
Research Article

Local Governance in Malawi – sighs and sobs in District Councils?

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ABSTRACT: The local government policy and institutional framework in the advent of multiparty democracy signalled Malawi's commitment towards consolidation of local democracy through District Councils also called local government authorities. However, the fifteen year absence of Councillors and changes in policy direction raises questions regarding the commitment as well as the role of District Councils and its Councillors. This paper which is based on documentary research and supplemented by interviews conducted with senior local authority officials and selected members of the public analyses the major developments and factors that have a bearing on the performance of District Councils in the multiparty dispensation. The central argument is that enhancement of local governance largely depends on multi-dimensional strategies that will be effected particularly capacity building and financial support backed by political will to address challenges facing District Councils.

1. INTRODUCTION

The Republic of Malawi Constitution of 1995, the Local Government Act No.42 of 1998 and the National Decentralisation Policy (NDP) of 1998 reorients Malawi's local government authorities also called Councils towards responsive, representative, and accountable institutions. The policy and institutional framework recognises the District Councils and the Councillors as critical for ensuring local democracy as well as efficiency and effectiveness in the running of affairs at the local level. For instance, Section 146 (3) of the Constitution provides that issues of local policy are to be decided at the local level under the supervision of Councils under the political leadership of Councillors. Similarly, section 3 of the Local Government Act of 1998, provides that Councils are established with the aim to further the constitutional order based on democratic principles, accountability, transparency and participation of the people in decision making and development process. The Councils' responsibilities as highlighted in Chapter XIV of the Constitution and repeated almost verbatim in section 6 of the Local Government Act of 1998, and the NDP include to promote of participatory approaches in local development; to deepen democracy by bringing the services and decision-making closer to the public and to improve governance by achieving accountability and transparency. Thus, District Councils and the Councillors are centre stage towards consolidation of local democracy and development.

However, since the advent of multiparty democracy in 1994, Councils have existed without Councillors for a period of fifteen years- six years (1994-2000) and nine years (2005-2014). In the absence of Councillors, District Councils were locally administered by civil servants together with a hand-picked committees by central government until the May 2014, Presidential, Parliamentary and local government "Tripartite" elections, where local Councillors were once again elected. The situation raises

questions relating to the path Malawi is taking towards consolidating democracy at the local level and the significance of District Councils and Councillors in Malawi's governance structure.

Therefore, this study was carried out in Zomba and Salima districts using qualitative methods of data collection- key informant interviews senior Council and Ministry of Local Government and Rural Development officials and civil society leaders officials and selected citizenry that focused on former and current Councillors and Members of Parliament, and ordinary citizenry. The qualitative approach enabled the exploration of views, perception and opinions and gaining of a comprehensive understanding of local government system and operations of District Councils in Malawi. The primary data was supplemented by a documentary research which involved a review and content analysis to literature which included official reports, journal articles, textbooks, newspapers and relevant magazines relating to Malawi's local government sector.

This paper analyses the major developments in Malawi's local government sector that have a bearing on the performance of District Councils in the multiparty dispensation. The paper is organized into six parts. Following the introduction, the second part highlights the concepts underpinning this analysis with a reflection on the significance of District Councils. In the third part, the evolution of local government policy and institutional frameworks from the colonial, through to post-independence single party rule and the multiparty dispensation are presented. This is followed a discussion on the developments, the major challenges impacting District Councils are presented in the fourth part. The prospects for the role of District Councils and the Councillors are presented in part five. Finally, the major issues drawn from the study and recommendations are present in part six by

way of conclusion.

CONCEPTUAL UNDERPINNINGS

The study is guided by two basic local government theories, namely, the centralist and decentralists theories or perspectives (Cameron, 2002). On the one hand, the centralist perspective views local government as a level of government which deals with matters that concern the inhabitants of a particular district or place that is administered by a Councils which are subordinate to the central government. On the other hand, decentralists theorists link local government to democratic governance and emphasise self-local governance. According to Leemans, (1970:19) local government refers to governing and administration based on local community organs or Councils which are composed of Councillors elected by the community's population. Similarly, Geldenhuys (1996:15) defines local government as a type of government established by law where citizens exercise political power, either by directly influencing the policy-making process or through their Councillors. The Councils are the key organs or institutions in the local government system, with corporate powers including substantial fiscal powers- the right to determine their own budget, prescribe taxes to be levied, collect fees and charges for services provided, and to incur debt. They also have public responsibilities and functions to be discharged by office holders and Councillors in rendering services to citizens, and a degree of administrative independence in a defined area of jurisdiction although subject to state control in some respects (Cloete, 1993:45-46).

