PAN AFRICAN CIVIC EDUCATORS NETWORK (PACENET)

Governance Handbook

Improving Responsiveness and Effectiveness of Social Service

Delivery and Accountable Local Governance Structures
In MALAWI"

POSTAL ADDRESS
P.O. Box 13, Luchenza
Tel.: 0880366404/
     0982218081

Email:info@pacenetmw.org/pacenetsecretariat@gmail.com
www.pacenetmw.org

PHYSICAL ADDRESS
Hamdan Residence

Next to Luchenza Sec. School
Luchenza Municipality

TABLE OF CONTENTS

I.   ACKNOWLEDGEMENTS

Pan African Civic Educators (PACENET) would like to express its sincere and heartfelt gratitude to all the people and groups who worked tirelessly to give in their input and develop this Trainers Handbook on improving responsiveness and effectiveness of social service delivery and accountable local governance structures in Malawi.

The network sincerely thanks PACENET Master Trainers, Board Members and Staff for their valuable contributions and hard work during the development of the Handbook.

Finally, PACENET is most grateful to Action Aid International Malawi through the Just & Democratic Governance Seed Fund (JDGSF) for financial and technical support it rendered to produce this Handbook.

Steve Duwa
Executive Director

ii.   INTRODUCTION

Under the project on improving responsiveness and effectiveness of social service delivery and accountable governance structures the Pan African Civic Educators Network (PACENET) seeks to work with local governance structures,namely,Village Development Committees (VDCs) and Area Development Committees (ADCs) to build their capacity to understand their functions, roles and responsibilities . It is expected that the VDCs and ADCs will be enabled to undertake their roles and responsibilities in spearheading participatory development initiatives. Some of their key roles include the following:

- To identify and prioritize community needs as well as preparing project proposals and submitting these to ADCs.
- To supervise, monitor and evaluate the implementation of development activities in the villages.

It is such committees that will be trained to do community audits on development programs.

PACENET believes that sustainable socio-economic and political development of Malawi can only take place if a mechanism is provided through which decisions about grassroots development can be taken at local level. In Malawi this is being achieved through the Decentralization and Local Government Act adopted in 1998. A key feature of the decentralization policy is the empowerment of communities to take a leading role in the improvement of their welfare while the key feature of local government system is the promotion of popular participation of the communities in socio-economic development. Currently local governance structures in Malawi are not fully functional due to failure by government to hold local government elections since 2005 and the evident lack of knowledge by many citizens about the roles and functions of these governance structures. Despite Malawi embracing the democratic decentralization policy decisions affecting the socio-economic, cultural and political affairs of the people are made by Central Government. In other words, citizens have little say in the affairs of their country.

This handbook on governance, therefore, is a tool for the capacity building process of local communities to participate in public life through the VDCs and ADCs as one way of consolidating democracy at grassroots. It is the duty of every Malawian to work hard and ensure that we have efficient and effective local governance structures.

1.0. DEMOCRACY AND LOCAL GOVERNANCE

From the human development perspective, good governance is democratic governance which calls for development programming to adopt a human rights perspective or approach. This approach entails the use of human rights concepts and standards in the analysis of development problems and in the design of projects and programs, including mechanisms to assess the impact of these programs and the process by which they are developed and implemented.

a. In a democracy

- people chose for themselves how they are to be governed and who to govern them.
- people's human rights and fundamental freedoms are respected, allowing them to live with dignity.
- People agree to be ruled by the government in power because they participated in choosing it freely otherwise, they can challenge it during the next election, through peaceful protests, strikes, demonstrations etc.
- Power belongs to the people have a say in decisions that affect their lives.
- people can hold decision makers accountable.
- women are equal partners with men in private and public spheres of life and decision making.
- people are free from discrimination based on race, status, gender, ethnicity and any other attribute.
- economic and social policies are responsive to the peoples' needs and aspirations and ensure that the needs of future generations are reflected in those policies.

