REPORT FOR A POLITICAL ECONOMY
ANALYSIS OF LOCAL GOVERNANCE IN
MALAWI

MAY 2013
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**ACRONYMS AND ABBREVIATIONS**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ADC</td>
<td>Area Development Committee</td>
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<td>AEC</td>
<td>Area Executive Committee</td>
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<td>CDC</td>
<td>Community Development Committee</td>
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<td>CDF</td>
<td>Constituency Development Fund</td>
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<td>CE</td>
<td>Chief Executive</td>
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<td>CO</td>
<td>Controlling Officer</td>
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<td>DCF</td>
<td>District Consultative Forum</td>
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<td>DOA</td>
<td>Director of Administration</td>
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<td>DOF</td>
<td>Director of Finance</td>
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<td>DPD</td>
<td>Director of Planning and Development</td>
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<td>DC</td>
<td>District Commissioner</td>
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<td>DDP</td>
<td>District Development Plan</td>
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<td>LA</td>
<td>Local Authority</td>
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<td>LDF</td>
<td>Local Development Fund</td>
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<td>LGA</td>
<td>Local Government Act</td>
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<td>MP</td>
<td>Member of Parliament</td>
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<td>MLGRD</td>
<td>Ministry of Local Government and Rural Development</td>
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<td>SWAp</td>
<td>Sector Wide Approach</td>
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<td>VAP</td>
<td>Village Action Plans</td>
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<td>VDC</td>
<td>Village Development Committee</td>
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This report presents major findings, conclusions and possible areas of interventions (recommendations) of a rapid study on the political economy analysis of the local governance system in Malawi. The study was conducted in Ntcheu and Lilongwe districts between 27 December and 8 January 2012. The study took a qualitative approach and drew a largely purposive sample from the two districts among local leaders, chiefs, community members, district council officials, ministry of Local government officials and CSO/NGO officials in focus group interviews and in-depth interviews.

The main purpose for the study was to conduct a rapid political economy analysis to identify the major players, issues, interests constraints and opportunities that are prevalent in the current state of local governance in Malawi. The study focussed on getting perspectives of a range of stakeholders including community members, local leaders, chiefs, local government officials, ADC/VDC members, CSO officials and local government ministry officials in the main.

The study finds that the policy and institutional framework that is in place on paper adequately provides both the organisational structure and policy framework that allows for citizen participation in policy development for local government, holding duty bearers to account and ensuring responsiveness of service provision by local communities. The framework also calls for coordination and accountability for all stakeholders by letting the district council supervise all service provision and development programming within a district. However, this framework is not being followed through. Various stakeholders in local governance are developing alternative working arrangements that ultimately create a chaotic working environment in which no one holds anyone accountable hence the local communities lose out on holding their duty bearers accountable. Furthermore, the study established major obstacles to vibrant local governance that have to be addressed if local governance is to be of any meaningful in bringing socio-economic development in Malawi localities as the following; (a) compromised legislative framework; b) Limited functionality of the local government institutional framework; c) Lack of a harmonised approach to District Development Financing d) Absence of robust vertical transparency and accountability
mechanisms; d) fragmented approach to development; f) Limited coordination of donor, government, & NGO local level development initiatives in the District Councils g) Limited participation of citizens in decisions at the local level and h) Poor information flows and limited feedback from the council, ADC and VDC system to the communities and i) Limited knowledge and understanding of local governance among the CSOs, and limited focus of local governance initiatives promoted by CSOs.

Based on the findings, the study recommends that interventions aimed at improving local governance to be implemented by differentiated players should be in the following specific areas:

(a) Strengthening of the legal and policy framework of Local Governance,
(b) Civic Empowerment including training of duty bearers such as MPs, Councillors, and Chiefs on their expected roles,
(c) Interrogating the functionality of the local government authorities with its sub-district structures, and
(d) Resource mobilisation for local government councils in order to ensure adequate resources for improved service delivery.
CHAPTER ONE

1.0 Introduction

Local governance matters in many aspects of human life and society at large. Local governance is also critical to human development, public policy making and implementation, and service delivery. Effective local governance processes are a big relief to the grassroots who remain untouched and underserved by the agents and institutions of the central state it is expected that ordinary people are more likely to experience day-to-day interactions with local government entities or with informal, traditional or religious leaders in the community (Bratton, 2010).

Local governance should be understood as the organization and coordination of collective action at the local level through government hierarchies, private firms, voluntary associations and informal norms as well as directly through the channels of local government (UNDP 2009). Local governance comprises a set of institutions, mechanisms and processes through which citizens and their groups can articulate their interests and needs, mediate their differences, and exercise their rights and obligations at the local level (UNDP, 2004). It seeks to include the multiplicity of formal and informal relationships between different actors in development (e.g. local government, the private sector, associations, political parties, deconcentrated agencies, CSOs) that shape and influence the output and effectiveness of political and administrative systems at a subnational level. Local Government is an important political and administrative system at the subnational level in Malawi. The building blocks of good local governance include: citizen participation, partnerships among key actors at the local level, capacity of local actors across all sectors, multiple flows of information, institutions of accountability, and a pro-poor orientation (UNDP 2004). In the context of Malawi, evolution of local government indicates that the institution has at different times aimed at promoting good local governance including promoting citizen participation in local public machinery, transparency, and accountability, efficient and effective service delivery, and development. The current local governance framework that has a heavy dose of decentralization (that of devolution) carries forward
such intentions as guided by the 1998 National Decentralisation Policy and Local Government Act that aim to achieve the following:

- to create a democratic environment and institutions in Malawi for governance and development at the level that will facilitate the participation of grassroots in decision-making;
- to eliminate dual administration at the district level with the aim of making public services more efficient, more economic and cost effective;
- to promote accountability and good governance at the local level in order to help government reduce poverty; and
- to mobilise the masses for socioeconomic development at the local level

The conviction of the principal guiding policy and legal instruments is that local governance unfolding through decentralisation of power to local authorities would be a vehicle for poverty reduction in terms of delivering better services to the Malawian population but also a means for strengthening democratic institutions and participation at the local level. These provisions represent a commitment on the part of the post 1994 democratic governments to democratise decision making at the local level in Malawi and to bring services closer to people. In effect the provisions integrate local governance and development functions and decentralises them to democratically accountable and representative local institutions. The Malawi Growth and Development Strategy II, also recognises local government as key to national development and good governance. Local governance is believed to enhance both the legitimacy of government (by strengthening participation and accountability in policy-making) and the efficiency of public-service delivery (by improving information, input and oversight).