Scholars have offered theories anchored to efficiency, participatory-democracy and development that explain the significance of Councils (Hartmann, 2004; Rallings, et. al., 1999; Oluwu, 1999; Ola, 1984). From the efficiency perspective, Oluwu (1999:287) argues that Councils enhance 'allocative efficiency' in mobilising resources for the provision of needed community services, and by providing a wide range of social and economic infrastructure because of their proximity to the people and their knowledge of the locality. Since Councils are closest to the local people and that most Councillors reside in their wards, they are better placed to be more responsive to the local conditions and demands and to provide certain services far more efficiently and effectively than the central government.

Based on the participatory-democracy theory, Councils are fountainheads for democracy as they provide opportunities for political participation, elected representation and accountability. They also act as instruments of political education and socialisation for political aspirants at the local level. For instance, Rallings, et. al., (1999:59) argue that political participation in the local political systems which include Councils is the essence of local democracy, and local polls are a critical means through which democratic

character and political processes such as elections, accountability and transparency between citizens and decision-makers are facilitated. Thus, Councils facilitate the establishment of a representative, legitimate and credible government. According to Hartmann (2004:176), the institutionalisation of local elections represents the first step towards strengthening principles of participation and accountability in local government as citizen elect Councillors who provide local political leadership and are compelled to be accountable to voters through the ballot box. As observed by Oluwu (1999:286), Councils also act as nurseries and training schools for future political careers and provide opportunities for the exercise of political leadership in democratic life and carrying out responsibilities by Council members.

From the development perspective, Councils play a key role in promoting socio-economic development and coordinating efforts of local actors towards sustainable development (Omiya, 2000:202). The Councils facilitate public service delivery, mobilisation of local resources and incorporation of local knowledge and priority needs into the policy formulation and the implementation of local development planning. The vital services which continued to be demanded and supplied by Councils directly affecting the quality of life of the citizens include public education, health, protection of persons and property, recreation facilities, water supply and sewage disposal (Oluwu, 1999:287). The local people are accorded authority and control over local development decisions and resources through the Council where they exercise their right to participate in the management of public affairs, political and developmental processes directly and indirectly through Councillors.

2. EVOLUTION OF MALAWI'S LOCAL GOVERNMENT POLICY AND INSTITUTIONAL FRAMEWORK

It is important to analyse the evolution of local government policy and institutional framework in order to understand the developments and factors which have shaped the environment in which Councils have operated. The discussion which follows covers the major developments in local government during the colonial (1891-1963), post-independence single party rule (1964-1993) and multiparty dispensation periods.

3.1 The Colonial Era (1891-1963):

The local government policy and institutional framework in the colonial era (1891 to 1963) was shaped by Ordinances were passed and these include the District Administration Native Ordinance of 1912, the Native Courts Ordinance and the Native Authority Ordinance of 1933 and District Council Ordinance of 1953. The District Administration Native Ordinance of 1912 marked the beginning of local government by providing for the establishment of native

administrative units which were controlled by traditional leaders (Graham-Jolly, 1955: 189). According to Hailey (1979: 258) the Ordinance was amended in 1924 and 1929 to increase the administrative powers of 'principal headmen' by including tax collection, attending to civil cases, and control of land allocation and afforestation.

