The Role of Local Government in Promoting Good Governance in Malawi: Prospects And Challenges

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Abstract

The continued presence of a multitude of problems such as corruption, high-level inefficiency in government agencies, inadequate provision of infrastructural facilities to lack of manpower development experienced in developing nations has led to the question what is good governance and what involves good governance administration. The modern rural paradigm calls for significant transformation in the manner policies are generated and put into action to incorporate a cross-cutting multi-level approach. It is an essential need of the hour to promote good governance and improve capacities. Decentralized governance if carefully planned and effectively managed can lead to a noteworthy improvement in the welfare of the citizens. It was then envisaged that the solution to most of these challenges was the promotion of good governance in respect to the promotion of accountability, transparency, rule of law, responsiveness, equity and inclusion, efficiency, effectiveness, public consensus and participation. Therefore this paper aims to discuss The Role of Local Governments in Promoting Good Governance in Malawi, its challenges and prospects

Keywords: corruption; developing; decentralized; good governance; accountability
Introduction

Malawi was under one-party system of Government for almost thirty years, which meant that it was virtually under the reign of dictatorship subject to severe violation of human rights i.e. no freedom of expression, association and detention without trial just to name a few. However, in 1993 there was a national referendum which saw Malawi moving to a Multi-Party System of Government through a peaceful transition. In respect to that Local Governments in Malawi were established with the legal mandate following the constitution of Malawi, 1995 and the Local Government Act, 1998, to make them autonomous bodies covering the 28 districts in the country. The rationale was to bring development closer to the people through the promotion of grassroots participation. This bold step was taken by the government since the country was facing numerous socio-economic challenges ranging from corruption, insecurity, abuse of human rights, regional development imbalances, theft, lack of basic social-economic services just to mention a few. However, since 1994 to the present time, the situation regarding good governance is still posing as an uphill task.

Malawi as one of the least developed country in the World was facing several socio-economic challenges emanating mainly from poor governance for thirty years. Some of the major problems includes; improper management of the economy, financial imbalances, big differences in pace and development levels across the country, failure to provide basic needs to people i.e. food, water and shelter to a large proportion of the population, insecurity, discrimination and marginalisation, persecution and exclusion of people on the basis of social, religious, tribal, gender, affiliations, and lack of sensitivity, transparency, accountability, and credibility in conducting popular activities. There was no system to incentivise civil servants. Another challenge involved subversion of rules, evasion of taxes, failure in getting timely justice, and the voiceless poor had little opportunity to participate in institutions of local self-governance. It was a common scene for people with opposing political views to be detained without trial. Regarding all these shortfalls there was a great need to solve these problems through the adoption of a
A multiparty system of government. Mention should be made that the challenges were mostly experienced at grassroots level.

After enactment of the Local Government Act (1998) in November 1999, District Councils were established across the country. And 35 districts were put in place by merging the offices of District Commissioner with the Clerk of Council. This was meant to remove the dual local administration following the National Decentralisation Policy, 1998. The councils were entrusted with responsibilities to formulate by-laws, appoint, develop and discipline staff, formulate policies on local governance and development, consolidate and promote local democratic institutions. Therefore Good governance was the only solution to solve the problems that the country was going through. The National Decentralization Policy that was enacted integrated government agencies at district level into a single administrative unit where various institutions were integrated, personnel got absorbed, and composite budgeting and funding were decentralised, Malawi National Decentralisation Policy (1998).

The rationale behind these changes and initiatives was to ensure that programmes and plans should be implemented at the grassroots level. Hence there was a need to have a conducive environment for governance and development for proper participation of the grassroots in decision-making and promotion of accountability to help reduce poverty.

