult to govern than rural areas in the absence of councillors as compared to the rural communities. Shadow councillors are in operation in all assemblies; district, city, and town.

The policy spaces of block leaders are created through elections. However, contrary to the councillors who are elected by the universal suffrage, block leaders are elected by the few people who happen to be in the committee, in particular a development related committee at the community or village level. The post of a block leader is not necessary up for grabs but rather picked up by the individual who has been nominated by the community. Thus, though the process of coming up with block readers resembles an electoral process, it is more of an appointment by the community.

Block leaders, also referred to as zone representatives or temporary councillors, are responsible for a specific area called a zone or a block. In essence, the zone or block is a

¹⁷ The LGA was enacted in 1998 but the Assemblies were constituted in November 2000; two years of no proper Local Government as defined by the LGA (1998).

merger of a number of neighborhoods.¹⁸ The zones reflect the reorganization of the wards in way that the assemblies have now a few zones as compared to the wards that used to be there when the councillors were in operation. As temporary councilors, the representatives are "...identifying the needs of the people in their areas and presenting the same to the town assembly."¹⁹ According to the block leaders, the difference between themselves and the councillors is depicted in terms of source of mandate but not duties; "...the differences between those councillors and us is that they were elected by the community at large but for us we were elected by village committees...in terms of work, we all concentrate on development."²⁰

Government is championing the idea of block leaders on the premises that development is supposed to be free from politics. In view of this line of thought, the background of block leaders is not associated with party politics but rather development orientation of the individual.

At Balaka Town Assembly, the block leaders have not been called for a meeting since they took up the post and have never been oriented nor trained on their duties. Their duties include identifying community needs in conjunction with chiefs and represent the same to the assembly and to the community. Block leaders are idle, frustrated and some have given up in pressuring the assembly for the meeting where they can present the concerns of their people. The discontent of being a block leader is expressed by one of them as

they chose us even against our own will and dumped us. It is painful to be called a temporally councillor and people look forward to you helping them but the other authorities do not pay attention to you. As of now, am a block leader by name, not by actions or services that I should have provided to the people. In the first place, I was eager of being elected as a block leader/temporary councillor but I lost all the papers where I did put down the requests because it has taken long for the Assembly to come to us and I also thought may be others have been identified to replace us."²¹

Based on understanding that block leaders are interim councillors, they have the responsibility of representing the people at the assembly and facilitate their participation in the public circles. This was reinforced on the election day where participants were

¹⁸ A neighbourhood is a smallest structure at the grassroots in the hierarchy of development structure for the town and city assemblies.

¹⁹ Interview with a Block Leader for Balaka Town Assembly.

²⁰ Interview with a Block Leader for Balaka Town Assembly.

²¹ Interview with a Block Leader for Balaka Town Assembly.

informed that once elected, they will be identifying the detail needs of their communities and forward them to the councillor. Block leaders are in a better position to play representation role because they are community based, familiar with the community and command some substantial degree of influence. Comparing the block leaders and councillors, the former are fairly above in terms of education status, skills and understanding of issues.²²

Despite merits as per the foregoing, the representation function discharged by the block leaders is facing challenges due to a number of factors. Firstly, the block leaders are not known to the community which they are representing. They may be known but as mere members of the community. Important to note is the fact that their elections were closed to specific people and no effort taken to sensitize the community on the existence of block leaders. This implies that even in an event where the community has problem, they will have no idea on how to link up with the assembly because they are not aware that block leaders have been established in Town Assemblies to assist the communities in connecting with the assembly. Unveiling the block leaders to the zones or blocks has been a problem on the part of the secretariat.

Secondly, the block leaders are finding it difficult to play the representational role and facilitate participation of the local people in the public machinery as compared to the councillors because they are preoccupied with activities that would earn them income for survival. Whilst councillors considered their position as full time and source of income, interim councillors regard this assignment as part time and a social position meant to pass away time. The interim councillors spare little time to go around asking people their views on specific issues at the local level and their problems for presentation at the assembly. The interim councillors are not engaged in meaningful discussion and needs-assessment with the community as much time is allocated to their personal productive activities. Compared to the ex-councillors, though they were not good at consultation, they performed well in needs-assessment aspect of the community as that formed the basis to enhance their financial muscle and consolidate powers by neo-patrimonial politics.

Two block leaders in Balaka Town Assembly face specific challenges largely due to their positions in the society; one is a headmistress and the other a District Committee Member for Democratic Progressive Party (DPP). The Headmistress is not given attention by the community because "...she is a stranger and also a Civil Servant as such she is not

²² In Balaka Town Assembly, among the six block leaders, two of them possess Malawi School Certificate of Education, three Junior Certificate and one holds a Primary Teacher certificate.

supposed to be a councillor even in this case where the position is temporary. After all, Civil Servants are not supposed to be involved in active politics as is her case.”²³ The other block leader who is a DPP “...faces opposition of the community because of differences in party affiliations. Balaka is a United Democratic Front (UDF) stronghold²⁴ and the fact that the interim councillor is from DPP is not appealing to the people who she represents. These problems were not much of a headache to the discharging of representation function by the ex-councillors because by law they were required not to be in civil service or military.

Lastly the discharging of the representation function and facilitation of participation for the grassroots by the interim councillors as they sit in for councillors is affected by the fact they are denied of the venue or opportunity to present the news collected from the grassroots. The block leaders are not invited for the CC meetings as such they keep for themselves the interests/matters that need to be made known to the assembly. Interim councillors are also not part of the discussion by the CC. By not participating in the discussions at the assembly, Wraith (1972:87) argues that interim councillors do not effectively replace the councillors because the representational role is played side by side with the duty of councillors to attend meetings.

Shadow councillors are the local elected representatives of the assembly in waiting. They are other agents of participation that people are utilising in getting involved in local public affairs. The shadow councillors have come into the political scene as a result of anxiety created by the promises made by government on the holding of LGEs that have not been fulfilled up to now. In anticipation to contest as councillors in the LGEs, the shadow councillors have already commenced campaigning by discharging some of the duties of councillors; mainly that of community mobilization for development projects. Further to this, the political environment has been clouded by the shadow councillors that have come into play because of the May 2009 presidential and parliamentary elections.

In trying to promote their own cause, shadow councillors acted as agents of shadow MPs and political parties. In this regard the emergence of shadow councillors was out of need for the political parties and shadow MPs to get in touch with the grassroots by utilizing the people that are community based. The shadow councillors were responsible

²³ Interview with the ex-chairman for Balaka Town Assembly and ex-councillor for Ngwangwa ward.

²⁴ All 10 councillors in the Town Assembly were of UDF. The 14 councillors in the District Assembly were also of UDF. From 1994, all MPs in Balaka have come from UDF. This should not come as a surprise because in Malawi voting is along the lines of tribalism and regionalism (Chirwa, 1998), the large population of people in Balaka are Yaos which are associated with UDF; the party chaired by the Dr. Muluzi who is a Yao.

for drumming up support, doing some spying and, conducting and needs assessment exercise on behalf of the political parties and shadow MPs. During party rallies, “...they were curtain raisers for the Shadow MPs.”²⁵

In both Lilongwe District Assembly and Balaka Town Assembly, shadow councillors are active players in both political and development circles. As much as the all parties have shadow councillors, most of them belong to the ruling party for the purposes of increasing their chance of winning. In the two assemblies, the practice is that the shadow councillors are recognized when there is need to mobilise the community for development projects.²⁶ The representational role of the shadow councillors is seen where they are paraded as “...warm up speakers who welcome the shadow MP. The welcome remarks include problems of the community which people ask the shadow councillor to present to the shadow MP.”²⁷

4.4 Actors in the Participatory Process

The dissolution of the local governments has led to the reconfiguration of the assemblies as a temporary measure. Power dynamics between the old and new players has taken a new twist with each trying to grab the attention of the local people. Of interest is the work relationship between the MPs and chiefs because of their focus and association with the community as compared with the secretariat.

Before dissolution of the assemblies, the work relationship between the MPs and Chiefs was “...at least harmonious from the point of view that both of us were non-voting members of the assembly as such the councillor was our common enemy whom we had to defeat together as voiceless people.”²⁸ Chinsinga (2007:198-9) adds that the relationship between the traditional leaders and MPs was less tense because chiefs “...are considered less of an interference and intrusion into the local level politics...and ...MPs assert themselves as prime patrons within the local power structures.”²⁹ The understanding here is that chiefs are less problematic to MPs for the reason that they are not a threat to the MPs position as the means of their ascendancy to positions of authority are different and

²⁵ Interview with MCP Constituency Governor for Lilongwe Mpenu-Nkhoma

²⁶ Cammack et. al (2007:25) establish the same where they observe that “...in some areas, parties are trying to maintain a local presence by establishing ‘shadow councillors’-candidates for council in waiting-who continue to assist people and advise them as to how they can maneuver to get development.

²⁷ Interview with MCP Constituency Governor for Lilongwe Mpenu-Nkhoma

²⁸ Interview with Senior Chief Mazengera.

²⁹ With councillors around in the assemblies, the relationships that were strenuous were those between MPs and Councillors, Councillors and Secretariat, Councillors and Traditional Leaders (Chiweza, 2005; Chinsinga, 2007; Chinsinga, 2008; Cammack et.al, 2007; Hussein, 2006; Nsewa, 2005).

chiefs gain materially from the MPs since they are financially better off than the chiefs themselves.

In the current setting where councillors are no longer part of the assemblies, the happy times between the traditional leaders and the MPs are gone as the reality on the ground is that these two parties have engaged themselves in a battle over legitimacy and supremacy. The battle on legitimacy and supremacy in local affairs "...could not rise in the presence of councillors because both the MPs and traditional leaders knew that the legitimate and authoritative individual on local matters was the councillor."³⁰ MPs claim that they are in better position to take over from councillors even in the capacity of voting members because just as councillors, they are elected. Traditional leaders shoot down this idea on the basis that MPs are "...town-based hence do not know problems of the people, they consult members of their political party, and the assembly is not their august house."³¹ Traditional leaders see themselves as right people to sit in for councillors on grounds that "...we are community-based just as councillors were also community-based."³² In the eyes of MPs, traditional leaders cannot sit in for councillors because "...they are not elected hence lack democratic flavour."³³ The dispute is on the claims over the legitimate agent of the people.³⁴ Institute of Development Studies (2006:2) notes that "...these disputes can be particularly intense where democratic rules are unclear or in transition, as in many post-conflict or post-authoritarian settings." Malawi is a country in a post-authoritarian regime as such disputes should not come as a surprise especially where the rules of the game are less clear.