Characteristics of democracy

a. **Participation:** This is both a right and duty for citizens to participate in the affairs of their country. The Declaration on the Right to Development states that ''every person and all peoples are entitled to participate in, contribute to, and enjoy civil, economic, social and cultural and political development in which all human rights and fundamental freedoms can be fully realized. This entails involving people at all levels of social, political and economic decision-making processes. It is a right with profound consequences for design and implementation of development activities.

ii. Tolerance and coexistence: Those in majority should allow minority groups to express themselves freely. People with diverse views should accommodate each other regardless of gender, political affiliation, ethnicity, culture, religion, social status etc. One goal of democracy is to make decisions for the good of the society. This can only be successful if all views are taken into consideration before a decision is finally arrived at.

b. **iii. Accountability and Transparency:** In a democracy elected leaders are expected to make informed decisions and perform their duties according to the will and wishes of the people. Leaders need to be held responsible or accountable for their actions because they hold power as a trust from the people. Secrecy in the activities of government undermines accountability and endangers the exercise of human rights. Information must be freely available and directly accessible to those who will directly be affected by those decisions and implementation. This requires effective efforts to build public understanding of the objectives of policy, nature of responsibilities of public authorities and the process of governance.

c. **iv. Respect and protection of Human rights:** All persons have basic human rights, and a democratic society tries to respect and protect those rights for all its members. In the case of Malawi these human rights appear under the Bill of Rights in Chapter IV of the Republican Constitution. However, there are duties that go along these rights .Most important is the duty to respect the rights of others. The state has the duty to respect, protect, promote and fulfill human rights and can be held accountable by its citizens and at the international community.

d. **Rule of Law:** This is based on the principle that no person is above the law, and everybody is equal before the law. No one should be discriminated against based on gender, religion, language, ethnicity, political opinions, race etc. States have an obligation not to abuse power but to embrace constitutionalism at all times.

e. **Regular, free and participatory elections:** One way people express their will is through elections when they choose who will represent them in government. People should make their choices in a free and fair manner without being intimidated, bribed, threatened or forced. However, people, apart from expressing their choices through the ballot, can organize themselves into peaceful demonstrations and other actions to hold government accountable. Through such acts, a listening government would be able to adjust its oppressive actions for the better.

b. Governance

As used in this handbook it refers to "the exercise of political, economic and administrative authority to manage a country's affairs at all levels. It provides effective structures and capacities for the people to make known their desires of life and to realize these desires.

For good governance to prevail, all the principles of human rights, such transparency and accountability, participation should always be adhered to. Where these are not exercised, good governance cannot be realized. Therefore, good governance is about embracing all the human rights principles in any system that governs on behalf of the people. Good governance is about following all the democratic principles in the affairs of exercising power entrusted upon leaders.

On the other hand, local governance refers to a situation where the government is accountable to the local people and that the local people participate in the planning, implementation and monitoring of local development initiatives. Within the context of democracy, local governance promises that the government at the local level is people cantered and more effective in the delivery of social services. The main component of governing the people is through the following of constitutionalism, being the supreme law of the land. However, people should also guard against the wanton efforts by politicians to rape the constitution to suit their own political and economic choices.

2.0. THE LOCAL GOVERNMENT SYSTEM IN MALAWI

a. Local Government Area

Malawi has established a new local government system in the form of councils as a way of promoting and consolidating democracy. The constitution of Malawi provides that there shall be local government authorities (councils) representing people at local level for their welfare. The Malawi Constitution in Chapter 14, provides for elected local authorities responsible for making local government plans and policy, promoting democratic participation and providing local services. The responsibilities of local government are to make local policies and decisions, to promote development, to create awareness

of local issues to central government and to consolidate and promote local democratic participation. (Section 146(2).

In this way government is *transferring some powers and responsibilities in decision making to the lower levels of town, city, municipality and district.* This is part of the process known as **decentralization.**

Democracy means that power to run the government is in the hands of the people. The Councils will help bring government closer to the people by allowing them to have representatives in cities, towns, municipalities and districts and will participate in the development of those areas.

The Council representatives will be elected from a ward, which is smaller than a constituency. In this way there will be increased participation of the people in the running of their communities through activities starting at the ward level. The Councils will be able to create committees at village, ward or area level.

Malawi conducted its first multiparty local government election in 2000 but the old composition of councilors was dissolved and only officers employed by government are running local councils. It is important that when local government elections take place in 2011, people should take part in order to help elected leaders in the councils, as their representatives, hence really bringing government closer to the people.

b.   Local government areas in Malawi

Malawi has a total of 34 Local Government areas in which Local Government Authorities called Councils have been established. Local Government areas are sub-divided into smaller areas called Wards from where Councilors are elected. Currently there are 442 wards in Malawi with 79 Wards in the Northern Region, 166 Wards in the Central region and 187 wards in the Southern region.

c.   How are these Councils categorized?