Local Government System in Malawi

Malawi Local Government system was formulated based on the Constitution and the Local Government Act, 1998 and the Malawi National Decentralisation Policy, 1998. Therefore the Local Government aimed to uphold the constitutional order which emphasises on pillars of good governance and development processes, Local Government Act (1998). This was meant to address the challenges that the country was facing during the one-party system of government when local councils as pillars of development in rural areas were not run and managed democratically. The voices and needs of the people were not heard and this tendency conflicted with the principles of good governance.
The act also provided for the administration of local government areas to declare any local government area to become a township, municipality, or district council. Every local government area according to the Act is an assembly or council. It is comprised of one member elected from each ward within the local Government area, traditional authorities/ sub-traditional authorities from the local government area as ex officio members; Members of Parliament ex officio members and five persons as non-voting members appointed by elected members to cater for the interests of special interest groups, Local Government Act (1998).

**Figure 1: Showing Karonga District Full Council Meeting.**

Source: Karonga District Council(2018)

The functions and responsibilities of Local Councils are pillars for rural development and implementation of the same should be undertaken through close collaboration and partnership with various Non-State Actors and other Government Line Ministries.

The Local Government System in Malawi has a two tier structure where all the 35 local authorities function independent of each other. There is no Local Council that has dominion over another Council let alone having a supervisory role over another. Nevertheless, the mother Ministry which is the Ministry of Local Government and Rural Development has a major role of backstopping on the management of business in councils and encourages them to work in close collaboration, Local Government Act (1998).

On the part of the institutional arrangement, the local government system is primarily comprised of local governments (districts, towns, municipalities, and cities) and their respective
development committees at the community level. After the local governments at the lower level, district, town, municipality, town level Area Development Committees and Village Development Committee members are elected democratically and serve for five years. The Village Development Committees report to the Area Development Committee, while the Area Development Committees report to the District.

Figure 2: Showing Village Development Committee Meeting

Source: Balaka District Council (2017)

When it comes to the planning process the system advocates for a bottom-up approach which is the major principle of decentralisation and it begins from Village Development Committee going upwards. Any diversion from this approach is considered as undemocratic and does not conform to the principle governance.

The Village Development Committees have a major responsibility for overseeing all development issues within their area of jurisdiction. Among other things, they formulate Village Action Plans which are a set of key priority needs from various villages. These needs are forwarded to the Area Development Committee for consolidation. Then they are further forwarded to the district council where they are consolidated into a Local District Development Plan which acts as a development road map for the entire district. In the formulation of the local
development plan, all development issues are well aligned to the national priorities according to the Malawi Growth and Development Strategy.

Another important element in the system is the Council Secretariat. This provides technical guidance on the formulation of local development and other related development matters after the approval of the plan by the council. The Local governments are financed through three main sources namely; central government transfers locally generated revenues and ceded revenue. It was envisaged that by adopting this system of local government good governance would be prompted to spearhead development across the country through adequate community participation.

**Role of Good Governance**

The rationale by the Government of Malawi to amend the Local Government, 1998 and enact the Malawi Decentralisation was to promote development in the country in adherence with the principles of Good Governance. The institutional set up described above is a clear manifestation that good governance could be achieved if there is political will, professionalism and a competent bureaucracy.

Hussein Mustapha (2003) opined that basic elements of good governance should at all times be promoted by encouraging grassroots participation through a well-structured decentralised local governance system since the dawn of multiparty democracy. He further argued that the decentralisation process tends to feature local governments highly and the socio-economic, administrative and political challenges at the community level should be addressed pragmatically to achieve full community participation in development. In this regard, local government hold the future in development because it is at the driving seat.

The former UN Secretary-General Kofi Annan at one point described good governance as “a force ensuring respect for human rights and the rule of law, strengthening democracy, promoting transparency and capacity in public administration”. This responsibility falls to a greater extent in the realm of Local Governments. Therefore local government has a key role to play in promoting good governance.
It is an undeniable fact that bad governance is the root cause of evil within our society. It should be noted that many international financial institutions and donors base on good governance as a precondition to access loans and grants. Therefore in simple terms, the role of good governance can be described in line with the observance of its eight pillars, namely; participatory, consensus-oriented, accountability, transparency, responsiveness, effectiveness and efficiency, equity and inclusion and rule of law, (UNESCAP, 2011).

