

**AN ASSESSMENT OF THE IMPLEMENTATION OF THE NATIONAL  
DECENTRALISATION POLICY IN ZOMBA DISTRICT COUNCIL IN MALAWI:  
(2009-2010)**

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## **DECLARATION**

I, Atanazio Gabriel Chibwana, hereby declare that this mini-dissertation submitted to the University of Fort Hare for the Degree of Masters in Public Administration has never been previously submitted by me for a degree at this or any other university, that this is my own work in design and execution and that all material contained therein has been dully acknowledged.

Signed .....

Date: .....

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## **ABSTRACT**

This study was aimed at assessing the implementation status of the National Decentralisation Policy in Zomba District Council in Malawi given the current situation where the council is operating without ward councilors. It also undertook an exploration of factors affecting the implementation of the National Decentralisation Policy in Zomba District Council and made recommendations which can positively contribute to the effective implementation of the National Decentralisation Policy in Zomba District Council.

Using both qualitative and quantitative research design, data for the study was collected using interviews, questionnaires and document analysis. The study found that the implementation of the National Decentralisation Policy in Zomba District Council during the period under study was unsatisfactory. The major challenges to the implementation of the National Decentralisation Policy in Zomba District Council were largely linked to the absence of councilors in the current council setup, violation of legal instruments governing the implementation of the National Decentralisation Policy by the incumbent leadership, lack of political will among the ruling elite to see full implementation of the National Decentralisation Policy, poor performance of structures operating in place of ward and council committees and inadequate finances at the disposal of Zomba District Council. The study concluded that Zomba District Council needed ward councilors to fully implement the National Decentralisation Policy. However the study also observed that it would be impossible to attain the objectives of the decentralization policy if there was no political will on the part of the incumbent leadership to see the National Decentralisation Policy implemented in full at Zomba District Council.

## **ABBREVIATIONS**

ADC	Area Development Committee
DCF	District Consultative Forum
DEC	District Executive Committee
DFID	Department for International Development
GTZ	German Technical Cooperation
LGE	Local Government Elections
MEC	Malawi Electoral Commission
MPs	Members of Parliament
NDP	National Decentralisation Policy
NGOs	Non Governmental Organizations
VDC	Village Development Committee
ZDC	Zomba District Council

## TABLE OF CONTENTS

<b>DECLARATION .....</b>	<b>i</b>
<b>ACKNOWLEDGEMENTS .....</b>	<b>ii</b>
<b>ABSTRACT.....</b>	<b>iii</b>
<b>ABBREVIATIONS.....</b>	<b>iv</b>
<b>LIST OF TABLES .....</b>	<b>viii</b>
<b>LIST OF FIGURES.....</b>	<b>viii</b>
<b>CHAPTER ONE .....</b>	<b>1</b>
<b>INTRODUCTION.....</b>	<b>1</b>
<b>1.1 Local Government in Malawi Beyond 1994.....</b>	<b>2</b>
<b>1.1 STATEMENT OF THE PROBLEM.....</b>	<b>5</b>
<b>1.2 HYPOTHESIS .....</b>	<b>6</b>
<b>1.3 RESEARCH QUESTIONS .....</b>	<b>6</b>
<b>1.4 RESEARCH OBJECTIVES.....</b>	<b>7</b>
<b>1.5 RATIONALE OF THE STUDY.....</b>	<b>7</b>
<b>1.6 LIMITATIONS AND DELIMITATION OF THE STUDY .....</b>	<b>8</b>
1.6.1 Delimitations of the Study .....	8
1.6.2 Limitations of the Study .....	10
<b>1.7 ETHICAL CONSIDERATIONS.....</b>	<b>11</b>
<b>1.8 TENTATIVE DIVISION OF CHAPTERS .....</b>	<b>11</b>
1.8.1 Chapter 1.....	11
1.8.2 Chapter 2.....	11
1.8.3 Chapter 3.....	12
1.8.4 Chapter 4.....	12
1.8.5 Chapter 5.....	12
<b>1.9 CONCLUSION .....</b>	<b>13</b>
<b>CHAPTER TWO .....</b>	<b>13</b>
<b>LITERATURE REVIEW .....</b>	<b>14</b>
<b>2.1 Introduction .....</b>	<b>14</b>
<b>2.2 Theoretical Perspective .....</b>	<b>15</b>
2.2.1 Public Administration and Public Policy .....	15
2.2.2 Policy Implementation.....	15
2.2.3 Public Administration and Systems Theory.....	18
2.2.4 Systems Model of Politics and Policy .....	18

<b>2.3 Conceptual Framework .....</b>	<b>22</b>
2.3.1 Definition and Rationale of Decentralization.....	22
2.3.2 Types of Decentralisation.....	24
2.3.3 Policy Implementation.....	28
2.3.4 Problems in Policy Implementation .....	28
<b>2.4 Legislative Framework .....</b>	<b>39</b>
2.4.1 The Malawi Republic Constitution of 1994 (Act No.20 of 1994) .....	39
2.4.2 The Malawi Local Government Act of 1998 (Act No.42 of 1998).....	40
2.4.3 The Malawi National Decentralisation Policy (White Paper) 1998 .....	42
<b>2.5 Conclusion .....</b>	<b>43</b>
<b>CHAPTER THREE .....</b>	<b>45</b>
<b>RESEARCH DESIGN AND METHODOLOGY .....</b>	<b>45</b>
<b>3. 1 Introduction .....</b>	<b>45</b>
<b>3.2 Research Design .....</b>	<b>45</b>
<b>3.3 Data Collecting Method and Procedures.....</b>	<b>46</b>
3.3.1 Data collection Instruments.....	46
<b>3.4 Target Population .....</b>	<b>48</b>
3.4.1 Sampling Technique .....	49
<b>3.5. Data Collection Procedures .....</b>	<b>51</b>
<b>3.6. Conclusion .....</b>	<b>52</b>
<b>CHAPTER FOUR .....</b>	<b>53</b>
<b>DATA ANALYSIS .....</b>	<b>53</b>
<b>4.1 Introduction .....</b>	<b>53</b>
<b>4.2 Policy and Legislative Provisions for Decentralization in Malawi.....</b>	<b>53</b>
4.2.1 Knowledge about the National Decentralization Policy .....	53
4.2.2 Level of consultation in NDP formulation.....	54
4.2.3 Constitutional and Legislative provision of decentralization in Malawi.....	56
4.2.4 Constitution guarantees in NDP implementation.....	58
<b>4.3 Absence of Councilors in Policy Implementation .....</b>	<b>60</b>
4.3.1 Awareness of councilor's roles and their impact on NDP Implementation .....	60
4.3.2 Community level mechanisms and platforms in place of elected ward and council committees .....	63
4.3.2.1 Organization of community level platforms .....	63
4.3.2.2 Rating performance District Consultative Forum (DCF).....	64
4.3.2.3 Performance of community level institutions.....	66
<b>4.4 Problem Areas in the Implementation of the NDP .....</b>	<b>67</b>
4.4.1 Status of implementation of the NDP in ZDC.....	67
4.4.2 Reasons for current NDP implementation status (Appointed Officials) .....	68
4.4.3 Reasons for current NDP implementation status at ZDC (Selected community leaders and former ward councilors) .....	70
4.4.4 Reasons for the current NDP implementation status (DCF members) .....	71
<b>4.5 Conclusion .....</b>	<b>72</b>

<b>CHAPTER FIVE .....</b>	<b>74</b>
<b>CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>74</b>
5.1 Conclusions .....	74
5.2 Recommendations.....	77
<b>APPENDIX A-QUESTIONNAIRE FOR DISTRICT COUNSULTATIVE FORUM (DCF) MEMBERS AND FORMER WARD COUNCILORS.....</b>	<b>85</b>
<b>APPENDIX B-QUESTIONNAIRE FOR APPOINTED OFFICIALS .....</b>	<b>89</b>
<b>APPENDIX C-GUIDING QUESTIONS FOR CONDUCTING INTERVIEWS OF SELECTED COMMUNITY LEADERS AND VILLAGE HEADMEN .....</b>	<b>92</b>
<b>APPENDIX D-LETTER FROM THE DISTRICT COMMISSIONER .....</b>	<b>94</b>
<b>APPENDIX E- OATH OF SECRECY .....</b>	<b>95</b>
<b>APPENDIX F-NOTIFICATIUN LETTER TO RESPONDENTS .....</b>	<b>96</b>



## **LIST OF TABLES**

Table 1	Matrix showing the scope of contextual (“Black Box”) issues affecting Decentralization Policies in Africa
Table 2	Respondents to the study

## **LIST OF FIGURES**

Figure 1:	Systems Model of Politics and Policy
Figure 4.1:	Level of consultation in NDP formulation
Figure 4.2:	Knowledge of legal instruments governing NDP implementation
Figure 4.3:	Constitutional and legislative guarantees in NDP implementation
Figure 4.4:	Contribution of ward councilors in NDP implementation (2000-2004)
Figure 4.5:	Rating performance of District Consultative Forum
Figure 4.6:	Status of NDP implementation in Zomba District Council

## **CHAPTER ONE**

### **INTRODUCTION**

Local government in Malawi can be traced to 1891 when the country was known as Nyasaland under the British Protectorate. During the British rule local government was characterized by institutions which were centralized and excluded participation of the indigenous people. After gaining independence in 1964, Malawi came under the leadership of Dr. Hastings Banda with the Malawi Congress Party under him becoming the only legally recognized party in 1971. Dr. Banda's regime was one of the most oppressive regimes of the time and district councils operated under the direct supervision of the central government. As a one party state all individuals who wanted to contest for local government elections had to be registered members of the Malawi Congress Party and their names had to be sanctioned by the party's national headquarters.

After thirty one years of centralization under the dictatorship rule of Dr. Hastings Banda, Malawi through a referendum which was conducted in 1993 opted for multiparty politics. This facilitated the adoption of the National Decentralization Policy in 1998. The Decentralisation Policy in Malawi is founded on the legal framework provided for in the Republic of Malawi Constitution(1995) and the Local Government Act (1998).Local Government Elections are conducted every five years as provided under section 147(2) of the Constitution of the Republic of Malawi, 1994.

The Local Government Act 1998, Part I Section 4(1) and Section 5(1) provided the legal basis for the creation of all district councils in Malawi. Zomba District Council is one of the twenty eight district councils in Malawi and covers a total land area of 2580 square kilometers representing three percent of total land area

in Malawi. According to the National Decentralisation Policy, Zomba District Council like any district council in Malawi should be composed of ward councilors, Members of Parliament, chiefs and five members from special interest groups who are appointed by the council during its first meeting. The secretariat is headed by the District Commissioner and has the duty of ensuring that resolutions and programmes approved by the council are implemented in an efficient and effective manner.

The aim of adopting the National Decentralisation Policy was to establish credible local governments and to do away with the centralized system of serving the local population which was associated with rigid bureaucratic principles. But currently Zomba District council like any other council in Malawi is operating in the absence of ward councilors which has resulted in all affairs of district councils being managed by appointed officials, members of District Consultative Forum comprising of Chiefs, Members of Parliament and members of special interest groups. This is against one of the tenets of the decentralization policy which encourages participation of the grassroots through their elected representatives at local government level.

### **1.1 Local Government in Malawi Beyond 1994**

After the first multiparty elections which were conducted in 1994 Cabinet in Malawi directed that a comprehensive review of all decentralization initiatives be undertaken and this culminated in the formulation of the Draft National Decentralisation Policy(*Malawi Government: Malawi National Decentralisation Policy:1*). Cabinet approved the draft policy in principle on the 26<sup>th</sup> of January 1996 and the National Decentralisation Policy was finally approved in October 1998. This was followed by the passing of the new Local Government Act (1998) which enshrines the Policy of Decentralization (Malawi Government 1998(a).

This development raised hopes that local government elections (LGE) would be held together with Presidential and Parliamentary elections which were due in 1999 given the fact that LGE failed to take place in 1995 as it is stipulated in the Constitution.

However on 28<sup>th</sup> October 1998 an electoral commission spokesman indicated that it could be practically impossible to hold LGE together with Presidential and Parliamentary Elections because there was no enabling Act for tripartite elections (Africa News Network of 10/11/1998). This excuse failed short of explaining the reason why after four years of conducting the first multiparty elections the Government had not made any effort to make necessary arrangements to prepare for LGE (Kaunda 1999:593).

Local Government elections were finally held on 21<sup>st</sup> November 2000 which meant that the councilors had to be in office up to 2005 as stated in the Local Government Act (1998) which stipulates five year tenure for elected councilors. However the Republic of Malawi Constitution (1994) Section 147 states that “Local Government Elections shall take place in the third week of May in the year following the year of the general elections of the National Assembly. In 2004 Parliament using this clause dissolved district councils and indicated that LGE elections will be conducted in 2005 as stipulated in the Constitution.

After the 2004 Presidential and Parliamentary elections in which the incumbent President Dr. Bingu wa Mutharika was ushered into power, government indicated that it would not be able to conduct LGE as expected due to devastating hunger that affected the country in the 2005/2006 Fiscal Year (Chinsinga 2008:97 as cited by Crawford 2008). Due to pressure from donors, civil society and opposition parties, the “opposition block in parliament effectively lobbied for the holding of local government elections in the 2006/2007 Fiscal Year (Chinsinga 2008:97). This however confronted another problem as the Malawi Electoral Commission (MEC) could not commence preparations for the polls due to lack of quorum as the terms of office of five of its eight commissioners had expired and the President was taking time to appoint new commissioners. Even when the President finally appointed the new commissioners they were rejected by the opposition due to lack of consultation on the part of the President as stipulated in the constitution (Chinsinga 2008:97 as cited by Crawford 2008)

Opposition parties went to the High Court and the appointments were nullified. The President then made new appointments but to the dissatisfaction of the opposition parties the President included six commissioners which were originally rejected forcing them to get a court injunction (Tambulasi 2010:341). These developments greatly compromised the preparations for LGE which were scheduled for May 2007. It therefore came not as a surprise when Malawi major donors (World Bank, Germany (GTZ), United Kingdom (DFID), European Union and Norway) “expressed concern over governments failure to hold Local Government Elections as stipulated in the constitution raising fears of possible weakening in commitment by President Bingu wa Mutharika administration to the rule of law” (The Daily Times of May 7, 2007 as cited by Tambulasi 2010:341)

Local Government Elections failed to take place until 2009 when Malawi conducted yet another general election on 19<sup>th</sup> May 2009 and President Mutharika retained power with 112 Members of Parliament out of the 193 seats in Parliament (European Union Election Observation Mission Final Report 21009:26). On 30<sup>th</sup> November 2009 the Minister of Local government informed Parliament that LGE constitutionally scheduled for May 2010 were postponed since government wanted to reform the local government system before holding the polls (Mail Guardian News online of 1<sup>st</sup> December, 2009). In December 2009 Parliament passed a “Constitutional Amendment Bill empowering the President to decide on the actual date to hold local government elections instead of specific dates earlier stipulated in the constitution(Tambulasi:2010:347).

Following continuous pressure from civil society, donors and opposition politicians on the 10<sup>th</sup> August 2010 MEC announced that after consultation with the President LGE would be conducted on 20<sup>th</sup> April 2011(African News online 10/08/2010). But on 3<sup>rd</sup> December, 2010 the President suspended MEC for alleged misappropriation of funds. The electoral body was reinstated on the 1<sup>st</sup> of April, 2011 without mention of what had happened to the enquiry regarding the misappropriated funds. This made it practically

impossible for MEC to conduct elections on 20<sup>th</sup> April and once more the LGE were postponed indefinitely (Face of Malawi online news of 25/05/2011). Things took a new dimension on the 24<sup>th</sup> of May 2011 when MEC released a press statement informing that following consultation with the President, government had postponed LGE to 2014(Face of Malawi online news of 25/05/2011).

The developments in regards to LGE have forced Zomba District Council to be operating without ward councilors for the past seven years. The purpose of this research is to review the effect absence of ward councilors is having on the implementation of National Decentralization Policy in Zomba District council. The intention is to establish how failure by the Malawi Government to hold local government elections in the past seven years has affected the prospect of Zomba District Council to implement the decentralization policy in full which is aimed at improving performance of the council in provision of services within its area of jurisdiction. The period under study is 2009-2010.

In order to achieve the above objectives the researcher will first investigate the positive contributions the implementation of the decentralization policy has had on the operations of Zomba District Council. Secondly the study will focus on investigating problem areas associated with the absence of ward councilors which is affecting the implementation of the decentralization policy. Lastly the researcher will try to establish why there are problems in holding local government elections and come with recommendations on how such problems can be eliminated to pave way for election of ward councilors. .

## **1.1 STATEMENT OF THE PROBLEM**

Zomba district Council embraced the decentralization policy in order to improve on level of performance which was being affected by the previous centralized structure. One of the fundamental principles of the Malawi National Decentralization Policy is to create a democratic environment and institutions for good governance and

development at local level which facilitates the participation of the grassroots in decision making.

Nevertheless Zomba District Council is operating without elected officials implying that all policy issues are being handled by the secretariat and ex-official members which are not directly accountable to the citizens. This development is seriously affecting participation of the grassroots in council activities as there are no ward councilors who sit at council meetings as required by the National Decentralisation Policy.

This is consequently affecting full implementation of the National Decentralisation Policy and the council's performance in service provision. To make it more complicated government is reluctant to hold local government elections which could bring in ward councilors in the council despite constitutional and legislative provisions for holding local government elections.

## **1.2 HYPOTHESIS**

The absence of ward councilors is negatively affecting the implementation of the National Decentralization Policy at Zomba District Council.

## **1.3 RESEARCH QUESTIONS**

Based on the problems explained above the following research questions are posed:

- What are the current constitutional, legislative and policy provisions for decentralization in Malawi?
- What are the critical roles of ward councilors in relation to the implementation of the decentralization policy?

- What are the circumstances that have resulted in the absence of ward councilors in local government in Malawi?
- How is the absence of ward councilors affecting the implementation of the decentralization policy?
- Why is government failing to hold local government elections despite the existence of constitutional and legislative provisions?
- To what extent has the absence of ward councilors affected service delivery in Zomba District Council?
- How can the enumerated research problems be addressed based on research findings?

#### **1.4 RESEARCH OBJECTIVES**

The study will attempt to attain the following objectives;

- To examine the policy and legislative provisions for local government and local governance in Malawi
- To identify reasons behind absence of councilors in local government areas in Malawi
- To identify the effect absence of councilors is having on the implementation of the decentralization policy in Zomba District Council;
- To identify problem areas in the implementation of the decentralization policy and the rendering of services; and
- To make recommendations based on study findings to ensure that the National decentralization policy is implemented in full.