The number of Councils in this country is determined from time to time through the First Schedule of the Local Government Act. Currently Local Government areas in Malawi are categorized into three, as follows:

i.   Cities:
Currently, there are four of them, namely:
    a. Blantyre,
    b. Lilongwe,
    c. Mzuzu; and
    d. Zomba.

ii.   Municipalities:

Currently, there are two, namely: Kasungu and Luchenza

iii.   Districts:

There are twenty-eight of them, namely:

Balaka, Blantyre, Chikwawa, Chiradzulu, Chitipa, Dedza, Dowa, Karonga, Kasungu, Likoma, Lilongwe, Machinga, Mangochi, Mchinji, Mulanje, Mwanza, Mzimba (M'mbelwa), Neno, Nkhata Bay, Nkhotakota, Nsanje, Ntcheu, Ntchisi, Phalombe, Rumphi, Salima, Thyolo, Zomba.

Each of the Local Government areas is a district in its own right. With guidance from the central government, districts have full responsibility over their development and recurrent agenda in line with the national objectives.

2.0.   DECENTRALISATION

a.   What is decentralisation?

Decentralisation is the process by which Central Government progressively transfers some of its political power, responsibilities and financial resources to Local Governments. This process gives Local Governments the authority and resources to provide the necessary services in areas under their jurisdiction.

For this process to be effective and run smoothly, it has to be supported by appropriate legislation. The republican constitution (section 146) and the Local Government Act of 1998 provide the legal framework for decentralisation in Malawi.

b.   Why do we want decentralisation?

Although Central Government is ideally responsible for provision of all services in the country, it cannot manage all the affairs of the state by operating directly from the Government Headquarters. It is not possible for officials at Capitol Hill to know the issues affecting a particular locality in a district and be able to respond to them in a timely manner. Decentralisation allows each local authority to examine the priority needs of their area and come up with programs or projects to deal with such issues.

c.   Benefits of Decentralisation

The following are the benefits of decentralisation:

(I).   Improving service delivery to citizens

Local Governments are responsible for a much smaller area than Central Government. They are also closer to the people they are responsible for, which makes them better placed to decide and quickly

act on the needs of people since they can jointly (with the people concerned) analyze a situation, plan how to address their needs, implement, monitor and evaluate implementation of the agreed programs and projects. Because of their closeness to areas where people require projects, they are able to interact with project beneficiaries on the problems they face and proposed solutions. Therefore, they are in a better position to decide how much money should be invested to improve these services. This helps the local governments to deliver services that are responsive to the needs of the people, in a timely and most effective way. By being able to respond quickly, it facilitates.

improvement in people's standard of living and contributes to the attainment of the Malawi Growth and Development Strategy (MGDS) targets and the Millennium Development Goals (MGDS).

The other importance of the closeness of these structures to the people is that the legitimacy of the people to demand their entitlements in terms of services from the local government, being the main duty bearer, can easily be realized. On this it must be noted that any service brought upon the people by duty bearers without any demand for such is like a work charity.

(ii).   Strengthening democracy at grassroots level.

Malawi is a democratic country, and this means that important decisions that affect people's lives have to be made by people that are democratically chosen to take such responsibility. That is why local government elections, where people choose their local authority representatives (Councilors) should be held from time to time. This is in addition to the general elections where citizens vote for the President of the country and Members of Parliament in their constituencies. By letting people participate in local elections to elect councillors, government is bringing democracy to the local level, where the common man stays.

Decentralisation also strengthens democracy by offering an opportunity to people to choose leaders to position of authority in other development committees at Area and Village level. Through participation in such activities, and other collective efforts after elections, citizens can also hold their representatives accountable for the service rendered, intended to bring about economic, social, political and cultural development in their wards and councils.

iii. Enhance Accountability and Transparency
This can easily be achieved when resources are brought closer to the people, as they can demand the same from local authorities.

vi. Genuine Empowerment of the People. Empowerment is an overarching principle of democratic governance. Through such people have information to follow through every process of development.

d.   What are the effects of decentralisation?

Decentralisation transforms the way government, at both central and local level works and interacts with the public. As Local Governments provide services in their respective areas, some positive effects are registered. These include the following:

(I).   Quick Decision making

The national budget provides financial resources to each council both for recurrent expenses and also for financing development projects. Each council is responsible for procurement of works, supplies and services that are required. Decentralization, therefore, provides an opportunity for each council to respond quickly to local requirements and implement projects and programs. This is unlike a situation whereby all decisions have to be taken at central government headquarters.

(ii).   Sustainability

Projects that are designed and implemented from the council have a more sustainable impact on the community since they are projects that address the priority needs of the community and therefore address the most fundamental needs of the people. This is the only way sustainable poverty eradication can be attained.

Although Government decided to decentralize certain functions to the local governments, it still retains its role of making sure that minimum standards are upheld as councils are implementing their various activities. In order to support the decentralisation process, new institutions at national level have been created. These include the Local Government Service Commission (LGSC), responsible for recruitment of and setting standard for Council staff; and National Local Government Finance Committee (NLGFC), which provides support to Local Governments in their financial management.