The status quo in the setting where there are no councillors in the assemblies, relatively, the local people "...opt for the MPs to be the middlemen in their transactions with the local governments as compared to us the traditional leaders primarily because of their clientelism politics and secondarily because they are better educated and well connected to the central government. The patronage politics is captured where the view is that "...MPs have access to coupons of fertilizer subsidy programme which they distribute to people. We chiefs are sidelined on the distribution of fertilizer coupons and

³⁰ Interview with DC for Balaka District Assembly and Acting CEO for Balaka Town Assembly.

³¹ Interview with Traditional Authority Nsamala.

³² Interview with Senior Chief Mazengera

³³ Interview with MP for Lilongwe Mpenu Constituency

³⁴ However, in an interview with the DPD for Lilongwe District Assembly, he was of the view that the dispute between the traditional leaders and chiefs existed in latent form during the tenure of councilors. Now that the opportunity has availed itself, the assemblies are to experience more of the wrangles between the two.

how do you expect people to follow us?”³⁵ Similar sentiments were expressed by the communities; “...MPs have money and they also go to the DC’s office and parliament where they discuss important issues of national interest when the chiefs rarely only go to the office of the DC”³⁶ When asked who would they first approach with their problems between the MP and the Chief, 76 % of the respondents indicated they would first go to the MP because they like hearing the problems of people and help them specifically during the time of elections. When reference is made to Afrobarometer (2008:26) where 55 % of the respondents were of the view that MPs never try their best to listen to what people like saying, it should be noted then that MPs are turned to during elections time because that is the time they are responsive. When the foregoing enquiry was made on the MPs and councillors, respondents maintained that they would first approach the MP than the councillor with the score of 69 % though 73.3 % confessed that councillors are the ones that are easily accessible. Chinsinga (2007:204) finds out the same that MPs are given the attention by the local people because they have stronger financial muscle than councillors whilst councillors “...had an edge over MPs because of the fact that they had stayed put in their respective communities.”

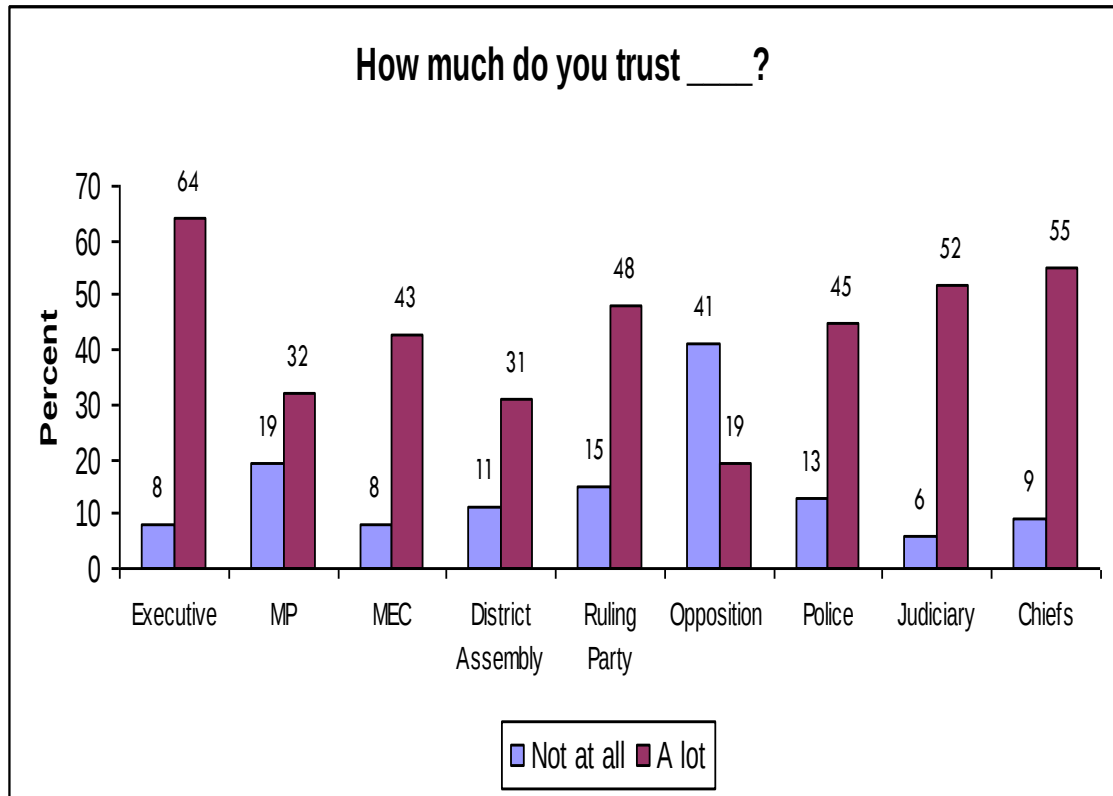
With reference to Afrobarometer (2008:22-23), it is interesting to note that though MPs are given attention, they are trusted less as compared to chiefs. When asked how much they trust traditional leaders and MPs, 55 % of the respondents indicated that they trust a lot the traditional leaders whilst 32 % indicated they trust a lot the MPs. This reinforces the argument that the attention given to MPs is limited to activities that have financial implications and the community thinks that he or she can help. It is the ‘politics of the belly’ at work here whereby MPs present themselves as patrons who can treat and take care of the stomachache problems of the community (Bayart, 1993; Chinsinga, 2007). Traditional leaders enjoy trust of the people and are given much respect and attention during community mobilization and implementation of the projects because they are gatekeepers, culture preservers, administrators and most importantly ‘parents’ who wish their ‘sons’ and ‘daughters’ well all the time (Cammack and Kanyongolo, 2008). Because of the trust in the traditional leaders, it is hard for other actors to move into the community without their knowledge and even the community members themselves to get engage in activities which the chief is not aware of. Chinsinga (2007:204) observes; “...it might be impossible for them (villagers) to participate in activities initiated in their

³⁵ Interview with Senior Chief Mazengera

³⁶ FGD at GVH Dzunda, TA Mazengera

villages without the knowledge and permission of the village headman.” Below is a figure indicating trust of the people in different office holders.

Figure 2: Trust in Different Office Holders



Source: Afrobarometer (2008:22)

With the existing tag of war between the MPs and traditional leaders, the quality of representation has been affected. Both the MPs and traditional leaders want to prove to the communities that they are better agents than the other as such they even employ tactics that sabotage the initiatives of the other. This is to say that what comes from people as input in the decision making process to be passed to the assembly through traditional leaders and MPs do not tally with the outputs because of the struggle in the black box on the “authoritative allocation of values for the society” (Easton, 1953:129). The mismatch of the inputs and outputs represents poor representation necessitated not by inability to grab the demands/requests from the local people but rather due to the competition and tendency to outdo each other on the part of the traditional leaders and MPs. The loser in the whole show is the project on promotion of good governance vis-à-vis participation as the delivery of services that have not been asked for or not delivering at all is a breeding ground for anti-participation. Political participation is goal-oriented as

such an individual will participate in political activities when the probability is that through his or her participation in the public machinery, he or she will achieve his or her goal (Verba, 1969:64).

Politics between the traditional leaders and MPs is played out in the District Consultative Committee meetings aiming at frustrating each other "...by shoot down each others proposals not on merit but because it is the opposition camp coming up with the idea."³⁷ An example is drawn from Lilongwe District Assembly where the MP for the area frustrated the proposal from Senior Chief Mazengera to build a Full Primary school at Waya when the ADC and VDC had already bought the idea. The proposal was rejected on grounds that the TA was interfering with his duties.³⁸ The same experience happened in Balaka Town Assembly where the MP for Balaka South, who is also the Minister of Internal Security and Home Affairs constructed Utale Police Unit against the wishes of the chiefs who wanted to have a school block on the grounds of meddling with his job.³⁹ The reason given by the MPs (thus, interfering with their job) sounds fictitious considering that the projects proposed were of CDF where communities are "...responsible for the initiation of projects with the involvement of the MP" (MoLGRD-CDF Guidelines, 2006:6). The CDF encourages the adoption of co-management approach but the MP in this case "...claims to be the sole legitimate owner of the fund considering that it comes from parliament where he/she is a member."⁴⁰

The absence of the councillors that has intensified the conflict between the traditional leaders and MPs has also affected the quality of representation and participation of the local people by being an additional burden on their resources. The conflict is weakening the social network because the local people are divided among themselves depended on the party to which they are loyal. In addition to the tag of war, the MPs and traditional leaders have a limited mandate on the local affairs as such they can only make things move to a certain level thereafter, they are incapacitated. Instead of working in unison so as to enhance the voice and take advantage of numbers in pushing things on behalf of the grassroots, time and energy is diverted towards 'pull down syndrome.' It is about "...proving superiority and getting rid of each other"⁴¹ that is disintegrating the bond between the traditional leaders and MPs.

³⁷ Interview with DC for Lilongwe District Assembly

³⁸ Interview with DPD for Lilongwe District Assembly

³⁹ Interview with DPD for Balaka Town Assembly

⁴⁰ Interview with Deputy of Local Government Services, MoLGRA

⁴¹ Interview with the DC for Balaka and Acting CEO for Balaka Town Assembly.

One of the new non-state policy spaces that have emerged as a result of conflict and tension between the traditional leaders and MPs are the Community Based Organisations (CBOs). Note here be taken that the tension between traditional leaders and MPs originate from the absence of councillors which has been a catalyst for the manifestation of this tension which otherwise has been there even during the period there were councillors but in the latent form. Between 2000 and 2005, the tension between traditional leaders and MPs was hidden by the fact that they all had a common enemy to defeat; the councillor. They cooperated on face value for the sake of pursuing their interests and surviving as non-voting members of the assembly.