Participation of communities in development activities is hallmark of good governance. Communities can participate directly or through legitimate institutions like Village Development Committees. In a representative democracy the concerns of the vulnerable people in society must be incorporated in decision making therefore participation should be properly organised in a manner that the citizenry should be able to have freedom of association and expression, hence the principles of good governance advocates for a fair legal framework in a country. This should be enforced impartially; in adherence to full protection of human rights with emphasis on minorities. For instance, enforcement of law should be done with utmost impartiality. The independent of the judiciary, impartial and incorruptible police force should be exhibited.

Transparency entails that decisions made and how they are applied and enforced should be done in line with the prevailing rules and regulations. It also advocates for open information sharing, accessibility and freely available to those who will be affected by such decisions. And such information should adequate and in an understandable form to the media.

**Figure 3:** Image depicting traditional leaders in a development meeting.
Responsiveness as an important element of good governance as it promotes that institutions and processes should be able to serve all stakeholders and larger communities within a reasonable timeframe. In society, people have divergent views; therefore, orientation to consensus is paramount. As such good governance maintains that there must be mediation of different interests in society to reach a broad consensus on matters in the best interest of the community at large. It further requires a wide view on what is needed to sustain human development and how to achieve required the goals. So there is a need to have a proper understanding of the society in terms of history, culture and customs.

Local governments should promote equity and inclusiveness in conducting its business. The well-being of society lies in ensuring that the members have a feeling of belonging and that they have a stake in it and do not feel side-lined. Therefore all members and more especially the most vulnerable should have an opportunity to improve or maintain their well-being. The issue of effectiveness and efficiency should be promoted at all times and levels in society. This means that institutions should be able to produce results that meet the needs of society while making the best use of resources. Therefore wastage of resources should be minimised in order to sustain natural resources and protect the environment.

Accountability is another important element of good governance worthy observing. The focus in regard to this pillar should be on all governmental institutions, private sector and civil society organizations. These Stakeholders must be accountable to the public and to those who will be
affected by their decisions and actions. The pillars of good governance described above do not work in isolation but rather they operate in unison or concurrently. So good governance should ensure that corruption is minimized, ideas and views of minorities incorporated in decision-making.

**Challenges of Good Governance**

Malawi is currently still facing numerous challenges as far as adherence to good governance is concerned. Some of the major ones are discussed as follows;

The Civil society is not properly empowered. The role of the civil society is still at an infant stage. Mostly they do not understand their role in addition to the fact that they have very poor capacity, Oyeyemi Adeola (2014). As a result they have almost become puppets to influential politicians or high authorities to fulfil their selfish motives. The performance of civil societies is not very strong and vibrant enough to be able to demand accountability from public sector leadership. The mechanisms to allow greater freedom and involvement in development is still poor in the socio political life as seen from failure to strengthen its role of voicing grassroots needs. There is limited communication, press and media freedom. Citizens are still not adequately allowed to expose their opinions as a way of reflecting different political views as well as acting as a watchdog of public sector leaders. The prevalence of limited media freedom of expression and lack of professionalism, credibility, capacity and accountability is high. Another important issue is that of curtailed independence of media from public control and funding. This tendency puts the citizenry detached from issues of national importance.

Decentralization is a very important element when it comes to good governance. However this process is hindered by several constraints including lack of capacity of local administration in councils and retention of authority by central government over certain functions that are supposed to be devolved and performed by the local governments, Oyeyemi Adeola (2014).

Low levels of accountability of both central and local government institutions and poor quality of service. This is marred by inefficiencies and lack of effectiveness. Democracy and Electoral system in recent times in Malawi has managed to come up with several reforms to promote democracy and electoral system; however there are numerous shortfalls regarding the
independence of the electoral commission. This has resulted in having elections with lack of credibility whose results are always disputed. For instance, Malawi had Tripartite Elections on 21st May 2019 but the results are still disputed by Human Rights Defenders and Opposition parties to the extent that the matter is now being contested in the constitutional courts to give a final decision, whether to continue with the current results or have a rerun.