The first major step towards the introduction of local government and administration was marked by the Native Courts Ordinance and the Native Authority Ordinance of 1933 which provided additional powers and duties to the traditional chiefs. These included managing local communities, issuing minor legislation called 'rules' for the maintenance of order and welfare of the people, establishing a native treasury for financial administration and imposing levies and fees to facilitate local development and provision of services for the community (Jeppe, et. al., 1974:245; Robins, 1961: 148). Although Councils were not democratic in the sense that the native authority was appointed based on tribal grouping and accountable to the District Commissioner rather than to the local people, nonetheless the state apparatus was transferred to the local level where the traditional authority was integrated into the British governance system called 'indirect rule' (Howman, 1951:34).

However, a radical change of the basis for Local Government was marked by the District Council Ordinance of 1953 which provided for the establishment of Councils (District Councils) under the political leadership of elected Councillors (Graham-Jolly, 1955:189). Thus, democratic participation and representation was introduced through elected ward Councillors; and District Councils took over the powers that were previously vested in the native authorities (Robins, 1961:153). Further amendments to the Ordinance were made in 1960, 1961 and 1962 to provide for the establishment of Councils in all districts with local representation by Councillors elected on a widely based franchise. During the later years of the colonial period, District Councils assumed additional responsibilities which included primary education, and district roads, public health, customary land and forests. (Robins, 1961:153).

According to Apthorpe, et. al., (1995:8) District Councils effectively rendered public services due a conducive socio-economic and political environment that engendered minimal intervention by the central government, the healthy financial position and resource support from the colonial government, public support to Council operations and capacity building initiatives. According to Robins (1961:150), the colonial government allowed District Councils to enjoy local autonomy and readily provided adequate financial assistance up to the early 1960s. Furthermore, the public voluntarily contributed labour and paid dues such as fees, taxes and rates which enabled Councils to provide the desired public services. In terms of capacity building, Thomson (1956:189) points out that the

first formal training programme for African Executives in local government was conducted in 1934 with a course for clerical officers from all district Councils. During every dry season up to 1944, Councillors and traditional leaders including wives and the youth underwent a four-month training programme covering local government issues at the Local Government Training School which was formerly opened in 1952 at Jeanes Training Centre, presently called Malawi Institute of Education. (Thomson, 1956:189). Therefore, under imperial rule District Councils rendered the desired in an environment characterised by local autonomy, financial and material support and skills development.

3.2 One-Party rule period (1964-1993):

At the dawn of independence in 1964, Malawi inherited 23 district Councils (Pike, 1969:159-161). The district Councils were governed by the Local Government (District Council) Act No. 22:02 of 1965, and derived additional powers from the Education, Public Health and Liquor Licensing Act. The chairperson of the Council was chosen amongst the Councillors as the political head. However, the changing of the 'District Council Elections Rules of 1962, the repealing of Section 50, of the Local Government District Council Act No. 20:02 of 1965 and the establishment of the District Development Committee (DDC) at the local level in January 1965 led to the erosion of the Councils' local autonomy (Simukonda, 1999:13; Apthorpe, et. al., 1995:8; Miller, 1970: 130). According to Simukonda (1999:13) the 'District Council Elections Rules of 1962' which provided for elections of Councillors for the Councils were changed on 19 October 1966 following the establishment of the one-party state. The Malawi Congress Party stated that the new system for local elections will have to involve the party nominating ward Councillors rather than through democratic elections by the local people. As a result, Councillors as the local political leaders of the Council were not subjected to the test of people's approval through the holding of elections.

Furthermore, Section 50, of the Local Government District Council Act No. 20:02 of 1965, which provided local autonomy and decision-making powers to Councillors was repealed (Miller, 1970: 130). In this regard, the District Councils had no mandate to play a key role in local governance and economic development. The new provision gave unlimited authority and powers to the Minister of Local Government to intervene in District Council matters and as a result, many of the District Council functions and responsibilities were appropriated by the central government. The grants given to District Councils were reduced, some services like road maintenance were withdrawn, and staff appointments, promotion, discipline and dismissals were controlled by the central government (Jeppe, et. al., 1974:253). The Minister for Local Government had powers to "lift out" urban areas away from

the district Councils and declare them urban Councils. Thus, the district Councils became financially worse-off since they were deprived of the main resource (urban areas) (World Bank, 1993:6). As summarised by Apthorpe, et. al., (1995:23-25), the Councils did not function well – they were characterised by poor service delivery and performance.