#### **1.5 RATIONALE OF THE STUDY**

The study is significant as it seeks to provide a better understanding of the implications of having no ward councilors in the implementation of National



Decentralisation Policy in Zomba District Council. Firstly its broader implications are evident, given the fact that all district councils in Malawi have no ward councilors the study can in future influence policy makers at central level to consider the need to have local government elections which have been on hold for the past seven years. This will promote local participation and accountability in district councils because the ward councilors are directly responsible to the people who will elect them. From a general policy impact perspective, the study can also expose new dilemmas which affect implementation of decentralization policies.

## **1.6 LIMITATIONS AND DELIMITATION OF THE STUDY**

This section will specify the scope of the study and problems which the researcher encountered in the course of conducting the research. Since implementation of the decentralization policy involves fiscal, political and administrative variables, the study's main focus was on political decentralization given the fact that Zomba District Council is operating without ward councilors.

### **1.6.1 Delimitations of the Study**

The major delimitations of the study were as follows:

1. There are many issues affecting the implementation of the decentralization policy which this study could not manage to cover. Devolution type of decentralization which the Malawi Government embraced involves transfer of fiscal, political and administrative powers to sub-national governments or local councils. The Government of Malawi has made strides in fiscal and administrative decentralization since the adoption of the National Decentralisation Policy. However political representation has been absent in district councils for the past seven years. The study therefore focused on the effect absence of councilors is having on the implementation of the National Decentralization Policy in Zomba District Council.

2. The study covered a one year period (2009- 2010) and was confined to Zomba District council. This was the case because for the purpose of a mini-dissertation it was impossible to cover all the 28 district councils in Malawi given the time and resources allocated to the study.
3. The study targeted sixty respondents which comprised of village headmen and selected community leaders, former ward councilors, Members of Parliament, chiefs and appointed officials of the council. The reason behind this was that in the absence of ward councilors the selected respondents were the ones who were directly engaging with citizens in implementation of government programs. In this circumstance they were better placed to offer an insight on how the implementation of the National Decentralisation Policy was progressing in the absence of ward councilors.
4. The systems model of politics and policy was used in the study since it attempts to address contentious issues which were raised by the top-down, bottom-up and contingency theorists in policy implementation studies. The systems model of politics and policy realizes the need for involvement of different stakeholders in the policy process, the need to look at the environment surrounding policy implementation process and that the policy process is not a linear activity but requires feedback if it has to come to fruition. Looking at the issues surrounding the implementation of the National Decentralisation Policy the systems model of politics and policy provided a better platform for exposing problems areas in the implementation of the National Decentralisation Policy.
5. The study only focused on current constitutional, legislative and policy documents supporting the National Decentralisation Policy in Malawi since previous legislation before the democratic elections in 1994 gave little emphasis on roles of district councils and ward councilors. The constitution and legislation then gave more powers to central government through District Commissioners who were under the direct control of the Office of the President and Cabinet

### **1.6.2 Limitations of the Study**

The envisaged problems of this study were as follows:

- Reluctance among participants to freely give information on what they feel are the current positive or negative developments affecting implementation of the National Decentralization Policy for fear of being seen as critiques of the ruling elite.
- Responses which are subjective depending on position of participant and their political affiliation.
- No feedback from respondents who will be required to complete questionnaires on their own.
- Since ward councilors were in office some seven years ago other respondents may not be able to remember what the councilors roles were in relation to the decentralization policy.

To overcome these problems the researcher assured the participants that data collected would be treated with confidentiality and that all respondents were assured of anonymity in accordance with ethical requirements for research as detailed below:-

- A letter of oath of secrecy obtained from the District Commissioner of Zomba District Council was made available to all respondents.
- The researcher being an employee of local government encouraged respondents to give honest responses since the information provided apart from being confidential would assist government in evaluating how the National Decentralization Policy was being implemented and hence improve on shortfalls exposed.
- Before conducting any interview the researcher provided an overview of the National Decentralisation Policy so that respondents could be reminded of the topic under discussion.

- The researcher also consulted different government documents which have been published to guide district councils in the implementation of the decentralization policy in order to supplement information which the respondents missed.
- Lastly attempts were made to consult the respondents in good time to minimize on the number of dropouts in the study due to short notice.

## **1.7 ETHICAL CONSIDERATIONS**

The researcher made certain that confidentiality was of great significance to the study so that individual's views were not exposed at any stage of the research. The purpose and objective of the study was made very clear to the respondents before arranging for dates of interviews or sending them the questionnaire so that they could make a decision on whether to participate or not.

## **1.8 TENTATIVE DIVISION OF CHAPTERS**

### **1.8.1 Chapter 1**

This chapter highlights the background of the study and explains the problem statement, hypothesis, objectives of the study, necessity of the study, and its delimitations. It also informs the limitations and ethical issues that would affect the study and their possible interventions.

### **1.8.2 Chapter 2**

Chapter two deals with literature review based on distinguished opinions and views from various sources, and researchers and authors whose work is significant in this particular research field. The literature review will define the concepts of decentralisation and policy implementation and will expound on how these concepts

are linked to the discipline of public administration. Chapter two will also discuss a theoretical framework which is based on the systems model of politics and policy which will provide a framework against which the implementation of the decentralisation policy can be analysed and interpreted in relation to efficiency and effectiveness in attainment of the objectives of the decentralisation policy; and a conceptual framework which deals with decentralisation and policy implementation with reference to the implementation of decentralisation policy in different countries. The conceptual and theoretical frameworks will be used to support the argument that for the decentralisation process to be successful political representation is vital at the local government level. Lastly, the chapter provides a legislative framework with reference to the Malawi Republic Constitution 1994, Local Government Act 1998 and the National Decentralisation Policy 1998 which are supporting the implementation of National Decentralisation Policy in district councils in Malawi.

### **1.8.3 Chapter 3**

This chapter will discuss the research design and methodology that will be used in the study. This will include procedures for investigating the problems and details of desk and field work.

### **1.8.4 Chapter 4**

Chapter 4 will deal with the presentation and discussion of research findings on the effect absence of councillors is having on the implementation of National Decentralisation Policy and service delivery in Zomba District Council.

### **1.8.5 Chapter 5**

This will include the conclusion and recommendations based on the findings of the study.

## **1.9 CONCLUSION**

The study will focus on analyzing the effect absence of councilors is having on the implementation of National Decentralization Policy in Zomba District Council. A lot of literature has been written in regards to the benefits and problems associated with the implementation of the decentralization policy. Some of the benefits include promotion of accountability and governance and the promotion of democratic institutions at local level which encourages people's participation in decision making through ward councilors who sit on the council. These benefits are expected to assist in the implementation of people's priorities at Zomba District Council which can assist in improving quality of services delivered. Since the Malawi constitution advocates for devolution type of decentralization the researcher will evaluate how Zomba District council is implementing the National Decentralization Policy in the absence of councilors and how this has generally affected service delivery in the years 2009 to 2010. To get this information the researcher will administer questionnaires on council members, council secretariat, some non-governmental organization and selected community leaders.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

The literature review presented in this chapter highlights what different scholars and authors have written on the concepts of decentralization and policy implementation. The motivation behind this chapter is to provide evidence on what other scholars have written on factors which usually affect the implementation of national decentralization policies in the developing world. The literature reviewed include published books, journals, conference papers, Government of Malawi publications and reports and information accessed on internet websites, academic search engines and University of Fort Hare online resources.

The literature review will mainly focus on three areas. The first will be the theoretical perspective which will look at systems model of politics and policy which is the model underpinning this study. The systems model of politics and policy will be used in the study since it attempts to address contentious issues which were raised by the top-down, bottom-up and contingency theorists in policy implementation studies. Secondly the conceptual framework will be discussed and will define the concepts of decentralization and policy implementation and link them to the discipline of public administration. To get a better understanding on policy implementation reference will be made to the conviction held by proponents of decentralization who emphasize that political decentralization is vital for effective implementation of national decentralization policies. Lastly the literature review will look at the legal framework which provides an enabling environment for Zomba District Council to implement the National Decentralisation Policy. Reference will be made to the Republic of Malawi Constitution 1994, Local Government Act 1998 and the National Decentralisation Policy 1998 which

are the statutes supporting the implementation of National Decentralisation Policy in district councils in Malawi.

## **2.2 Theoretical Perspective**

### **2.2.1 Public Administration and Public Policy**

Public administration is both an academic discipline and a field of practice. As a field of practice public administration houses the implementation of government policy (Wikipedia). Public policy which is synonymous to government policy can be defined as a “system of laws, regulatory measures, courses of action and funding priorities concerning a given topic promulgated by a government entity or its representatives”(Kilpatrick 2000:1)

According to MAI-LAFIA (2008:17) public administration is vast and varied and covers every area and activity governed by public policy. This by implication means that public administration operates at national, state or regional and local levels such as district councils. The scope of public administration as an activity depends on the nature of ideology followed as well as the nature of policies as politically decided and implemented by the government(MAI-LAFIA 2008:17). Hence public policy implementation cannot be delineated from the field of practice of public administration.

The National Decentralisation Policy is a public policy which was adopted to improve levels of public participation and administrative efficiency with the aim of fostering development of efficient and effective institutions capable of delivering quality services to the citizens. The adoption of the decentralization policy completely changed the scope of activities at district level which required complete reorganization of the structure at district councils to ensure successful implementation of the policy. Among the major changes in the administration of the councils was the introduction of political representation at district councils which aims at promoting peoples participation, accountability and governance at local level in order to reduce poverty.



### **2.2.2 Policy Implementation**

There are many definitions as to what constitutes public policy implementation. Van Meter and Van Horn(as cited in Brynard 2005:4) describe policy implementation as encompassing “those actions by public or private individuals (or groups) that are directed at the achievement of objectives set forth in prior policy decisions.” According to the authors attempts to develop a policy implementation theory have evolved through three generations. The first generation of implementation studies consisted of “case study analyses that considered the immense value of troubles that lay between the definition of policy and its executions” but the end product of these case studies produced little in terms of a generic implementation theory (de Leon & de Leon 2002:469). According to the authors the second generation of implementation studies was more theoretical and proposed a “series of institutional and commitment-oriented hypothesis with emphasis to top-down perspective to policy implementation in order to find a best way “to move a policy proposal to its successful fruition” (de Leon & de Leon 2002:470) This was countered by another second generation of implementation studies which advocated for a bottom-up orientation and argued that successful policy implementation occurred only when those who are primarily going to be affected by the policy are actively involved in the planning and execution of the policy programs.(de Leon & de Leon 2002:470)

The differences in approach among second generation scholars brought in the third generation policy implementation studies which attempted to be more scientific. The third generation policy implementation studies tried to explain “why behavior varies across time, across policies and across units of government and by predicting the type of implementation behavior that is likely to occur in the future”. (de Leon & de Leon 2002:471) However other scholars like Matland (1995) and Ingram (1990) contended that that there was no such theory of policy implementation which could be applied in all situations. The two scholars argued that different conditions might need different implementation strategies and hence proposed for contingency theories as a way of

adapting to the complexity of the implementation studies (Matland 1995:155). Matland argued that there is no single best implementation strategy and that the appropriate strategy is related to the contingencies surrounding the policy issues and “that factors that help implement policy under one set of conditions exacerbate already existing problems under another” (Matland 1995:159).

With no proper agreement on what constitutes a universal theory on policy implementation de Leon in a paper delivered in 1997 to an annual meeting of the American Political Science Association concluded that the “ study of policy implementation has reached an intellectual dead end”. These sentiments were also expressed by Ingram 1990;Garret 1993 and Matland 1995 (as cited in de Leon 2002:472) who stated that “ even though the bibliographic population explosion of implementation studies have done a great deal to heighten appreciation for the policy implementation of administration, the field of implementation has yet to reach conceptual clarity.”

The views expressed by de Leon and Matland are shared by Paudel (2009:38)who mentions of the three generations involved in policy implementation studies. According to Paudel, the first generation discovered the problem of policy implementation as being the “uncertain relation between policies and implemented programs.” Their analysis showed how local factors such as “size, intra-organizational relationships, commitment, capacity and institutional complexities” affected the policy implementation process. (Paudel 2009:38; McLaughlin 1987:172)

The second generation implementation studies put much effort on “development of an analytical framework of implementation” which included the top-down and bottom-up perspectives in policy implementation and their synthesis. (Paudel 2009:45) Paudel (2009:45) concludes that the third generation “should concentrate on explicit implementation theory-building” implying that up to now there is no theory on policy implementation which commands general agreement.

However in pursuit of a general theory of policy implementation, several scholars have come with several models which try to encompass the policy implementation process. One of such models is the systems model of politics and policy and the researcher considers this model as the model underpinning the study.

### **2.2.3 Public Administration and Systems Theory**

For any policy to be successfully implemented it requires efficient and effective administration. Scholars in the discipline of public administration have been working on establishing theories which could guide administrators when conducting their duties so that they remain effective and efficient. According to Meiring 2010:5 a theory is “in essence a set of interrelated concepts, definitions and propositions that presents a systematic view of a phenomena by specifying relations among variables with the purpose of predicting the phenomena (Nigro 1984:184 as cited by Meiring 2010:5) Meiring state that there are so many variables interacting in public administration situation and it is impossible to find a single explanation.

In this study however, the systems model of politics and policy will be used to evaluate the effect absence of councilors is having on the implementation of the National Decentralisation Policy in Zomba District Council. By using the systems model of politics and policy the study will be evaluative in nature since it will be looking at the actual results or outputs of policy implementation especially by analyzing the effect absence of councilors is having in the achievement of the objectives of the decentralization policy which are the promotion of citizen participation, accountability and governance at Zomba District Council.

### **2.2.4 Systems Model of Politics and Policy**

Robbins (1983:9) defines a system as a “set of interrelated and interdependent parts arranged in a manner that produces a unified whole. Zomba District Council is a system which comprises of interdependent and interrelated parts as stipulated in the decentralization policy on the composition and functions of district councils. These parts include the ward councilors as elected representatives, chiefs, Members of Parliament

and the council secretariat which interact to produce policies, by-laws and implement development projects in the council. Ward councilors as people's representatives get developmental needs of the communities which are incorporated into district plans after approval by a full council meeting. The secretariat is given the mandate to do the actual implementation of the projects or policies which the council has passed and the councilors ensure that the secretariat remains accountable for its actions or inaction.

According to Robbins (1983:27) a systems approach to organization effectiveness implies that organizations are made of interrelated subparts and that any poor performance by one subpart will eventually impact on the performance of the whole system. Just like the organizational approach, a politics and policy systems model also reflects the interrelatedness of parts, as well as the need for good performance of all these parts. In this sense the systems model of politics and policy will be given prominence to review how the absence of councilors is affecting the attainment of the provisions made in the decentralization policy. These include greater participation of the grassroots in council activities and promotion of democratic institutions at district level. The politics and policy model thus realizes the need for involvement of different stakeholders in the policy process, the need to look at the environment surrounding policy implementation process and that the policy process is not a linear activity but requires feedback if it has to come to fruition.

Birkland (2001:196) describes the system model of politics and policy as comprising of inputs, the "black box" and outputs. The inputs include the election results, public opinion, and communication to elected officials. In case of district councils this starts with election of ward councilors who sit on council meetings. The councilors as representatives of the citizens are supposed to advance public opinion during council meetings which is one of the aims of the decentralization policy. The black box which is also referred to as the political system translates these inputs into outputs. These outputs can be in form of laws, regulations and decisions. In his model Birkland (2001:196) indicates that the structural, social, political and economic environment influence the political activities and policy process.

Birkland's model is built on the knowledge that "public policy process is the result of a system influencing and being influenced by the environment in which it operates" (Lo 2005:7). In the context of the National Decentralisation Policy in Malawi the process appears to be influenced by wishes of politicians at the center who are determining the pace of the decentralization process. This definitely has an impact on the attainment of the intent of the policy since any change in the political arena brings a different perspective in the implementation of the decentralization policy. An example is the failure of the council to pass by-laws due to absence of councilors which is forcing Zomba District Council to make and enforce regulations which lack citizens' contribution. This has been the case because of the current government's position which has decided to put on hold Local Government Elections until 2014.

Below is the illustration of the systems model of politics and policy.

#### FIG.1 A SYSTEMS MODEL OF POLITICS AND POLICY

The environment: structural, social, political and economic- affects the whole system

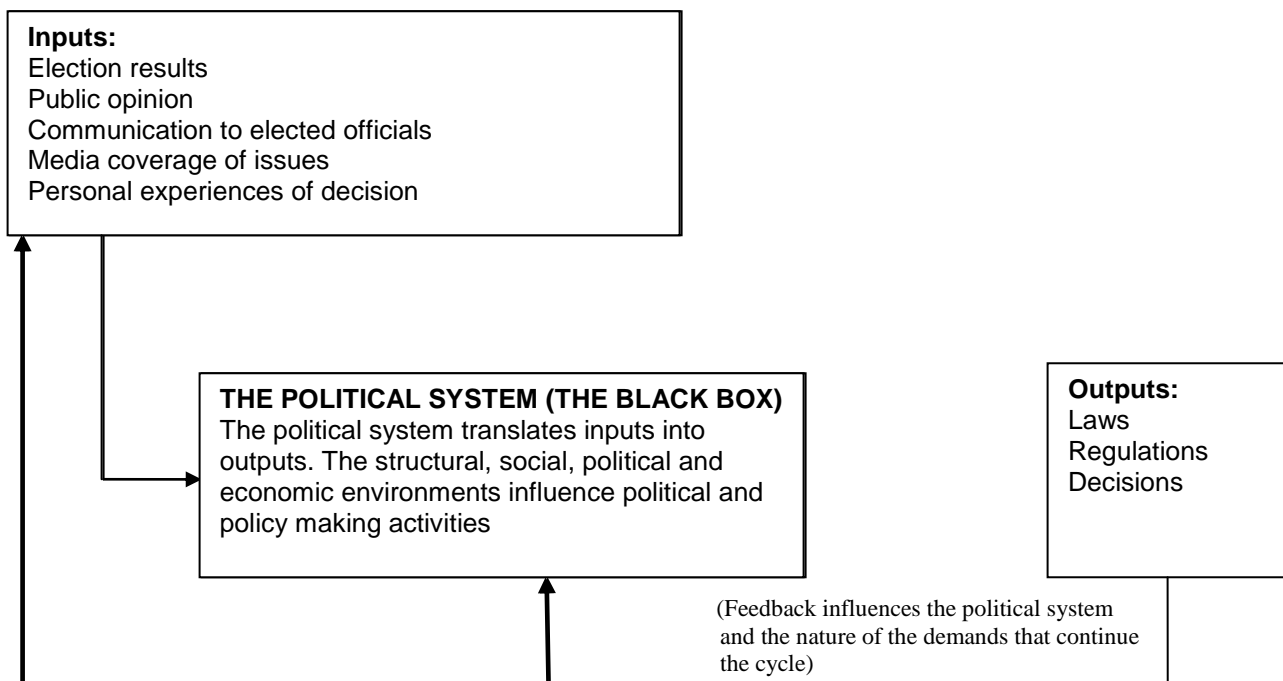


Fig 1 source: TA Birkland (2001). An introduction to the policy process.Theories, concepts and models of public policy making. New York: ME Sharpe (p. 196)

According to Bowen (2002:1) the systems model summarizes key relationships in the interaction of the political system with its environment and is applicable in many contexts from “a single town to a province of one nation-state to the whole of a sovereign state.” Bowen (2002:1) also indicates that the key sets of relationships in any political system include the mode of receiving input from the social system and other surrounding environment, “the conversion process of translating social demand and support into decisions about allocations and policy output”.