Peace and stability is very instrumental in development of a democratic system and good governance policies. However Malawi is still suffering from current conflicts revolving around nepotism in recruitment of people in civil service, abduction of people with albinism and human trafficking just to name a few. These are fruits of national insecurity and a clear violation of fundamental human rights of the people.

There is also a challenge in the public reform process as seen from limited enhancement of public service capacity, inadequate incentives to public servants for retaining high qualified and motivated staff, poor performance and accountability as well as rampant corruption. Rule of law and human rights are also violated due to bad governance. This has resulted in lack of independence, integrity and performance of the judiciary, and protection of people’s rights including the vulnerable and minority groups.

The economic and social policy-making processes face a big challenge of lack of equity and inclusiveness which generally results in the side-lining of the welfare of the people and lack of economic stabilization and reduction in socio-economic marginalization. Corruption is a big problem in the country. This disease is prevalent at all levels of society including public and private sectors. A lot of resources have been lost as a result of this malpractice. Hence it has negatively affected the implementation of various government policies. On the other hand the syndrome has led to withdraw of donors since they have lost confidence in the system. The end result is that there is a continuous vicious cycle of poverty, Maravi Post (2015).

There is also high degree of nepotism and politicization in recruitment of personnel in public and private sectors. In most cases the government which is in power always favours a certain group
of people basing on tribe, region and party affiliation. This tendency has greatly comprised the quality of service provision because recruitment is no longer based on merit. And lastly, inefficiency of the civil service is so rampant. Most public officers are employed just for the sake of filling the gap resulting in poor performance. They work on a business as usual basis and they are not output oriented leading to poor delivery of service.

**Prospects in Good Governance**

Malawi is generally responding well in addressing good governance challenges that are affecting the country in many areas. This is done through several reforms and initiatives both at central and local government level. These initiatives are implemented by government and donors. Some of the most outstanding strides include; domestic accountability, support to democracy, access to justice and human rights, European Commission (2017). These areas are very crucial in addressing good governance challenges.

On the part of domestic accountability the following initiatives are being implemented; building empowered citizenry through a continuous process of civic education. It is envisaged that the democratic process in Malawi can better be strengthened through civic education because it enables citizens at various levels to claim their rights and demand accountability. To address to this challenge the National Initiative for Civic Education was established to take lead in providing impartial civic and voter education through the use of more than 8,000 para-civic educators at village level across the country. This institution is used mostly by non-state actors, government and other stakeholders as a platform to reach out to people for development purposes. For instance it conducts civic education on general civic education, anti-corruption, human rights abuse and violation, domestic violence, citizen participation and accountability. It also facilitates interface between citizens and duty bearers on their rights, roles and responsibilities. As a result there is a great improvement in communities’ vigilance in development activities. For examples citizens can summon duty bearers to give information regarding projects in their areas.

There has also been a considerable effort in strengthening the role of civil society, local authorities and media in governance to promote domestic accountability for duty-bearers.
Currently this area is being implemented by Tilitonse Foundation, a platform created to increase domestic accountability by funding Civil Society Organisations working in areas of governance, access to justice, media, and gender equality. It focuses on capacity development of Civil Society Organisations for monitoring policy implementation, public services delivery and resources management. It contributes by monitoring effective implementation of laws and policies. It also advocates for the fight against corruption by analysing budgets, monitoring and tracking public revenues and expenditures at national and local governments, (UNCHR (2007). This approach promotes good governance in areas of accountability and transparency.

The participation of Civil Society has improved in decision making processes in the country. Trócaire Malawi, Public Affairs Committee and Malawi Economic Justice Network work with Civil Society Organisations and local structures on advocacy to improve participation of civil society organisations. For instance Civil Society Organisations and Area Development Committees interface on gender, planning and budget analysis issues and hold meetings with duty bearers and grassroots. The Malawi Local Government Association, an institution that looks into the affairs of local councils works with donors to enhance institutional, technical and management capacities of councils to improve local government performance, transparency and accountability.