For example, During one of the FGDs, it was established that people in TA Mazengera, in July 2007, formed a CBO at the Group Village Headman level as a channel to be used for the purposes of linking up with the assembly, Non-Government Organisations, religious leaders and other partners in development. The existence of the CBO in the community was confirmed by the questionnaires where 75 % of the respondents said they know the CBO and 60 % of those who know the existence of the CBO have participated in its activities. For those that have participated in the CBO activities, 52 % are female. The CBO is the brainchild of the Senior TA himself who successfully ‘convinced’ the VH, GHV and ADC for the realization of his vision by setting up the committees in the villages; the vision being “...Mazengera area should be a developed and food secure community by the time I am dying.”⁴² The goals of the CBO are in two folds. Firstly, the CBO aims at empowering the local voiceless people in decision-making on issues affecting their life. Secondly the CBO aims at preventing people of Mazengera from being exploited by the NGOs; especially small local NGOs. The second objective is to limit the number of NGOs in the area of TA Mazengera following the influx of the small local NGOs coming from town expressing interest to work in his area. The TA is of the view that “...too much generosity or sympathy raises suspicion so I was suspicious of the too many of these small NGO, coming to my area and I thought of establishing something of our own that would serve the same purpose.”⁴³ In a FGD at Dzunda GHV of TA Mazengera, it was established that even the local people have little trust in the NGOs initiated from outside based on experience For example, A case of raw deal was cited where Inter-Aide took the agricultural outputs of the people in

⁴² Interview with Senior TA Mazengera

⁴³ In the interview with Senior TA Mazengera, he confessed having little trust in the NGOs.

2006 with the promise of getting them a better market but up to now they have not received their money.⁴⁴

The organogram of the CBO is that committees are set at GVH level. There are eight GVH in TA Mazengera that means eight CBO committees. No committees are established at either VH or TA level. However, sub-committees based on scope of work are established under the committee at the GVH. The common sub-committees are Home Based Care, Orphan Care, Micro Finance and Agriculture. The committee at the GVH level serves as a steering committee. The overall leader of the CBO is the TA whom all committees report to. The steering committee is headed by GVH and the members are VH and two elected people from each village. The sub-committees are manned by elected executive committee and membership is by participation in the activities of that sub-committee.

The above discussion shows that the existence Mazengera CBO is out of aspiration of the Senior TA himself hence it is a top-down established structure. Despite this, effort is being made to involve the grassroots in making decisions as evidenced by elected executive committees running the sub-committees. In essence, CBOs are development oriented services running parallel to VDCs and relatively out of hand from politicians, in particular the MP as raised at Dzunda GVH that "...when we fill in the forms, we hand in to the Senior Traditional Authority so that he takes them to the assembly or wherever he thinks we can get the assistance. When we have been responded to positively, the aid comes to the community through the same CBO not the MP." From this point of view, CBO is a vote of no confidence for politicians in addition to being a vote no confidence to NGOs.

The CBO wears the artificial face of democracy in the sense that despite the fact that leadership that is elected, traditional leaders⁴⁵ are in command of affairs as they pull strings from behind. CBO is basically a technique of the traditional leaders to reduce the influence of the MPs and external actors in the affairs within their area of jurisdiction. It is the politics of 'kuthana' (getting rid of the competitor from the system) that is involved in the CBO operations. Despite this, the CBO is better at facilitating participation of the local people in the public machinery as compared to councillors because of the team spirit that has been instilled in the members of the community by the STA. In addition, the

⁴⁴ In an interview with VH Chilanga, he pointed out that "...the Headmaster at Mazengera Primary School gave almost 50 bags of groundnuts but up to date has not yet received his money."

⁴⁵ The overall in charge is the Senior Traditional Authority for the area whereas the Group Village Headman is the commandant at the village level.

executive committee members are community based and since they are a number of them, the community members contact any of them unlike the councillor who was alone to get the issues from the people.

4.5 Conclusion

This chapter has presented and discussed the findings on how the absence of councillors has affected the promotion of the participation of the local people in the activities of the assemblies and public affairs. It has been established despite the fact that councillors did not do a good job on being the agents of participation, the status quo is that participation of the local people directly or indirectly has been affected negatively with the absence of councillors for the reasons that the service committees are no longer in operation hence the assembly is delinked from the community, the interim means of participation are not devolved up to the grassroots but function at the assembly secretariat level, there is confusion on the agents of the people on local matters, leading to poor representation, and the invited spaces for participation have been closed which has led the weakening of voice.

CHAPTER FIVE

EFFECTS OF ABSENCE OF COUNCILLORS ON THE PROMOTION OF ACCOUNTABILITY IN ASSEMBLIES

5.0 Introduction

This chapter presents and discusses the effects of the absence of councillors on the promotion of accountability as per the aspirations of the Malawi National Decentralisation Policy and Local Government Act of 1998. This chapter is organized in four sections. Section one is on presentation and discussion of findings on the vertical accountability which is rarely being observed and horizontal accountability that is now being observed. Section two presents and discusses findings on the current double roles of the secretariat, decision-maker and implementer, and the implications on the resource allocation and abuse. The discussion on the DC/CEO as controlling officers and the undermining of the local accountability mechanisms is in section three. Lastly, section four discusses the mockery of downward accountability by the CC.

5.1 Reversal of Accountabilities: Exit Vertical Accountability, Enter Horizontal Accountability.

In the period between November 2000 and March 2005 when the assembly had councillors, business was carried out through committees that were attached to directorates. The Finance Committee operated under the Directorate of the Finance. Chaired by the Councillor and serviced by the Director of Finance, the Finance Committee was responsible for "...all matters relating to the raising of revenue, the expenditure of money, the general supervision and control of all finances" (NLGFC-MGPDD, 2006:10). In order to discharge her responsibility effectively, especially that related to the control of finances, the Finance Committee used to do some auditing activities at a rate that varied from one assembly to another. In the absence of councillors, auditing is done by the internal and external auditors and reports are sent to the NLGFC,

MoLGRD, devolved line ministries, and the Public Accountants Committee. What should be noted here is that these are central government institutions.

The current arrangement of accountability where appointed officials are reporting to each other does not facilitate the observance of accountability to the electorate. The essence of having the local elected representatives is that they should be passing on the information on how the resources have been utilized to the local people at the grassroots and demand accountability from appointed officials on the transactions and assembly activities that have been conducted on behalf of the local people. The elected representatives have the urge of being responsive and hold the secretariat accountable on behalf of the people because their stay in power is through elections. Thus they have a duty to impress the constituents if they are to be re-elected. On the contrary, the appointed officials can do away with reporting to the people on the ground because their job security does not depend on impressing the grassroots but the fellow appointed officials who are above them in the government organization hierarchy.

From the social contract theoretical perspective, in the absence of councillors, it is hard for the local people to get the appointed officials to be accountable because there is no contract between them which they can use as a basis to launch an inquiry on the utilization of resources. However, it can be argued that even without the existence of the contract, the local people can still get the secretariat to account for their actions because they are paying tax. Whilst theoretically it sounds appealing that the local people can hold the secretariat accountable directly, practically it is difficult that the local masses will enforce this accountability on the part of the secretariat because they are disorganized, lack resources (skills and information), and social structure may not permit them do so (Verba, 1993; Goodwin, 1987). There are other studies that indicate that local people are fearful of assembly officers and local citizens do not perceive that they have the power to influence Assembly staff (Chiweza, 2006). Evidence from the 2008 Afrobarometer studies also indicates that communities are not likely to demand accountability from local appointed officials. According to Afrobarometer (2008), 91 % of the respondents had never been in contact with the DC for the past twelve months to present a problem or views of the community when 5 % of the respondents had been in touch with the DC only once for the past twelve months to present their problems. Further to this, whilst 91 % of the respondents stated that they had never contacted any official of government agency for community problems for the past twelve months, only 3 % of the respondents indicated that they had been in touch with a public officer once for the past twelve months

to present a community problem. Despite such poor frequency of contacts with the public officers, when respondents were asked how likely is that they could get together with others and make the DC listen to their concerns about a matter of importance to the community, 33 % of them said it was not likely that they can come together and make the DC listen to them.

At Balaka Town Assembly, it emerged from the Key Informant Interviews that when councillors used to be there, "...the Finance Committee⁴⁶ met once in a month to review the financial transactions by going voucher by voucher and in the end they were producing a report addressed to the Chief Executive who was supposed to address the issues raised."⁴⁷ In addition to the monthly 'auditing,' the Finance Committee also used to conduct some unscheduled audits as part of this process the secretariat was required by the elected leaders to produce a monthly report capturing the expenditure against the subvention from government that was submitted to the National Local Government Finance Committee (NLGFC) and the Finance Committee was only served with a copy. However, in the absence of the councillors, the secretariat only produces and submits the financial report/cash controls on every 10th day of the month to the NLGFC as per requirement under Treasury Instructions for Controlling Officers. This monthly financial report is not even shared with the community. The bi-annual financial reports are also not made available to the local people by way of posting them on public places. This is violation of the law as Section 42 (2) and 42 (2) (b) stipulates that

The Assembly shall publish not later than six months after the end of each financial year an annual report of its work and of the local government affairs of its area for the preceding financial year, a copy of such report shall be deposited at every public office of the Assembly and be made available for inspection free of charge by any interested person during normal hours of business.

There is also evidence from the National Local Government Finance Committee that points to laxity in the observance of the submission of financial reports to the NLGFC by a number of assemblies including Lilongwe District Assembly and Balaka Town

⁴⁶ The composition of Finance Committee of Balaka Town Assembly was different from other Finance Committees in Lilongwe District Assembly (and other districts) in the sense that members were only chairmen of different service committees of the assembly. Thus, by virtue of being a chairman of a certain service committee, one belonged to the Finance Committee. The Chairman of the Town Assembly was the Chairman of the Finance Committee. It was a club of chairmen. The rationality for such a composition was that being a key committee, it was supposed to carry much more weight that would have been difficult if members were just mere councillors. The Cashier and Former Chairman for Balaka Town Assembly agreed that it was a technique of intimating the secretariat and soliciting cooperation from the appointed officials.

⁴⁷ Interview with the Cashier for Balaka Town Assembly.