In addition, a parallel central government institution called the District Development Committee (DDC) which was approved in January 1965 and became operational from September 1966 at the district level played a role in undermining the effectiveness of District Councils (Miller, 1970:130). The DDC comprised Members of Parliament (MPs) from the district, chairperson of MCP, chiefs and representatives of civil society organisations, the business community and the chairperson of the District Council (Apthorpe, et. al., 1995:23-25). Although the DDC lacked the legal status at the district level, it controlled financial resources and local development planning. It was difficult to distinguish between the functions and responsibilities of the central government (DDC) and those of the district Council (Apthorpe, et. al., 1995:8). The operations of the DDC outside the District Council machinery resulted in competition for financial resources, confusion and duplication in the managing of public resources and the erosion of functions and capacity of Councils (Miller, 1970:130). In practice, however, both the DDC and the District Councils were unable to operate efficiently and effectively because of the party domination and intimidating and manipulative political environment since all the members of the two bodies were party die-hards who could not question Banda's policies (Kaunda, 1998:52; Apthorpe, et. al., 1995:44).

3.3 The multiparty dispensation (1994 to present):

The political transformation in Malawi began with the constitutional referendum in 1993 which supported multi-party democracy and the first democratic presidential and parliamentary elections in June 1994. This marked the end of more than a century of colonialism and the despotic one-party rule under Banda. Among the steps designed to consolidate political freedom and improve democratic governance at the local level included the adoption of a new Constitution and the passing of the Local Government Act of 1998 and adoption of the National Decentralisation Policy (NDP). The new policy and legal framework highlighted the procedures, components, composition, functions, role and status of the local government which signaled the desire to consolidate and institutionalise the newly gained political freedom and improve governance at the local level. For instance, the Constitution dedicated Chapter XIV (14) to issues relating to local government including the establishment of Councils categorized into Town, Municipal, City and District (rural), Councils which are the focus of this study. Section 146 (2) of the Constitution stipulates that issues of local policy and

administration are to be decided at the local level under the supervision of Councils. Similarly, Section 5 (2) of the Local Government provides that Councils' responsibilities include 'to make policy and decisions on local governance and development; to consolidate and promote local democratic institutions and democratic participation'. Section 2 of the Act states that the objectives of the local government are to further the constitutional order based on democratic principles of democracy, accountability, transparency and participation of the people in decision-making and development process.

The District Councils were established by merging two parallel structures namely, the District Administration which was under the central government and District Councils. As a result of the creation of new districts the number of District Councils has increased from 25 during the single party rule to 28 District Councils, four City Councils, one town and two municipal Councils organised on a single tier system in the multi-party dispensation (GOM, 2013:7; Kaluwa, et. al. 1998:2). In terms of structure, each District Council has the political and management structures. Until recent amendments that have made MPs voting members in the Council, the political structure was led by Councillors as the only voting members and political leaders at the local level holding office for a period of five years. The chairperson or mayor was elected among the Councillors during the first meeting of the District Council held within 14 days after local government elections (Local Government Act of 1998, section 7). The non-voting members included traditional authorities and sub-traditional authorities and members of parliament (MPs) from the district as ex-officio members and five persons appointed by the District Council to represent special interest groups (Local Government Act of 1998, section 5).

Thus, the legal and policy framework accords Councils with substantial powers and extensive responsibilities and functions which include enhancing democracy through freely elected representatives by means of secret and universal suffrage, local policy formulation and making decisions on local governance and development; and consolidation and promotion of local democratic institutions and democratic participation. However, the situation obtaining in the local government as result of developments and complicating factors which include legal amendments and changes in policy direction as discussed below raise questions regarding the effectiveness and commitment towards the attainment of policy objective by District Councils.

1. DEVELOPMENTS AND CHALLENGES IMPACTING DISTRICT COUNCILS

The process of attaining effectiveness in District Councils largely depends on what is happening within the local government system and at the national level. The study revealed developments and factors militating against

effective performance of District Councils.