3.0.   THE SET UP OF A COUNCIL

a.   What is the set-up of a Council?

A Council is made up of two bodies, namely: an elected Council, composed of Councillors and other members; and also, an administrative body called the Council Secretariat. Council offices are usually called Civic offices. These offices comprise both administrative offices and the Chamber for conducting council meetings. While Councillors are elected and serve a five-year term, the Council Secretariat is managed by permanent Council employees. In some instances, government may second or appoint staff to work in Councils.

b.   Members of a Council

A Council is made up of the following:

1. Elected Councillors,
2. Members of Parliament (MPs) from within the city, municipality or district.
3. Paramount Chiefs, Senior Chiefs and full Traditional Authorities; and
4. Five representatives of Special Interest groups.

These are elected by their own fellow members to represent their interests in the Council. (The Council only identifies the special Interest Groups/constituencies such as Women groups, the Youths, people with disabilities, people living with HIV and AIDS, the elderly etc.).

Note:

a. MPs, Chiefs and representatives of interest groups are ex-officio members of the Council. As such they can neither be elected as Mayors, Chairpersons, deputy Mayors, and deputy Chairpersons, nor can they chair any of the Council's Service Committees.

b. Members of the Interest groups cannot be elected or appointed from among the following: Political Parties, losing candidates in the immediate last elections, NGOs or Sub Traditional Authorities. Special Interest groups should represent a constituency of vulnerable or voiceless people in development.

c. Among the Council Members, it is only Councillors and MPs that vote on issues under debate.

At their first meeting, Council members elect the Council Mayors, Chairpersons and their Deputies. The term of office for council Chairpersons and Mayors (and their deputies) is determined through the Local Government Act. Currently, the terms are 2½ years and 1 year, for Mayors and Chairpersons respectively, with a provision of one re-election within the term. Mayors and Chairpersons are political heads of Cities, Municipalities and District Councils respectively. Their roles are non-executive meaning that they are not full-time employees of the council.

When the Council meets for its meetings, members of the general public can attend to observe and listen to the proceedings. However, they have to apply in advance to attend the council proceedings.

c. Service Committees

Every Council must have seven mandatory Service committees. These committees are provided for in the Local Government Act. These committees facilitate the conduct of council business. Their duties include examining government policies and seeing how they can be applied at council level, to formulate by-laws and propose Council activities in a given sectoral area (for example, health, finance, environment, etc.). The Council Secretariat will provide some guidelines on the number of people to make up each one of the Council Service committees based on the proportion of party representation in the Assembly. However, a councilor may indicate which committee they would wish to belong to, based on their expertise. Sub-Committees should not have more than 11 members.

Ordinary Council meetings are expected to be held four times a year. However, Service Committees can meet more often when need arises. The following are the statutory Service Committees for Councils in Malawi:

1. Finance Committee.
2. Development Committee.

3. Education Committee.
4. Works Committee.
5. Health and Environmental Committee.
6. Human Resource Committee; and
7. Town Management Committee.

Councils can also:
- establish additional service committees at district level, or any other committees at village, Ward and area level.
- establish joint committees: for example, two Councils may be jointly responsible for the management of a natural resource or disaster.
- invite any specialist or other stakeholder to attend a committee meeting and take part in the deliberations of the meeting (but not to vote).

d.   The Council Secretariat

The Council Secretariat is made up of fully employed Council employees. The Head of the secretariat in District Councils is called a District Commissioner (DC). In Municipalities and Cities, they are called Chief Executives (CEO).

The DC or CE is the controlling officer of the Council and is responsible for the day-to-day management of all the resources of the Council. The Council Secretariat is responsible for implementation of decisions taken by the council.

e.   Council Directorates

Just as a Council has various Committees to deal with specific issues, the Council Secretariat has Directorates. Each Directorate is headed by a director who is answerable to the DC or CEO.

The following are some of the Directorates that a Council may have:

i.   Directorate of Administration.
ii.   Directorate of Agriculture, Environmental Affairs and Natural Resources.
iii.   Directorate of Planning and Development.
iv. Directorate of Education, Youth and Sports.
v. Directorate of Finance.
vi. Directorate of Health and Social Services.
vii. Directorate of Public Works.
viii. Directorate of Commerce and Industry.

Cities may also have a Directorate of Engineering to manage all engineering related issues.