Assembly⁴⁸ For example, in a memo dated 4 April 2008 reference no NLGFC/BKTA/11/1, the Executive Secretary of NLGFC informed Balaka Town Assembly that

It has been noted with deep concern that your Assembly has NOT submitted any cash controls since the commencement of the 2007/08 financial year. The submission of Cash Controls and other related financial returns is governed by Section 10 (1) (1) (O) of the Public Finance Management Act, 2003. I therefore expect your assembly to submit all due Cash Controls by 30th April, 2008 failure to comply this instruction will attract direct Disciplinary action on the Chief Executive as outlined under Section 87 of the Public Finance Management Act, 2003.

In addition to not submitting the monthly Cash Controls, the internal audits are not done in both Lilongwe and Balaka District Assembly due to lack of staff. There are no internal auditors at both of the assemblies under study. This has contributed to the weak internal auditing system that does not provide management with information for monitoring and taking corrective actions (UNCDF, 2008:47).⁴⁹ The absence of councillors who are the ‘watchdog’ and lack of controls in the Assembly is a worrisome development in light of the increasing levels of funds that are devolved to the Assemblies since 2002/03. For instance, in the 2008/09 budget, the total Central Government Fiscal Transfers to the Local Authorities was MK 10.8 billion representing an increase of 18 % over the 2007/2008 budget (Local Authority Budget Document No.1, 2008:iii). In the Central Government Fiscal Transfers, the General Resource Fund alone in 2008/09 fiscal year accounted for MK 494 million representing an increase of 7 percent over the 2007/08 budget. The whole trend of increase can be depicted when tracing the allocation of funds to the assemblies so as to establish if the Government is meeting the requirement of National Decentralization Policy of allocating 5 percent of the net national revenue to the local government.

Narrowing down to the Assembly level with focus on the Lilongwe District Assembly and Balaka Town Assembly, the revenue (Central Government Transfers, Sector Funds, Chiefs, Honorarium, Salary Subsidy, Central Government Property Rates, Other Property

⁴⁸ Assemblies are not given the monthly subvention if they do not give financial reports of the previous month.

⁴⁹ In the Final Evaluation of the UNDP and United Nations Capital Development Fund (UNCDF), the UNCDF (2008:47) established that twenty-two assemblies have been assisted to produce overdue final accounts from 2001/02 to date. Out of these, ten have been audited. The UNCDF study focused on seven districts. Of the seven districts, only one district had an internal auditor.

Rates, Income from Market Establishments, Income from Commercial Undertakings, and Other Fees, Income, and Charges, and Donor Funds) has also been increasing in the absence of the councillors. This can be depicted from the tables below:

Table 3: Balaka Town Assembly Revenue between 2004/05 and 2008/09 Fiscal Years

	2004/05	2005/06	2006/07	2007/08 ⁵⁰	2008/09
Government Transfers					
1. General Resource Fund	275,814,233	2,231,446	2,584,363	2,785,343	2,980,317
2. Sector Funds	0	0	0	0	507,216
3. Chiefs Honorarium Fund	0	0	0	0	0
4. Chiefs Operation Grant	0	0	0	0	0
5. Salary Subsidy	970, 462	1,218,026	1,029,657	1,684,656	1,712,400
6. CDF	0	0	0	0	0
7. Infrastructure Development Fund	0	0	0	0	0
8. Rehabilitation of City	0	0	0	0	0
Locally Generated Revenue					
1. Central Government Property Rates	0	3,106,907	4,044,008	4,310,477	1,909,654
2. Other Property Rates	4,697,208	5,000,000	1,338,682	5,168,451	5,168,451
3. Income from Market Establishments	1,935,083	1,247,094	1,875,705	4,039,930	4,281,740
4. Income from Commercial Undertakings	803,262	889,960	1,171,800	4,215,600	2,961,000
5. Other fees, income and charges	2,916,353	6,440,769	5,068,907	6,858,270	7,810,900
Donor Funds	3,906,261	26,860,439	1,809,887	0	0
Total Revenue	17,476,132	46,994,641	18,923,009	29,062,727	27,331,678

Sources: Consolidated Local Authorities Budget Estimates between 2004/05 and 2006/07 Fiscal Year.

⁵⁰ 2004/05, 2005/06, and 2006/07 Fiscal Years represent Actuals. 2007/08 Fiscal Year capture Approved Revenue whilst 2008/09 Fiscal Year captures Estimates. The Total Estimated Revenue for the 2008/09 Fiscal Year is likely to surpass all Total Revenues for the preceding years with the inclusion of Donor Funds.

Table 4: Lilongwe District Assembly Revenue-2004/05 and 2008/09 Fiscal Years

	2004/05	2005/06	2006/07	2007/08 ⁵¹	2008/09
Government Transfers					
1. General Resource Fund	20,083,945	26,279,231	29,450,687	35,596,903	459,929,231
2. Sector Funds	2,162,935	406,019,173	595,586,482	602,370,050	9,169,254,773
3. Chiefs Honorarium Fund	2,056,803	6,394,750	8,065,660	8,127,500	827,970,000
4. Chiefs Operational Grant	0	0	0	0	0
5. Salary Subsidy	4,571,442	3,936,545	6,357,107	7,296,264	173,726,394
6. CDF	0	0	44,000,000	54,000,000	579,500,000
7. Infrastructure Development Fund	0	0	0	0	0
8. Rehabilitation of City	0	0	0	0	513,333,333
Locally Generated Revenue					
1. Central Government Property Rates	0	0	0	0	139,009,462
2. Other Property Rates	0	0	0	0	1,710,855,636
3. Income from Market Establishments	11,500,000	13,631,362	18,460,205	19,630,000	443,959,159
4. Income from Commercial Undertakings	477,533	543,060	1,052,561	2,000,000	131,432,459
5. Other fees, income and charges	2,297,045	6,265,613	5,319,079	7,490,000	754,467,547
Donor Funds	0	0	96,032,497	269,525,000	1,184,628,822
Total Revenue	43,149,703	8,935,924,109	804,324,278	1,006,035,717	

Sources: Consolidated Local Authorities Budget Estimates for 2004/05, 2005/06, and 2006/07 Fiscal Year.

⁵¹ 2004/05, 2005/06, and 2006/07 Fiscal Years represent Actuals. 2007/08 Fiscal Year capture Approved Revenue whilst 2008/09 Fiscal Year captures Estimates. The Total Estimated Revenue for the 2008/09 Fiscal Year is likely to surpass all Total Revenues for the preceding years with the inclusion of Donor Funds.

The above discussion points out that one of the effects of lack of councillors related to accountability is the reversal of accountabilities. Lack of councillors has given room to the observance of much of vertical upward accountability as opposed to the horizontal accountability as per the intentions of the National Decentralization Policy and LGA 1998. The principal legislations of local government in Malawi champion the accountability of the secretariat to the elected members at the assembly level and the accountability of the elected member to the local people at the grassroots level. The councillor is at the focal point of whichever direction of accountability. In the absence of councillors, the accountability is among the non-elected officials themselves. The existence of vertical accountability entails the undermining of efforts towards the promotion of good governance and democratization.

The vertical upward accountability denies the local people of their right to get feedback on issues that they need to be well informed. In an environment where political participation is low, vertical accountability may not be as good as political accountability when it comes to checking the behaviour of the decision makers for the reason that vertical accountability is about appointed officials who do not face the electorate as such they feel less compelled to respond to the calls of asking for their explanations to certain matters by the local people.

However, the extent to which this absence is being felt by local citizens is another issue altogether. On a question of whether councillors provided feedback to the local people in their area of jurisdiction, about 79% of the respondents indicated that they did not receive any feedback from the councillors while they were in office and 20.3 % of the sample survey received the feedback. From the 20.3 % of the respondents that have had feedback from the councillors, 46 % of the respondents and 26.3 % of the respondents got it through councillor's agents and community meetings respectively. 31.6 % of the respondents got the feedback through other means other than councillors' agents and community meetings. On the sharing of financial report, 96 % of the respondents stated that their councillor did not share with them the financial report whilst 4 % of the respondents said the councillor showed them the financial reports occasionally. This is in line with a number of studies (Chiweza, 2007; Chinsinga, 2006; Hussein, 2006; Nsewa, 2005). This study subscribes to the view that councillors themselves were not good at reporting back to the grassroots and they rarely showed their constituents the financial report. This research established that 79.7 % of the respondents did not receive feedback from the councillors on the issues that they were sent to the assembly.

5.2 Filling in the Accountability Gap

Generally, in the absence of elected local leaders, a number of initiatives by civil society organizations have emerged to fill the accountability gaps among them include Citizen Forums by CCJP and the Citizen Forums by Box by the GTZ-MPGDD. These initiatives purport to provide a policy space to different actors to make CC accountable on the decisions taken and resources used.

Citizen Forums are opportunities availed to the local people to hold the duty bearers accountable to their decisions and behaviour.⁵² What transpires in Citizen Forums is that duty bearers are brought to the people who ask them questions on issues affecting their life. Responses are given by the duty bearers and the way forward is mapped out by both the citizens and duty bearers. In this way, the concerns of the people are fed into the public system even in the absence of the councillors as the targeted duty bearers are MPs and assembly officials who are part of the CCs. In case the duty bearers miss the concerns, the Civil Society Organisations (CSOs) who are also engaged in the Citizen Forums, pick them up and present the same to District Executive Committee (DEC) that ideally is supposed to meet every month.

Participation in the Citizen Forums is open as such everybody is free to attend. However attendance of some groups in the society for example, traditional leaders, is highly emphasized and initiative is done to ensure chiefs attend. Attendance of chiefs is of paramount importance because "... we now take them as our soldiers in the front line of defense in the absence of councillors."⁵³ The view of chiefs as soldiers in the front line defense in the absence of councillors prevails among the CSOs as they rely on the chiefs so much to mobilize the communities for the Citizen Forums, agitate the discussion, and take on the duty bearers to task.