4.1 Developments in Local government

The developments in local government that undermine operations of the District Councils are anchored to the lack of political will to timely conduct local elections and by elections, and legal amendments that are contrary to the spirit of enhancing local democracy. For instance, the Local Government Elections Act No. 24 was passed in 1996, but the first local elections were held on 21 November 2000, six years after embracing the multi-party system of government and attracting only 14% voter turnout attributed to voter apathy due to lack of appreciation of the importance of Councils and Councillors after their long absence (Hussein, 2004). Thus, District Councils existed without Councillors from 1994 to 2000 and in their absence Councils were locally administered by civil servants together with a hand-picked committee under Council Directors. The remarks by District Commissioners (DCs) interviewed included 'Councils were efficient, cost effective and worked better without elected Councilor', therefore cementing the view that Councillors were unnecessary cost and it would be better to abolish them. The remarks confirm Chinsinga's (2009) observations that DCs abhorred the presence of Councillors because they are used to doing business without systems of checks and balances in place as well as media surveys which indicated that DCs prefer to operate without the Councillors describing them as "an unnecessary impediment in the smooth implementation of District Council activities" (The Daily Times 17th May 2006; Weekend Nation 29-30 April 2006). However, the Constitution clearly states in section 147 (5) that "after dissolution of Councils on 20th day of March in the fifth year following their election, Local Government Elections shall take place in the third week of May during the same year."

Furthermore, by the time of Council dissolution in 2005 government had held local by-elections in over 200 wards that fell vacant way back in 2001 on the pretext of financial constraints (Weekend Nation, 12 February, 2005). These wards fell vacant due to among other reasons, deaths and resignations tendered by Councillors who were disappointed by negligible financial rewards offered to serving Councillors. However, the government funded eight parliamentary by-elections during the same period (Weekend Nation, 12 February, 2005). The Councils remained dissolved from April 2005 to May 2014 and have existed without Councillors for over nine years. The failure to conducting local government elections is the breach of constitutional requirements and contrary to the objective of promoting effective District Councils as highlighted in the legal and policy framework.

During interviews, most respondents expressed fear that in the absence of Councillors, the appointed officials or the secretariat operate in the Councils without the legally established checks and balances. Similarly, Chinsinga

(2009) observed that incidents of financial mismanagement were quite rampant in Councils as District Commissioners and their teams expended resources without any systems of checks and balances in place. The absence of Councillors provides opportunities for abuse of public resources since a lot of resources and funds are being channelled to Councils. The remarks by the public included 'we cannot trust the Secretariat staff in Councils to administer such amount of resources without authority from the representatives duly elected by the local citizens themselves'; 'the legitimacy of the District Councils is based on the consent of the voters' and 'it is through the democratic local government elections that we give consent to Councillors to manage local affairs and accountability is facilitated'. Therefore, the absence of Councillors raises concern of accountability and corruption since substantial funding is devolved to the Councils which must not be left in the hands of bureaucrats unchecked.

Furthermore, a number of statutory amendments were made during the 2005-2012 period which pose a threat to Councils. Although government has promised to review them they can be applied as long as they remain unrepealed. These include firstly, the Local Government Polls Bill, a provision that empowers the president to decide on the date for the polls which reads "Local government elections shall take place after five years on a date to be determined by the president in consultation with the EC" (Weekend Nation, 21st November 2009). This is contrary to section 147(5) of the Constitution which stipulates that 'local government elections shall take place in the third week of May in the year following the year of general elections. In effect, the amendment transfers the democratic power from the constitution to the President to be the sole decider on the dates of for local government elections. The amendment gives the president an upper hand and competitive advantage in determination of the time to conduct the local polls and therefore creating an uneven political field in so doing compromising the freeness and fairness of the local government elections.