Central to the attainment of the aforementioned goals has been the technical and political wings of local governments – the district administration and the elected local council which had representation of chiefs and MPs and acted as the policy making and oversight body at the local government level. However, the political wing that executes the policy development function has always been suppressed and undermined from colonial times.
partly reflected in the postponement of local government elections. It is worth noting that literature on the history of local governance in Malawi reveals that two political trends that have been present over the last 90 years remain highly relevant today. The first is that national level leaders have consistently looked towards co-opting the power and authority of local government authorities in order to expand and consolidate their own national power. The second trend is a consistent unwillingness of national actors to concede spaces for genuine political autonomy at local level by postponing local elections, for fear that it may be used to organise opposition against them. The picture emerging in Malawi is of a highly selective commitment to democratic decentralisation and a hesitant central government, entrenched in a long tradition of centralized party-based control, worried about the consequences in the localities, particularly where the potential for opposition political affiliations remain high. These trends have impacted on the design and implementation of local governance reforms that the country has experimented since the colonial period through to the present day. They have also affected functionality of the local government councils to achieve their service delivery, developmental and democratic objectives.

This report explores and analyses the various key stakeholders (organisations and players) in local governance in Malawi, their interests and stakes in local governance and identifies opportunities that prevail in promoting good governance at the local level. The report also analyses the institutions (processes, mechanisms and rules) that prevail in the local governance system and identifies areas that present opportunities for change therein. The report further provides an analysis of kinds of interventions that are likely to bring about change and what support would be needed in order to enable the actors to realize that change.

1.2. Objectives and Scope of the Study

The main objective for carrying out this rapid research study on local governance in Malawi is to provide in-depth analysis of the issues that contribute to the current state of local governance in Malawi.
More specifically, the study aims at investigating the following issues;

- Who are the key stakeholders in local governance in Malawi
- What are the interests of these key stakeholders in effective local governance in Malawi
- What are the formal and informal institutions that are prevalent in local governance in Malawi
- What are the key issues that are negatively affecting local governance in Malawi
- What actions are necessary to be undertaken in order to improve local governance in Malawi from its current status

1.3. Study Methodology

This study took a quantitative approach using focus group discussions and in-depth interviews to collect the data along preset questions. The study was conducted among a relatively small sample of respondents that was identified through a simple random sampling technique at the community level. This ensured that any area within the district had an equal chance of being selected to participate in the study. At the district level, Lilongwe and Ntcheu districts were purposively sampled based on three main factors; first, due to the rainy season, a lot of roads become impassable so these districts which are close to Lilongwe and Zomba (where the researchers reside). At the community level, respondents were purposively sampled with the help of local leaders as the researchers were trying to save on time and ensure that they reach those respondents that would potentially be rich sources of data. These were mostly local leaders, chiefs, political party leaders, ADC/VDC members, NGO/CSO leaders, MPs, local council staff (management and development related) and Local Government Ministry Officials.

Second, the researchers were guided by pre-existing knowledge of the researchers of some good governance activities undertaken by NGOs/CSOs in these districts that could bring in lessons towards the development of any further interventions in the promotion of good governance at the local level. That is how Lilongwe where there is a district CSO network which promotes citizen representation through CSO participation in decision making at the
local council and Ntcheu district where Concern Universal is implementing a number of interventions for some time now including community awareness campaigns on the rights of citizens. This criteria ensure that the respondents in these districts would be a rich source of data but also they had experience with interventions on the promotion of local governance hence would be able to refer to it in their assessment of the political economy issues in local governance.
CHAPTER TWO

2.0 KEY FINDINGS

2.1 The state of local governance in Malawi

The study finds that there is a coherent and adequate policy and institutional framework in place to guide and regulate local governance in Malawi. This policy and institutional framework comprises; the Constitution of the Republic of Malawi, Local Government Act (1998), National Decentralisation Policy (1998) and Elections Act (chapter 22.02 of the Laws of Malawi). It is expected that all other sectoral policies and strategies touching on local level policy development and implementation spaces are supposed to be in tandem with the aforementioned policies and laws. This policy and institutional framework provides for a local government structure that is geared towards managing the service provision machinery at the local level and execution of development policy at the local level. The Laws and policies provide for citizen participation in decision making at the local level including the position of local councillor which acts as that link between the council (local government) and the community. Additionally, the community is provided with structures that help to mobilise them and aggregate a voice to the council.

This also entails that all those that are supposed to work with the local government or local communities directly either in service provision or development implementation are supposed to go through the local council structure. This includes sectoral ministries, donors and CSOs in order to ensure orderliness and accountability in the way that all stakeholders work with the communities or provide support towards service provision and development.

However, the above mentioned framework is not being followed. Several other modalities for working with the local government or communities are emerging. They too are being formalised. For example, there is the emergence of the SWAp, which involves multiple donor agencies, sector ministries and CSOs. Additionally, there is the LDF which is a government mechanism specifically designed to support development implementation in a bottom up approach at the local level. Thus, it is expected to support plans that are made
at the local level and channelled to the local government for support. However, this too is not working. Mostly LDF supports interventions that have been recommended for support by their donors, the district council is heavily influenced by the MPs and influential cabinet ministers who come from those districts in the way that they plan for implementation of development projects to be funded by the LDF. Still more CSOs and donor agencies from time to time, go round the system and reach directly to the community structures with projects. Due to a district administrative mechanism – the District Executive Committee (DEC), such CSOs and donors are supposed to at least report to the council about their activities in the district so that the council may also account for the resources and impacts that such projects will have brought the district. This procedure is not according to the policy and institutional framework and has no central government linkage (factors for this state of affairs will be further analysed in the section on Institutions). All these issues put the local government in a difficult position to execute accountability effectively either upwards or downwards. Besides it brings confusion even to the local community structures with regard to what established procedures and mechanisms for demanding services and accountability could be. As a result, local community structures are not holding anyone accountable and are demanding service from whoever is available. This situation may not provide the system with any checks and balances since it is not clear who is accountable to who.