Agenda for the Citizen Forums is identified through a process led by CCJP's Community Based Educators (CBEs). The CBEs conduct awareness meetings in the community and it is from these awareness meetings where issues to be tabled are identified. The awareness meeting acts as a brainstorming event by both community and project staff. Having generated the issues, ranking is done to prioritize so as to come up with the final agenda. Largely, the items are identified based on gravity of the matter and how often it has been mentioned by the community as a problem. It is worth noting that

⁵² The life spun for Parliamentary Liaison Project is 2005-2010. Zomba CCJP is also implementing the Parliamentary Liaison Project. The Bwalo Initiative in Zomba with funding from GTZ-MGPDD is implementing a project where Citizen Forums are the major activities.

⁵³ Interview with Mr. Peter Chinoko, LL CCJP Diocesan Secretary

prioritization production of final agenda “...is largely the responsibility of the project staff as some technical issues have to be factored into the decision making process.”⁵⁴ Mobilization of the community for the Citizen Forums is done through the Community Based Educators and traditional leaders.

Whilst taking turns, the Citizen Forums are held two to three times in a month in the impact area of Parliamentary Liaison Project which covers sixteen constituencies in the area of jurisdiction for Lilongwe Diocese. Expressed differently, the community is connected to the duty bearers after five to eight months.

Citizen Forums by Box is one of the activities that GTZ–MGPDD has come up with as an initiative to keep the community in touch with the assembly in the absence of the councillors. Under the programme of Local Governance,⁵⁵ the GTZ–MGPDD is working with the existing structures to strengthen their capacity so that they are able to enforce accountability at the assembly and participate in the local governance processes.

The GTZ–MGPDD is conducting Citizen Forums differently from the CCJP. Firstly, the GTZ-MGPDD uses CBOs to advance its agenda on Citizen Forums by Box. As of February 2009, four CBOs were involved namely Bwalo Initiative (Zomba), Umoza Network (Nkhatabay), Tiyende Limodzi Network (Mchinji) and Mangochi Citizen Forum (Mangochi). Secondly, the Citizen Forum of GTZ-MGPDD uses boxes where people drop in their concerns or queries that are forwarded to the assembly. In this way, the boxes are trying to provide an avenue for communication hence bridging the gap between communities and secretariat in the absence of the councillors. It is a forum where the two-way communication continues to flow as people are still demanding services from the assembly and the assembly is still communicating to the people at the grassroots.

The boxes are placed in various strategic places and normally within the compound of the traditional leaders or somebody with influence in the community. This is done for the purposes of security. Each participating district has 100 boxes. This kind of Citizen Forum is managed as a cycle in the sense that “... there is specific period that these boxes are put in places, there is specific period people are supposed to get the responses and there is specific period that the boxes are at the assembly before they go back. It is a cycle that just has to be completed. If one box stops then others are affected.”⁵⁶

⁵⁴ Interview with Mr. Peter Chinoko, LL CCJP Diocesan Secretary

⁵⁵ Under Local Governance Programme, other projects include capacity building, fiscal governance, service delivery, and devolution where the aim is to have the local governments that are providing better services in a democratic manner (Interview with Programme Manager, GTZ-MGPDD)

⁵⁶ Interview with the Programme Manager, GTZ-MGPDD

At the district level Citizen Forums by Box are managed by a task force composed of CSOs, and assembly officials. Normally, one would find the District Civic Education Officer for National Initiative Civic Education, other representatives of NGOs within the district and the DPD representing the assembly. Another taskforce is set up at the community level responsible for managing the Citizen Forums at that level.

The picture drawn from the above discussion is that the whole process of citizen forums by box commences with the placing of boxes in the community. Secondly, when time has elapsed for the boxes to be in the community they are taken to the assembly where they are opened in the presence of the taskforce. Thirdly, categorization of the concerns is done according to the departments of the assembly. Lastly the Citizen Forum is held where the assembly officials respond to the queries to the community. Where the community is asking for things that cannot be responded or provided directly "... the Citizen Forum acts as a sign post where you say this would be answered better by that ministry or addressed by European Union, Malawi Social Action Fund, or Norwegian Church Aid. Thus, through Citizens Forums, the community is guided where to address their proposals for development projects."⁵⁷

The basic differences between the Citizen Forum by CCJP and GTZ–MGDPP lies on how the ideas are generated and the nature of managers. With the Citizen Forums of CCJP, the issues for Citizen Forum are identified through awareness meetings and prioritization whilst with the GTZ–MGDPP the agenda is drawn from the issues dropped in a box. Secondly, with the CCJP, the process is managed by the CCJP itself and the duty bearers are only brought at the Citizen Forum to interact with the community by way of answering questions whereas the Citizen Forum of GTZ–MGDPP, it is co-managed by both the CSOs and assembly secretariat as such duty bearers are incorporated way back into the process before the Citizen Forum.

All the consultative forums have the potential of promoting accountability in the assemblies because they are managed by individuals who possess the technical know how as compared to the councillors. Further to this just like the public boxes and debate clubs, Citizen Forums can enhance meaningful accountability as they bring the decision-makers in the society direct to the people to explain themselves on how resources have been spent among other issues. Putting this into consideration, the non-state emerging institutions are a step ahead in promoting accountability vis-à-vis good governance as they are not an obstacle to the direct contact between duty bearers and rights holders. These non-state

⁵⁷ Interview with the Programme Manager, GTZ-MGPDD

mechanisms can be regarded as attempts to the creation of the empowered participatory governance that focuses on reforms which aim at deepening the ways in which people can participate in decision-making and influence policies which affect their lives by taking Civil Society, participatory democracy and deliberative democracy approaches⁵⁸ (Gaventa, 2006:1-2).

However, while providing a potential space for empowered participatory governance and accountability, the effectiveness of these new initiatives to enforce accountability in the absence of councillors is limited by the apparent lack of powers of the forums to bring the Assembly officers to book. Whilst councilors have the legal mandate and constitutional powers to demand explanation from the secretariat, the holding of Citizen Forums and public debates rests on the goodwill of the secretariat. The secretariat can decide to not to turn up for the Citizen Forums and public debates to clear themselves in front of the community without being taken to task. The study noted that in instances where the assembly secretariat had no tangible explanations for the issues raised by the community, they would not be avail themselves to such forums. In most cases, the top management at the assembly would delegate this responsibility to junior officers who did not have ready answers to the issues raised by the community. Instead they would plead for more time to consult their bosses. With time, the issues that the secretariat has not responded to are forgotten and such concerns are overshadowed by the emerging issues to the extent that they are not raised in the next Citizen Forum. In some cases, the public boxes have been abused by the community in the sense that they are used as a forum to settle personal differences with the staff at the assembly. To this effect, community members sometimes raise issues that aim at assassinating the character of the officials. The secretariat has gone off the hook by giving an excuse that they "...do not want to be embarrassed on personal issues in the name of public boxes and accountability"⁵⁹ (Programme Manager, GTZ-MGPDD). The incumbent MPs as well were not comfortable with the public boxes as a means of making them accountable to the people because they are being used as a tool to decampaign them for the 2009 general elections. The bitter

⁵⁸ Civil Society approach focuses on building a strong civil society to act as a countervailing power against the state. It is concerned with how civil society can hold governments to account, rather than how civil society can participate in a process of co-governance. The participatory democracy approach focuses on deepening democratic engagement through the more direct involvement of citizens in the processes of governance. It involves people playing a direct role in public policy making, or at least engaging with the issues and knowing that the state will respond to their concerns. The deliberative democracy approach focuses more specifically on the nature and quality of the participation in democratic processes. The emphasis is on ways in which people can take part in debates and meetings to review and discuss public issues and find solutions to problems (Gaventa, 2006:1)

⁵⁹ Interview with the Programme Manager, GTZ-MGPDD

campaign against the incumbent MP through the public boxes and Citizen Forums is engineered by the Shadow MPs. The major concern as regards the public boxes is that they are placed in the compound of the chief purportedly for security. The community is not comfortable with this because if it is a query against the chief or his or her sympathiser and in an event where there are just few queries dropped in the box, the chief may easily discover them and sanction them accordingly. In broad terms, the public boxes are prone to revealing the identity of the individuals hence they are a deterrent to the enforcement of accountability in themselves.

The Citizen Forums, public debates, and public boxes represent claimed or created spaces. Created spaces are vital in a bid to promote good governance, specifically participation and accountability, because they champion the interests of the less powerful individuals, and protect the same from manipulation by the more powerful actors of the society. Claimed spaces like Citizen Forums, public debates and public boxes counterbalance the closed and invited spaces meant for participation of the selected few which is against the principles of good governance.

5.3 Secretariat as the Decision-maker and Implementer: A Recipe for Abuse of Office

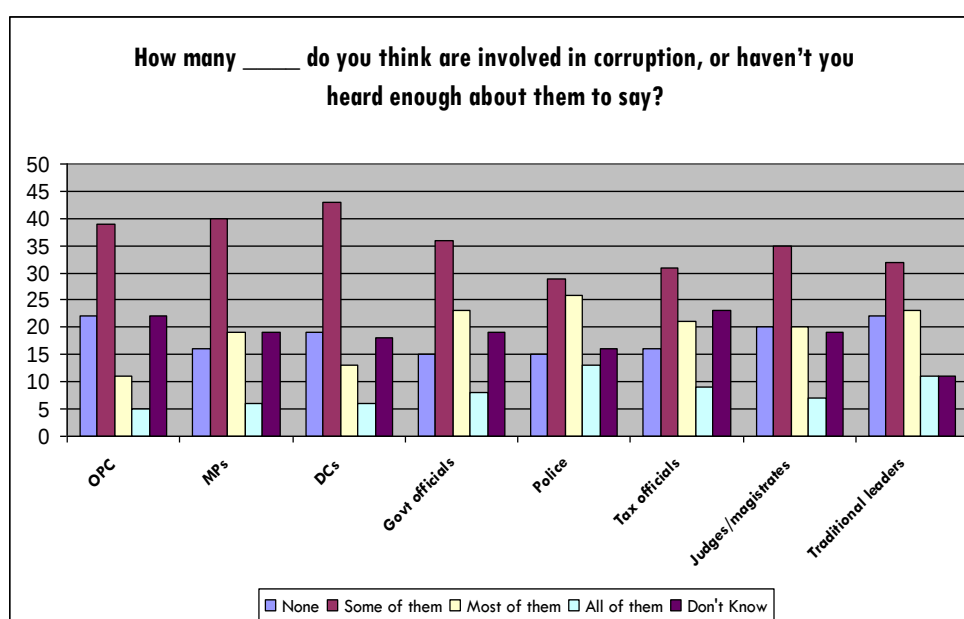
Where the assemblies are duly constituted, the National Decentralisation Policy and Local Government Act 1998 have it that there will be two bodies; the political arm and administrative institution. The political arm of the assembly is the policy making body whilst the administrative entity acts as the secretariat responsible for the implementation of the decisions that have been made by the political wing. On matters related to finance, the Finance Service Committee of the political wing of the assembly is the deciding authority on and the Full Assembly mostly only ratifies the stand of the Finance Service Committee. In the circles of downward type of accountability, the secretariat reports to the Finance Service Committee that later report to fellow councillors in the Full Assembly Meetings. The councillors then report to the grassroots.