Regarding the Media and Press there are activities implemented to improve their work. The emphasis is on media freedom, diversity and independence. This is essential for promotion and protection of freedom of opinion and expression and human rights. Under this programme the European Union has provided support by way of building their capacity to strengthen their publicity role to promote accountability.
The functions of Parliament have also been improved. Strengthening and upholding governance principles is a priority for every developing country as it is a prerequisite for inclusive development. The National Assembly or Parliament has a legal mandate to enact legislation, maintain oversight of the executive, and represent the interests and aspirations of the people. In view of this there was a great need to build capacity of the clerks to improve performance of the National Assembly. Additionally the women Caucus was trained in gender budget analysis and tracking to improve their ability in analysing budget documents to ensure adequate and realistic budget allocations on gender in line with gender policies.

Parliamentary development through a comprehensive needs assessment was undertaken to develop an Anti-Corruption Strategy to guide the fight against corruption. The Public Finance Management Reform Programme was introduced to improve the management of public finances to ensure transparent and effective service delivery in the public service and demonstrate accountability to its electorate. The major areas are; macro-fiscal management, accountability and transparency in public financial management and public oversight. This initiative takes on board ministries, departments and agencies of both central and local governments. It also looks into planning, policy analysis; resource mobilisation; budgeting; procurement; accounting, financial management; cash and debt management; parastatal financing, monitoring, reporting, and external auditing.
Figure 5: Showing the Malawi National Assembly

Source: Ministry of Information (2019)

The Integrated Financial Management Information System was put in place to improve the accounting and reporting function in government, European Commission (2017). This has assisted the office of the Accountant General to submit the financial statements to the Auditor General promptly and also clear the backlog of statutory audits in Ministries, Departments and Agencies. There have been some strides towards promotion of democracy in the country through supporting the electoral cycle since elections are a defining base of a functioning democracy hence the support to transparent, inclusive and participatory elections to ensure a major contribution to democratisation, peace, security and conflict prevention.

Electoral assistance and election observation through the broader governance reform has also been undertaken by providing longer-term support in the three main periods of an electoral cycle, thus the pre-electoral, electoral and the post-electoral period. This has been achieved through strengthening the capacities of the Malawi Electoral Commission to plan, conduct and supervise credible and genuine elections. On the part of Electoral Reform government has provided financial support to the National Electoral Reform Taskforce and the Special Law Commission and provide advice to the Malawi Election Commission on institutional review and an Independent Investigation into the audit findings of the Malawi Electoral Commission.
Access to justice has been an area of major concern for a long time and emphasis has been on improvement of the system. For example, reforming the Criminal Justice System; through new Case Management System, new Law Reporting Department, the Legal Aid Bureau and measures to reduce prison overcrowding. Establishment of the Law Reporting Unit where the Judiciary has established a fully-fledged Law Reporting department whose responsibility is to produce and publish Law reports. The department thereby ensures a harmonised judicial practice based on common law and judicial precedence, UNCHR (2007).

The Paralegal Advisory Services Institute whose primary focus is to promote restorative justice in villages or communities through a flagship village mediation programme which forms an integral part of the primary justice system is in place. Additionally, citizens are provided with Free Legal Aid. This was introduced because access to legal aid is very expensive and hard to reach for many vulnerable people. Hence, the accused persons, especially those in prison and detention centres are provided with basic knowledge on criminal procedure i.e. how to access certain rights which are protected and guaranteed under the Constitution, taught simple proceduresto conduct bail applications, and on factors to submit to court during mitigation, European Commission (2017).

And finally on the part of promotion of human rights the National Human Rights Institutions have been strengthened through the Malawi Human Rights Commission by engaging Civil Society Organisations and Government to ensure protection and extensive space for the work of the Human Rights Defenders in conformity with domestication of Human Rights International Commitments in order to support the protection and promotion of Human Rights.