Low levels of knowledge of the local government and its functions among community members, lack of confidence among community leaders to act as a link between the community and the council, coupled with lack of administrative machinery in the council office for community liaison or to facilitate citizen participation shows the extent to which local governance is ineffective. It remains at the level of a concept but not really being implemented. The very fact that there is extremely low knowledge of the functions or responsibilities of the local government towards the communities especially among women shows the extent to which action is required and the depth to which any interventions need to go in order to realise any meaningful change in the state of local governance in Malawi.
The focus for local governance reform has been mostly on the administrative side either because it has been difficult to take on reform that involves huge changes in community life or because local government administration is what was considered to be more urgent. It is understandable that capacity building for the district administration is the main pillar in the realisation of any local governance system. However, the reforms that have taken place so far have still not been able to uplift the state of the district administration to a level that embraces and upholds the essence of effective local governance. Even though council staff realise the significance of citizen participation and the statutory requirement that it is to involve citizens in decision making they are limited by inadequacy of financial resources to do so consistently. For example, council staff pointed out that the main process that involves soliciting participation from communities in deciding is the development of village action plans (VAP). This process is only undertaken periodically (3-5 years) and its realisation depends on availability of resources usually from donors hence, it is not the most effective way of realising citizen participation in decision making at the council level. In the period between VAP processes, ADCs/VDCs only get a chance to interface with the council - usually through the Director of Planning and Development (DPD) when there is a request from any service providers like NGOs or donor agencies for such a consultation meeting to be convened. Such consultation meetings usually aim appraising the on impending developments to be undertaken in their areas. Otherwise there are no regular standard procedures or mechanisms through which communities are channelling their ideas for service provision or development programming concerning their areas.

Both government and NGOs have focussed on working with the district administration in building capacity for local governance while on the community side they have merely left at the level of re-organising community structures like the ADC and VDCs. What NGOs have termed as community mobilisation has usually been shallow and not really reached a majority of the population. Chiefs and members of ADC and VDC that view themselves as insignificant in the face of council staff may not be relied upon as the effective representatives of the people in decision making at the council. Even as representatives of the citizens at the local level, they may not be expected to represent the people effectively due to the low levels of understanding of the local government by the majority of the
community members. It is very unlikely that the community members would have substantive contributions that may be channelled through their chiefs and ADC/VDC members if they do not understand what they are dealing with. This entails a very low potential if any for such a community to hold the local government administration to account in any case. Besides, local governance has received marginal support from development partners as they all compete for national level prominence and visibility in the type of projects that they support. This is evidenced by the low number of NGOs/CSOs and community-based organisations that are working on issues of local governance in the study areas in question.

2.2 Actors and Stakeholders in Local Governance
Key stakeholders in local governance in Malawi range from central government, local council staff, community structures and organisations. Central government at the local level is mostly represented by the Ministry of Local Government and Rural Development (MoLGRD), The Local Government Finance Committee, Local Government Service Commission, devolved sectoral ministries like Education, Health, Agriculture and Women and Child Welfare Development in the main, OPC, President, and members of parliament. At the district level the District Commissioners and their staff emerge as the most influential players because they are close to and control a level of resources, senior chiefs who sit at the District Consultative Forum, Members of Parliament, representatives of NGOs, churches, business community, youth and other interests while community structures include chiefs, ADC and VDCs in the rural districts and Community Development Committees in the peri-urban areas (even though they also have chiefs that are not as influential among the communities as those in the rural areas). Another set of important players are NGOs/CSOs, that are supported by donor agencies and donor funded projects to provide services in agriculture, health, education, water and sanitation and environmental management among others. Such NGO/CSOs and donor funded projects include the Irish Aid, UNDP/UNCDF, DFID, World Bank, AFDB, Plan International Malawi, Matama, GIZ just to mention a few.

Presented below is a summary pictorial representation of these stakeholders and how they relate to one another;
Following is a summary description of the key players in local governance in Malawi and the roles that they play;

### 2.2.1 Central Government

Central government through MPs, sectoral ministries, MoLGRD, Ministry of finance and members of the cabinet still hold the custodianship of policy development and major decision making regarding service delivery and development at the local level. This is why the DC reports to the MoLGRD mainly and to OPC on issues relating to chiefs’ administration while all district sector heads report to the DC and to their ministries. This means that the bureaucrats in the sectoral ministries, the cabinet and MPs have a lot of leverage in influencing the promotion of more effective local governance in Malawi. However, as also evidenced by the history of local government in Malawi, chaos and disorder has been the order of the day. Order means strength in accountability and oversight while chaos allows for any player that finds themselves in a strategic place reaping personal benefits from the system without having to account. The problem is that such benefits accrue at all the levels from the president, cabinet, ministerial bureaucrats and the council staff. Such benefits include financial due to tendering processes, procurement, allowances and even bribes as evidenced by the recent MoLGRD scandal where directors
were demanding DC’s to share money with them. As such, none of the institutions and their officials along that spectrum would be interested in bringing about change – order into the system.