Looking at the scenario in Zomba District Council, councilors are elected to stand for interests of citizens they represent in their wards. Together with other members of the council they are supposed to look at community priorities and come up with by-laws and development projects that satisfy the needs of the majority. In the absence of ward councils, district councils are denied of inputs from the social system which can lead councils to pursue programmes which are irrelevant to the needs of the community.

Paudel (2009:38) writes that one of the essential characteristics of a successfully implemented policy “is the timely and satisfactory performance of certain necessary task related to carrying out of the intent of the law.” Paudel adds that policy implementation can also be defined in terms of output or extent to which pragmatic goals have been satisfied and that “implementation outcome implies that there has been some measurable change in the larger problem that was addressed by the program, public law or judicial decisions” (Paudel 2009:38; Lester 1995:87).

Hence successful implementation of a policy can be evaluated by looking at how organizations attain the intent of a policy. The National Decentralization Policy in Malawi sets among its priorities the need for promotion of citizen participation in council decision making and creation of democratic institutions at district level. Hence in reviewing how the implementation of decentralization policy has progressed reference will be made as to how the absence of councilor has affected the creation of a

democratic environment and institutions which facilitates grassroots participation in decision making and the promotion of accountability and governance at the local level which is core to the decentralization policy and can be equated to outputs in the systems model of politics and policy.

## **2.3 Conceptual Framework**

The conceptual framework will deal with concepts that are relevant and applicable to this study. These concepts are decentralization and policy implementation. The first section will look at definition of decentralization and the rationale behind the adoption of decentralization policies as presented by different scholars and authors. The second part will look at the implementation process and highlight some of the major problems which often impinge on policy implementation.

### **2.3.1 Definition and Rationale of Decentralization**

Conyers (2007:18-19) indicates that that decentralization can be portrayed as a variety of organizational processes and structures which are aimed at improving service delivery, democracy and participation. Thus, it can be argued that decentralization as an organizational phenomenon is part of administrative processes such as policy making, organizing, procedures and methods, financing, personnel administration and control for the following reasons. Firstly, Grover 1998 (as cited in Antwi-Boasiako 2010:167) states that public administration is a “process by which resources are marshaled and then used to cope with the problems facing a political community”. In the same manner decentralization, as a function of administration is aimed at organizing and using resources with the aim of addressing community problems.

Secondly Antwi-Boasiako (2010:167) contends that public administration should be a collective effort to manage resources of a community by elected and unelected public officials for effective implementation of public policies which are aimed at satisfying the needs of the concerned community, region or district. To this end, for public

administrators to be seen to be effective and productive, policies and the administration of these policies must be decentralized towards meeting the needs of the people. It is therefore not surprising to observe that one of the essential components of democratic societies which emerging democracies have adopted to make their administrative systems effective and efficient is decentralization (Antwi-Boasiako 2010:167).

Ahmad (2005:2) defines decentralization as the transfer of power from the higher levels of the hierarchy to the lower levels in order to increase efficiency and effectiveness in the achievement of locally selected goal. According to Bossuyt&Gould (2001:1) decentralization refers to devolution of resources, tasks and decision making power to democratically elected lower-level authorities that are largely or wholly independent of central government. In general decentralization involves transfer of power from the upper echelons of an organization to the lower levels. The powers can be political, administrative and/or economic, but the purpose of such transfer is to improve organization efficiency.

In their contribution to the definition of decentralization, Bardhan and Mookherjee (2006:4) define decentralization “as an element of participatory democracy that allows citizens to have an opportunity to communicate their preferences and views to elected officials who are subsequently rendered accountable for their performance to citizens”. According to the authors, the implementation of decentralization policy in local government can promote social order, lead to provision of services according to the preferences of citizens and enhance their ability “to put effective pressure on officials who deviate from the expressed wishes of the majority”. Bardhan and Mookherjee (2006:6). Awortwi (2010:610) also upholds the views expressed by Bardhan and Mookherjee and writes that “the theoretical rationale for undertaking decentralization is that transfer of some central government authority, resources, responsibilities and accountability to sub-national governments empowers local institutions and organizations to undertake more effective self-governance and development appropriate to local conditions”. Looking at the views articulated by the three authors above it is evident that it is unrealistic to talk of effective decentralization in the



absence of elected officials in district councils as citizen's representatives given their mandate of monitoring the activities of bureaucrats in the councils.

According to Agrawal and Gupta (2005:1101) government implement policies to achieve diverse goals which include social development, democratic participation, resource management and service provision which is the prime goal of public administration. In the case of decentralization policies, the policies are usually adopted on the grounds of increased efficiency, greater equity and high responsiveness of governments to citizen demands which arise because of increased participation of citizens in sub-national governments(Agrawal and Gupta 2005:1101).

The National Decentralisation Policy was adopted in Malawi in 1998 to improve on efficiency and effectiveness of government especially district councils and this involved establishment of democratically elected councils supported by a restructured council secretariat. The roles and functions of the elected and appointed officials were clearly defined in the Republic of Malawi Constitution (1994) and the Local Government Act 1998. This brought in new working units and communication channels between Zomba District Council and its citizens with the aim of enhancing grassroots participation to realize the benefits associated with implementation of the decentralization policy.

### **2.3.2 Types of Decentralisation**

Decentralization can be categorized into two main types, namely deconcentration and devolution. Work (2002:6) defines devolution as the “full transfer of responsibility, decision making, resources and revenue generation to a local level public authority that is autonomous and fully independent of the devolving authority.” It is considered as a form of political decentralization where the devolved unit is usually recognized as an independent legal entity and where political power has been transferred to sub-national levels of government (Work (2002:6).

According to Awortwi (2010:622) political decentralization which is synonymous to devolution refers to “transfer of some powers from central government politicians to elected local government politicians who are given autonomy to determine all their local processes of development” and that such autonomy is either enshrined in the country’s constitution or legislation. In order for this to become a reality there is need for conduction of elections for councilors, election of mayors and establishment of councils with powers to make laws and run their own budgets. In addition to this it is important to set an environment which can enable citizens to recall their councilors in case of underperformance and vote them out during elections (Awortwi 2010:622). Olowu (2001:3) asserts to these views and writes that “through devolution central government confers self governing capacities on local community”. This involves transfer of legislative, political administrative and financial authority to plan, make decisions and manage public functions and services from central government to local authorities(Olowu 2001:3). Olowu (2001:15-16) mentions some indices that reflect extent of decentralization and these include extent of allocation of responsibilities for services between central and local governments, decentralization of financing arrangements and decision making powers, enforcement of local government accountability and extent of political competitions that is allowed at local level.

Looking at the definitions stated above it is evident that for devolution to take hold in local governments the following fundamentals must be in existence:

- There must be political representation at local government level and this implies that councils like Zomba District Council must have ward councilors in office. This will only be feasible if local government elections are held regularly as enshrined in the constitution.
- The elected councilors who are headed by a Mayor or Chairman must be autonomous from central government authority and must be able to develop their own by-laws and development plans with corresponding budgets which are aimed at improving service delivery according to the priorities of citizens under their jurisdiction.

- Councils must not engage in any decision making without consultation with the grassroots who are assured that their views will be heard at the council through their political representation which is provided by the ward councilors.
- Ward councilors must at all times be accountable to citizens they represent and in the process must have the mandate to monitor the activities of the council secretariat to ensure that resources earmarked for service delivery in the council are utilized transparently, effectively and efficiently.

The more central government works against these fundamentals the more the system will remain centralized. This will imply that sub-national governments like district councils will be denied powers to make their own by-laws, come with their own budgets and make decisions which are appropriate to confront situations they encounter on the ground. This greatly compromises service delivery since priorities of the citizens are not taken into consideration when devising development programmes.

The other type of decentralization which is important to this study is deconcentration. Kundishora (2009:12) defines deconcentration as “a system whereby local authorities are established but remain attached to central authorities through strong hierarchical top-down accountability relationships.” In line with this argument, Manor (1999) also defines decentralization as the transfer of power from one bureaucratic machinery to another and that it usually involves the transfer of power between two colossal entities. This is the case when government departments create regional offices which are given the responsibility of supervising and controlling district institutions.

Looking at the definitions of devolution and deconcentration it can be concluded that governments can adopt either of the two to improve on how they conduct their daily operations. Deconcentration involves intra-organizational transfer of responsibilities while devolution entails inter-organizational delegation of responsibilities and discretionary authority (Olowu 2001:3) According to Olowu (2001:3) the primary objective of deconcentration is to improve “efficiency and effectiveness of central

administrative system”, while the primary aim of devolution is “political-popular participation and empowerment”.

However for the purpose of this study devolution type of decentralization will be given prominence over deconcentration since it is the type of decentralization that the Malawi National Decentralization Policy advocates. The guidebook on Decentralization and Local Government in Malawi (2005:2) defines decentralization as a process by which central government gradually transfers some of its political responsibilities and financial resources to local governments. It is envisaged that by doing that district councils will have the authority and resources to improve on service delivery and also strengthen democracy at grassroots level. Citizen participation in state affairs is vital since their contributions reflect true realities which need attention of government which has the mandate to improve their welfare. Hence absence of proper mechanisms to get views of citizens on their development priorities can compromise service delivery.

The national decentralization policy in Malawi was approved by cabinet in 1998 and all its intentions were adopted in the Local Government Act (1998). The fundamental objectives of the Decentralization Policy in relation to the study are the creation of democratic environment and institutions (councils) for governance and development at local level to facilitate the participation of the grassroots in decision-making, promotion of accountability and governance and mobilization of masses at local level to help government reduce poverty.

However existence of these policy objectives with backing legislation does not imply that policy implementation will always be smooth. Policy implementation being a process involves different players which need to work together if the policy has to be implemented in full. It is for this reason that the study would like to establish how the implementation of the decentralization policy at Zomba District Council has progressed in the absence of elected representatives.

### **2.3.3 Policy Implementation**

Paudel (2009:35) defines policy implementation as “what develops between the establishment of an apparent intention on the part of government to do something all stop doing something and the impact of the world of actions.” Tasmanian and Sabatier as cited by de Leon (2002:473) describe policy implementation as “the carrying out of policy decision usually incorporated in a statute but which can also take the form of important executive orders or court decisions”. According two authors the decision “identifies the problem(s) to be addressed, stipulates objective(s) to be pursued and in a variety of ways, structures the implementation process” (de Leon (2002:473). In other words when government identifies a problem or an opportunity it mobilizes ideas which emerge in a form of a policy which if successfully implemented can sort out the problem(s) or utilize the existing opportunity with the aim of improving welfare of its citizens.

For a policy to come to fruition the implementation process is usually backed by statutes which are subject to factors such as legislative bodies, interest groups and political structures. This makes implementation of public policies an unpredictable undertaking especially in the developing world where governments have emerged from different social, economic and political backgrounds.

### **2.3.4 Problems in Policy Implementation**

One of the major problems affecting implementation of decentralization policies in Africa is the motivation behind decentralization itself which can be linked to donor pressure and domestic pressure emanating from changes in systems of government where most African states have shifted from autocratic regimes to democratic governments (Robot 2002:51). As Ndegwa and Levy (2003:23) put it, decentralization in Malawi has both internal and external origins with the initial impetus coming from United Nations Development Program in 1989 which recommended the adoption of

decentralization as a policy framework. In such instances decentralization is often “talked of, designed and even implemented as a kind of theatrical performance for donors, producing an elaborate image but not a change in power distribution”(Ribot 2002:51). This according to Ribot (2002:51) involves some sort of “downward transfers through one new law but recentralization through another.”

Looking at the case of Malawi, the Local Government Act, 1998 indicated that only ward councilors were supposed to have voting powers in councils since they represented citizens at sub-national level. However in 2010 with influence from central level politicians, a Local Government Amendment bill was passed in parliament which included Members of Parliament as voting members in the council (Local Government (Amendment) Bill 2010). This by implication attempts to wrest away some powers from ward councilors and reclaim it at the central level. This is an indication that government possibly moved in a hurry to pass the Local government Act (1998) to please donors that real democracy was taking root only for central level politicians to realize that their power base was being threatened by local politicians. Eaton (2001:103) citing a similar case writes of a scenario in the Philippines where legislators passed the Decentralisation Act in 1991 and immediately initiated attempts to limit the scope of decentralization by re-centralizing authority over previously devolved services. To Eaton this seemingly contradictory and irrational behavior becomes intelligible only when the political incentives facing the legislators are taken into account. (Eaton 2001:103)

In the case of the Philippines and Argentina, Eaton (2001:123) observes that many legislators were worried about how local officials were using their expanded powers and this can be seen in the way legislators amended the Local Government Code to remain indispensable back home. This resembles the situation in Malawi where legislators observed that some councilors were harboring ambitions of contesting for parliamentary seat and posed a threat to the incumbents who were becoming unpopular due to their absence in their respective communities(Chinsinga 2008:88 as cited by Crawford 2008). According to Chinsinga the main cause of “conflictual

relationship between the Members of Parliament and councilors is that the former perceive councilors as a threat to the candidacy in subsequent general elections (Chinsinga 2008:88 as cited by Crawford 2008). Since councilors were enjoying popularity among citizens as they were being taken as catalysts of development in their wards it is not surprising that Members of Parliament passed in November 2010 a Local Government (Amendment Bill) 2010 which makes them voting members of the council so that their role in development activities could be enhanced.

Eaton (2001:122) concludes that despite the adoption of decentralization policies throughout the developing world which indicate operation of “powerful systematic pressures” that include democratization, economic liberalization and power from external donors, “short term political calculations determine the form that decentralization actually takes”. Crook and Manor 1994 as cited by Eaton (2001:1123) adds that since decentralization in most countries “is a top down-down affair rather than the result of grassroots pressure from below, the interests that benefit from decentralization are rarely organized enough to defend it against reversals.” According to Patel (2007:73) it is therefore not surprising to see the legislature and the President in Malawi passing and assenting to bills respectively which work against the full implementation of the National Decentralisation Policy while the citizens just observe since from the onset they were not involved in its development.

In his contribution to the concept of decentralization, Cabral (2011:1) asserts that decentralization is not necessarily good or bad but its successful implementation depends on “the details of policy design and context particularly the political motivations of the ruling elites and its relations with local power bases and constituencies.” Cabral (2011:2) argues that despite the fact that many African countries are implementing decentralization policies, decentralization is not deep rooted in most systems and because it is driven by political motivations it has often moved towards deconcentration of administrative functions rather than devolution of powers.

In his paper Cabral states that motivation of political leaders and the “configuration of political systems in Africa which is often characterized by the absence of accountability mechanisms and limited mobilization of local constituencies” may explain why implementation of decentralization policies has not been a success in many African countries(Cabral 2011:3). Looking at the systems theory of politics and policy which emphasizes the link between inputs and outputs it is evident that absence of political representation which is an input in the implementation of the decentralization process can affect the outputs of the National Decentralisation Policy which advocates for the establishment of accountable local governments through ward councilors who have the mandate of encouraging grassroots participation in decision making at Zomba District Council.

Pinto (2003:265) giving an example of francophone West Africa writes that local authorities in their present state are not playing “a critical role in service delivery improvement because they are still evolving or languishing under slow implementation of decentralization policies and legislation. Pinto (2003:265) adds that even where fiscal decentralization appears to be advanced most local authorities are not autonomous enough to decide on their own how they can improve service delivery. Zomba District Council in Malawi appears to be experiencing the same problems. Central Government has managed to transfer a lot of funds to the council but most of the funds have predetermined use which cannot always alleviate local needs in order of their priorities.

For instance the Government of Malawi introduced the Local Development Fund in 2009 which is a fiscal instrument aimed at providing “a nation-wide harmonized, transparent and sustainable local development financing mechanism for poverty reduction at local council and community levels” (Malawi Government 2011: 196). However, the central government determine the type of projects which a district council can implement using the fund. District councils with limited citizen representation are only given the mandate to decide where such projects are supposed to be implemented. But in most instances citizens blame Members of



Parliament for lack of consultation when making decisions on which communities are supposed to benefit from such projects. According to Patel (2007:33) “constituents generally feel that their MPs are not seen often enough in the constituency and are thus not fulfilling their responsibilities diligently. The expert opinion survey also reinforces the point that MPs are not easily accessible to their constituents” (Afrobarometer Surveys, Round 3, 2006)

Smoke (2003 as cited by Cabral 2011:3) stresses that “without a broadly inclusive local political process it would be difficult to ensure that sub-national governments understand and act on needs of local people, irrespective of quality of institutions and capacities to raise resources locally”. In reaction to what motivates politicians to shun devolution which can ensure inclusive local political process Cabral concludes that “ethno-regional pluralism which characterizes many African countries is a source of political instability” and implementation of decentralization policies in such context is risky and has resulted in governments toning down the depth of decentralization reforms to counter the threat of “reinforcing political rivals or nurturing separatism” (Cabral 2011:9) In such circumstances decentralization is deliberately used to weaken rather than strengthen local power bases while reinforcing central funding and control mechanisms that allow for spatial redistribution and centrally focused patronage linkages”(Crook 2003 as cited by Cabral 2011:9)

The state of affairs in Malawi cannot be completely detached from the views expressed by Cabral 2011. Apart from the failure of the Malawi Government to hold local government elections in the past seven years, government has continued to increase funding levels to district councils. For instance funding for local governments moved from MK3 billion 2005/2006 financial year to MK16 billion Malawi Kwacha in 2011/2012 National Budget presenting a movement of 433% over the period(Malawi Government 2011:382) .To ensure that the money serves the interest of the central politicians and subsequently assist government maintain its grip on the local power base, the profile of Members of Parliament has been enhanced in district councils by

making them voting members of the council (Local Government (Amendment Bill) 2010)

Another contentious issue in local governments is the role of chiefs in district councils in Malawi. Although Chiefs are non-voting members of the council they wield a lot of power within communities given their traditional responsibilities. According to Chinsinga (2008:89 as cited by Crawford 2008) “Chiefs are strongly opposed to the introduction of alternative structures of leadership that appear to challenge the hegemony of their power, prestige, influence and authority” Chinsinga cites an example in Thyolo District Council in Malawi where a chief directed that a borehole be drilled in front of his compound against the site a ward committee had proposed without his consent (Chinsinga 2008:89). In relation to the position of chiefs in the decentralization process, Therkildsen (1993:87 as cited by Ribot 2002:20) states that “traditional political authorities have often been viewed as the extended arm of the state in the locality and usually regarded as inefficient, corrupt, undemocratic and excluding women”. Ribot (2002:21) in reference to francophone countries in West Africa write that given chiefs dual allegiance to the central state and their people which dates back to the colonial era, it is difficult to trust chiefs as true representatives of the citizens. In most instances they are seen as administrative auxiliaries of central authorities, not accountable to the local population and that empowering them may not “serve the efficiency, equity or development aims so often forwarded by the decentralization advocates.” (Ribot 2002:21)

However implementation of National Decentralisation Policies has recorded some success in some African countries where the Malawi Government can learn. Decentralization in Uganda, Rwanda and South Africa has “enhanced participation in decision making, enabled local communities to determine their local leadership through democratic elections and provided institutionalized structural arrangements for participatory bottom-up development planning”(Kauzya 2007:15).