Currently, the posts of DC and CEO are graded at Grade 'E' or higher. According to the Public Service set up, these grades are appointed positions and all DCs and CEs are appointed by the Minister
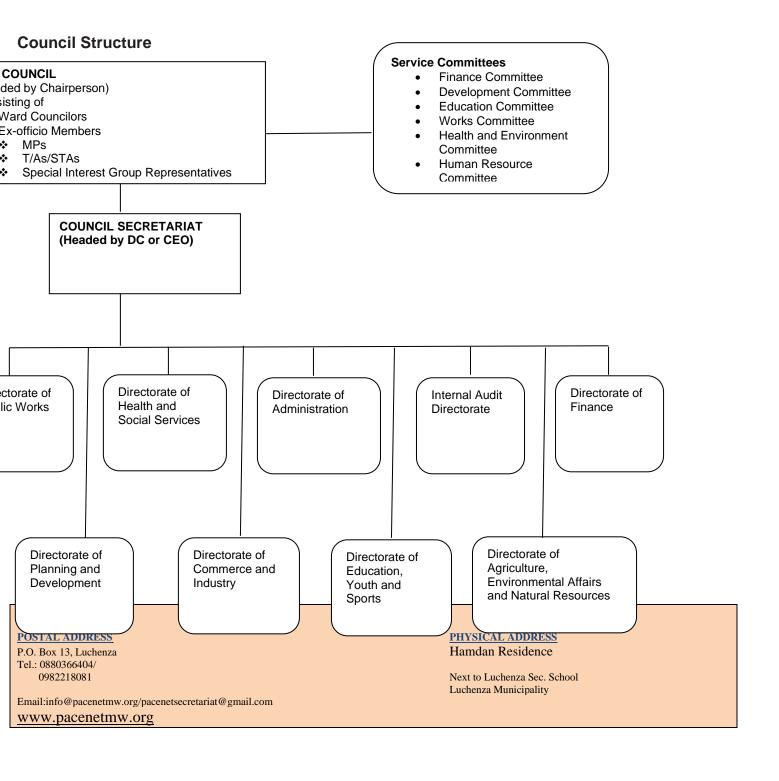
(Central Government). All other members of staff are employed by the Council either through their Appointments and Disciplinary Committees or through a recruitment agency at national level, namely: the Local Government Service Commission (LGSC).

Council Structure

COUNCIL
(ded by Chairperson)
sisting of
Ward Councilors
Ex-officio Members
- ❖ MPs
- ❖ T/As/STAs
- ❖ Special Interest Group Representatives

Service Committees
- Finance Committee
- Development Committee
- Education Committee
- Works Committee
- Health and Environment Committee
- Human Resource Committee

COUNCIL SECRETARIAT
(Headed by DC or CEO)

ectorate of
lic Works

Directorate of Health and Social Services

Directorate of Administration

Internal Audit Directorate

Directorate of Finance

Directorate of Planning and Development

Directorate of Commerce and Industry

Directorate of Education, Youth and Sports

Directorate of Agriculture, Environmental Affairs and Natural Resources

4.0. THE RESPONSIBILITIES OF A COUNCIL

a. Legal Requirements of Councils

According to the Local Government Act, Local Councils are required to do the following:

(I). To make decisions on local governance and development for a local government area.

Councils are in charge of solving issues which are specifically relevant to the people living within their Local Government area. This means that Councils have to translate national policy to specific situations of their local government area. For instance, within the national priority area of food security, a council must decide how best this priority can be achieved based on a peculiar situation of the area but within the national policy framework of government. If the district has erratic rainfall, the council could come up with small scale irrigation projects as a way of attaining food security. Local Governments cannot, however, come up with their own policies that are contrary to national policy. For instance, a council cannot decide to implement a universal fertilizer subsidy program when the national policy is for a targeted program. The Local Government Act empowers the Minister responsible for local government to suspend any council that comes up with policies that are contrary to national policies.

(ii). To support local democratic institutions and democratic participation.

All citizens have an important role to play in Local Government. A Council needs to be a democratic institution which consults people on their views and listens to their concerns before making decisions. The decisions that are made in the council must reflect the views of the citizens.

(iii).   To promote infrastructural and economic development through Development Plans.

All councils have limited resources and they have inadequate infrastructure (such as roads) and investment (such as businesses coming into the areas). Councils should come up with ways of mobilizing resources for infrastructural development in the area under their jurisdiction. They also need to come up with ways of attracting investment to their districts. For example, they should promote the advantages of their Local Government area (such as proximity to the Lake, favorable weather, etc.). Every three years Councils must produce a development plan which represents the overall strategy for the development of their Local Government area.