However, individual professionals in the MoLGRD would be interested in having their ministry further strengthened by a completed decentralisation so that the budgets that they control are enhanced – entailing better/more financial benefits. This would be the major motivation for them to support change. Otherwise sectoral ministry heads and their staff would be strongly opposed to change citing so many capacity challenges that councils face in managing bigger budgets, controlling more resources and programmes. The cabinet would also more likely oppose passively as they usually do since they would not want to be seen to oppose an issue of interest to the majority of voters with an impending election. MPs whether government or opposition are likely to oppose because an orderly local government will be too strong for them with systems and mechanisms to manipulate for personal benefits whenever a chance presents itself for resource allocation in their favour at the district.

2.2.2 The DC and Council Staff

Since there have been no local government elections since 2005, councils have not been re-constituted as such the local government is being run almost exclusively by the council staff led by the DC. Local Council staff are identified as very powerful stakeholders. Their influence and power in decision making and upholding their decisions among the communities that they serve is anchored or strengthened by the police and the ruling party. Communities shy away from holding local council staff accountable because if they cross the path of the council staff, it is more likely that the council would involve the police or report to the ruling party officials who are going to use the police too to intimidate those local residents or leaders who try to exert their influence on the local council staff.

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1 Directors in the MoLGRD were accused in the papers of soliciting money from DCs including the one from Lilongwe amounting to MK500,000 from each DC for personal use by the directors. It can be assumed that it was understood by both parties that the DC would benefit even more than what the directors were asking for – an enquiry into the issue is on-going.
2.2.3 CSOs/Donor Agencies

Donor agencies and their partners the CSOs implement their interventions with much focus on the demand side of local governance thus empowering communities to understand and internalise their rights so that they may demand services and other public goods from their duty bearers. The current trend being that CSOs are holding Interface Meetings also known as Indabas, Community Fora and Citizen Fora with the various community members. Interface meetings are open interactive moments where duty bearers hold a ‘round table discussion’ with rights holders with the aim of jointly seeking solutions to community problems. Interface meetings offer an opportunity for direct interaction in an environment that is inclusive. Interface meetings have proved that CSOs have the ability to create voice at the local level that can turn around operations for the better. A lot of these do not conform to a clear problem statement and recommendations for appropriate actions to be taken but rather with donor requirements and in line with what are fundable activities. As a result, their impact on the ground is rather minimal. This is also exemplified by the findings in this study where communities even within Lilongwe are so less knowledgeable about such concepts as their rights and power to the people.

Donors focus more where they will achieve higher individual visibility over other donors and they want to spend more money within specified timeframes no matter whether the people they want to work with are ready for that or not. As a result, they influence implementation of activities according to their own strategies that are usually developed and conceptualised in their own countries which is also the issue with decentralisation in Malawi. The result is ineffective results in a majority of the cases while the CSOs do not define any agenda on their own for fear of focusing on areas that may not attract much funding. This applies to all NGIS/CSOs be it local or international. However, whenever issues of good governance are raised donor agencies want to be seen to be on the positive side since democratic change in Malawi is their brain child. So more likely donor agencies like UNDP, GIZ and all other donors that have democracy support resources would be willing to participate in any collaborative efforts at promoting more effective local governance in Malawi.
2.2.4 The DC and Council Staff

More importantly, at the local council level, the Chief Executive Officer of the council or the DC for a rural council are the single most powerful individuals. They have the power at their level to influence decisions including regarding institutionalization of a system that enhances citizen participation especially on issues of decision making and accountability to the communities that they serve. However, there is no any recognizable mechanism through which leaders of local councils like the DCs and chief executives talk to the people besides talking to chiefs once in a while whenever the DC deems it important to talk to chiefs. A respondent in an FGD remarked that; “if the chief executive himself was able to come and talk to us sometimes, we would be able to ensure that the council has heard our issues and be sure that some action would be taken”.

The DC and Council are credited in FGDs and interviews for undertaking overall management of the district development and service provision role. That is why respondents feel that it is very important for the council staff to get closer to the people so they understand the issues that prevail in the various communities and how as a council they may be able to respond to those issue more appropriately.

2.2.5 ADC and VDC structures

Since ADC and VDC structures adopted a system of removing chiefs to elect leaders and members the things have just deteriorated further. There is so much self-interest serving in the committees because VDC and ADC members are answering to themselves. These people have become powerful people in their communities because they commandeer resources (project) and they have the power to decide who benefits and who does not. Communities have not been able to establish.

Although it cannot be as simple a choice as “black and white” striking a balance between keeping the community structures informal or formalising them needs to be given attention. Neither the local government nor the community has a clear mechanism or procedure for dealing with non-performing ADCs and VDCs. It has to be acknowledged that whilst the formal institutions would want to see chiefs out of ADCs and VDCs as stipulated in District
Development Planning System Handbook (2001), chiefs are still influential in the operations of ADCs and VDCs as they pull strings from behind. If the chief is not the Chairperson of the committee hence defying the policy guidelines, he/she appoints his/her loyal people to be in the committees.

2.3 Formal and Informal Institutions of Local Governance in Malawi

The study established some formal and informal institutions that either support or frustrate local governance at the local level as follows;

2.3.1 Formal and Informal Institutions that Are Promoting Local Governance

First, it has to be understood that the study finds that the formal institutional set up looks practical and effective on paper because it answers most of the questions regarding effectiveness of local governance, mechanisms for accountability and citizen participation. For example, it provides for community spaces for policy dialogue participation (ADC/VDC, local councillor (when they are in place). The Directorate of Planning and Development as in-charge and coordinating of all activities related to development is useful in terms of pursuing the District Development Plan and sectoral plans. This designation is done in the job description of the DPD (which is a 1 – 2 person directorate) has been maintained because it encourages coordination and information sharing among local governance players so that interventions are not implemented in a disjointed nature. In terms of accountability, the DC is mandated to manage all district service provision and development implementation regardless of sector which makes the DC clearly answerable in any case requiring accountability and ownership of the system. Thus the DC is in charge of all district sector heads including agriculture, education, health and public works. The reason for this is to ensure coordination and orderly planning and execution of development interventions.