In the absence of councillors, decisions are taken by the non-elected officials who form the CCs. The Secretariat, which is part of the CCs and is an active actor, implements the decisions. It can be argued here that the secretariat is now both the policy maker and implementer. This is violation of ‘the principle of separation of powers.’ The argument for the principle of separation of power is that if power is concentrated in one office, the potential of creating a dictator is high because such an arrangement in itself weakens the

checks and balances. Where controls are loose, abuse of resources and power is inevitable. This is succinctly captured in the Lord Acton's classic dictum that 'Power tends to corrupt, and absolute power corrupts absolutely' (Grant, 2003:145). Contextualizing Lord Acton's line of thought may translate into an argument that the fusion of roles that has happened in the assemblies is an invitation to the abuse of office.

Literature indicates that decentralised local governance has increased corruption and abuse of office (Tambulasi and Kayuni, 2007; Tambulasi, 2007; Tambulasi, 2009). This has happened even in a case where there were councillors as watchdogs. This study takes the same view that decentralisation has increased abuse of office and the dissolution of assemblies has worsened matters because dissolution of assemblies has done away with oversight functions from below have been weakened with the dissolution of assemblies. The view that abuse of resources is a reality in assemblies is affirmed by 2008 Afrobarometer Survey; when respondents were asked how many DCs they thought were involved in corruption, 19 % of the respondents indicated that most of them were involved in corruption whereas 33 % of the sample survey indicated that some of them are involved in corruption. 6 % of the respondents were of the view that all DCs are corrupt (Afrobarometer, 2008:24). Figure 7 below captures the perception of the people on the number of different office holders being involved in corruption.

Figure 7: Perception of the people on the number of different office holders being involved in corruption.



Source: Afrobarometer (2008:24)

5.4 DCs/CEOs as Controlling Officers and the Undermining of Local Accountability Mechanisms

In the absence of Councillors and Finance Committee, the DCs have been made controlling officers in order to enhance accountability and tighten controls in the assemblies. The DCs started acting as controlling in the 2005/06 fiscal year; three months after dissolving assemblies.⁶⁰ As Controlling Officers, DCs are required to “...to ensure that all expenditure is properly authorized and used for the specific purposes as enacted by the National Assembly (PFM Act: Section 10). Controlling Officers are formally accountable to the Secretary to the President in Cabinet, but in the actual budget process tend to be supervised and sanctioned rather by the respective minister of the line ministry” (Rakner et al. 2004, 15). The other responsibilities of DCs as controlling responsibilities include ensuring that competent financial management support is provided to the responsible Minister and Assembly, all accounts and records of the Assembly are properly maintained, all necessary precautions are taken to safeguard the collection and custody of public money, all expenditure is properly authorized and applied to the specific purposes for which it is appropriated, the collection of public money is according to approved plans and estimates, there is no over expenditure or over commitment of funds and a review is undertaken each month to ensure that there is no such over expenditure or over commitment, and all expenditure is incurred with due regard to economy, efficiency and effectiveness (NLGFC-MGPDD, 2006:11).

Though the DCs have been designated as Controlling Officers as a means of filling in the gap created by the absence of councilors, the observation is that they do not equally substitute the councilors because the responsibilities of these two actors are not the same. Whilst the DCs have responsibilities as mentioned above, the councillors are responsible for ensuring that the budgeting processes and budgets are legal. At the committee level (Finance Committee), councillors make recommendations on investments, consider and make recommendations on supplementary estimates and the re-allocation of estimates that have to eventually be submitted to the NLGFC for final approval, and compare and monitor the actual expenditure and revenues with the estimates on a regular basis and to ensure that expenditures incurred are within the approved estimates (NLGFC-MGPDD, 2006:11).

The highlighted functions for councillors and DCs as controlling officers are different. The picture painted above is that whilst councillors have the legislative and oversight

⁶⁰ Assemblies were dissolved on 21 March 2005. Fiscal year in Malawi runs from 1st July to 30th June.

functions, the secretariat has the functions revolving around implementation. This implies that DCs cannot be perfect substitutes of councillors. This is echoed by the current practice now whereby you have the budget that is prepared by the secretariat but approved and passed by the National Assembly. The DCs are answerable to PAC; central government actors when in ideal situation they were supposed to be answerable to the councillors.⁶¹

A point to be appreciated is that some assemblies are operating with DCs that are in the acting capacity. Balaka Town Assembly has been operating without the Chief Executive Officer from July 2008.⁶² The DC for Balaka District Assembly is the one in control of Balaka Town Assembly in the acting capacity. Challenges of running the assemblies with the acting officers are that “Other people might look down upon you realising the position and title you are holding is not lasting, which might frustrate the one in that position.”⁶³ (Acting DC, Kasungu District Assembly) The Minister of Local Government and Rural Development downplays the situation where he indicates, “Where one is acting, he or she is still a DC. I know we have a number of people who are acting in some assemblies such as Mangochi, but after some time that person can be conferred- it’s not a big deal.”⁶⁴ The Minister of Local Government and Rural Development is too theoretical in making a statement that insinuates that there is no difference between the full DC and acting DC. The difference between the two is visible when it comes to other officers getting instructions from the acting DC as they become reluctant. Already a superiority battle exists between the full DC and the heads of ‘The Big Three’⁶⁵ “...who feel the DC is an authority but limited to playing ceremonial roles as it is them (DADO, DHO, and DEM) that have a large workforce, big monthly allocation, and many activities. It makes sense anyway because the DC only has less than MK 900 000.00 in a month when the District Agricultural Development Officer (DADO) has more than 2 Million. It is even complicated with the District Health Officer (DHO) who thinks

⁶¹ The Assemblies are now cost centers as such each has her own budget line hence queries have to be taken independently.

⁶² Other positions in the senior management that are not occupied (not even in the acting capacity) include Director of Planning and Development, Director of Public Works, Monitoring and Evaluation Officer, Human Resource Management Officer, and Accounts Assistant-Revenue. It is only the Directorate of the Administration that is filled with the acting officer. Some assemblies operating with acting DCs are Kasungu, Chikwawa, Mangochi, Blantyre City Assembly, and Lilongwe City Assembly. The DCs for Chikwawa and Kasungu District Assembly have been acting for four and three years respectively.

⁶³ See “Assemblies Running Without DCs” *The Daily Times*, 30 January 2009.

⁶⁴ See “Assemblies Running Without DCs” *The Daily Times*, 30 January 2009

⁶⁵ According to the DC Balaka District Assembly and Acting CEO for Balaka Town Assembly, ‘The Big Three’ are the Ministry of Agriculture and Food Security, Ministry of Health and Population, and Ministry of Education, Science and Technology.

medical people are a rare breed subject to criticism and control by fellow medical people. Again the DHO gets more about 20 Million in a month.”⁶⁶ The DC is vindicated on the point that his office is undermined based on the low funding as national figures indicate that the General Resource Fund (GRF) (which is generally meant for DCs) was MK 494 million against MK 8 billion for health in the 2008/09 fiscal year.⁶⁷ Specific to the Lilongwe District Assembly and Balaka District Assembly, the trend is the same that the DHO outclasses the DC in terms of funding. The table below depicts monthly General Resource fund and Health funding for Lilongwe District Assembly and Balaka Town Assembly the first half of the 2007/08 fiscal year.

Table 5: GRF and Health Funding

	Jul 07	Aug 07	Sept 07	Oct 07	Nov 07	Dec 07
GRF (BK DA)	931,558	465,779	978,136	978,136	978,136	978,136
Health (BK DA)⁶⁸	16,526,990	16,526,990	16,526,990	16,526,990	16,526,990	16,526,990
Variance (%)	94.36 %	97.18 %	94.08 %	94.08 %	94.08 %	94.08 %
GRF (LL DA)	2,966,409	1,483,204	3,114,729	3,114,729	3,114,729	3,114,729
Health (LL DA)	44,071,973	44,071,973	44,071,973	44,071,973	44,071,973	44,071,973
Variance (%)	93.27 %	96.63%	92.93%	92.93%	92.93%	92.93%

Compiled by the author from the NLGFC documents on 2007/08 Budget

⁶⁶ Interview with DC Balaka District Assembly and Acting CEO for Balaka Town Assembly. He continues to argue that sometimes the DC is at par in terms of scale with other officers as such he/she is undermined.

⁶⁷ Funding to the other devolved sectors in 2008/09 fiscal year was as follows: Agriculture=MK 494 million; Education=MK 487; Trade=15 million; Rural Housing=34 million; Water=32 million; Gender=34; Environment=MK 52 million; and Forestry=MK 20 million. (Local Authorities Budget Document No.1, 2008:xi)

⁶⁸ Town Assemblies do not receive sector funds but GRF. The GRF for Balaka Town Assembly for the first half of 2007/08 fiscal year was as follows: July=MK 232,112; August=MK 116,056; September=MK 243,718; October=MK 243,718; November=MK 243,718; and December=MK 243,718. (National Local Government Finance Committee Press Release, *Weekend Nation*, 26-27 January 2008)

The turning of DCs into controlling officers has had an impact on the public financial management at the local level with regard to accountability. This initiative has undermined the local accountability mechanisms. The DC is now the central figure at the local level when it comes to individuals justifying their decisions. The undermining of local accountability mechanisms is in the sense that the DC now leads the defense team reporting to the National Assembly when the councillors were around; he led the secretariat in their defense to the body of councillors. The DC pays little attention to the institutions that come seek explanations from the structures below the assembly. The point on the wrong side of good governance here is that instead of primarily being accountable to the local people, the secretariat is prioritising reporting to the national actors. This is against the spirit of the decentralisation framework in Malawi as per Decentralisation Policy and Local Government Act 1998. In the absence of councillors, the promotion of vertical upward accountability as compared to the vertical downward accountability is a testimony of undermining efforts towards the promotion of good governance.