Secondly, several clauses were passed to amend the Local Government Act (the "Act") with some bearing on the operations of District Council. Firstly, Clause 3 of the Bill amended section 5 of the Act to include Members of Parliament as voting members of Councils. Interviews with the public revealed fears that the political leadership and voice of the Councillors who are mandated to represent the interest of the local people in Councils through the ballot box will be easily muffled by MPs enormous influence they exude due to their higher status. The respondents also questioned the source and legitimacy of the MPs' voting right in Councils since they are only mandated to exercise power at the national level. Secondly, Clause 4 amended section 6 of the Act to remove the function of policy making from the responsibilities of the Councils. This amendment undermines the role of Councils and violates section 146(3) of the constitution which clearly states that: 'Parliament

shall, where possible, provide that issues of local policy and administration are decided at the local level under the supervision of Councils'. The amendment implies Councillors are under the tutelage of the central government. Finally, Clause 5 which amended section 7 of the Act to reduce the term of office of the Chairman and Vice chairman from five (5) years to one (1) year and renewable once clearly undermines the tenure and continuity of Councillors' political leadership as MPs enjoy a five term tenure.

4.2 Challenges facing District Councils

The effective performance of District Councils is impeded by numerous factors which include political, economic and socio-cultural factors. These are discussed below.

4.2.1 Political factors

The political environment tends to militate against effective performance of Council as it is characterised by fractious relationship between Councillors and MPs, and resistance to decentralisation by central government bureaucracy. Commenting on relationships between Councillors and MPs most respondents shared the view that friction and suspicion particularly in areas where the MPs and Councillors are from opposite political parties characterize the relationship. In such scenarios, the MP views the Councillors as a competitor in the next parliamentary election especially when the Councillor is calling for transparency and accountability in administration of constituency development fund and or when the Councillor is getting the credit for initiating notable development projects. In such districts MPs and Councillors tends to use unethical political tactics to frustrate Councillors such as engaging in mudslinging, hate speeches and slander tarnish the image of the competitor at the expense of Council's progress. The views are confirmed by Chinsinga (2009), who observed that most Councillors do not enjoy cordial relationships with MPs, as they are considered a potential threat to MPs positions in subsequent general elections since they would use their position to build political capital as potential challengers in the next polls. The situation is compounded by misunderstanding their respective roles and the voting power accorded to MPs in Councils. Most respondents held the view that despite legal instruments clarifying the different roles of MPs and Councillors at the local level confusion still prevails in many areas which contributes to tenuous relationship between some MPs and Councillors. The senior officials of most Councils were also of the view that the resistance by central government to fully implement fiscal and human resource devolution hampers progress in the operations of the Council as they have to always refer to the centre for resources and decisions. Therefore, the challenge that remains is that of finding mechanisms to reduce political tension and bureaucratic dominance by central government in order to ensure genuine decision-making by Councillors and effective performance of District

Councils in public service delivery.

4.2.2 Socio-Economic factors

The level of education and the economic standing of a large number of citizens on the one hand and Councillors on the other are not conducive to the institutionalisation of a democratic ethos at the local level. Sukali (2000:11) pointed out that most local people failed to understand the importance of getting involved in local government elections and the role of Councillors after their absence for six years since the abolition of Councils from December 1995 to November 2000 and nine years from April 2005 to May 2014. Thus, due to the long absence of Councillors and insufficient information about local government and the on-going decentralisation process, people are not aware of their roles and responsibilities and the importance of local government elections and Councillors.

On the other hand, interviews with senior District Council officials revealed that most Councillors had poor educational backgrounds and faced problems in trying to understand policy issues particularly those relating to budgeting and finances. Most civil society leaders interviewed observed that some DCs and secretariat staff take advantage of Councillors' lack of experience to circumvent accountability mechanisms by submitting budgets and financial reports to national bodies particularly the National Local Government Finance Committee which responsible for the disbursement of funds to Councils without Councillors' scrutiny and approval. Senior Council officials interviewed observed that the Councillors are new and inexperienced in their job and lack the skills to effectively participate in the Council's governance structures and in steering meeting deliberations. Most of the,

Councillors unable to communicate their vision in a way that reaches and motivates local people and are unable to clearly articulate and aggregate the diverse needs of the people and develop plans. They have limited knowledge about how the Council operates and do not know what information to ask for and what they are supposed to do to ensure the accountability of Council officers. They also lack training in critical areas of corporate governance, leadership, budgeting and finance and as such do not effectively provide the required leadership and direction to the Council.