The major problem with this scenario is that the central government through its sectrol departments at the district still maintains overall responsibility and leadership over and above the DC. This is a case of resistance to let go of authority by the bureaucrats in the Ministry which is being aided by the fact that decentralisation is currently incomplete.
Powers at sectoral level have not fully been devolved to the districts. Additionally, even where devolution has been completed like in the ministries of education and health among others, the central government still holds a level of control like where all capital investments budgets are still held by the parent ministries, (Chiweza, 2010). Even more problematic is the fact that community structures are not legally mandated to hold the administrative staff in the council accountable. They cannot ask questions or even provide oversight as this was a role that is reserved for elected officials – local councillors and now MPs (Local Government Amendment Act (2010)).

Second, the state of decentralisation where powers have not fully been devolved to the local government, presents a situation where there is no incentive for stakeholders to push for order in the way that donors and CSOs especially, work with the local government or community structures. Stakeholders claim that the district council has no capacity to manage a higher level of resources either from central government or from donors through CSOs therefore, a lot of times they devise alternative direct funding and project management mechanisms that by-pass the district local government. It is an excuse that is justified by the lack of mandate by the community structures to hold the council to account and provide oversight and also the current lean staffing of the councils. However this justification is part of the deliberate efforts by the bureaucrats in central government to keep the districts undermined in capacity so that the status quo may remain. Losing control of budgets would mean losing power to the districts. Chiweza (2010) also notes that for the cabinet and the politico-bureau it is the prospect of opposition thriving at the local level in the local governance system that deters them from accelerating completion of the decentralisation process. It might create power spaces at the local level where opposition takes root and rises up to the national level as strong competitors for the ruling party.

The study established that there are some unwritten rules of the game guiding local governance of which some are on the supporting side. For example, it is not stated anywhere within the documents that CSOs need to be presenting their quarterly work plans to DEC, DPD and M and E except that it has been a tradition to do so and graduated into a requirement. The tradition has proven to be helpful in terms of planning and avoiding
duplications of effort throughout the district. Through this requirement, some (few) organisations CSOs/NGOs report to the Council about the progress of their work and the Council is in a better position to make some informed decisions in their areas of operations. Despite being informal (agreed upon at the DEC in any district) the Councils use it to get cooperation from CSOs/NGOs.

The District /CSO-NGO Network approach has also been a useful informal approach where all CSOs/NGOs working within a district are coordinated, update each other and share notes on issues arising in both service provision and development management. It is from this forum that CSOs/NGOs create a platform from which to present a common front in the DEC when they meet the district executive on various issues. In a number of districts this has not been enforced for two main reasons. First, the capacity of the district administration executive has been limited especially in understanding and appreciating this as their own district development management tool hence devise innovative ways through which they may maximise use of this forum. Second, since this is an informal mechanism for bringing about order and accountability in district development management especially with regard to the collaboration between NGOS/CSOs and local government, some CSOs/NGOs have resisted its force on themselves. They have not wanted anything to do with it hence NGO/CSO participation has been voluntary hence ineffective.

The above discussion presents an opportunity set by informal institutions at the council level emerging from collaborative efforts between NGOs/CSOs and local government to improve local governance. The danger is that if not reinforced with some level of formality such initiatives will deteriorate over time and likely to reach a time when it will be difficult to enforce them among NGOs/CSOs. Such initiatives present an opportunity where the council ‘grows hands’ and through such a network would be able to get a lot of things done at the community level but also increase its presence at the community level where citizen participation and accountability may be enforced.
2.3.2 **Formal and Informal Institutions that are Frustrating Local Governance**

MPs that are currently the only elected members of the council, usually are ‘overbearing’ in influencing resource allocation with a bias towards their own constituencies (especially ruling party MPs). For example, in some districts MPs agree to share resources on rotation basis. Thus MPs informally agree on a ‘roster’ and keep it among themselves within their circles. The practice is disrupting the district executive’s district development master plans in terms of getting the priorities of the actors at the local level right. Faced with such pressure by actors that have access to powerful national political elites, the interest of bureaucrats becomes defending their jobs by giving in to the demands of MPs.

A critical eye on the institutional mix as discussed above indicates that neither is it always the case that formal institutions will promote local governance nor informal institutions will always frustrate local governance. Attention has to be paid to the outcomes produced by the institutions or interaction of institutions if we are to devise an incentive structure that will help in maintaining supporting institutions or changing the frustrating institutions. An illustration where formality is put aside to allow informality govern for the sake of attaining the goals. For example in certain cases, the chief instructs that ADCs/VDC should prolong their term of office without fresh elections because those members were trained and dedicated.

According to the findings of this study and other previous studies, it is clear that there are circumstantial and incidental factors that contribute to this state of affairs. There is a serious lack of ownership and stewardship for the process of decentralisation. Momentum builds at one time and wanes in the very next depending on the personalities that are in power on all these most influential fronts; donor agencies, sectoral ministries and cabinet. As also found by Chiweza (2010), this lack of ownership hence stewardship means that change towards improvements in local governance is essentially blocked. However, it is in the interest of the MoLGRD to finalise the decentralisation process because that will bring power to this ministry as well as the local councils. It will mean sector ministries relegate the capital investment budgets for districts to the councils and overall responsibility for supervision and management of such budgets to the DCs who are accountable to their
MoLGRD. Besides, the Ministry of Economic Planning and Development would also be a strong ally towards this as their interest at professional level is to see the MoLGRD strengthened to be able to take up a much huge responsibility of managing district service provision as well as development policy development and implementation.

All sectoral ministries especially those with big capital investment budgets like the MoPW, Education, health, and Water Development together with the cabinet are likely to be the major opponents of the suggested change. This is because they are the ones that are likely to lose out in the event that local governance is effective and local governments are fully empowered to serve the local communities that are also empowered to demand accountability and provide oversight of their councils.

The major issue here is that the very fact that mechanisms for working with the local government and the communities by various stakeholders mostly donor agencies, CSOs and sectoral ministries keep emerging is disruptive of any progress towards full decentralisation. This is because as long as new mechanisms keep emerging, these stakeholders have no incentive to influence change towards full decentralisation.