Secondly, the central government actors are using the position of the DCs as controlling officers to appropriate the space at the local level. A point worth noting here is that the DC qualifies in anyway to be the agent of central government; he belongs to the executive branch of government, employed by Local Government Service Commission,⁶⁹ and his salary comes from the MoLGRD. Through the DC, the central government actors are having a great influence on the activities at the local level as they are in a better position to determine the financial muscle of the assembly by use of rewards and sanctions. Since the budget is approved by the National Assembly, DCs comply with the orders of MPs to avoid the potential threat of rejecting their vote. The direct link between the assemblies and the parliament has given leverage the later to control and dominate the activities of the local governments; including the accountability activities. The pressure applied by the central government has made the DCs ignore the local institutions in updating them on the events unfolding in the assemblies.

⁶⁹ Though the LGA Section 11 (2) stipulates that the Chief Executive Officer of the Assembly shall be appointed by the Assembly, the position of Government is that the CEOs, DCs and Directors will be appointed by the central government until when the assemblies have the capacity to do so. The Local Government Service Commission is a recruitment agency of central government for local governments.

5.5 Consultative Committees: A Mockery of Downward Accountability

As stated in section 3.2.1 the establishment of CCs was meant to maintain downward accountability in the absence of councillors. This was thought to be achieved through Traditional Authorities, Sub-Traditional Authorities, and representatives of interest groups who were incorporated in the CCs. The view of the secretariat on the CCs is that “...we are supposed to update our masters on the programmes being implemented hence this institution called CC.”⁷⁰ Minus the CCs, there would be no one to say “Mr. DC wait a minute.”⁷¹

Whilst the rationale for establishing the CCs as a mechanism for accountability sounds appealing theoretically, the practice is turning out to be a mockery of downward accountability. This is in line with the observation that not only the meetings of CCs are ad hoc, but are also infrequently held. The confession from the secretariat is that “...we have gone away from the routine District Consultative Forums meetings held quarterly, now we are on need basis.”⁷² These ad hoc meetings are mostly not initiated by the secretariat but rather an external actor who would want to introduce herself to the assembly and use it as an entry point into the district. When the meeting is convened under the influence of external actors, the agenda is specific to their interest.⁷³ In this sense, the CC meetings do not serve as an opportunity for the chiefs who sit in the CC as representatives of the people to question the assembly officials on the matters that may be of their interest such as financial transactions, assets of the assembly, and progress on development projects. Even in the circumstance where the CC meeting has been called for by the secretariat, the agenda is determined by the DC alone who can rule out controversial issues. In this regard, the CC is only a face-saver on the part of the secretariat to be seen to be accountable to the grassroots when in the actual sense they are only accountable to themselves and central government officials. It is for strategic reasons that government had to establish CCs otherwise given chance it would have gone away its own. The view on CCs is that “...in the interest of the donors and worldwide fashion, it is good to be seen to champion accountability; especially downward accountability and CCs are partly established for that reason” (Executive Director, MALGA).

⁷⁰ Interview with the DPD for Balaka District Assembly.

⁷¹ Interview with the DPD for Balaka District Assembly.

⁷² Interview with the DPD for Balaka District Assembly.

⁷³ For example, when the Malawi Electoral Commission was consulting on how best to handle the registration process for the May 19 Presidential and Parliamentary Elections, the secretariat called for CC meeting where the discussion was just based on the elections.

On a different note, CC is a mockery to downward accountability because it is held in a closed manner. Incorporation of the traditional Authorities in the CC is based on the logic of representative democracy. However, this fact that communities have representative should not be an obstacle to prevent the ruled themselves to have direct contact with the rulers or their agents when need arises. The CC meetings for both Lilongwe District Assembly and Balaka Town Assembly rule out the possibility of extending the invitation to the common people because of ‘allowance syndrome.’ In case if Balaka Town Assembly, “...the assembly offers as MK 500.00 as the sitting allowance for the CC meetings whereby other organizations have the liberty of setting their own sitting allowance provided it is above that being offered by the assembly.”⁷⁴ The assembly fears that if the local people are invited, they will also demand sitting allowance.

5.6 Conclusion

This chapter has dwelt on the accountability at the local level. Specifically, it has presented and discussed the effects of the lack of councillors on the promotion of accountability in the decentralized local governance system in Malawi with focus on the assembly structures at the grassroots. One of the findings is that there has been a reversal of the observed forms of accountability at the local level where vertical upward accountability observed by the secretariat is being practiced whilst the vertical downward accountability which was observed through the councillors is suffocating because the interim institutions are limited by legal and structural deficiencies. It has also been found out that the CCs are a mockery of downward accountability, the decision to making DC/CEO a controlling officer is tantamount to the undermining of the local accountability mechanisms, and the turning of secretariat into both decision-maker and implementer is proving to be a recipe for abuse of office and violation of the principle of separation of powers.

⁷⁴ Interview with the DC for Balaka District Assembly and Acting Chief Executive Officer for the Balaka Town Assembly

CHAPTER SIX

CONCLUSIONS AND IMPLICATIONS

6.0 Introduction

The main objective of this study was to establish the effects of absence of councillors on the promotion of good governance. Focus was on two tenets of good governance namely participation and accountability. Verba's (1967:55) definition of participation was used whereby the understanding is that participation refers to the acts by those not formally empowered to make decisions aiming at influencing the behaviour of those who have such decisional power. This definition excluded all the ceremonial activities. Accountability was taken to mean the giving of an account for actions taken and being held to account for those actions (Grant, 2002:14). Vertical and horizontal forms of accountability were highly featured in the context of representative accountability model of accountability where answerability and enforceability are preconditions to the prevailing of genuine accountability. The discussion on accountability dwelt much on the supply-side (duty-bearer or accountee) and demand-side (rights-holder or accouter).

The study specifically aimed at establishing how absence of councilors at the assemblies has affected participation of the people in the assembly activities, how the operation of the assemblies without councillors has affected accountability to be observed by the secretariat, and assessing the effectiveness of mechanisms put in place replacing the political arm of the assembly in promoting good governance at the local level.

The research study was conducted with the theoretical underpinnings of Social Contract Theory. Social Contract Theory basically holds that governments' arise out of consent from all concerned parties and the governing process is guided by the terms of conditions sanctioned by all parties in the contract as well. In addition to the Social Contract Theory, the Policy Spaces concept was employed to analyse the opportunities and channels of participation and accountability that are being made available to the local people in the absence of the councillors.

6.1 Summary of the Study Findings

The study has found that on participation, the absence of councillors has negatively affected participation of the local people in public machinery at the local level partly because the current structure of the assembly has not been devolved anything below the assembly secretariat. In essence, it is only one big committee, the CC, at the assembly headquarters that makes decisions. An opportunity at the secretariat level is not available to discuss issues in detail as in a sub-committee where expertise and close interaction would add value to the outcome.

Whilst the councillors were incorporated in the local governance system to promote participation of all groups of the people at the grassroots by consulting the same regardless of status, political affiliation, sex, religion, ethnicity, and education attainment among others, the finding is that they promoted 'selective participation' by consulting the affluent. Chiefs and political party (especially from his or her own political party) members formed the clique at the local level that was close to the councillors and influential in making decisions as their voice was supreme than those of the 'mere' local people. However, the absence of the councillors has not meant the doing away with the dominance of selected groups of people in the matters of public life at the local level rather it has meant the substitution of the means for the promotion of the selective participation. The emerging institutions sitting-in for councillors have again promoted participation of specific groups of people at the local level (assembly).

Receptivity and responsiveness of the assembly have dwindled in the absence of the councillors. The understanding here is that receptivity and responsiveness are different. In this study, the former has been defined as the extent to which the state hears the voices of those expressing their opinions and preferences whereas the latter has been referred to as the degree to which the state responds to the demands and concerns expressed in the voice of the people. The dwindling in the receptivity and responsiveness has been for the reason that the public machinery is far from the local people as compared to the situation where the councillors were in operation. The emerging state and non-state actors have inherent and situational deficiencies in capturing the interests of the local people to be brought to the attention of the assemblies. The slipping down of the receptivity and responsiveness of the assemblies also means the reduction of the citizen-state engagement.

The emerging non-state institutions are generally under the initiative of the donors. As much as these donors admit that local elected representatives are important, they hold the view that other institutions that can promote the interests of the local people can still be of

importance in the decentralisation and local governance project. Based on the fact that the non-state institutions are borne with the specific donor in mind (and in some cases, donors approach the local institutions to implement their projects) and dependent on them for funding, their serving of the interests of the local people and sustainability is questionable.

The status quo where the secretariat implements her own decisions is a violation of the principle of separation of powers and a fertile ground for abuse of resources and office. The existence of CCs proves that secretariat is now both the decision-maker and implementer at the assembly especially when the background is that the DC is the chairperson with all the powers of calling for the meeting technically and practically vested in his office and the DPD is the secretary. It has been established that the other members of the CCs (in particular, chiefs and MPs) are reduced to mere spectators as they are sidelined in the decision-making process by not being invited for the meetings or the discussion taking a technical approach hence being beyond their comprehension and provision of comments.

The study has also found out that the emerging institutions are operating in the peripheral to the secretariat and finding it had to influence the operations of the assembly. This is a blow to the enforcing of accountability as the emerging institutions do not have access to inside information would enable them to discharge effectively the oversight role of councillors. Beyond enforcing accountability, the emerging institutions are again incapacitated when it comes to enacting, repealing, and amending the by-laws and approving the budgets for the reason of lacking constitutional mandate.