The United Nations Development Programme has assisted on human rights programme in collaboration with the United Nations High Commission for Human Rights, United Nations Children’s Fund, UN Women and the United Nations Population Fund to promote and protect human rights of the minority groups i.e. the youth, elderly, people with disabilities, people living with albinism and others, UNDP (2019). And also the development of a disability mainstreaming strategy to ensure that persons with disability are not side-lined in the enjoyment of human rights, Hospital Ombudsman centres have been established in district hospitals to ensure quality health service delivery. Finally, there have been efforts towards access to Information Bill (2017).
as a way of ensuring timely and accurate information for members of the public and to promote transparency and accountability of public officers.

**Conclusion and Recommendations**

It is a non-disputable fact that the promotion of good governance is one of the major responsibilities of Local Governments in Malawi. Therefore to achieve good results central government should collaborate well with local governments in implementation of the interventions. In respect to that this section intends to describe some of the key recommendations.

Promotion of good governance mostly deals with the improvement of public sector service delivery concerning financial, human resource and information communication and technology at both central and local levels. Therefore such crucial and important functions should be devolved quickly from the central government to the local governments, Idika Udu Mercy (2017). This should be done to ensure efficiency and effectiveness in service delivery and address corruption challenges as well. For example, functions like processing of salaries, pension, recruitment of personnel and audit should be devolved to attain meaningful progress in the system.

Public institutions like the Anti-corruption Bureau and the Office of the Auditor General are very important in the fight against corruption and improvement in delivery of service. Therefore government should take a special initiative to build capabilities of personnel and provide them with adequate resources to improve their performance. The Malawi Police Service as a major law enforcement agency and provider of peace and security in the country should strive to operate with professionalism and diligence. Hence government should improve its capability by providing it with adequate resources and personnel.

It is a common scene in Malawi that the three arms of government namely; executive, legislature and judiciary suffer from linkages and influences hence they lack independence. This tendency comprises professionalism and integrity in service delivery. As such government should make
some deliberate effort to apply principle of separation of powers between them to bring independence in their routine operations.

In the area of promoting access and delivery of justice the government should step up efforts in legal and judicial reforms. This process should be done with speed so that access to justice is not compromised. So government should provide adequate financial resources for promotion of information communication and technology in the judicial system and also for general capacity building, Hussein Mustafa (2003). The strengthening of legal and judicial reforms are preconditions for the promotion and respect to human rights and robust governance.

Members of Parliament have a key role of representing their constituencies in Parliament, must have an obligation to be responsible to the people and serve their interests to the best of their capacity by strengthening communication between them. Hence there is need to close the gap that exists between to promote the much needed community participation and bring development in their respective areas. Additionally deliberate some efforts are made to improve the capacity of parliamentarians in terms of qualification so that the process of policy making and general quality of deliberations should produce good results for the benefit of the constituents.

The Malawi Electoral Commission should be devoid of stumbling blocks in their work as a result of inadequate financial resources, technology, unqualified personnel and inadequate office equipment. This will ensure efficiency and effectiveness in the daily operations and more especially during elections. The capacity of Malawi Electoral Commission must be enhanced to guarantee better governance during elections and ensure smooth transition from one government to the other.

Another sensitive and very crucial issue is the management of the post-election situation. This area ought to be addressed and improved. There are usually a lot of misunderstandings emerging either from irregularities, real flaws, including rigging and manipulation of vote results in election processes. And there is need to have strict adherence to the constitution and electoral laws. The results should be effected according to the Constitution and Electoral Laws and should not be delayed to prevent suspicions and speculations which may lead to political crisis and social violence i.e. For instance the current 2019 Tripartite Election Results in Malawi are being
disputed by opposition Political Parties and the Human Rights Defenders and the issue is being contested in the Constitutional Court pending ruling and the Malawi Electoral Commission is shouldering the blame for mismanaging the elections and has therefore lost its credibility.

On another hand to address the problem of corruption and poor service delivery Government should be aggressive enough in promoting the introduction of Information, Communication and Technology in government institutions including Office of the Director of Road Traffic, Immigration, Human Resource, Accountant General just to mention a few. By rolling out E-Governance initiatives many challenges and problems in service delivery will be addressed.

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