3 Current Interventions in Local Governance
A quick preview of current initiatives shows that there are a variety of donors such as UNDP/UNCDF, GIZ/KFW Irish Aid, World Bank, AfDB and other actors in conjunction with the Ministry of Local Government, LDF/TST that are dealing with matters relating to the functionality of the Local Government Councils and sub-district structures such as VDCs and ADCs, local government financing, and development of Service Delivery Charters. GIZ has been heavily involved in material production on local governance matters and is spearheading work on promoting coordination between CSOs and Local Government Councils.

There are also CSOs and NGOs working in matters of local governance supported by the Democracy Consolidation Programme, Liu Lathu Programme and other donors that are focusing on improving the functionality of Village Development Committees (VDCs) and Area Development Committees (ADCs), promoting the capacity of citizens to demand their
right to information and development, promoting capacity of citizens to monitor projects and promoting engagement of citizens with leaders. Much of this has been done since the early 2000s. A majority of the traditional CSOs dealing with local governance that have been given accelerated grants and some within the first open call also fall in this category. Most of the initiatives of these CSOs emphasise creation of small rights groups or committees to spearhead the initiatives in the locality. These projects mainly use training of these small groups in meetings and workshops as the main intervention, and uses interface meetings and radio listening clubs as avenues and mechanisms of facilitating citizen engagement with leaders.

➢ The key challenges with most of this work is that it is heavily localised, is done in selected communities mostly focusing on improving knowledge of rights/citizen entitlements and democracy principles, improving practices and behaviours of actors with less attention to broader institutions (as in rules of the game) that are driving or blocking local governance reform in Malawi. Other studies have shown that some of the CSOs in this category have limited knowledge on local governance which limits their ability to go beyond localised activities (Chiweza & Tembo, 2012).

Other CSO networks such as Malawi Economic Justice Network, CISANET, and MHEN have focused on systematic service delivery surveys in areas such as health, education and agriculture. This is an important element of service delivery monitoring but the surveys are not done in a regular and consistent manner. The Kalondolondo programme and the World Bank are currently working with other CSOs to promote Social Accountability processes to encourage communities to monitor services and project and use Citizen Score Card Methodology to assess service delivery performance in the Local Councils. If linked with the Service Charter Programme, these initiatives hold the potential of improving capacity of citizens to monitor service delivery even with the coming in of councillors.

➢ The key challenge here is that while information on local finance issues such as Constituency Development Fund and Local Development Fund is provided to citizens, satisfaction with service delivery is assessed, there is limited attention towards examining rules guiding those Funds and how they lead to inequitable distribution of
resources in the district. There is also limited monitoring of intra-district allocation of such development resources and budget tracking at the district level. Intra-district allocation of resources and financial accountability of the Councils has been a key factor that has discouraged or given confidence to development actors to channel resources through Councils.

4.0 Key problems and Challenges Facing Local Governance in Malawi

4.1 Low Level/Impact of NGO Community Mobilisation Activity
Conspicuously missing from the tasks that the key local governance stakeholders play in Malawi are the roles of facilitating citizen participation/involvement in decision making and making information about council business available/known to citizens. The council structure does not have an office or responsible officer for establishing and maintaining liaison between the community structures and the DC’s office. Respondents pointed out that the DPD, who is a senior council officer (second in charge at the district) is the one that is responsible for maintaining liaison with the community structures. This entails that when the chiefs or community development committee leaders come to the council offices, they are supposed to meet with the DPD. It is more likely that they will find the DPD either too busy to attend to them, attending other important administrative meetings or out of the office attending to other more significant council business. So effectively, this means that the most likely time that the council speaks to or is available to attend to community leaders (representatives) is when the council itself has invited them. This is not very often. It happens when a donor or a service provider requests the council to organise such meetings for a briefing. Usually this is when the organisation in question is bringing forth a new project to the area of the chiefs or community representatives that are invited to the meeting. This renders participation in decision making unattainable for community leaders (representatives). Therefore, responsiveness of the council services to the community is limited.

4.2 Low Level of Knowledge about Local Government among Community Members
In certain cases it was even difficult to sustain a conversation about the local government in a focus group because of extremely low levels of knowledge of local governance. Even when the concept was simplified to refer to the DC’s office and other actors community members showed a very low level of knowledge of this office of the DC. They only know that it is the office where development comes from; they receive agricultural input subsidy coupons from this office and nothing more beyond that. This means that community members like these do not understand the relationship between them and the local government office which entails that their role of holding this office accountable is simply unimaginable.

4.3 Citizen Participation and Accountability Remain Elusive Ideals

Community members and leaders alike remember the ‘mphamvu ku wanhu’ and ‘ufulu wachibadwidwe’ concepts which translate into; ‘power to the people’ and ‘human rights’ and yet they do not feel the power in any tangible way. It is very difficult for the community leaders to decide to go and actually visit the DC’s office because of previous experiences that have not been pleasant. If there was another way they would choose to let someone else take up the role of speaking to the DC or the DC’s office staff. Community leaders believe that they are not pleasantly treated because they are of low status, they have a low level of education and the DC’s office staff simply do not view them as appropriate people to deal with and so they treat these local leaders in a manner that discourages them to persist in demanding service from this office and later alone holding this office accountable.

There is evidently a gap in linking up effectively between the community and the DC’s office. This is the gap that currently needs to be filled. Even if elections are held and local Councils get back on board as the main actors at local level, they will have no policy making responsibility as the provision was repealed by Local Government Act Amendment of 2010. The amendment reduced the authority of Local Councils in governing local affairs. It is yet to be seen once councils are in place what issues will arise out of this amendment.
4.4 Ineffective institutionalization of local committees

Institutionalizing local committees is a problem due to political influence, inadequate financial resources, management capacity constraints and shortfall of capable human resource at the local level. Sub-district structures have often been challenged and overtaken structures established by non-state actors.