Apart from implementation problems associated with donor and domestic political pressure in the adoption of decentralization, Paudel (2009:35) indicates that policies which are developed without looking at the implementation mechanisms and the environment surrounding the entire implementation process are bound to be ineffective. Paudel (2009:37) writes that translating policy into practice poses a challenge in most developing countries due to effects of “poverty, political uncertainty and people’s participation. In addition to that the unique character of each developing country also plays a part in the policy implementation process.” Brynard (2005:10-18) indicates that problems in successful policy implementation are mainly due to unrealistic policies, lack of commitment, willingness and managerial expertise. In addition to that policy implementation can also be affected by the absence of a people driven process, insufficient coordination among stakeholders coupled with insufficient “staffing and capacity of all the three spheres of government”. (Brynard 2005:10; Khosa 2003:49)

Grindle (1980 as cited in Brynard 2005:19) indicates that favorable political, administrative, economic, technological and social environment are very vital for successful implementation of policies. Paudel (2009:37) expresses similar sentiments and indicates that successful implementation of policies require compliance with statutes directives and goals, achievement of specific success indicators and improvement in political climate around the program (Paudel 2009:37; Hill and Hupe 2002:75). Kulipossa (2004:1) writes that the challenge of most governments implementing decentralization policies is to strike a balance between “centralization and decentralization that satisfies the need for central and local governments and local communities they purport to serve.”

It can be argued that these challenges as described by the above authors are mirrored in the Malawian situation. As alluded to in Chapter One, Malawi adopted the decentralization policy in 1998 after embracing multiparty democracy. The belief was that government would move swiftly in bringing democracy to the periphery by bringing in ward councilors who could be chairpersons of ward committees. But it took

four years after the 1998 general elections for government to usher in the first councilors in a multiparty era. After their dissolution in 2004 no local government elections have been conducted to date. The assumption going into this research is that this has been complicating the whole process of implementing the decentralization policy as citizens are finding it tough to have their views heard at the council.

Olowu (2006:241-242) in line with the above contends that implementation of decentralization policies in local government in African states is currently confronting three dilemmas. The first is political which is partly due to fears that devolutionary decentralization might undermine national cohesion and encourage secessionist tendencies which can rob the ruling elite of their grip on political power. The second dilemma according to Olowu (2006:242) is economical and is mainly due to weak fiscal resource base of most governments in the developing states which cannot manage to meet costs of running new institutions associated with implementation of decentralization policy in local governments. Thirdly Grindle and Thomas (as cited in Olowu 2006:243) writes that most African countries lack institution design that respond adequately to the political and economic dilemmas and more importantly on how to sustain the programme of decentralization once initiated. This is compounded by weak policy management capacity at central and local levels.

Drawing from the discourse so far, the table below shows a summary of issues which are affecting the implementation of decentralization policies in Africa.

Table 1: Matrix Showing the Scope of Contextual (“Black Box”) Issues Affecting Decentralisation Policies in Africa

POLITICAL	ECONOMIC	MANAGEMENT
1.Lack of political will	1. Weak fiscal resource base to sustain decentralization	1. lack of appropriate institutional design to tackle political and economic issues
2.Fear of secessionist tendencies	2. Heavy development and capacity building cost	2. Weak capacity at central and local levels
3.Problem of local elite capture	3.Overreliance on central government for fiscal transfers resulting in dependency syndrome	3. local governments operating as auxiliaries of central government
4. Non-compliance to existing statutes	4. Lack of adequate accountability mechanisms at local level	4. Assumption that policy will have similar effect in all local governments
5. Power struggle between central and local level politicians		5.Policy process taken as vertical (top-down approach)
6. Fear of compromising integrity of nationally delivered services		

The problems which are facing most governments in Africa have not spared Malawi. Kaunda (1999:7) writes that in Malawi the elected multiparty government has failed to extend the democratization process to local governments for reason that appear to be

political. Kaunda (1999:7) further argues that “by not paying attention to the problem of political expediency” the elected multiparty government “has perpetuated central government dominance over local institutions.” The political leadership has been informing the masses that it has been postponing local government elections due to financial constraints. This has been taken as a mere excuse by government given the fact that donors were willing to support the elections. People have held a belief that government through Members of Parliament is not willing to see ward councilors in place for fear of losing their grip on power at local level. Additionally, since there are always disagreements between the ruling and opposition parties, holding of local government elections is usually shunned for fear of exposing the ruling party’s underperformance (Chinsinga 2008:82-88 as cited by Crawford 2008).

Ndegwa and Levy (2003:25) asserts to the views of Kaunda and Chinsinga and state that given the fact that Malawi decentralization program is “explicitly tied to democratization transition in policy documents, legislation and in public pronouncements by politicians underscores its deeply political nature in Malawi” (Ndegwa&Levy 2003:25). This has its own perils if experience in democratic transitions in Africa is anything to go by. Ndegwa and Levy (2003:29) state that analysis done in Malawi, Senegal and Uganda indicate that there is a gap “between rhetorical advocacy for decentralization on one hand, and a genuine readiness on the part of central governments to devolve or delegate authority and resources to local governments”. The implementation of National Decentralisation Policies according to the two authors is being “propelled by events, priorities and individuals within the political realm making very deliberate calculations and emboldened by the institutional flux in a post transitional context” (Ndegwa&Levy 2003:25).

Cohen and Peterson (1997:24) indicate that “decentralization is a political process, not administrative option and that shifting power to centrally controlled ministry officials without putting them under the control of locally elected leaders will not result in desired improvements” associated with the implementation of decentralization policies. The two authors conclude that countries that have “experienced minimal

political decentralization” are likely to be associated with deconcentration type of decentralization which Malawi seem to be heading for despite the National Decentralisation Policy advocating for devolution

This is evident if one has to look at current indications of trouble in Malawi which is associated with personal dominance of the President and the center in most major policy issues. For instance the Malawi Electoral Commission(MEC) on the 24<sup>th</sup> of May 2011 made a press release informing Malawians that following consultations with the President the government had postponed Local Government Elections which were slated for the 20<sup>th</sup> April 2011 to 2014( Face of Malawi of 25/05/2011). This pronouncement will force parliament which is controlled by the ruling party to pass a bill to legitimize this decision in the same way it passed the Constitutional (Amendment Bill) 2009 which gives the President power to decide the exact date when the country can conduct LGE. This has an implication on full implementation of the National Decentralisation Policy as it is not realistic to talk of effective local government without ward councilors.

The implementation of the decentralization policy could have seen Zomba District council conducting local government elections after every five years. The elected councilors could have been given the responsibility of promoting democratic institutions at local level by reactivating ward committees which are dormant now. This could grant the grassroots a platform to express their development priorities which in turn could find their way to the district council through ward councilors. It is unfortunate that legitimate councils are not existent in Malawi thereby denying political representation of citizens at the council. This does not conform to the intentions of the decentralization policy but end up giving ex-official members of the council absolute power to decide on the wishes of the people which can result in poor performance of the council in service delivery.

## **2.4 Legislative Framework**

Legislation can be described as a bill which has been debated and passed into law by parliament or any governing body. Legislation takes shape when a proposed bill is approved in a formal assembly like Parliament in accordance with constitution requirements which makes it a fully enforceable law (Duhaime 2011). The National Decentralisation Policy was adopted in Malawi in 1998 in order to attain the following goals; create democratic environment and institutions, promote accountability and good governance and mobilize the masses for socio economic development. The Local Government Act which was also enacted in 1998 following the adoption of the National Decentralisation Policy promulgated all the objectives which were highlighted in the decentralization policy. The following legal instruments make up the Legislative framework for the study:

- The Malawi Republic Constitution of 1994(Act No. 20 of 1994)
- The Malawi Local Government Act of 1998 (Act No. 42 of 1998)
- The Malawi National Decentralisation Policy (White Paper) 1998

### **2.4.1 The Malawi Republic Constitution of 1994 (Act No.20 of 1994)**

Chapter 14 of the Constitution of Malawi 1994(Act No.20 of 1994), section 146(1) (2) and section 147 provides for the existence and composition of councils. The constitution states the functions of local government shall include representation of the people over whom they have jurisdiction, the promotion of infrastructural and economic development, the consolidation and promotion of local democratic institutions and democratic participation and such other functions, including the registration of birth and deaths and participation in the delivery of essential and local services, as may be prescribed by any Act of Parliament.



Section 147(1) of the Malawi Constitution (1994) further states the composition of local government authorities as consisting of local government officers who shall be elected by free, secret and equal suffrage under the supervision of the Electoral Commission, mayors and chairpersons who shall be elected among local government officers to head the council and administrative personnel shall be required to execute and administer the lawful resolutions and policies of local government officers.

As indicated earlier the National Decentralisation Policy advocates for the creation of democratic environment and institutions and the promotion of accountability and good governance at local level. As Tambulasi (2010:341) put it that “existence of a functional local governance system is a constitutional requirement” in Malawi and that the absence of councilors sparks cries of the question of adherence to the rule of law and constitutionalism. The constitution clearly stipulates the need for political decentralization and this is clearly stated in Section 146 and section 147 of the Republic of Malawi Constitution 1994. The constitution is mindful of the fact that for grassroots participation to take effect in council decision making there is need for ward councilors hence its emphasis on the need to regularly conduct local government elections (Section 147 (1) (2)).

#### **2.4.2 The Malawi Local Government Act of 1998 (Act No.42 of 1998)**

The Malawi Local Government Act, 1998 Part I Section 5 (1) (2) states that the composition of the council shall include the following:

- (a) one member elected from each ward within the local government area
- (b) Traditional Authorities and Sub Traditional authorities from the local government area as non voting members, ex-officio;
- (c) Members of Parliament from the constituencies that fall within the local government area as voting members as amended in Local Government(Amendment) Bill,2010;

- (d) five persons as non-voting members to be appointed by the elected members to cater for the interests of such special interest groups as the Assembly may determine.

The Malawi Local Government Act, 1998(Act No.42 of 1998) states the functions of local authorities and these include making of policy and decisions on local governance, consolidation and promotion of local democratic institutions and democratic participation, promotion of infrastructural and economic development and making of by-laws for good governance. The major purpose of the stated composition and functions of the councils is to ensure popular participation among citizens and improvement of quality of services provided by councils in line with the National Decentralisation Policy.

According to Brosio(2000:28) implementation of decentralization policies needs well established rules, regulations, statutes and their enforcement and where these are absent the process can be a risky venture especially in poor developing countries “where democratic institutions are fragile and capacity is weak” (Brosio 2000:28) Levine and Bland (2000:11) affirms to these views and describes effective decentralization as a process where national government has shifted significant amount of authority to local level, it has clearly demonstrated political will to decentralize and where reforms to the constitutional or legal code have been enacted. The Republic of Malawi Constitution (1994) and the Local government Act (1998) provide the legal framework to ensure that the National Decentralisation Policy is implemented without obstacles. However there is a gap between what is stated in the statutes and what is happening in district councils where currently there is no political representation. Through this study an evaluation will be made to establish what effect the existence of statutes and their enforcement mechanisms is having on the implementation of the National Decentralization Policy.

### **2.4.3 The Malawi National Decentralisation Policy (White Paper) 1998**

After thirty one years of highly centralized one party rule, Malawi adopted multiparty democracy through a national referendum which was conducted on the 14<sup>th</sup> of June 1993. This was followed by the Presidential and Parliamentary general elections in May 1994 which ushered in the first multiparty government. In July 1994 cabinet directed that a comprehensive review of all decentralization initiatives be undertaken and this culminated in the formulation of the draft National Decentralisation Policy (*Malawi Government, The Malawi National Decentralisation Policy: 1*). Cabinet approved the draft policy in principle on the 26<sup>th</sup> of January 1996. The National Decentralisation Policy was finally approved by Cabinet in October 1998 and this was followed by the enactment of the Local Government Act (1998) which enshrines the Policy of Decentralisation (*Malawi Government, The Malawi National Decentralisation Policy: 1*).

The National Decentralisation Policy in principle devolves administration and political authority to local or city councils, brings a single administrative unit at the district level and promotes popular participation in the governance and development of districts. The National Decentralisation Policy seeks to create a democratic environment and institutions for governance and development at the local level to facilitate the participation of the grassroots in decision-making, eliminate dual administrations at the district level, promote accountability and good governance and mobilize the masses for socio-economic development at the local level.

The National Decentralisation Policy stipulates the composition and functions of district councils which were incorporated in totality in the Local Government Act (1998) although recently there has been an amendment to the Act especially on council composition which brings in Members of Parliament as voting members of the council (Local Government (Amendment Bill) 2010). By looking at the Constitution, the Local

Government Act and the National Decentralisation Policy it is clear that the three legal instruments advocates devolution type of decentralization which encourages public participation in council activities. According to Chinsinga (2008:74 as cited by Crawford 2008) the “ultimate objectives of these legal instruments is to build up local capacity and grassroots institutions and adequately institutionalize arenas of participation”. The three legal instruments advocates for elections of ward councilors with the belief that ward councilors will promote accountability and governance at local government level. In return the grassroots will be in a better position to articulate their needs and greatly contribute in socio-economic development of their areas.

However there is a disparity between what is stated in policy and legislation guiding implementation of decentralization and what is happening in Zomba District Council. For instance the National Decentralisation Policy provides for councilors with the aim of promoting popular participation in the governance and development of district councils but it is seven years since the last local government elections were held. Through this study an evaluation will be made to establish what effect the existence of legal instruments is having on the implementation of the National Decentralization Policy at Zomba District Council.

## **2.5 Conclusion**

The literature review has provided the legal, theoretical and conceptual frameworks covering this study. The review has elaborated that decentralization involves the transfer of authority, responsibility and resources from central government to sub-national governments and in the case of Malawi district councils. The rationale behind the adoption of decentralization policies has been the need to improve levels of public participation and administrative efficiency with the aim of fostering development of efficient and effective institutions capable of delivering quality services to the citizens.

However scholars have indicated that implementation of national decentralization policies in developing countries confronts many dilemmas which impede on their

successful implementation. It has been indicated that most of the problems confronted are due to the fact that the policy process is dependent on many variables and the environment in which it is being implemented. It has been observed that lack of political will is affecting political decentralization making it difficult for the developing countries to fully implement decentralization policies.

The literature review has also introduced the systems model of politics and policy as the model that underpins the study. The model emphasize that policy implementation is not a linear process and does not happen in isolation. There are many actors who are involved in the implementation process and that the policy process is subject to the environment that surrounds it. The model will be used to indicate that the implementation of the National Decentralisation Policy in Malawi requires political decentralization as an input in the policy process. This will ensure that people's participation in council decision making is guaranteed although it appears that there is reluctance on the part of central level politicians to conduct LGE which has created a gap in the policy process. It is therefore the intention of the researcher to establish the effect absence of political representation in Zomba District Council is having on the implementation of the National Decentralization Policy.

The literature review has finally given a brief outline of the legal instruments governing the implementation of the National Decentralization Policy in Malawi. The statutes are the Republic of Malawi Constitution (1994), the Local Government Act (1998) and the National Decentralisation Policy. The three legal instruments governing decentralization in Malawi highlights the composition and functions of district councils underlining the importance of ward councilors in the implementation process. The current scenario where district councils in Malawi have been operating without councilors indicates that the country is slowly drifting towards deconcentration which is not what the National Decentralisation Policy, the Constitution and the Local Government Act promotes. Hence the purpose of this research is to review the effect absence of ward councilors is having on the implementation of National Decentralization Policy in Zomba District Council.

## **CHAPTER THREE**

### **RESEARCH DESIGN AND METHODOLOGY**

#### **3. 1 Introduction**

The Chapter outlines the research design and methodology that was used to conduct the study. The Chapter elaborates the procedures that were applied in interacting with respondents, data collection methods and procedures for data analysis. In collecting data the issue of ethical considerations was given special attention considering the view that the problem under investigation concerned government inaction in ensuring that there is political representation at Zomba District Council as stipulated in the constitution.

#### **3.2 Research Design**

The research was conducted within the paradigm of both qualitative and quantitative research. Maree (2007:50-51) indicates that qualitative research attempts to collect rich descriptive data in a particular phenomenon with an aim of developing an understanding of what is being observed or studied. In other words it focuses on how individuals and groups view and understand the world and construct a meaning out of their experiences.

Kumar (2005:17-18) differentiates qualitative and quantitative research methodologies in approach to methods of data collection, data processing and analysis and style of communication of findings. For instance in qualitative methodology, the approach to inquiry is unstructured, flexible and open, while in quantitative research emphasis is on structured rigid and predetermined methodology.

Since most of the research involved interacting with people, getting their individual and independent views on council operations in relation to implementation of the National Decentralization Policy, the qualitative research paradigm was favored over the quantitative approach. This assisted the researcher to collect more information and get a deeper understanding on how the absence of councilors is affecting the implementation of the decentralization policy. Qualitative approach was also favored because of its ability to provide an in-depth study and understanding of complex nature of implementation of the National Decentralization Policy in Zomba District Council and its edge in answering the why and how questions which formed the bulk of the research questions. However some techniques associated with quantitative research like questionnaires were used when collecting data.

### **3.3 Data Collecting Method and Procedures**

Data was collected from primary sources using questionnaires and interviews. Secondary sources such as journal articles, government publications and text books were also utilized in the study.

#### **3.3.1 Data collection Instruments**

The following data collection instruments were used in the study:

- Interviews
- Questionnaires
- Document Analysis

The instruments which were used for data collection were both quantitative and qualitative. Quantitative data collection instruments took the form of self administered questionnaires for the respondents to complete. The questionnaires comprised of both open-ended and closed questions in order to give respondents some room to express their views towards the implementation of the decentralization policy.