4.2.3 Financial factors

The Councils have been weak and resource-starved for the past 50 years due to, inter-alia, the reliance on central government grants, which were reduced and disbursed erratically, and the abuse of revenue-generating facilities for district Councils such as rest houses and vehicles by public officials; and corruption and plundering the little that has been generated. The shortage of finances are exacerbated by the narrow resource base for locally generated revenue, the lack of effective information systems, inadequate and inappropriate skills and techniques for efficient revenue

mobilisation and financial mismanagement, and prevalence of corrupt practices and misallocation of funds in some District Councils (Mzembe, 2001:1; Kaluwa et al., 1998:22). Among the observations made by officials during interviews are that Councillors do not have access to any meaningful financial resources since the District Development Fund (DDF) which Councils control is inadequate for major development projects. In the 2016/17 National Budget DDF was reduced from MK5 billion to MK3 billion.

The Constituency Development Fund (CDF) which was introduced in the 2006/07 fiscal year is meant to provide MPs and their constituent communities with the opportunity to make choices and implement projects that maximise their welfare in line with their needs and preferences and “to respond to immediate, short-term community development needs and is a means of ensuring that rural development spreads evenly throughout the country” (GoM, 2006: 1). However the role of Councillors in the CDF is confined to: 1) mobilising communities in project identification; 2) liaising with the MP in monitoring project implementation; and 3) informing the Council on the progress of the CDF projects implemented in their wards (GoM, 2006). According to Chinsinga (2009), Councillors have been relegated to the periphery of the CDF yet they are popularly expected to play a leading role in rural development programmes and efforts. The CDF guidelines unequivocally state that “the MP shall be responsible for the launch or handover of all projects under the CDF” (GoM, 2006: 4).

Councillors are not allowed to participate in the implementation of Constituency Development Fund, which although it is meant for local development projects, it is under the personal control of MPs who use it as political campaign tool to gain credit for the projects it funds. The shortage of funds in Councils is a chronic challenge which translates into delayed salaries for staff, unavailability of transport, failure to hold meetings, inadequate remuneration and failure to implement requested project and poor service delivery. In most District Councils, ex-officio members make up to 50 percent of the membership due to the Local Government Act’s omission to prescribe a specific number of traditional authorities. The common problem stated by District Commissioners is that the presence of many members in District Councils has resulted in failure to conduct regular meetings because of high costs.

2. PROSPECTS AND WAY FORWARD

In May 2014, Councillors were once again elected after a nine-year absence during the Presidential, Parliamentary and local government “Tripartite” elections, providing a renewed opportunity to promote effectiveness in District Councils. The Government of Malawi publicly announced a Public Sector Reform (PSR) agenda in February 2015, which includes enhancing decentralisation as well as other key reforms. The commitments made through the Ministry of Local Government and Rural Development (MLGRD)

include greater fiscal decentralization of the development budget, administrative decentralisation (of staff currently working for line ministries but at the local level) and revisions to the Local Government Act and the Chiefs Act. This renewed commitment gives hope to elected local government structure and creating an opportunity for substantive reform to improve local services and accountability. At the time of writing, there were 464 wards of which 405 are occupied by male Councillors and 55 by female Councillors while 4 wards were vacant awaiting by elections.

There is hope for improved performance in District Councils as respondent during the study held the view that Councillors who serve a smaller area as compared with MPs are closer to the community and therefore better placed to know the local conditions, demands and problems and make good choices on behalf of people a local level. The Most of the interviewees confirmed that Councillors remain at the centre of promoting participatory democracy through the representative and participatory roles they play at the local level. They are mandated to represent the views of local people or residents in the Council by the Local Government Elections Act No. 24 of 1996, which provides for their elections. It is for this reason that Councillors participate fully in Council and Service committee meetings as well in local development planning committees which provide an avenue where problems, needs and wishes of the community are dealt with in detail and where alternative policies and decisions are formulated. Councillors are also mandated to hold the appointed management team under the leadership of the District Commissioner also called the secretariat accountable whilst they themselves are also checked by the local people.