There is low level capacity that exists in the local government. Besides capacity in terms of qualification of key staff, the local councils suffer from low level staffing (lower than necessary). Surprisingly this issue keeps resurfacing despite local government reforms focussing on remedying it.

Implementation of the DDPs and DIPs is another matter. Councils always claim that they only receive low levels of financial support besides the local revenue that they collect but it is yet not clear how much would be enough. Currently this could be measured by a closer examination of how much of the DDPs are implemented and why because local councils receive resources from multiple sources for specific activities or projects but whether all these impact on the implementation of the DDPs and DIPs is another matter. The bottom line is local council secretariats, need to be able to manage that whole complex process for the benefit of development and service provision in the district which is clearly lacking from all the issues presented in this and other studies (Chiweza, 2010, Chinsinga, 2007)
CHAPTER THREE

5.0. KEY CONCLUSIONS AND POSSIBLE AREAS FOR TILITONSE THEMATIC CALL

It is being acknowledged that in reconfiguring local governance, it is important that activities should aim at making local governance actors being re-positioned to be more confident in their own roles, to be more assertive, and seek opportunities to work as a coalition in improving processes, institutions, services and development. To this effect, based on the findings as discussed in the preceding chapters, it has emerged that four issues/themes could anchor interventions by CSOs in their attempt to improve local governance for socio-economic development and service delivery. The issues/themes are as follows; (a) strengthening of the legal and policy framework of Local Governance, (b) civic empowerment including training of duty bearers such as MPs, Councillors, and Chiefs on their expected roles, (c) interrogating the functionality of the local government authorities with its sub-district structures, and (d) resource mobilisation for local government councils in order to ensure adequate resources for improved service delivery.

5.1 Issue One: Compromised Legislative Framework

Apart from the Constitution the Local Government Act (1998) remains the principle legislation governing local governance in Malawi. The chiefs Act 1967 is also relevant in matters of local governance because chiefs are members of the Councils and their roles overlap with those of the councillors. The review of this Act was commenced some years ago and a Law reform process commenced, but it is still dragging. The 1996 Local Government elections Act is also important because it stipulates candidature provisions of local councillors and the conduct of elections.

5.2 Key challenges with the Legislative Framework that need attention

1) Significant steps to alter the rules of the game surrounding local government were taken in 2010 which if not revisited are likely to affect the autonomy and effective operations of the Councils even when local elections are conducted in 2014. These
include granting MPs voting powers within the District Councils alongside councillors, formalisation of appointments of District Commissioners directly by the Executive through the Minister of Local Government other than Local Government Service Commission and removing the policy making powers of the Local Government Councils.

2) The Local Government Act does not clearly specify the roles of Councillors and the attendant obligations of councillors at the community and Council level, as is the case with other countries pursuing similar decentralisation efforts. There is some vagueness regarding the roles of councillors at the ADC and VDC level- what space do they occupy in these structures that are located within a Traditional Authority System in the absence of a Ward Committee in the rural areas? While the legal provisions in the Local Governments Act are very detailed on local governments’ duties and functions, they are rather vague on the roles of local councillors vis-à-vis other players and structures operating at the local level. This is a great challenge to the effective operations of councillors.

Previous experience with the Councillors that were elected in 2000 showed that because of lack of role clarity they were a lot of conflicts between councillors and chiefs, between councillors and Members of Parliament (Kutengule et al, Review of Decentralisation, 2004; Chiweza, 2005; Chinsinga, 2008). The problematic relationship between councillors and chiefs arises mainly because the chiefs want to constitute primary structures of local governance in rural areas. They are strongly opposed to the introduction of alternative structures of leadership that appear to challenge the hegemony of their power, prestige, influence and authority. The struggle between chiefs and councillors is intensified by widespread self-seeking tendencies among national level politicians and this is likely to increase with the 2014 elections. Over the years, politicians across the political divide have strategically turned to chiefs in order to entrench and consolidate their legitimacy. Strategies by the ruling parties have included: 1) reinstating chiefs that were deposed during the one party era; 2) appointment of new chiefs; 3) promoting chiefs to higher ranks; 4) building houses and offices for chiefs; 5) and putting all chiefs on
the government’s payroll. In stark contrast, councillors are not entitled to these privileges, greatly diminishing their importance in the eyes of the public.

Similarly, the relationship between the MPs and councillors was very tense with the potential of suffocating the institutional framework of local governance. The main cause of the conflictual relationship between the MPs and councillors is that the former perceive councillors as a threat to their candidacy in the subsequent general elections. MPs do not fully support the decentralisation policy reform efforts for strategic political considerations and gains (Chinsinga, 2008). Role clarity is required in the Local Government Act, Chiefs Act, and other documents guiding the work of local government Councillors, Traditional Chiefs and Members of Parliament.

3) Candidature provisions of Local Government Councillors in the 1996 Local Government Elections are vague in view of the challenging oversight work that Councillors are expected to perform at Council level. The provisions only state that a person shall qualify to be nominated as a councillor if at the time of nomination the person has attained twenty one years of age and is able to speak and to read the English language well enough to take an active part in the proceedings of the council (Government of Malawi, 1996a: section 27).

4) The policy and legislative framework (the Decentralisation Policy and Local Government Act) is gender neutral. Results of the 2000 local elections showed that only 9.13% of all the 1860 candidates who stood for local elections countrywide were women. Of the 860 councillors who were elected in Malawi only 8.49% went to women. A recent situation gender analysis in the Councils (Ututalum, Chiweza and Chimombo, 2012) also showed that Gender Representation in Councils and Community Sub Structures findings show that representation in Development Executive Committees (DEC) and the District Consultative Forums (DCF) and Village Development Committees in the councils is predominantly male. The analysis also showed that because of lack of this guidance, many NGOs and donors working in the local councils typically focus on gender number in project committees and nothing much to boost the capacity of men and women to effectively participate and influence decisions. Engendering the Policy and Local Government Act is a necessary
condition for effective local governance and platform for advocacy on issues surrounding gender representation and participation of men and women in local government’s political and administrative levels.