The questionnaires were developed based on the key themes under study which were reflected in research objectives of the study and highlighted in chapter one. These include:

1. The policy and legislative provisions of local government in Malawi (these also include questions that explore the constitutional implications and legislative amendment of the legal framework governing decentralization in Malawi)
2. Reasons behind absence of councilors in Zomba District Council (this in particular identified past performance of councilors and existing arrangements as areas to operationalize towards exploring these reasons)
3. How absence of councilors is affecting the implementation of the National Decentralisation Policy (NDP) and service delivery at the council ( in this case issues of community participation were explored and operationalized)
4. Problem areas in the implementation of the decentralization policy and recommendations for improvement( this include questions intended at soliciting ideas from respondents on how they rate the current status of implementation of the NDP, reasons behind the current implementation status and how the implementation strategy could be improved).

In operationalizing the questionnaires two sample questionnaires were pretested on appointed officials and two members of the council to establish their trustworthiness and credibility. After the pretest the questionnaires were slightly revised to cover the gaps which arose because of misunderstanding on the part of the respondents on what specific information some questions were trying to solicit from them. The questionnaires were administered on appointed officials, Members of Parliament, Chiefs, former councilors and members of special interest groups who sit on the council taking into consideration their literacy levels.(See Appendix A and B)

A more qualitative data collection approach was also employed in the study in order to provide greater context to the complicated political, social, economic and structural



issues surrounding absence of ward councilors in relation to the implementation of the decentralization policy in Zomba District Council. To this end the study used unstructured interviews to get information from the village headmen and selected community leaders. To be consistent when conducting interviews the researcher developed guiding questions which were used to get information from community representatives. The sample questions were pretested on four community representatives before developing the final guiding questions for the interviews (See Appendix C).

Secondary data sources were also used and these covered government publications annual reports and research studies which have been conducted in the field of local government in Malawi. These assisted the researcher in cross checking information and learn about issues which have been affecting the implementation of the Decentralization policy.

### **3.4 Target Population**

Newman (2006:224) writes that a target population is required and that a target population is a specific group of people to be studied. Bless and Higson-Smith (2000:87) explains that a target group is a set of elements that the researcher focuses upon and to which the results obtained by testing the sample should be generalized. The target population for this study was as follows

1. Village headmen and selected community leaders
2. Former ward councilors
3. Members of Parliament
4. Chiefs
5. Appointed Official(District Commissioner and members of the secretariat)
6. Members of special interest groups.

Since the size of the target population was too big to conduct an objective study, sixty respondents was selected for the study. Please find below a table indicating composition of the sample.

Table 2: Respondents to the Study

RESPONDENTS TO THE STUDY	TOTAL
Appointed officials	15
Chiefs	4
Members of Parliament	4
Members of special interest groups	2
Former Ward Councilors	5
Village headmen	10
Selected community leaders	20
<b>Total</b>	<b>60</b>

### 3.4.1 Sampling Technique

The basic requirements and characteristic of a sample is that it should be representative of the population from which it is taken. A sample always implies the simultaneous existence of a larger population which the sample is a smaller section or a set of individuals selected from a target population. (DeVos, et.al. 2005:193&Newman 2006:219)

Stratified purposive sampling technique was used in this study. According to the Investopedia, stratified sampling involves the division of a population into smaller groups known as strata with the strata being formed based on members' shared attributes or characteristics (Investopedia accessed on 11/07/2011 at <http://www.investopedia.com>). To this end the target population of this study included appointed officials which included the District Commissioner and members of the secretariat, District Consultative Forum (DCF) members comprising of Members

Parliament, Chiefs and members of special interest groups taking into consideration the knowledge they possess in relation to the implementation of the NDP and service provision at Zomba District Council.

The target population also included village headmen and selected community leaders who were selected to give views on behalf of the communities who are the beneficiaries of council services and are also directly affected by the implementation status of the NDP at Zomba District Council. Lastly former ward councilors were also targeted to get information on how the implementation of the NDP progressed during their tenure of office. In brief stratified purposive sampling technique was used in this study to ensure that respondents were selected based on some defining characteristics that made them holders of data needed for this study.

Three population samples were used in this study. The first sample comprised District Consultative Forum members and former ward councilors while the second sample was made up of appointed officials of the council and the last sample was derived from selected village headmen and community leaders. This was done taking into consideration that the respondents were playing different roles in the council operations and did not share the same characteristics. Some of the respondents for instance were beneficiaries of council services which made them hold a different perception on implementation of the decentralization policy from those held by appointed officials. Two different questionnaires were used in the study to get information from appointed officials, District Consultative Forum (DCF) members and former ward councilors while the village headmen and community leaders were interviewed. The first questionnaire was distributed to DCF members and former ward councilors while the other one was developed for appointed officials of the council given the fact which was alluded to earlier on that the respondents played different roles in the policy implementation process resulting in differences on how they viewed the status of the implementation of the NDP at the Zomba District Council. Village headmen and selected community leaders were interviewed given their literacy level

which made interviews the most viable means to get meaningful contribution(See Appendix C) In brief this is how the study collected data from selected respondents.

- Questionnaire one was distributed to 15 respondents consisting of four Chiefs, four Members of Parliament, two representatives of special interest groups and five former ward councilors.
- Questionnaire two was distributed to 15 members of the secretariat which include the District Commissioner, Heads of Departments and some members of staff.
- Unstructured interviews were conducted to get information from the village headmen and selected community leaders who were 30 in total.

### **3.5. Data Collection Procedures**

The researcher first informed the District Commissioner of Zomba District Council of the impending study and was given a consent which was later followed by a written approval before the actual study was conducted (See Appendix D). When it came to conducting interviews the researcher always gave a background to local government in Malawi to remind respondents what the purpose of the study was. Emphasis was also placed on assuring respondents on the confidentiality and anonymity of their responses. In this respect the researcher produced a sworn affidavit ( oath of secrecy )before conducting any interview and also attached the same to the questionnaires(See Appendix E).This was very crucial given the political environment surrounding local government in Malawi with the civil society and opposition parties currently blaming government for its inability to respect the country's constitution.

For the self-administered questionnaires prior contact was made to the respondents to explain the intent of the study and establish their availability and willingness to participate in the study in order to ensure timely feedback on the questionnaires. When sending the questionnaires a covering letter was attached which included the title of the questionnaire, purpose of the study and the deadline for returning the

questionnaire (See Appendix F). It was also underlined that the study was purely for academic purposes and that the identity of respondents will at all times remain anonymous. The study lasted for a period of four weeks (30<sup>th</sup> August 2011 to 26<sup>th</sup> September 2011) as planned owing to the fact that respondents were approached three weeks before the study. During these initial contacts tentative dates for interviews were also set which made it easier to get hold of respondents when the actual interviews were being conducted.

### **3.6. Conclusion**

The chapter has presented the research design and research methodology which was used in conducting the study. The research was conducted using both qualitative and quantitative paradigms with the purpose of benefiting from advantages associated with each paradigm. The instruments used in data collection included interviews, questionnaires and text analysis. This assisted the researcher to investigate the complex and hidden aspects which are affecting the implementation of the National Decentralisation Policy at Zomba District Council. The document analysis greatly assisted the researcher to validate some issues which were raised by respondents.

The study utilized stratified purposive sampling technique to ensure that only those who had defining characteristics that made them holders of relevant data on the implementation of the Decentralisation Policy participated in the study. All participants in research were assured of confidentiality of data collected and anonymity of respondents' in order to encourage them provide information without reservations. The next chapter will give an analysis of the data collected and summarize the findings on the status of implementation of the NDP at Zomba District Council

## **CHAPTER FOUR**

### **DATA ANALYSIS**

#### **4.1 Introduction**

This chapter presents an analysis of data and findings on the assessment of the implementation of the National Decentralisation Policy in Zomba District Council in Malawi. As indicated in chapter three the study utilized both qualitative and quantitative methods in data collection and this is equally reflected in the analysis and presentation of findings of this study. The research findings have been presented based on various themes and sub-themes based on broad research objectives of the study. These are policy and legislative provisions of decentralization in Malawi, absence of ward councilors and their impact on policy implementation and lastly problem areas in policy implementation. It should be noted that respondents were not identified in data analysis in order to ensure their anonymity as per requirement of the oath of secrecy and research ethics attached to this study. Out of the targeted sample of 60 respondents 58 participated in the study representing 97 % of the sample. The sample comprised of appointed officials (District Commissioner and members of the secretariat), District Consultative Forum members (Chiefs, Members of Parliament and members of special interest groups), former ward councilors, village headmen and selected community leaders.

#### **4.2 Policy and Legislative Provisions for Decentralization in Malawi**

##### ***4.2.1 Knowledge about the National Decentralization Policy***

Respondents who were interviewed gave varied definitions of decentralization and the reasons behind the adoption of the National Decentralisation Policy (NDP). An analysis of the responses indicated that the respondents had a fair understanding on the

reasons behind the adoption of the NDP although it was not comprehensive when individual responses were compared to what is articulated in the policy.

Those who were interviewed gave the following reasons as being the major basis behind the adoption of the NDP:

- Democratic participation
- Promotion of human rights
- Empowerment of communities in decision making through ward councilors
- Ensuring that people get development which addresses their needs
- Promoting democratic institutions and accountability
- Empowering district councils so that they should be independent of central government
- Political move to buy votes from the rural masses

On the other hand 90% of the respondents who completed the questionnaire showed greater understanding of decentralization and reasons behind the adoption of the NDP. The responses indicated what is stipulated in the policy although the researcher observed that it was possible for council members and appointed officials to copy the responses from policy document of decentralization in Malawi which is generally available in council offices. However it can be concluded that all the respondents to the study had reasonable knowledge of the concept of decentralization and the reason behind the adoption of the NDP in Malawi although it was comprehensive on the part of council members and appointed officials as compared to community representatives.

#### ***4.2.2 Level of consultation in NDP formulation***

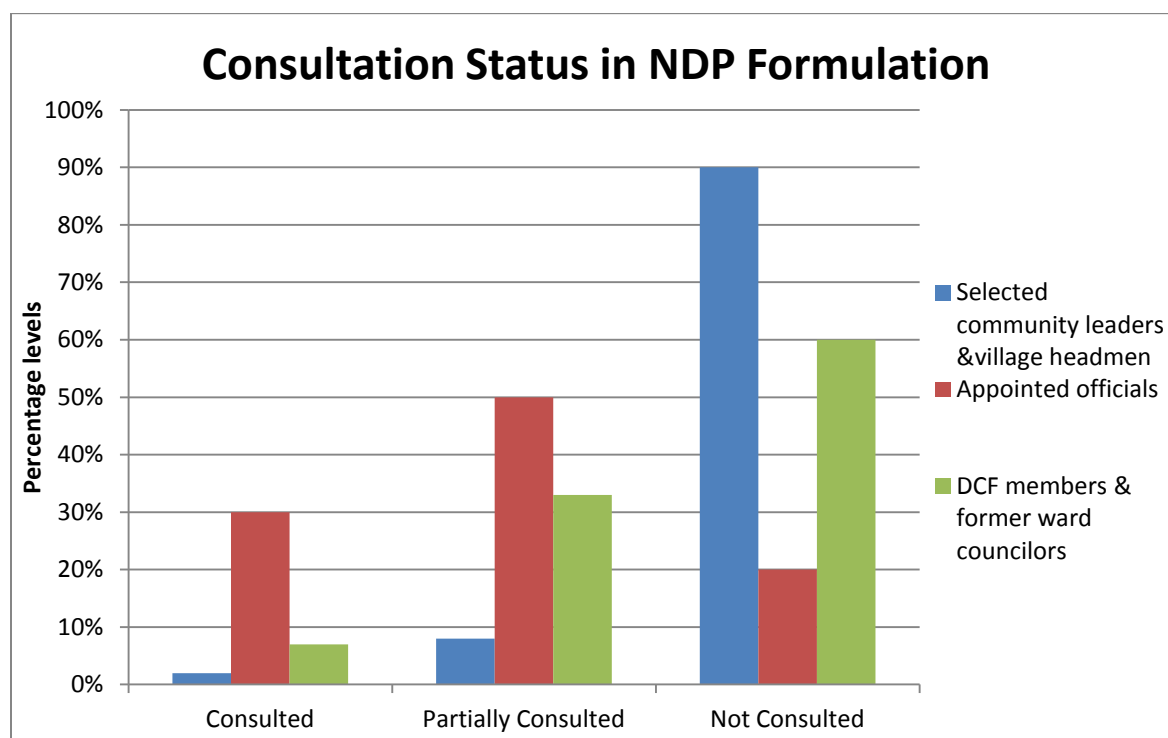
Village headmen, selected community leaders, Chiefs, Members of Parliament(MPs), members of special interest groups and former ward councilors indicated that according to their reminiscence there was very little or no consultation at all when the NDP was being formulated. Respondents pointed out that discussion of the NDP came to light when government through the Malawi Electoral Commission (MEC) was planning to

hold the 2000 local government elections. Since MEC was given the mandate to demarcate wards and that this required consultation with the grassroots some community members were briefed on the NDP and the need to demarcate wards .However respondents indicated that those who were given the chance to contribute in the hearings were the Chiefs, Members of Parliament and village headmen who according to community representatives gave ideas which suited their ambitions of consolidating power in their areas of jurisdiction.

Fig 4.1 indicates that 90% of the community representatives were not involved in the development of the NDP which brings into doubt community ownership of the NDP and let alone its implementation process. On the part of appointed officials 30% indicated that they were consulted through a consultant who the Malawi Government engaged to look into modalities on how the government could develop the NDP and also to advise government on the type of decentralization that could best suit the country's existing political climate. The researcher hence observed that there was a gap in the policy development process since beneficiaries of the policy were not consulted in the development process of the NDP which is a shortfall in the whole policy process.



**Fig 4.1 level of consultation in NDP formulation**



#### ***4.2.3 Constitutional and Legislative provision of decentralization in Malawi***

The literature review in chapter two indicates that the Malawi National Decentralisation Policy is embedded in the country's constitution and the Local Government Act 1998. However interviews conducted among community representatives portrayed an image that there was little knowledge and understanding of the policy and legal instruments governing the implementation of the NDP in Malawi and Zomba District Council in particular. Sixty percent (60%) of the selected community leaders and village headmen indicated that they had no idea of the constitutional and legislative provisions governing the implementation of the NDP at Zomba District Council.

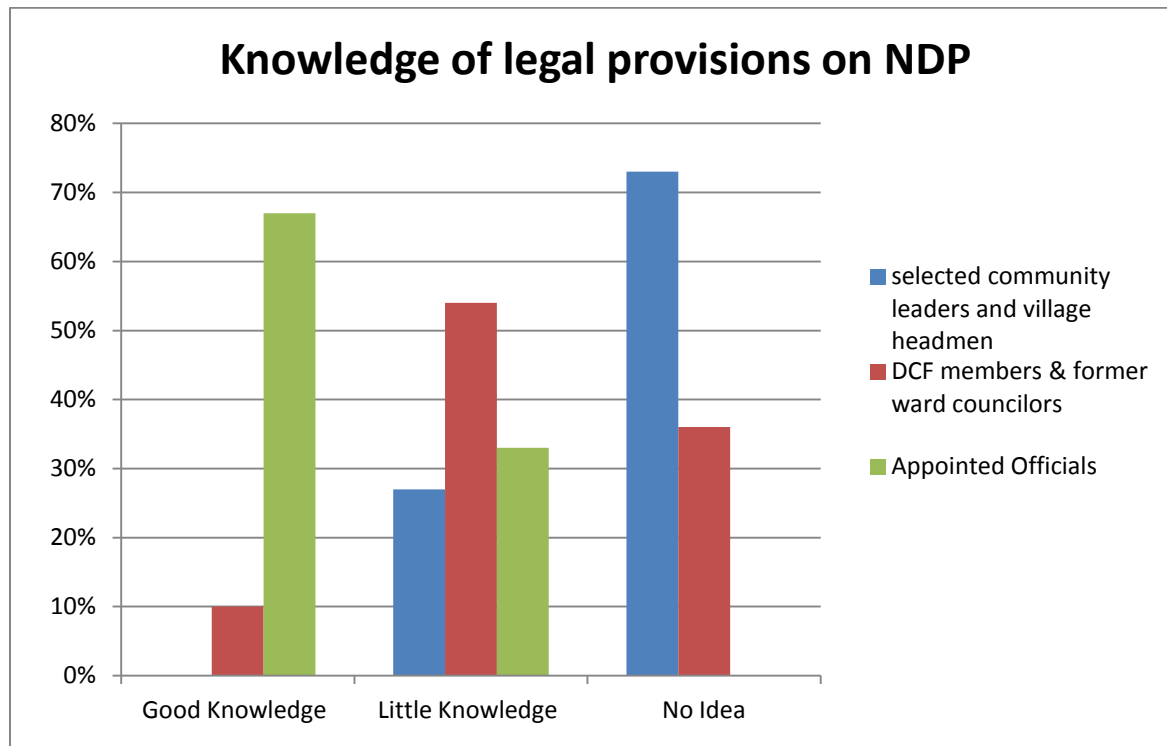
Nevertheless 8% of the community representatives had a slight idea on the constitution and legislative provision governing NDP implementation and this was basically in the provisions made in the Malawi Constitution (1996) and Local Government Act (1998) as regards conduct of local government elections (LGE). The rest of the community

representatives gave incorrect answers which had nothing to do with policy and legislative provisions governing NDP implementation. For instance one respondent indicated that the Local Government Act (1998) makes a provision for district councilors to monitor development under the leadership of Members of Parliament. It was observed by the researcher upon probing that the respondent gave this response due to the current situation where in the absence of councilors Members of Parliament are seen as agents of development in their constituencies.

The knowledge on policy and legal instruments governing NDP implementation in Zomba District Council varied between the cluster comprising of District Consultative Forum members and former ward councilors and that comprising of appointed officials (District Commissioner and members of the secretariat). Seven out of thirteen respondents representing 54% of the respondents made up of District Consultative Forum members and former ward councilors showed little knowledge of policy and legal instruments central to NDP implementation and their knowledge was basically to do with provisions made in the Local Government Act (1998) on holding of LGE. On the part of appointed officials, 67% of the respondents who filled the questionnaire showed good knowledge of the constitutional and legislative provisions guiding the decentralization process in Malawi.

Fig 4.2 depicts how the respondents to the study comprehend the legal instruments governing the implementation of the NDP at Zomba District Council (ZDC). This by implication means that the communities at large are not conversant with the policy and legal instruments central to the implementation of the NDP making it difficult for communities to raise issues to do with any violation of these instruments. The study showed that appointed officials were the ones who possessed a lot of knowledge on constitution and legislative provisions steering NDP implementation. In such a scenario it became apparent that it would be almost impossible for communities to contribute anything when it came to ensuring that the NDP was being implemented in accordance with the Constitution and Local government Act as it was observed by the researcher that they lacked knowledge in this area.