(iv).   To mobilize resources within the Local Government area for governance and development.

For councils to develop, acquire better infrastructure, attract investment and provide high quality services they need resources. Councils can generate these funds from a number of sources. The councils have a duty to decide on the level of charges that must be levied on their citizens. In doing so, they need to consider issues of affordability of the citizens. The level of levies should not be so prohibitive that it stifles the economic wellbeing of the citizenry.

(v).   To maintain peace and security in their Local Government area in conjunction with the Malawi Police Service.

Councils are responsible for fighting crime and maintaining law and order within their Local Government area through Community or Municipal Policing.

(vi).   To make by-laws for the good governance of the Local Government area.

Central Government makes laws through the National Assembly. These laws apply to the nation as a whole. Laws which apply only to one Local Government area are called by-laws. These are made by the Councils. A council may, for example, come up with a marketing by-law to regulate and control trade in the local government area. In order to ensure that such by-laws are consistent with national laws and policies, they are required to be approved by the Minister before they can take effect.

(vii).   To appoint, develop, promote and discipline some of their staff.

There are many people working for a Council: directors, secretaries, revenue collectors and others. A Council is responsible for all of its employees, except for the directors and DCs/CEOs who are

currently appointed and disciplined by Local Government Service Commission, and the Minister respectively.

(viii). To co-operate with other Local Councils in order to learn from their experience and exchange ideas.

Councils can learn from each other because most of the times they have similar problems.

(ix). To perform other functions including the registration of births and deaths and participate in the delivery of essential local services.

Councils are responsible for the registration of births, death, marriages, and management of other delegated functions such as National elections, public events, and disaster management.

b.   Service delivery

Service delivery refers to supplying people with services needed or demanded. This can be done by government institutions and organizations, private companies, Non-Governmental Organizations (NGOs) or individual service providers. Central and Local Governments share the responsibility for the delivery of services to the people.

Some of the specific services that Local Governments deliver include the following:

(I).   Environmental services

Among these services, Councils are responsible for removing and disposing of refuse and sewage, environmental reclamation and environmental education.

(ii).   Roads and street services

Councils are responsible for construction and maintenance of all roads that are under their control. These roads include district roads, township roads, city roads, and feeder roads. They are also responsible for street naming.

(iii).   Agriculture, livestock and irrigation services

Services under agriculture include, crop and livestock extension, land and crop husbandry, food and nutrition, construction and maintenance of small dams.

(iv).   Water

Councils are also responsible for the provision and maintenance of water supplies including boreholes, gravity fed piped water projects/schemes, protected wells as well as distribution of water.

(v).   Public amenities

Councils are responsible for the promotion of recreation, leisure and culture, as well as the provision and maintenance of sports grounds, community halls, recreational parks, playgrounds, and other public conveniences.

(vi).   Business

Councils also promote and regulate business and local tourism. This is done, among others through licensing and inspection of small and medium businesses, groceries, retail and wholesale shops, garages, motels, private schools and clinics.

(vii).   Other Services

There are also other services that Councils provide to their citizens. These include registration of birth, marriage, death and issuance of their respective certificates, and also burial services. For citizens to access some of these services, they have to consult their local Councils through their councilors.
To ensure that the services being provided by the Councils are in line with the national policies and standards, local governments are monitored by central government, which sets minimum standards and provides the guidance. Central government will also ensure that capacity building programs are in place to enable councils undertake these services.

5.0.   THE ROLES OF A COUNCILLOR AND OTHER COUNCIL MEMBERS

a.   Who is a Councilor?

Every Local Government area is divided into a number of smaller areas through which people democratically elect someone to represent them at Council meetings. These areas are called Wards. The Malawi Electoral Commission Act provides for the numbers of Wards in all Councils. A councilor is therefore an individual who is elected to represent his/her ward in the Council. He/she is concerned with matters relating to services provided by the Council to the people of his/her ward and the district as a whole. Councillors are elected during Local Government Elections, which are held every five years.

Councillors are usually people who live within a community and take an interest in and know the problems and concerns of the people living in their Ward. They are not paid for representing their ward in the Council. However, they receive allowances to pay for their transport and up-keep during Council and committee meetings. Therefore, people intending to contest as Councillors should be very committed to serving their Wards or communities in development work, as opposed to contesting in order to satisfy their financial interests.

18

There is no specific academic qualification for a councilor. However, it is important that people should elect only those people that can best serve their common interests in the council. In particular, it is important that people should elect a counselor who resides in the area. An ideal candidate should have good communication and leadership skills and should be a person with a fairly good knowledge of development issues.