The District Councils play a critical role in development aspects ranging from passing appropriate policies, District Development Plans and budget, initiating development projects and mobilising resources and ensuring effective implementation of those development project at the local level. The Councillors create a physical and social environment within which residents of Councils can attain improved general welfare and a good life. They are key players for facilitating development work by coordinating closely with communities as they work within the development planning system as members of Area Development committees and Village development committees (GoM, 2013:13). Their functions extend beyond the provision of services to the social wellbeing of the community and includes civic educating voters, since they enlightened in Council affairs; prioritising various demands and responding to complaints of people in the ward and defending their genuine interests. During interviews success stories and achievements in some District Councils include installation of street lights and construction of stadiums for example in Mulanje, Kasungu, Mangochi, Balaka, Dedza, Rumphi, and Karonga districts; locational bitumen roads in

some locations of Mzuzu, Lilongwe and Blantyre; and infrastructure development such as police units/posts, boreholes, school blocks, bridges, curvets, markets in most district across the country.

According to interviews with officials from Malawi Local Government Association, there are prospects that Councils will continue to work towards fulfilling the functions the summary of which includes to represent interests of the community in the Council; develop and implement local development plans covering all wards in district, and deliver services; bring to the attention of MPs matters that require a national response strategy; initiate and promote debate on local policy, manage Council resources efficiently and effectively; ensure transparency and accountability in the operations of the Council and promote participatory democracy at the local level.

However, in order to improve performance by District Councils and attain the desired objectives, certain basic conditions must be met. Firstly, political will is required to stabilise the nascent democracy and cultivate a democratic ethos at the local level. District Councils cannot function effectively in the absence of Councillors. The political leadership must have the will to nurture a stable local democracy by ensuring timely local election and by elections. The challenge however relates to finding mechanisms to reduce political and bureaucratic dominance over Council matters to ensure local autonomy and effective performance. The key considerations should include to reinvigorate sub district structure such as Village and Area development committees, ensure financial autonomy and provide accountability and transparency systems that are oriented towards local people rather than the center.

Secondly, an educated and well-informed citizenry and Councillors are a critical precondition for effective discharge of District Council functions. The Councillors and the community at large need a thorough understanding of the political system, civil rights and responsibilities in order to participate intelligently in local issues. There is a great need for intensive capacity-building programmes to ensure that human resource competencies in District Councils are commensurate with the enormous responsibilities assigned to them. It is important that adequate and appropriate training programmes oriented towards decentralised systems should be designed and offered to the public, Councillors, and district and extension staff after a thorough training-needs analysis to facilitate effective management of democratic participatory approaches. There is a need for all stakeholders and training institutions to coordinate their activities and devise a comprehensive civic education programme for tangible outcomes quality services in District Councils.

Thirdly, for District Councils to translate local development plans into effective project implementation, there is need for adequate resources such as finance, infrastructure, adequate

office equipment and space, communication facilities and reasonable rewards for both Council members and staff. It is critical that the financial management systems be updated through computerised and modern accounting systems, effective internal and external financial controls and auditing and effective supervision and engagement of well-trained revenue collectors and financial managers to ensure the prudent management of public financial resources. Finally, the sustenance of effective service delivery by District Councils also requires appropriate participatory management styles and adequate numbers of highly qualified personnel.

3. CONCLUSION

In conclusion, although District Councils play an important role in the promotion of democracy and local development, their significance seem not to be fully appreciated among policy makers. The dissolution of Councils and the absence of Councillors have serious implications in terms of good governance. Councillors are the 'watchdog' mandated to exercise checks and balances to Council secretariat. Obviously the delay in conducting local government elections is the breach of constitutional requirements and disregard of the choice made by the people of Malawi of representative local democracy. The Councils are the focal point of local democratic governance and development and their effective performance to attain the decentralisation policy objectives need not be overemphasised. Clearly, there is need for addressing political, socio-economic, administrative and financial factors prevailing at the local level that militate against effective operations of Councils. In summary, with political will, adequate financial resources, capacity building in areas of leadership; financial management for non – financial managers, budget tracking; resource mobilisation; corporate governance and oversight there are prospects for better performance by District Councils.

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