**Fig 4.2 Knowledge of policy and legal instruments governing NDP implementation at Zomba District Council**



#### ***4.2.4 Constitution guarantees in NDP implementation***

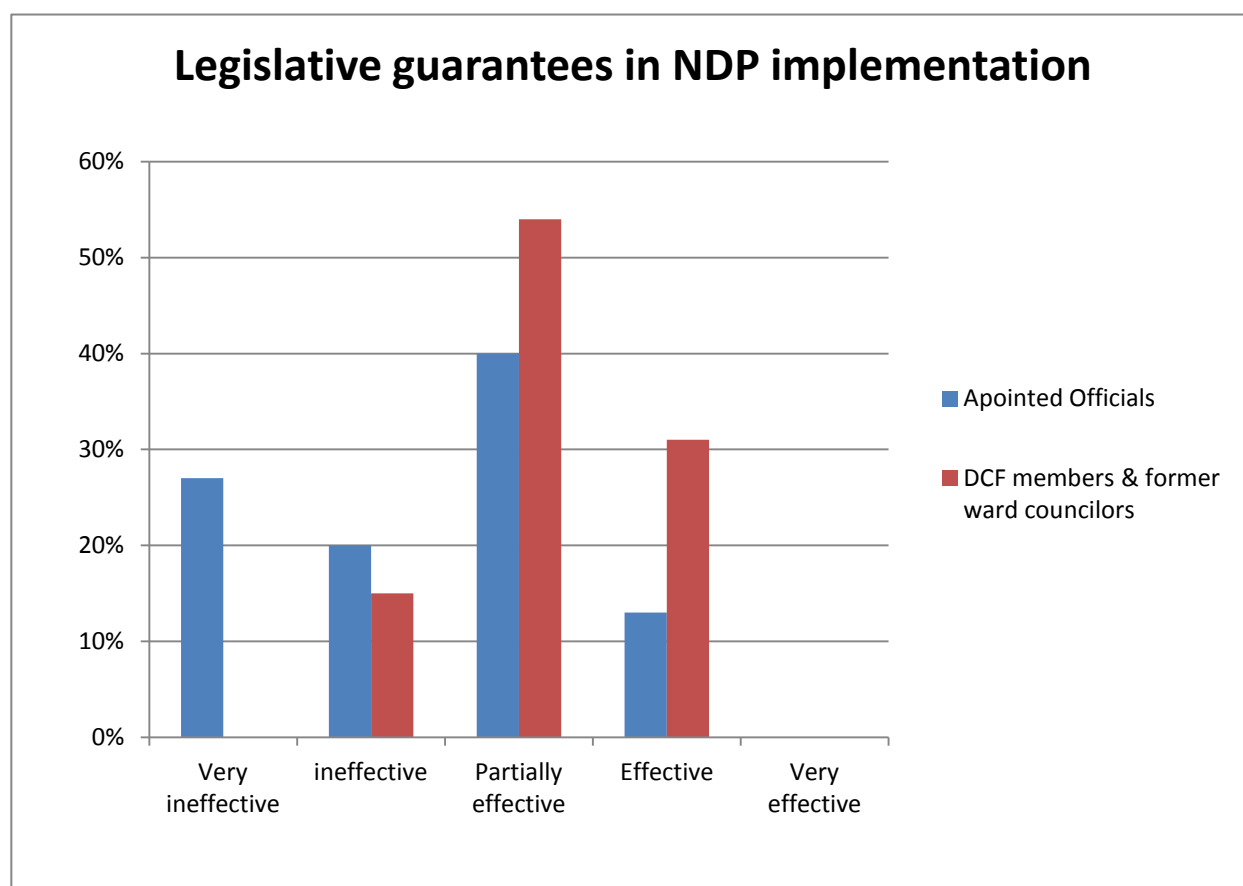
Respondents representing 27% of the community leaders and village headmen who had an idea of the constitution and legal instruments leading in the implementation of the NDP stated that it was evident that the Constitution and the Local Government Act (1998) had done little in ensuring that the NDP is fully implemented in Zomba District Council (ZDC). The respondents indicated that failure to hold LGE for the past seven years was a clear indication of lack of constitutional guarantees in ensuring that full implementation of the NDP takes place in ZDC. Respondents pointed out that it was not the Constitution or the Local Government Act which were significant in NDP implementation but the wishes of the politicians who were in power. Since 73% of the

respondents from the selected community leaders and village headmen had no idea of the legal instruments guiding NDP implementation it was difficult for them to comment on whether these legal instruments had an impact on policy implementation or not.

The study discovered that the Constitution and Local Government (1998) despite being clear on NDP provided very little protection to the implementation of the NDP as these legal provisions were being violated at will by the incumbent administration. Since the communities knew very little about the legal provisions governing the implementation of the NDP it was difficult to single out institutions in communities which could manage to take to task government whenever it was violating the laws although there are some Non Governmental Organizations at national level which have been raising concerns on the delay by Government in holding Local Government Elections.

Fig 4.3 depicts that only 13% of the appointed officials and 31% of District Consultative Forum members (DCF) and former ward councilors felt that the Constitution and the Local Government Act (1998) were effective in ensuring that the NDP was being implemented in ZDC. This clearly shows that respondents in the study were of the opinion that the Constitution and the Local Government Act had failed in ensuring that the NDP is fully implemented in ZDC as was depicted by the Councils failure to hold LGE in the past seven years. The researcher observed that even in the event where these instruments were being violated it was difficult for communities in the council to take notice of such anomalies and let alone raise concerns over such anomalies taking into consideration their little knowledge on the legal provisions governing NDP implementation in ZDC.

**Fig 4.3 Constitution and legislative guarantees in NDP implementation**



### **4.3 Absence of Councilors in Policy Implementation**

#### ***4.3.1 Awareness of councilor's roles and their impact on NDP Implementation***

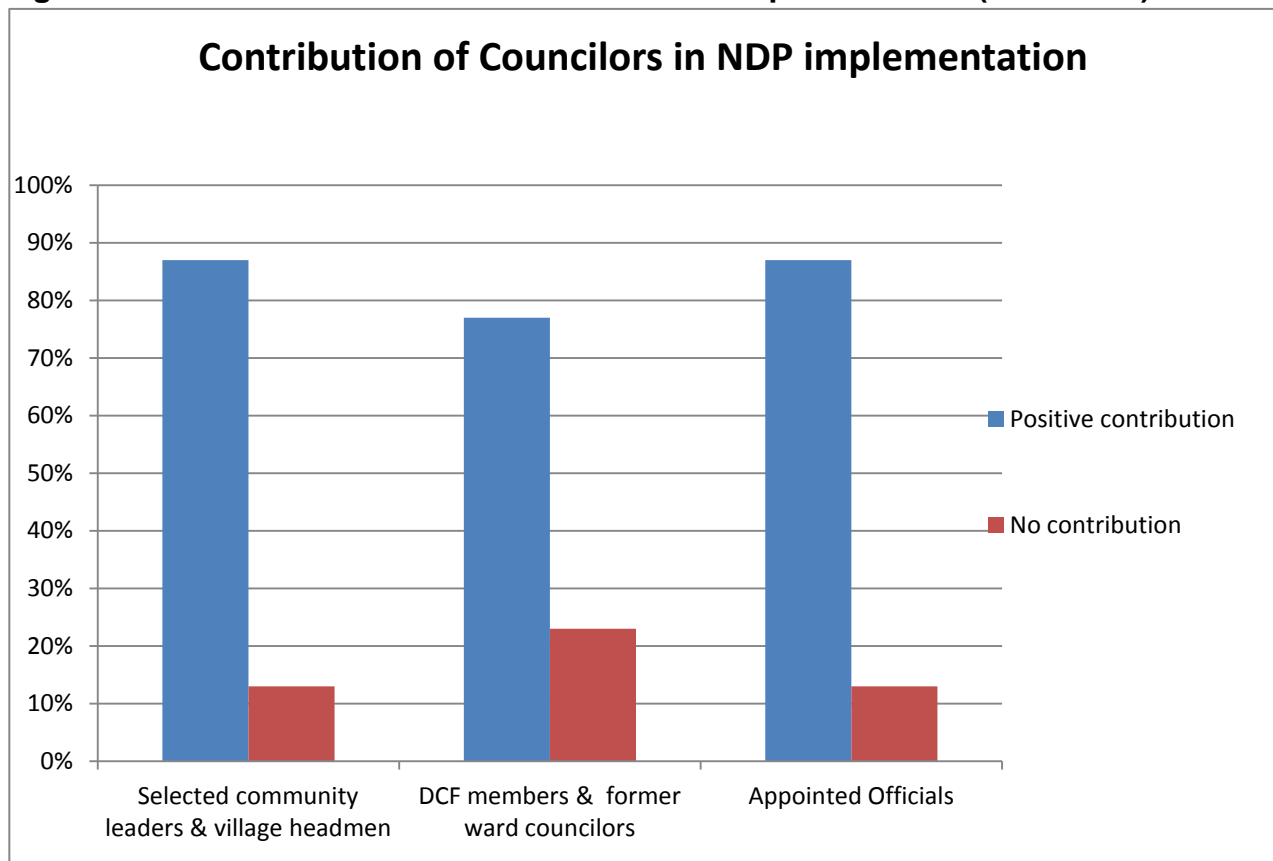
Respondents from both the questionnaire survey and interviews showed greater understanding of the roles and responsibilities of councilors. The roles which were highlighted by the respondents were as follows:

- Making policy decisions
- Representing the communities at the council
- Enhancing democratic participation of communities on issues affecting their welfare
- Initiating development at grassroots level

- Making by laws
- Approving development plans
- Approving council budgets
- Monitoring council activities

As can be observed from chapter two the roles which were mentioned by the respondents encompass all the major roles of councilors which are stated in Local Government Act (1998) and are aimed at ensuring that the NDP is implemented successfully at ZDC. However when the respondents were asked to indicate whether the councilors who served ZDC between 2000 and 2004 did contribute positively to the implementation of the NDP, 84% of the respondents thought the councilors did contribute something while the rest thought otherwise (see Fig. 4.4 on next page)

**Fig. 4.4 Contribution of ward councilors in NDP implementation (2000-2004)**



Respondents who thought that ward councils contributed positively in NDP implementation and service delivery at ZDC in the years 2004-2009 gave the following reasons to justify their response:

- Councilors ensured equal distribution of services in the council through their active participation in the development of the district development plan
- Community participation in council decision making was enhanced through their representation in council meetings
- They ensured transparent and accountable utilization of funds at the district council as one respondent pointed out that “it is better to have a dog which does not bark rather than having none because it will at least manage to scare away those with the intention to steal”.
- Ensured that ZDC implemented projects which were prioritized by communities
- Democratic participation on issues affecting their welfare was enhanced as they were involved in electing people who were easy to access and lived with them in the communities as opposed to Members of Parliament (MPs)

On the other hand respondents who indicated contrary views on councilor’s performance gave the following reasons for their response:

- Misunderstanding of roles and responsibilities between councilors and MPs
- Inadequate financial support rendered to councilors made them look irrelevant
- Councilors not welcome in the council and taken as subordinates of MPs
- Appointed officials reluctant to work with councilors as they were seen to be interfering with their daily operations

Looking at the responses from the respondents the researcher observed that despite the shortfalls which councilors faced during their tenure of office they did contribute

positively to the implementation of the NDP and service delivery by among other things assisting ZDC in consolidating and promoting local democratic institutions and participation, promotion of infrastructural and economic development and making by-laws for good governance. Moreover, when posed with the question, 84% of the respondents indicated that it was impossible to fully implement the NDP at ZDC in the absence of councilors.

#### ***4.3.2 Community level mechanisms and platforms in place of elected ward and council committees***

As indicated in the background to the study in the absence of ward councilors district councils in Malawi are being managed by the District Consultative Forums which have been given the mandate by government to undertake all the roles and responsibilities of councilors as stipulated in the Local Government Act (1998). However the forum is made of members who are not directly elected by communities as was the case with the ward councilors bringing in the question of community participation and creation of democratic institutions at grassroots level. Looking at the significance of this issue respondents were asked to mention mechanisms which are currently in place in ZDC to ensure that citizen participation in council activities is promoted. Respondents pointed out that apart from the District Consultative Forum which operates at the district level, at the community level there were two committees established to work in place of ward committee which was previously headed by a ward councilors. These committees are the Village Development Committee (VDC) and Area Development Committee (ADC)

##### ***4.3.2.1 Organization of community level platforms***

The VDC comprises of selected individuals from villages which fall under the leadership of a group village headman who heads a unit made up of not more than 10 villages. Each village is required to select two individuals to represent it at the VDC. In case of an ADC, it is a committee which represents an area under the authority of the Chief who is a member of the DCF and is made up of members from the VDCs. It is a committee



which is comprised of two members selected from each VDC and is chaired by an individual elected among the members in the ADC.

Village Development Committees are supposed to look at development issue at the level of group village headman and prioritize them before submitting them to the ADC. The ADC being superior body is supposed to scrutinize the development proposals coming from village development committees and consolidate them according to what the committee feels is in the interest of the area under the jurisdiction of the Chief. The committee is technically assisted in this project assessment by extension workers from agriculture, community services, health and other government service providers within the area under the authority of a Chief.

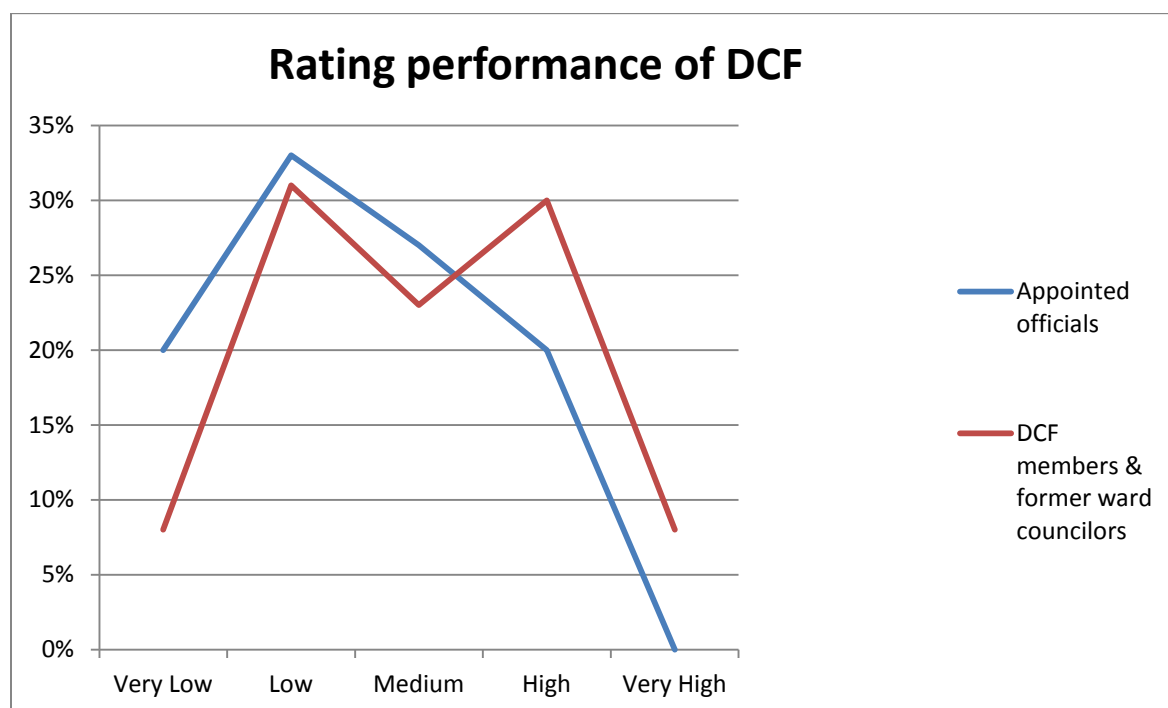
The prioritized projects are then forwarded to the District Executive Committee (DEC) which is the technical arm of the ZDC and comprises of all sector heads of government departments and active Non Governmental Organizations (NGOs) in the district. DEC consolidates all priorities from Area Development Committees in the council into a draft district development plan which has to be approved by the DCF before implementation. The subsequent sub-sections will highlight how respondents to the study rated the performance of district and community level mechanisms which are operating in place of ward and council committees.

#### ***4.3.2.2 Rating performance District Consultative Forum (DCF)***

Fig.4.5 depicts how respondents to the survey questionnaire rated their level of satisfaction with the DCF which is currently sitting at the council in the absence of councilors. The DCF is comprised of all members of the council as stipulated in the Local Government Act (1998) minus ward councilors. Fifty eight percent( 58%) of the DCF members and appointed officials either rated performance of the forum as either low or very low indicating that even the members of DCF were not satisfied with the way the forum was conducting its business in ensuring successful implementation of the

NDP at ZDC . This was quite significant given the fact that it is at times difficult for individuals to criticize institutions they serve let alone their performance.

**Fig.4.5 Rating Performance of DCF**



However when the same question was put forward to community representatives, 76% of the respondents out rightly said that they were not impressed with the performance of the DCF while 20% felt that it was difficult to compare the current set up with the previous one when councilors were in office because both of them had failed in supporting tangible development in the council. The respondents who were interviewed gave the following reasons for rating the performance of the DCF as low:

- Lack of consultation with grassroots when making decisions at the council
- Lack of transparency and accountability in the operations of the DCF and its secretariat headed by the District Commissioner

- Members of DCF have their own primary responsibilities which are given top priority at the expense of community participation in council operations
- Members of DCF are not easily accessible as it takes a long process to meet a Chief the powers bestowed upon them and that most MPs stay away from the communities
- Decisions of the DCF are mostly made to satisfy interest of central government and DCF members.

Nevertheless it was interesting to observe that 4% of the community representatives were satisfied with performance of DCF in ensuring that NDP was being successfully implemented in the absence of councilors. To them the DCF was ably fulfilling the development agenda of the incumbent leadership and that councilors would just duplicate the work of MPs and waste council resources through allowances they draw for attending meetings at the council. With the responses given by majority of the respondents to the study the researcher concluded that the DCF performance was not satisfactory as it lacked means of engaging communities due to the absence of ward councilors who were well placed to get first hand information on community issues.

#### ***4.3.2.3 Performance of community level institutions***

Respondents who were interviewed indicated that committees namely village development committees (VDC) and area development committees (ADC) which are operating to cover the absence of ward committees lacked proper link with the DCF. Respondents observed that although these committees were active and had links with District Executive Committee (DEC) which is a technical arm of ZDC and comprises of all sector heads at the council and active Non Governmental Organizations (NGOs) in the district they had no direct link with DCF due to the absence of ward councilors who chaired ward committees and sat at council meetings. The presence of councilors at ward committees and at council meetings enhanced chances of ensuring that people's views were presented and respected at the district level.