Many Councillors are members of and are elected on a ticket of political parties. This, however, does not mean that they represent only those people that support their party. They are required to represent the interests of all the people living in their Ward, including minority groups.

- *How is a Councilor Elected*

➢ **Nomination of Candidates**

Nomination is the process of proposing candidates to the Electoral Commission to contest in the elections. For a candidate to be nominated to run election, there is need for at least ten voters registered in the candidate's ward to each sign a nomination paper in addition to a party official, if the candidate is contesting for a political party. Candidates can contest as independent or for a political party. Each candidate will have a symbol, those running for political parties will have their party's symbol. Nomination time is appropriate time to identify suitable candidates who can make good leaders.

➢ **Choosing the best candidate**

Some political parties conduct primary party elections within the wards to find who should be nominated as a candidate. But there is also a chance for registered voters in the community to nominate an independent candidate just by following procedures laid down. It is important for citizens to take part in choosing the right candidates for nomination because this is the first step to getting a good representative in the council.

There are a number of qualities in a good leader. Examples of such qualities are honesty, integrity, patience, commitment to development and respect for others. In these elections we are voting for responsible people whom we trust to run our areas, so a councilor is expected to be someone who is well known by the people. This means we will know their backgrounds and what they have done for our community in the past. Although Councillors might belong to political parties, elected councillors are supposed to serve the interests of all people in their area and not divide people.

➢ **Qualifications of Candidates for local government elections**

- Should have attained the age of 21.
- Should be able to speak and read the English language and actively communicate in that language in the council.

- Should be a registered voter.
- Should not owe allegiance to a foreign country.
- Should not be mentally ill, as certified medically.
- Should not have been convicted of any crime involving dishonesty or immorality within the last seven years.
- Should not have been declared bankruptcy by any court of law.
- Should not hold any public office or appointment.
- Should not belong to or be a serving member of the defence forces or Malawi Police Service
- Should not have been convicted of any crime relating to elections within the past seven years.

When a person meets the above-mentioned conditions, they can then obtain a nomination form from an elections officer at the Council in the district. They explain all the requirements for a person to stand in Local Government Elections. After filling in the forms, He/she needs to submit it to the elections officer for examination.

A Councilor's job begins after the elections. To be a Councilor one needs to have interest, motivation and commitment to serve the community. A councilor does not earn a salary for his/her position. However, Councillors can earn respect from their fellow community members for their voluntary work.

b.   The relationship between Councillors, MPs and Traditional Authority (TAs)

Apart from Councillors, other members of councils include MPs, Traditional Authorities (TAs) and representatives of special interest groups. All these play a role in the Local Government set-up. Even though both MPs and TAs are ex-officio members of a Council, they can participate in the meetings of the Council. MPs have a voting right in the council meeting while TAs do not.

The roles of a Councilor, an MP, Chief and representatives of Special Interest groups are complementary to each other and therefore they are expected to work as a team. This means that any development programme/project brought to the council to be carried out at VDC/ADC level should be agreed upon by the community, the Councilor, the MP and the Chief. Efforts should be made to bring harmony between and among members of the Council. If members of the council are in conflict on competition, development work will be derailed, and it will be the community that will suffer.

c.   The responsibilities of a councilor

Councillors have the following responsibilities:
   (i)   To represent their Wards in the Council.
   (ii)   To inform themselves about the views and needs of the people in their ward.
   (iii)   To bring to the local forum the local concerns that require Council solutions.
   (iv)   To make plans for development covering all wards in a district and deliver services to all wards thereby ensuring that there is fair distribution of resources and development to all wards.

(v)   To prepare well for Council meetings in order to fully understand the issues under discussion.

(vi)   To give feedback to the people in their wards about what has been decided in the Council.

(vii)   To bring to the attention of MPs matters that require a national response strategy, because they cannot be addressed through inclusion in the District Development Plan (DDP) alone.

(viii)   To initiate and contribute to debate in the Council on Local Government matters and management of Council resources.

(ix)   To ensure that there is transparency and accountability in the operations of the Council secretariat headed by the District Commissioner (DC)/Chief Executive Officer (CEO).

(x)   To lobby MPs so that people in their wards receive adequate and quality national services such as security, electricity and relief in major disasters.

(xi)   To ensure that the DC and his/her secretariat attend adequately to local development needs.

(xii)   To provide a systematic check on the Council secretariat expenditure and service delivery within their respective wards and the district as a whole.

(xiii)   To receive at the Council level all proposals for the Local Development Plans (LDP) and examine the proposals closely and pass a budget for the Development Plan.