6.2 Policy Implications

The first policy implication borders on power dynamics. When councillors are back, they have to engage an extra gear to reclaim their political space at the local level. This political space has been appropriated by both the central government actors namely MPs and civil society organizations. These central governments actors have appropriated the political space at the local level using their strong financial muscle to respond to the needs of the people and win the attention of the people by the end of the day. It will not be easy for the councillors to fight for the repossession of their political space. Whilst without predicting doom for the councillors in terms of influencing and commanding the local people, the existing actors, in particular MPs, have taken advantage of the absence of councillors to finish the business of entrenching the patronage politics and proving that they have strong financial base which is critical in gaining the political popularity. The

war of MPs against the councillors is being backed by the central government mainly through Constituency Development Fund (CDF). With the CDF, the MP has resources at his or her disposal to seek attention of the people by implementing some small but appealing development projects. In view of the foregoing, if councillors are to have any influence on the grassroots, then stable and vibrant mechanisms of supporting them financially will have to be put in place because politics of the belly is the major determinant of the direction of loyalty and allegiance of the people in developing countries including Malawi. The bottom line here is that if councillors are to be reliable agent of participation commanding control of the local political space, they need to be supported.

Absence of councillors has given chance to the growth of local structures that can enhance democracy and local good governance. The local institutions have proved to be open to all members of the society and accessible to people but lacking support on the legal aspect of governance. The government can think of having deliberate community based institutions within the local governance framework. Of paramount importance is to sanction these local institutions within the key guiding documents. The provisions sanctioning these local institutions need to be carefully crafted so as to avoid creating overlaps in the roles of the actors in the governance process.

The inconsistencies in holding elections and constituting of lawful assemblies may mean to people that local governments are not important and far from being one of the priorities of central government. Government may be seen to be contradicting itself as it preaches of reducing poverty and promoting good governance though devolution of which local governments are key to this cause. The doubts being created in the minds of the people have the potential of undermining the seriousness of government and questioning of legitimacy of government. The effects may go as far as weakening the efforts activating the interest of people in the local governments. The question posed to themselves is that; we have on a number of times lived without assemblies, can they not as well go forever? These sentiments will increase the voter apathy in the local government elections. As a matter of not losing sight with what local governments were established for, it is imperative that constitutional clauses be observed so as maintain confidence of the people in the constitutional and governance structures. When the elections will be held, strategies that will aim at convincing people that local governments are not excess baggage in the plans of government will have to be implemented.

6.3 Areas for Further Study

This thesis and literature available suggest that there are a number of areas that need further investigation as regards to actors and the promotion of good governance. Some of the questions that we may consider to pursue include:

- 1) What should be the institutional architecture when we think of recognizing the institutions emerging from the grassroots so that they still conform to the principles of good governance and democratic decentralisation? It may not be in the interest of the promotion of good governance to suppress these local emerging institutions as some of them are arising out of pressure from the local people upon the failure of the formal and recognized means of participation and accountability. The question is on how to we incorporate these new players so as to avoid confusion of roles.
- 2) What are the features of the policy spaces that have opened up as the result of the absence of councillors? This will help in the identification and institutionalization of the policy spaces that have the potential of promoting participation of the people in the public life and accountability on self-sustainable basis.
- 3) What are the effects of the central government actors appropriating the local space in the democratic decentralisation setup? This is a question worth pursuing in developing countries because, as has this study and other studies shown, politics in these countries is about addressing the needs of the people and not necessarily about sticking to the mandate as per legal framework. Following the rules of the game religiously would earn an individual the label 'failure.' The case of incumbents failing to seek re-election on grounds of not being development conscious by not providing handouts and implementing small scale projects that are local in nature vindicates the failure label. At this juncture, an extension to the study of effects of the central government actors appropriating the local space in the democratic decentralisation setup would be the study that aims at establishing a perfect integration of the national and local actors that works.

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Appendix 1

LIST OF KEY INFORMANTS

INTERVIEWEE	INSTITUTION AND POSITION	DISTRICT
Mr. Harry Phiri	GTZ-MGDPP-Programme Officer (Civil Society)-South	Zomba
Mr. Amani Mussa	Democracy Consolidation Programme- Programme Manager	Lilongwe
Mr. Chilongosi Nyasulu	MALGA-Executive Director	Lilongwe
Mr. Kizito Chilunga	MALGA-Research and Information Officer	Lilongwe
Mr. Viwemi Chavula	GTZ-MGDDP-Programme Manager- Decentralization/Governance	Lilongwe
Mr. H. Bota	Ministry of Local Government-Decentralisation Desk Officer	Lilongwe
Mr. Charles Kalemba	District Commissioner-Lilongwe District Assembly	Lilongwe
Senior Traditional Authority Mazengera	Traditional Authority	Lilongwe
Mr. Mtisau	Former Councillor-Lilongwe District Assembly	Lilongwe
Mr. Sambani	Former Councillor-Lilongwe District Assembly	Lilongwe
Mr. D. Kambalame	Former Councillor-Lilongwe District Assembly	Lilongwe
Mr. Gwedeza	District Civic Education Officer-NICE	Balaka
Mr. Josaya	Cashier-Balaka Town Assembly	Balaka
Mr. J. Sanyiwa	Revenue Collector-Balaka Town Assembly	Balaka
Mr. Kawalazira	Coordinator-Balaka Debate Club	Balaka
Mrs. Pendame	Chairperson-Balaka Debate Club	Balaka
Mr. A. Fatchi	Member-Planning and Development Committee	Balaka
Mr. L. Mwamangwe	Roads Supervisor-Balaka District Assembly	Balaka
Traditional Authority Nsamala	Traditional Authority	Balaka
Mr. Steven Chimangeni	Former Councillor-Balaka Town Assembly	Balaka
Mrs Kondoni	Former Councillor-Balaka Town Assembly	Balaka
Mr. Aboo Osman	Former Councillor-Balaka Town Assembly	Balaka

Mr. Limbani	Former Councillor-Balaka Town Assembly	Balaka
Mr. Chagoma	Former Councillor-Balaka Town Assembly	Balaka
Mrs Kalembera	Block Leader-Balaka Town Assembly	Balaka
Mrs Mukhuna	Block Leader-Balaka Town Assembly	Balaka
Mr. Tchauya	Director of Finance-Balaka Town Assembly	Balaka
Mr. Kasiya	Town Ranger-Balaka Town Assembly	Balaka
Mr. Pangani	Town Ranger-Balaka Town Assembly	Balaka
Mr. S.L. Gwedemula	Director of Planning and Development-Lilongwe District Assembly	Balaka
Mr. Magela	Management Information Systems Officer	Lilongwe
Mr. J. Manyetera	DC-Balaka District Assembly Acting Chief Executive and Officer-Balaka Town Assembly	Balaka
Mr. Thyangathyanga	Director of Planning and Development-Balaka District Assembly	Balaka
Mr. Dalitso Mpoola	Planning and Development Officer-Ministry of Local Government (Former Director of Planning and Development-Lilongwe City Assembly)	Lilongwe
Mr. P. Chinoko	Diocesan Secretary-CCJP Lilongwe Diocese	Lilongwe
Mrs R. Phiri	Paralegal Officer-CCJP Lilongwe Diocese	Lilongwe
Mr.M. Moyo	Development Planner-GTZ-MGPDD	Lilongwe
Mr. Rodgers Kaunda	Executive Director-Bwalo Initiative	Zomba
Mr. Peter Mgangira Senior	Former Councillor-Lilongwe District Assembly	Lilongwe
Hon. Makala Ngozo	Member of Parliament	Lilongwe
Mr. K. Dakamau	Deputy Director of Local Government Services-MoLGRD	Lilongwe

Appendix 2

FOCUS GROUP DISCUSSION GUIDELINE (AND IN ADAPTED FORM FOR KEY INFORMANT INTERVIEW)

Introduction

- Mr. Michael Chasukwa, University of Malawi, Chancellor College
- Doing research on the Effects of absence of councillors on the promotion of Good Governance in Malawi

Ethics

- The discussion will be confidential
- Used for academic purposes only
- Consent sought for the recording of the discussion

OBJECTIVE 2: To establish how the absence of councillors has affected participation of the people in the assembly activities.

1. Explain the current structures put in place for the participation of the people in the assembly operations.
2. How is the assembly soliciting views from different interest groups of the people?
The youth, people living with disabilities, women, business community, and public in general
3. Apart from the official means of participation as per policies, explain are the unofficial means (initiatives) of participation that are now been utilized by the grassroots and assembly?
4. Describe the extent to which people have degree of influence on the decisions made?
5. Is there an opportunity for the grassroots to participate directly and possibly inform others and/or raise awareness about issues or concerns which are not reflected in the on going deliberations?
6. Explain the degree to which the current organisational structure of the assembly increased or reduced the potential of participation by the grassroots?
7. Explain the extent to which decisions taken by the assembly reflect the aspect of 'Joint/ "Shared Decisions"?

OBJECTIVE 2: To establish how the absence of the elected members of the assembly has affected accountability (upward and downward)

- 1) How accountable were the Councillors to the people they represented?
- 2) How accountable are the members of Consultative Committee to the people they represent?

- 3) Explain the process/procedure followed by the secretariat to explain its actions/decisions/behaviour to the Consultative Committee? To the grassroots? To central Government?
- 4) Explain the initiatives are made by the people from the 'ward' to seek explanation from the Secretariat? From Consultative Committee? From Central Government?
- 5) What has been the flow of the funding from Central Government since March 2005 when Councillors were out of office?
- 6) Explain the process of deciding on the allocation of funds for specific projects of the assembly?

OBJECTIVE 1: To Assess the effectiveness of emerging mechanisms playing the role of councillors in promoting participation and accountability at the local level.

1. Do you know any institution that replaced Councillors?
2. Have you heard of the Consultative Committee?
3. What is the Composition of the Consultative Committee?
4. What are the functions of Consultative Committee?
5. What have been the demands or requests put forward to the Consultative Committee by the grassroots?
6. Describe the projects that have been implemented by the assembly resulting from decisions made by the consultative Committee as a matter of responding to the requests of the people?
7. How long does it take for the Consultative Committee to take decisions and implement projects responding to the requests of the people?
8. Explain the process of drawing the agenda for the Consultative Committee meetings?
9. Explain the efforts that were made to sensitize the people on the existence, composition and functions of the Consultative Committee?
10. How do you encourage people to make use of the Consultative Committee?
11. What is the perception of the people towards the Consultative Committee?