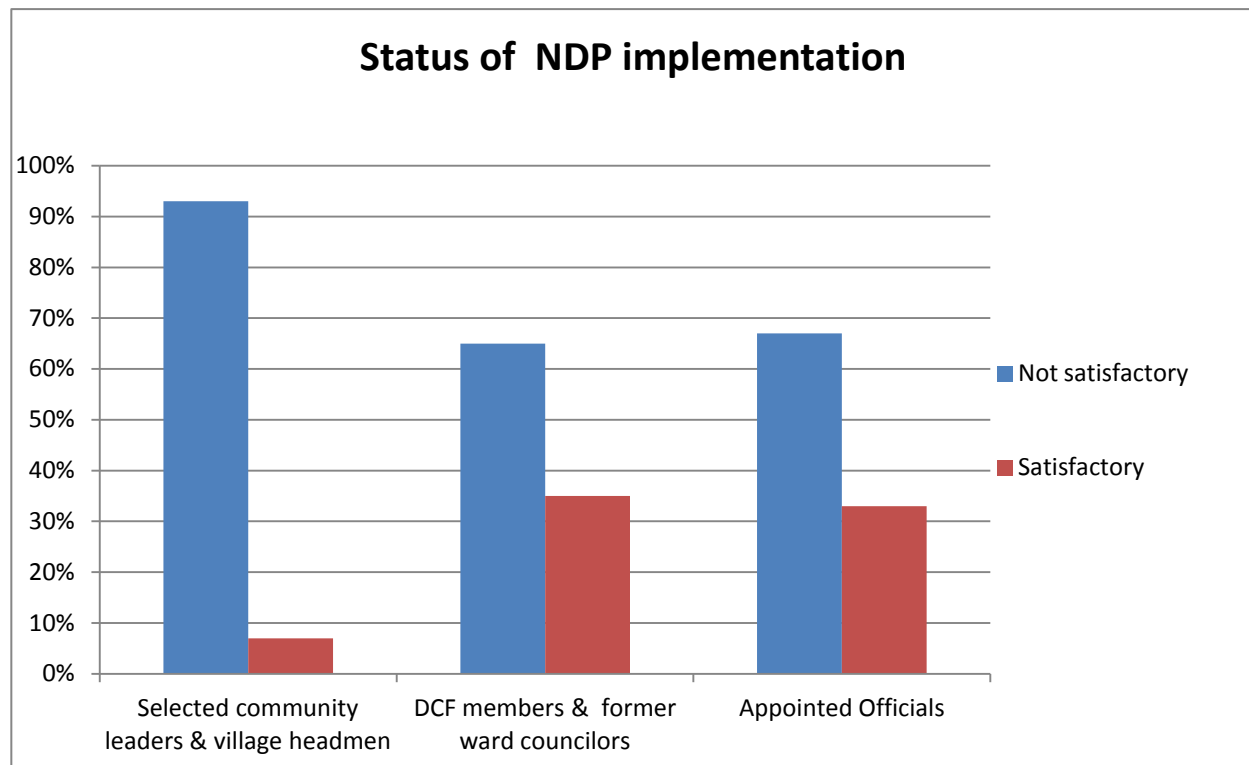
To this end community representatives doubted how the VDC and ADC could ably represent their views at the DCF. An example was given by respondents on a public works programme which the government is implementing using Zomba District Council. Respondents interviewed pointed out that most projects selected for implementation emanated from MPs in liaison with Chiefs at the expense of projects which originated from the VDC and ADC and were submitted to DEC. Respondents also gave an example where a Member of Parliament has instituted a parallel development committee in his constituency which overshadow the work of the VDC and ADC and manages to get its projects approved by the DCF. This implies lack of authority and power among these grass root institutions to ensure that the wishes of the community are respected at the council. The researcher observed that the absence of councilors was aggravating this problem since no member of these committees gets a chance of attending council meetings and the furthest they can go is DEC which has no mandate of making any decision in ZDC.

#### **4.4 Problem Areas in the Implementation of the NDP**

##### ***4.4.1 Status of implementation of the NDP in ZDC***

Fig. 4.6 indicates how respondents to both survey questionnaire and interviews rated the implementation status of the NDP in ZDC during the period of study. Respondents generally agreed that the status of NDP implementation was not satisfactory. However the researcher noted that the level of dissatisfaction was greater on the part of community representatives since most of them appeared to be in the dark as to what was exactly happening at the council as they lacked a bridge to directly link them to activities taking place at ZDC. The major reasons for failure in the NDP implementation in ZDC will be highlighted in the next section.

**Fig. 4.6 Status of NDP implementation at ZDC**



#### ***4.4.2 Reasons for current NDP implementation status (Appointed Officials)***

Respondents from the sample comprising appointed council officials gave the following reasons in order of priority as being behind the slow progress in NDP implementation and improvement in service delivery at ZDC:

- Reluctance of central government through Ministries to devolve functions to district councils and ZDC inclusive on the pretext that they lack capacity a thing which is deliberately championed by the Ministries themselves.
- Failure by Government of Malawi to conduct LGE which has resulted in an illegal forum running the affairs of the council hence denying communities an opportunity to take an active role in council activities

- Inadequate finances which have resulted in failure of ZDC to meet the objectives of the NDP
- Lack of respect towards the Constitution and the Local Government Act (1998) on the part of the ruling elite resulting in unnecessary amendments which are impeding full implementation of the NDP
- Weak grassroots institutions which lack capacity and strong leadership to articulate people's needs as was the case when councilors were chairing ward committees
- Lack of knowledge of existing laws governing NDP implementation

The respondents then made the following recommendations which would improve on the current implementation status of the NDP and service delivery at ZDC:

- There is a need to seriously look into the issue of lack of political will in issues of governance including the holding of LGE.
- Citizens need to take to task politicians who are violating the country's Constitution and legislative provisions like the Local Government Act (1998)
- Politicians should avoid constitutional and legislative amendments which are done in a hurry without proper consultation with the grassroots. This will ensure that only those amendments which satisfy the need of the majority are effected and not those which are aimed at consolidating power of the few like the Local Government (Amendment Bill)2010 which makes MPs voting members of the council
- Ministries should devolve their functions in earnest not just devolving functions which are a burden to them and this should be done together with fiscal devolution
- Government should ensure that adequate fiscal finances are channeled to ZDC because taxes which the council collects are inadequate and all the major taxes remain the domain of central government.

#### ***4.4.3 Reasons for current NDP implementation status at ZDC (Selected community leaders and former ward councilors)***

Community representatives and former ward councilors gave the following reasons for the current implementation status of the NDP at ZDC. The reasons are arranged in the way that reflects respondent's order of priority:

- Absence of councilors at ZDC due to failure by government to hold LGE
- Lack of political will on the part of the incumbent government to see decentralization take root at ZDC due to fear of losing grip of power to the opposition parties
- Lack of knowledge of the legal instruments governing NDP implementation at ZDC and means of ensuring that they are being respected
- Deliberate violation and amendments of the local government Act by the incumbent leadership to satisfy their political agenda and that of incumbent MPs
- Ineffective VDC and ADC due to absence of political representation in these communities
- Inadequate funds allocated to development projects

Respondents therefore recommended that the first step in ensuring that the NDP be implemented successfully was to ensure that political representation at the grassroots must be in place. Hence it was important for government to respect the Constitution and the Local Government Act (1998) by avoiding unnecessary amendments to these legal instruments and ensuring that LGE take place without further delay. Respondents also added that holding of LGE alone was not going to improve NDP implementation but that this should be followed by improvement in resources allocated to the development budget of ZDC if indeed communities are to experience the benefits associated with devolution.

#### ***4.4.4 Reasons for the current NDP implementation status (DCF members)***

DCF members' responses did not differ much from the responses of the other respondents. However there was a slight difference in the way they ranked the reasons behind the slow implementation of the NDP implementation at ZDC. The researcher observed that this was mainly due to the composition of the current DCF which is dominated by Chiefs and MPs who are obliged to champion policies of government of the day. The respondents ranked their reasons as follows:

- Inadequate finances for the DCF to implement projects
- Lack of adequate human resource in the council to respond to the community needs
- Poor communication between VDC, ADC, MPs and Chiefs to ensure that all needs of communities are taken on board when making decisions at the council
- Absence of councilors in wards
- Violation of legal instruments governing NDP implementation.

Respondents indicated that for the situation to improve there was need for more finances to go to the council before councilors were put in place. It was also necessary for government to clearly stipulate the roles of the councilors before they were voted in to avoid conflict with MPs which was common during the period they were in office. The researcher observed that council members were not very much concerned with absence of councilors as they appeared comfortable with the current set up. However community representatives former ward councilors and appointed officials appreciated the role ward councilors performed in ensuring that the NDP was being implemented successfully at ZDC by ensuring grassroots participation in council activities.

In concluding this section the study observed that the major reasons for slow implementation of the NDP in ZDC were mainly due to lack of political will to see full implementation of the NDP, inadequate finances and weak institution capacities of grassroots structures operating in place of ward committees. The study observed that the current leadership lacks the political will to see the NDP fully implemented at ZDC.



Lack of political will has seen violation of legal instruments governing the implementation of the NDP at ZDC. This is evident when one looks at the period ZDC has been operating without councilors and amendments which have been made to the Local Government Act (1998) which respondents felt have been made to satisfy the wishes of politicians who are currently in power.

On the issue of finances respondents agreed that ZDC was failing to fulfill the objectives of the NDP in ZDC due to inadequate resources that are being channeled to the council. This has resulted in few development projects being implemented in ZDC resulting in poor service delivery. This was the case even when the ward councilors were in office between 2000 and 2004. In addition other Government Ministries are reluctant to devolve their functions to the district level and where this has been done the functions have not been accompanied by prerequisite resources.

#### **4.5 Conclusion**

The findings of the study revealed that the majority of the respondents were not satisfied with the way the NDP was being implemented at Zomba District Council. The study established that respondents had fair knowledge of the reasons behind the adoption of the NDP and this encouraged the researcher that the respondents would be able to assess progress in the implementation of the NDP at ZDC by comparing what was currently being done with reasons behind the NDP adoption.

Respondents to the study except DCF members rated highly the problem of absence of councilors as one of the major reasons behind the unsatisfactory implementation of the NDP at ZDC. Respondents indicated that without political representation at the grassroots level it was difficult to achieve democratic participation and creation of democratic institutions at the local level which is one of the main objectives of the NDP.

Hence it was a general feeling among the respondents that for the NDP to be fully implemented in ZDC, the issue of lack of political will to see its full implementation by

the incumbent government required urgent attention. Once those in power showed willingness to respect legal provisions which guide NDP implementation LGE could be conducted and this would enable ZDC to move forward in ensuring that the objectives of the NDP were being fulfilled. If this was not possible then little progress could be made as ZDC even with adequate resources at its disposal could continue operating without ward councilors and consequently denying communities any opportunity of fully participating in decision making on issues that affect their welfare.

## **CHAPTER FIVE**

### **CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Conclusions**

The study dealt with the assessment of the implementation of the National Decentralisation Policy (NDP) in Zomba District Council (ZDC) in Malawi from 2009 to 2010. The overall objective of the study was to assess the implementation status of the NDP in ZDC given the current scenario where ward councilors are not in office. Data in the study was collected using both qualitative and quantitative research tools. This included interviews which were conducted on village headmen and selected community leaders and questionnaires which were administered on the District Consultative Forum members, former ward councilors, District Commissioner and members of the secretariat.

The study concludes that the status of implementation of the NDP at ZDC has not been satisfactory. One of the principal objectives of the NDP is to create democratic environment and institutions of governance at local level. The intention is to ensure that people participate in decision making on issues that affect their welfare. However failure by the Malawi Government to hold local government elections in the past seven years has led to absence of councilors at ZDC. This is making it extremely difficult for the grassroots to participate in decision making at the council. Despite the efforts by government to introduce the District Consultative Forum (DCF) to cover for the absence of a legally constituted council, its members are not directly elected to represent people's views as is the case with ward councilors making it difficult for them to be accountable to the communities they are supposed to represent at the council.

This is in conflict with what is stated in the Republic of Malawi Constitution (1994) and the Local Government Act (1998). Because of disregard for legal instruments governing

the NDP implementation in ZDC, the council has not been in a position to fully discharge legal and administrative responsibilities needed to steer the full implementation of the NDP.

From a theoretical perspective the NDP implementation process at ZDC during the period of study lacked inputs in the form of ward councilors and political will which could have contributed in attainment of the objectives of the NDP. The intended outputs of the NDP which include participation of communities in decision making and creation of democratic institutions at local level were therefore not attained. These findings therefore conform to what is postulated in the study that absence of ward councilors is negatively affecting the implementation of the NDP at ZDC.

The findings discovered that one of the major problems affecting the implementation of the NDP was lack of political will to see the policy implemented in full. This has been reflected in a number of violations by the incumbent leadership on legal instruments governing NDP implementation in Malawi. The current leadership has been postponing local government elections (LGE) at will in disregard for dates stated in the Constitution and the Local government Act (1998). The problem of lack of political will has been aggravated by resistance of some bureaucrats from central government ministries who are not willing to fully devolve functions to the councils. In cases where functions have been devolved prerequisite resources to cater for the devolved functions have been inadequate. This has resulted in ZDC applying more of a deconcentrated approach to decentralization as opposed to devolution which is advocated in the NDP.

In brief Chapter One of this research introduced Local government in Malawi since 1891 when Malawi was a British Protectorate. In addition to introducing the concept of the study the chapter also presented the statement of the problem, hypothesis of the study, research objectives, rationale of the study, limitation and delimitations of the study and finally ethical considerations in relation to the study.

Chapter two covered the literature review and provided legal, theoretical and conceptual frameworks covering the study. The literature review indicated that implementation of

national decentralization policies in developing countries confronts many dilemmas which impede on their successful implementation. The problems were generally categorized into political, economical and administrative. The literature review introduced the systems model of politics and policy as the model underpinning the study. The model showed that the policy implementation process is not only a linear process but that its success is subject to the environment which surrounds it. Finally the literature review gave a brief outline of the legal instruments governing the implementation of the NDP in Malawi. These legal instruments are the Republic of Malawi Constitution (1994), the Local Government Act (1998) and the National Decentralisation Policy (1998).

Chapter three presented the research design and research methodology which was used in conducting the study. The research was conducted using both qualitative and quantitative research paradigms. Instruments which were used in data collection included interviews which were conducted on village headmen and selected community leaders and questionnaires administered on Chiefs, Members of Parliament, members of special interest groups, former ward councilors and appointed officials. The study utilized stratified purposive sampling technique in selecting respondents in order to ensure that only those who had defining characteristics that made them holders of relevant data on NDP implementation in ZDC participated in the study. Lastly issues of confidentiality of data and anonymity of respondents to the study was given prominence to encourage respondents provide information without reservations.

Finally chapter four presented an analysis of data and findings on the assessment of the implementation of the NDP at ZDC. The study utilized both qualitative and quantitative methods in data analysis and presentation of findings. The findings revealed that lack of ward councilors in ZDC negatively affected the implementation of the NDP during the period of study. It was observed in the study that one of the major stumbling blocks into the successful implementation of NDP was lack of political will in the current political leadership to see devolution take root at ZDC.

## 5.2 Recommendations

Based on all key issues raised in the study as being behind the current status of implementation of the NDP at ZDC, the following recommendations are drawn:

1. Local government elections must be conducted without further delay. The absence of ward councilors in ZDC is denying the council a chance to create democratic institutions for governance and development at the local level. Presence of councilors at ZDC will guarantee peoples participation in council decision making.
2. Communities, civil society, Non Governmental Organizations, members of faith community, Members of Parliament and all institutions interested in seeing that decentralization is embraced in Malawi should continue lobbying the incumbent leadership to demonstrate political will towards full implementation of NDP in ZDC.
3. Councilors must not be elected on a party ticket. This will assist in minimizing the fear of losing power on the part of the ruling elite to the opposition at local level which often contributes to unexplained postponement of LGE.
4. Leadership of the country must ensure that bureaucrats who are heading government departments embrace the concept of devolution and take an active role in ensuring that the NDP is successfully implemented. This will assist them in making sure that all the functions devolved to ZDC are accompanied by prerequisite resources.
5. Government should take fiscal decentralization as a major component in the implementation process of the NDP. This will ensure that the development budget of ZDC is at least well financed which will in return assist in improvement of service delivery in the council.

6. Government through the National Assembly should desist from making untimely amendments to legal instruments governing the implementation of the NDP. Some of the amendments which have been made for instance an amendment to the Constitution to enable the President determine the date of LGE have not assisted in ensuring that political representation is guaranteed at ZDC.
7. The roles and responsibilities of Area Development Committees and Village Development Committees must be clearly defined and respected in the overall ZDC planning system. This will guarantee that prioritized projects and programs which emanate from these committees are incorporated in the District Development Plans without preconditions or interference from Chiefs and Members of Parliament.
8. The Area Development Committees and Village Development Committees in ZDC need to be revitalized and consequently educated on the NDP and the legal instruments governing its implementation. This will enable them to ably inform the people they are currently representing on the intent of the NDP thereby reducing the gap which the policy development process created due to lack of consultation.

## BIBLIOGRAPHY

- Agrawal, A. & Gupta, K. 2005, Decentralisation and Participation: The Governance of Common Pool Resources in Nepal's Terai, *World Development* Vol.33 No.7 pp 1101-1114, accessed on 17/08/2011 at <http://www-personal.umich.edu/>
- Ahmad, J. 2005, *Decentralisation and Service Delivery*. World Bank Research Working Paper 3603, Washington DC: WorldBank.
- Antwi-Boasiako, K.B. 2010, 'Public Administration: Local Government and Decentralisation in Ghana', *Journal of African Studies and Development*, Vol.2 (7) pp 166-175: Accessed on 29/07/2011 at <http://www.academicjournals.org/jasd>.
- Awortwi, N. 2010, 'The Past, Present and Future of Decentralisation in Africa: A Comparative Case Study of Local Government Development Trajectories of Ghana and Uganda', *International Journal of Public Administration*, Vol. 33: pages 620-634 accessed on 30/07/2011 at <http://www.tandfonline.com/loi/ipad20>.
- Bangura, Y. and Larbi, G.A 2006, *Public sector Reform in Developing Countries: Capacity Challenges to Improve Services*, New York: Palgrave Macmillan.
- Bardhan, P. 2004, 'Governance Issues in Delivery of Public Services', *Journal of African Economies*, Volume 13 AERC Supplement 1, pp.i167-i182.
- Bardhan, P. and Mookherjee, D. 2006, *Decentralisation and Local Governance in Developing Countries: A Comparative Perspective*, London: MIT Press
- Basley, H.L. and Clover 1988, *Research for Business Decisions: Business Research Methods*, Ohio: Publishing Horizons, Inc.
- Bless C. and Higson-Smith, C. 2000, *Fundamentals of Social Research Methods: An African Perspective*, Cape Town: Creda Communications.
- Birkland, T.A. 2001, 'An Introduction to Policy Process: Theories, Concepts and Models of Public Policy Making', M.E Sharpe Inc.: New York: Accessed on 30/06/2011 at <http://www.albany.edu/birkland>.
- Bogopa, K.S. 2005, Employment of the Generic Functions of Public Administration and Public Management Functions as Tools for Managing Sustainable Development, accessed on 25/07/2011 at <http://www.upetd.up.ac.za>.