5.2.1 What can be done?

A call that will interest CSOs that are already working in local governance and gender related issues to work together with the academia, donors who have been working in these areas and Ministry of Local Government and its agencies to come up with strategic activities to engage with the policy process in order to address any of the identified challenges before 2014. The purpose would be to create an alliance of CSOs with other partners that can share knowledge and skills in local governance in Malawi, engage with the policy and legal issues effectively, develop position papers, promote national dialogue among actors dealing with local governance in Malawi, disseminate information, identify opportunities for change and engage with relevant actors who can drive the reform.

5.3 Issue two: Monitoring Intra-district allocation of resources and budget tracking

A political economy analysis of Local Governance conducted in 2010 noted that in distributing resources within the district there is a lot of political influence and weak use of evidence. This is more in matters such as Local Development Fund, education desks and other materials. Even where guidelines stipulate use of specific data which is usually available, political interests appear to favour equal distribution of resources or distribution in favour of politically preferred area. Where political influence is most important, then, are the cases where systematic district or intra-constituency inequalities are reproduced year on year. Equally, audits conducted since 2006 to date have revealed significant weaknesses in financial management within Councils. This has potential to lead to ineffective allocation of the Government of Malawi’s very limited resources and failure to targeted resources towards areas that are needed. With a variety of demand raising activities in the districts, the problem then, is not one of a lack of demand but the basis upon which District Councils
allocates resources; whether they are used to target need or to benefit political allies. An important challenge relates to access to information for partner NGOs which is often problematic, particularly when used for expenditure tracing. Budget Tracking Surveys have mainly been done for national level ministries but very little at the district level.

5.3.1 What can be done?
A call for CSOs and organisations with relevant experience in budget tracking to conduct systematic Expenditure Tracking Surveys for Local Government Authorities with the aim of up scaling accountability for decision making. This should include analysis of the basis for resource allocations, expenditure tracing and value for money assessments. In order to ensure sustainability, build capacity in the districts, and creation of alliances, there is need to oblige experienced CSOs in this area to partner with other district level CSOs. This work would also be of value and interest to the National Local Government Finance Committee as well as MALGA. Working with these organisations would also minimise the information access challenges in the districts. The outputs of the work of grantees in this call should have specific strategies for dissemination of results of the assessments, promotion of national dialogue around the results, and specific strategies to influence reform in institutions guiding intra-district resource allocation and oversight.

5.4 Issue three: Civic Empowerment
Civic education should emphasising on training of duty bearers such as MPs, Councillors, and Chiefs on their expected roles, complementarity of their roles, the role of local government councils, the significance of inclusive representation for elected members; and mass education of citizens on the rightful and lawful roles of elected representatives and related subjects.

5.4.1 What can be done?
A call should aim at interesting CSOs in delivering training programmes to the aforementioned structures and authorities. What is key is that the CSOs should use standard materials that are consistent with relevant legislation and approved by the Ministry of Local Government and Rural Development. This will ensure that the trainees are getting the same
message hence avoiding creating confusion among actors. The exiting training kit will have to be updated to accommodate amendments that have been made on the laws such as composition of the council, number of wards, mandate of the District Council and appointment of the District Commissioner.

5.5 Issue four: Interrogating the functionality of the local government authorities with its sub-district structures

The sub-district structures would include Area Development Committees (ADC) and Village Development Committees (VDC) in the rural areas and Community Development Committees (CDC) and Ward Development Committees (WDC) in urban areas and developing project initiatives that will ensure effective linkages among the structures, clear separation from political structures, and that downward accountability and feedback mechanisms are working.

5.5.1 What can be done?
A call that makes CSOs concentrate on how district and sub-district structures link up and further how the local structures work with national actors to ensure that they are balancing well in the pursuance of local and national targets. A coalition of CSOs with sub-district, district and national presence.
REFERENCES


### Annex 1: Organisations and People Consulted

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<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
<th>Position</th>
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<tbody>
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<td>Mr Phiri</td>
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<td>Former Councillor</td>
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<tr>
<td>Senior Chief Makwangwala</td>
<td>Ntcheu District Council</td>
<td>Traditional Leader</td>
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<td>Hon. Joseph Njovuyalema,</td>
<td>Lilongwe Mapuyu</td>
<td>MP</td>
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<td>, MP</td>
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<td>Mr P Chinoko,</td>
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<td>Stanley Chitukwi –</td>
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<td>Director</td>
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<tr>
<td>Mr Soko –</td>
<td>MCP official,</td>
<td>Business Person</td>
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<tr>
<td>VH Samu</td>
<td>Samu Village</td>
<td>Chief</td>
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<td>Gvh Kambaye</td>
<td>Kambaye Village</td>
<td>Chief</td>
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<tr>
<td>Levi Luwemba</td>
<td>Area 23 PP Committee</td>
<td>Shadow MP</td>
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### Annex 3: List of Participants in Focus Group Discussion

<p>| Mr Yohane Afiki       | Makwangwala VDC                               | Ntcheu                                        |
| Mr Harry Foster       | Makwangwala VDC                               | Ntcheu                                        |
| Mrs Alice Kakolo      | Makwangwala VDC                               | Ntcheu                                        |
| Mr Damson Kachigamba  | Makwangwala VDC                               | Ntcheu                                        |
| Mr Kestala Kachisa    | Makwangwala VDC                               | Ntcheu                                        |</p>
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<td>Mr Wellington Genala</td>
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<td>Mr Davie Chigumula</td>
<td>Makwangwala ADC</td>
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<tr>
<td>Mr Allan Kamaliza</td>
<td>Makwangwala ADC</td>
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Area 23 Development Committee Members and local leaders (chiefs & political party leaders)

Kambaye village – chiefs

Kambaye Village community members

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