Bowen G.L 2002, Concepts of Political Science: The Systems Model, accessed on 30/06/2011 at [www.mbc.edu/faculty/gbowen/conceptsSystem.html](http://www.mbc.edu/faculty/gbowen/conceptsSystem.html).

Brosio, G., 2000, Decentralisation in Africa, accessed on 31/07/2011 at <http://www.imf.org/external/pubs/ft/seminar>.

Brynard, P.A. 2005, 'Policy Implementation: Lessons for Service Delivery', African Association for Public Administration and Management Annual Roundtable Conference, Pretoria: Accessed on 01/07/2011 at <http://www.pactu.edu.np> Chapter 13, Purposive sampling, accessed on 12/07/2011 at <http://www.cemca.org.books/chap13.htm>.

Cabral, L., 2011, Decentralisation in Africa: Scope, Motivations and Impact on Service Delivery and Poverty, Overseas Development Working Paper 020 accessed on 15/07/2011 at [www.future.agricultures.org](http://www.future.agricultures.org).

Cohen, J.M. & Peterson, S.B., 1997, Methodological Issues in the Analysis of Decentralisation, accessed on the 31/07/2011 at <http://www.cidi.harvard.edu/hid/>

Conyers, D., 2007, 'Decentralisation and Service Delivery: Lessons from Sub-Saharan Africa', IDS Bulletin vol. 38, No. 1, Institute of Development Studies, Sussex, UK.

Duhaime, L. 2011, Legislation, Duhaime Legal Dictionary accessed on 28/09/11 at <http://www.duhaime.org/legaldictionary>.

Crawford, G. & Hartman, C 2008, Decentralisation in Africa: A Pathway Out of Poverty and Conflict? Amsterdam: Amsterdam University Press.

Crook, R.C 2003, 'Decentralisation and Poverty Reduction in Africa: The Politics of Local-Central Relations', *Public Administration and Development*, Vol.23 pages 77-88 accessed on 29/06/11 at [www.interscience.wiley.com](http://www.interscience.wiley.com).

De Leon, P. & de Leon, L. 2002: 'What Ever Happened to Policy Implementation?' An Alternative Approach: *Journal of Public Administration Research and Theory*, J-PART 12 Vol.4; 467-492: Accessed on 30/07/2011 at <http://www.jpart.oxfordjournals.org/contest>.

De Vos, A.S, Strydom, H, Fouche, C.B, Delport, C.S.L 2005, *Research at Grassroots*, Pretoria: Van Schaik Publishers (3rd Edition).

Eaton, K., 2001, 'Political Obstacles to Decentralisation: Evidence from Argentina and Philippines', *Development and Change*, Vol.32 (2001), pp 101-127, Blackwell Publishers, Oxford.

European Union Election Observation Mission, 2009, Malawi, Final Report Presidential and Parliamentary Elections May 2009.

Fritzen, S.A. & Lim, P.W.O., 2006, Problems and Prospects of Decentralisation in Developing Countries, Draft Submitted for Consideration by the Encyclopedia of Public Administration and Public Policy, accessed on 15/07/07 at <http://www.spp.nuj.edu.sg>.

Huysamen, G.K. 2004, *Methodology for the Social and Behavioral Sciences*, Oxford: Oxford University Press.

Investopedia: Stratified Sampling, accessed on 11/07/2011 at <http://www.investopedia.com>

Kaunda, J.M. 1999, 'State Centralization and the Decline of Local Government in Malawi', *International Review of Administrative Sciences*, London, Sage Publications.

Kauzya, J. 2007, Political Decentralisation in Africa: Experiences of Uganda, Rwanda and South Africa, accessed on 28/09/11 at <http://www.unpan1.un.org/>.

Kilpatrick, D.G, 2000, Definitions of Public Policy and the Law, accessed on 28/09/2011 at <http://www.musc.edu/vwaprevention/policy>.

Kuliposa, F.P. 2004, 'Decentralisation and Democracy in Developing Countries', *Development in practice*.14 (6).

Kumar, R. 2005, *Research Methodology: A Step by Step Guide for Beginners*, 2<sup>nd</sup> Ed. London: Sage Publications.

Kundishora, P. 2009, 'An Overview of Decentralisation and Local Governance in Eastern and Southern Africa': Munich Personal RePEc Archive (MPRA), Paper No.15701.

Levine, N. & Bland, G., 2000, Decentralisation and Democratic Local Governance Programming Handbook, accessed on 29/07/2011 at <http://www.au.af.mil/au/awc>.

Lo, H.L, 2005, A Critical Evaluation of Public Transport Policy Formulation in Hongkong, Unpublished thesis, accessed on 30/08/2011 at <http://hub.hku.hk/bitstream/10722>.

Madara, E. 2008, System Theory and Its Relevance to Organizations, accessed on 10/07/2011 at [www.ArticlesBase.com](http://www.ArticlesBase.com).

MAI-LAFIA, M.D, 2008, Theories and Practice of Public Administration, National Open University of Nigeria.

Malawi Government: 1995, *Constitution of the Republic of Malawi*, 1994, Zomba: Government Press.

Malawi Government: 2011, Estimates for expenditure for 2011/2012-2013/2014 Financial Years for Local councils, Lilongwe: Government Press.

Malawi Government: 1998, *Malawi Decentralization Policy*, Lilongwe: Decentralisation Secretariat.

Malawi Government: 2005, *Guidebook on Decentralization and Local Government in Malawi*, Lilongwe: Malawi Germany Programme for Democracy and Decentralization.

Malawi Government: 1999, *Local Government Act, 1998*, Zomba: Government Press.

Malawi Government: 2010, *Local Government (Amendment) Bill, 2010*, Zomba: Government Press.

Malawi Government, Ministry of Finance-Local Development Fund-Output Based Budget

Manor, J. 1999, *The Political Economy of Democratic Decentralization*. World Bank: Washington DC.

Maree, K. 2007, *First Steps in Research*, Pretoria: Van Schaik Publishers.

Matland, R.E. 1995, Synthesizing the Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation, *Journal of Public Administration Research and Theory*, J-PART Vol.5 No.2 145-174

Meiring, M.H. 2010, *Role of Theory in Public Administration*, University of Fort Hare.

Mouton, J. 2001, *How to Succeed in Your Masters & Doctoral Studies*, Pretoria: Van Schaik Publishers:

Ndegwa, S.N. 2002, 'Decentralization in Africa: A Stocktaking Survey', African Region Working Paper Series No. 40: retrieved from <http://www.worldbank.org/afr/wps/index.htm>. (14 May 2010)

Ndegwa, S.N. & Levy, B., 2003, *The Politics of Decentralisation in Africa. A Comparative Analysis*, accessed on 30/07/2011 at <http://www.ircbp.sl/decentralisation-may2006>.

Newman, W.L. 2006, *Social Research Methods: Qualitative and Quantitative Approaches*, sixth edition. Boston: Pearson Education

Organization for Economic Co-operation and Development 2004, *Lessons Learned on Donor Support to Decentralisation and Local Governance: DAC Evaluation Series*.

Olowu, D. 2001, 'Policies and Practices Under Structural Adjustment and Democratization in Africa', accessed on 31/07/2011 at <http://www.unrisd.org/unrisd/website/documents.nsf>.

Olowu, D & Wunsch, J.S, 2004, *Local Governance in Africa: The Challenges of Democratic Governance*, Boulder: Lynne Rienner Publishers.

Patel, N. 2007, Consolidating Democratic Governance in Southern Africa, EISA Research Report, No.33.

Paudel, N.R. 2009, 'A Critical Account of Policy Implementation Theories': Status and Reconsideration: *Nepalese Journal of Public Policy and Governance* Vol.xxv. No.2 accessed on 01/07/2011 at <http://www.un.org/intra.doc./grps/public>.

Ratcliff, D. 1999, 15 Methods of Data Analysis in Qualitative Research, accessed on 13/07/2011.

Ribot, J.C., 2002, African Decentralisation: Local Actors, Powers and Accountability, accessed on 15/07/2011 at <https://netfiles.uiuc.edu/ribot/shared>.

Scott, A.F. & Lim, P.W, 2006, Problems and Prospects of Decentralization in Developing Countries, Draft submitted for consideration in the *Encyclopedia of Public Administration and Public Policy*.

Scott, Z. 2009, Decentralisation, Local Government and Social Cohesion: An Analytical Review© International Development Department, University of Birmingham.

Smoke, P. 2003, Decentralisation in Africa, Goals, Dimensions, Myths and Challenges: *Public Administration and Development* Vol.23.

Tambulasi, R.I.C. 2010, Local Government Without Governance: A New Institutional Perspective of Local Policy Analysis in Malawi, *Public Policy and Administration* 26(3) pp 333-352.

Wikipedia, the free encyclopedia, 'Mind Map', accessed on 11/07/2011 at D:\Mind Map-Wikipedia, the free encyclopedia.mht.

Wikipedia, the free encyclopedia, Bar Chart, accessed on 11/07/2011 at [http://www.en.wikipedia.org/wiki/Bar\\_Chart](http://www.en.wikipedia.org/wiki/Bar_Chart).

Wikipedia, the Free Encyclopedia, Public Administration, accessed on 27/09/2011 at <http://www.en.wikipedia.org/wiki/public-administration>.

Wisker, G. 2008, *The Postgraduate Research Handbook*, 2<sup>nd</sup> Ed, London: Palgrave Macmillan.

Work R. 2002, Overview of Decentralization Worldwide: A Stepping Stone to Improved Governance and Human Development, accessed on 29/06/2011 at <http://www.biblioteca.unmsm.edu.pe/redlieds/>

Wunsch, J.S (2001) 'Public Administration and Development', Vol.21: John Wiley and Sons

## APPENDIX A-QUESTIONNAIRE FOR DISTRICT COUNSULTATIVE FORUM (DCF) MEMBERS AND FORMER WARD COUNCILORS

### Policy and Legislative Provisions for Decentralization in Malawi

1. In your opinion was the decision to adopt the National Decentralisation Policy broadly based?

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2. Can you briefly explain the objectives of the National Decentralisation Policy?

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3. What are the current constitutional, legislative and policy provisions for decentralization in Malawi?

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4. Have the constitutional guarantees played a role in the implementation of the decentralization policy? (Please mark the number of the scale 1 to 5 that best answers the question)

Partially 1      2      3      4      5 Extremely

5. What do you think are the reasons behind such a development?

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6. In your opinion why is government failing to hold local government elections despite the existence of constitutional and legislative provisions?

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**Absence of Ward Councilors and Policy Implementation:**

7. Are you satisfied with the level of consultation when it comes to amending legislation which is governing the implementation of the national decentralization policy?

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8. What are the critical roles of ward councilors in relation to the implementation of the decentralization policy?

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9. Did the councilors who served Zomba District Council between 2000 and 2005 contribute positively in terms of citizen participation and general provision of services at the council? (Please mark the number of the scale 1 to 5 that best answers each question below)

Not at all   1      2      3      4      5   Extremely

Give reasons on why they performed in the way you have rated them

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10. Currently at district Council level there is a District Consultative Forum which has been given the mandate to preside over development issues at district level. In your opinion does this Forum fulfill the objectives of the National decentralization policy? (Give reasons for your response)

Not at all   1            2            3            4            5    Extremely

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11. Are the institutions that are being empowered at the grassroots in place of ward committees representative and downwardly accountable? (Give reasons for the response)

Not at all   1            2            3            4            5    Extremely

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**Problem Areas in the Implementation of the Decentralization Policy:**

12. Is the implementation of the National Decentralisation Policy a top political priority?

Not at all   1            2            3            4            5    Extremely

13. Are there any apparent political agendas that could undermine the implementation of the National Decentralization Policy?



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14. How can you rate the status of implementation of the National Decentralisation Policy at Zomba District Council?

Not satisfactory   1      2      3      4      5   Very Satisfactory

15. In your opinion what are the major factors which are leading to the current status of implementation of the National Decentralisation Policy? (Please arrange them in order of significance).

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16. What can be your recommendation (s) for improvement in the implementation strategy of the National Decentralization Policy?

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## APPENDIX B-QUESTIONNAIRE FOR APPOINTED OFFICIALS

### Policy and Legislative Provision for Decentralisation in Malawi:

1. Why do you think government adopted the National Decentralisation Policy which advocates devolution type of decentralization?

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2. In your opinion do you think central government is willing to see the Devolution type of decentralization takes root at Zomba District Council?

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3. In your own assessment how effective is the Constitutional and Local Government Act in ensuring that the implementation of the National Decentralisation Policy is fully implemented at Zomba District Council

Ineffective    1    2    3    4    5    Very Effective

### Absence of Ward Councilors and Policy Implementation:

4. Do you consider the absence of councilors a challenge in your operations? (Give reasons for your response)

Not at all    1    2    3    4    5    Extremely

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5. In the absence of councilors what mechanisms are there to ensure that you remain accountable for your actions and inaction?

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6. It is a given fact that district councils have operated without ward councilors for the past seven years. What is your reaction to this statement: "The National Decentralisation Policy cannot be successfully implemented in the absence of political representation at Zomba District council" (Circle the number that indicates your response).

1. Strongly Disagree 2. Disagree 3. Uncertain 4. Agree 5. Strongly Agree

Elaborate your response

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7. How do you rate the performance of institutions which are operating in place of ward committees in relation to citizens' participation in council decision making?

Not satisfactory 1 2 3 4 5 Very Satisfactory

8. Currently chiefs and Members of Parliament are given the mandate of representing citizens in council operations. How do you rate their performance in terms of fostering people's participation in development planning in the council?

Not satisfactory 1 2 3 4 5 Very Satisfactory

### **Problem Areas in the Implementation of the Decentralisation Policy:**

9. Is the current policy environment conducive to the implementation of the decentralization policy?

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10. In your opinion is the intent of the National Decentralisation Policy being fulfilled at Zomba District Council? (Please mark the number of the scale 1 to 5 that best answers the question)

Not at all    1       2       3       4       5    Extremely

11. What have been the major constraints in the implementation of the National Decentralisation Policy at Zomba District Council? (Write them in order of significance)

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12. How can you rate the status of implementation of the National Decentralisation Policy at Zomba District Council?

Not satisfactory    1       2       3       4       5    Very Satisfactory

13. What do you think are the major reasons behind the current status of the implementation of the National Decentralisation Policy?

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14. What can be your recommendation (s) for improvement in the implementation strategy of the National Decentralization Policy?

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## **APPENDIX C-GUIDING QUESTIONS FOR CONDUCTING INTERVIEWS OF SELECTED COMMUNITY LEADERS AND VILLAGE HEADMEN**

### **Policy and Legislative Provision for Decentralisation in Malawi:**

1. In your opinion can you elaborate what decentralization entails?
2. What were the reasons behind the adoption of the National Decentralisation Policy by the Malawi Government?
3. Were you involved at any particular time in the development of the National Decentralisation Policy?
4. In your own assessment how effective is the Constitutional and Local Government Act in ensuring that the implementation of the National Decentralisation Policy is fully implemented at Zomba District Council
5. In your opinion why is government failing to conduct the much awaited local government elections despite the existence of Constitutional and Legislative provisions guiding the conduct of the elections?

### **Absence of Ward Councilors and Policy Implementation:**

6. The National Decentralisation Policy states that ward councilors have the responsibility of representing citizen's views at the council. What has been the effect of their absence on the implementation of the National Decentralisation Policy?
7. In the absence of councilors what mechanisms are being used to foster people's participation in council decision making?
8. Do the chiefs and Members of Parliament consult when submitting development project for possible funding at the District Council?
9. To what extent are you satisfied with the current level of grassroots representation at the district level?

10. Have you experienced any difference in service delivery since the last councilors left office in 2004? Give an explanation to your response

11. Given a choice between the ward councilors and current representatives of people at the council what do you think is the most effective way of getting your views heard at the council?

**Problem Areas in the Implementation of the Decentralisation Policy:**

12. How can you rate the status of implementation of the National Decentralisation Policy at Zomba District Council?

13. In your opinion what should government do to ensure that the National Decentralisation Policy is implemented successfully?

## **APPENDIX D-LETTER FROM THE DISTRICT COMMISSIONER**

THE DISTRICT COMMISSIONER

P.O.BOX 23

ZOMBA

25<sup>TH</sup> AUGUST, 2011

### **TO WHOM IT MAY CONCERN**

I would like to bring it to your attention that Mr. Atanazio Chibwana is a student at the University of Fort Hare in South Africa and is currently pursuing a Masters Degree in Public Administration.

Mr. Chibwana would like to conduct a research on the implementation of the National Decentralisation Policy in Zomba District Council. The findings of the study will be used for academic purposes only and all your responses will be treated as confidential. To this effect Mr. Chibwana took an oath of secrecy at the office to ensure that the information which will be provided will remain anonymous and confidential.

I hope you will assist Mr. Chibwana as you have always done to different people and groups who visit you to conduct research.

H. PHIRI

DISTRICT COMMISSIONER

ZOMBA DISTRICT COUNCIL

## **APPENDIX E- OATH OF SECRECY**

I, Atanazio Chibwana, a Masters of Public Administration student at the University of Fort Hare, do solemnly swear that all the data and information collected and held by me for the research will be treated with utmost secrecy and confidentiality. All respondents will be anonymous and that at no point in the dissertation will an individual be singled out as a source of information.

I make this declaration understanding that any breach of confidentiality will be a breach of Oaths, Affirmations and Declarations Act.

Signed .....

Date:

Before Me.....

Commissioner of Oaths



## APPENDIX F-NOTIFICATIUN LETTER TO RESPONDENTS

A.G. CHIBWANA  
C/O P.O. BOX 23  
ZOMBA  
MALAWI.  
28-08-2011

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Dear Sir/Madam,

### **REQUEST TO GET INFORMATION ON IMPLEMENTATION STATUS OF THE NATIONAL DECENTRALISATION POLICY IN ZOMBA DISTRICT COUNCIL**

Please refer to previous communication we had as regards the underlined topic.

Would you kindly assist me with the requested information by completing the questionnaire which has been attached to this letter. I have also attached an introductory letter and a sworn affidavit which I obtained from the District Commissioner Zomba.

I would be most grateful if the questionnaires are completed within two weeks of receipt. For any clarification on the questionnaire my contact number is 0888 870168 and my email address is [chibwanaatz@yahoo.com](mailto:chibwanaatz@yahoo.com).

I will be looking forward to your support.

A.G. CHIBWANA