(xiv)   To help or facilitate implementation of local development.

d.   The roles and responsibilities of MPs in the Council:

(I).   To represent their constituents in the council.

(ii).   To bring to the council constituency concerns that require council solutions.

(iii).   To bring to the national forum the local concerns that require national solutions.

(iv).   To lobby from government more resources for their assembly.

(v).   To provide a local level scrutiny on use of resources and delivery of service by the local authority.

(vi).   To provide feedback to the Constituency on Council resolutions.

(vii).   To participate in Area Development Committee (ADC) meetings.

(viii).   To participate in the voting process on issues under discussion in the council.

Unlike many other countries, M.Ps in this country have a voting right in meetings of the council. Unlike in developed countries, a large proportion of resources for the councils are appropriated from the National Assembly. It is therefore important that M.Ps should provide a link between the councils and the National Assembly. The M.P will bring issues that cannot be solved at the council level to the attention of the National Assembly. Consequently, the M.P has to advise the council how they can benefit from national programs. It is therefore important that the M.P is recognized as a full and active member of a council if he/she is to provide an effective linkage between local and central government.

On the other hand, the following are the roles and responsibilities of Chiefs:

I.   To participate in council deliberations

ii.   To ensure that council decisions are not in conflict with cultural values

iii.   To mobilize communities to participate in local development.
iv.   To mobilize local resources for development implementation.
v.   To act as advisor to Area Development Committee.

6.0.   THE ROLE OF CITIZENS

a.   What role do citizens have in Local Governance?

All citizens of this country have an important role to play in Local Governance. Their main role is to participate in the administration and development of Local Government areas. This is one of the objectives of the decentralisation process which government adopted in 1998, as a way to empower communities and delivering high quality services to the people.

b.   Ways in which citizens can participate in Local Governance

(I).   Political office and local elections

Citizens can participate in local governance through local government elections. Citizens can either run for the office of the councilor or alternatively, citizens who do not want to run for political office, can participate in the local elections by voting for any one of the candidates contesting in their Wards. Participation of citizens in the electoral process will ensure that the councilor has the mandate of the populace and only those that meet people's expectations attain the office.

(ii).   Interaction between the Council and the councilor

Council meetings are supposed to be held at least four times a year, during which time Councillors present and discuss important issues from their Wards and the local government area as a whole. At such meetings, residents of the local authority may apply for permission to attend and observe proceedings as they take place. However, whenever decisions have to be made through voting, citizens together with other nonvoting members are not allowed to participate in the vote.

Citizens can ensure that their Ward Councillors fully represent them by informing them about the issues that are important in their communities. This ensures that the Councilor is knowledgeable of the people's views. These view and issues can thereafter be suggested for inclusion on Council meeting's agenda by their Councillors.

Whenever Council meetings take place, Citizens also have a right to call for meetings with their Councillors to ask for feedback. At such meetings, citizens may pose questions to their Councillors regarding the Council's work.

(iii).   Provision of service delivery

22

POSTAL ADDRESS
P.O. Box 13, Luchenza
Tel.: 0880366404/
    0982218081

Email:info@pacenetmw.org/pacenetsecretariat@gmail.com
www.pacenetmw.org

PHYSICAL ADDRESS
Hamdan Residence

Next to Luchenza Sec. School
Luchenza Municipality

As already mentioned, Councils are responsible for organizing the delivery of services to the people. These services fall under various sectors. Examples are educational services, medical and health services, environmental services, roads and street services and emergency services. The Council provides these services through the Council secretariat.

This means that when children go to primary schools, they are accessing educational services provided by Councils. When citizens realize that the service provided by a Council is not adequate, they have the right to contact their councillors to take the matter to the Council. If this fails citizens can resort to peaceful protests, strikes, demonstrations as a way of forcing the Council to act. The Council should discuss the matter and look for solutions. Citizens can also help to provide or improve service provision in their Local Government areas by volunteering to do development work such as construction of community buildings or home-based care. In this way, they provide a service to the community.

(iv). Payment of taxes, rates and fees

For Councils to deliver services and thereby fulfilling their mandate, they need adequate financial resources. Citizens can also contribute to providing a large part of these resources by paying taxes, property rates and fees. Payment of taxes, rates and fees by citizens is an obligation and not a matter of choice. Citizens also have a right to ensure that there is accountability and transparency in the way public resources are being used.

7.0. DISTRICT LOCAL GOVERNANCE STRUCTURES ROLES AND RESPONSIBILITIES

a. District Executive Committee

The DEC is the technical and advisory arm of the district council and the local communities under it. The functions of the DEC are as follows:

- Assist in the modification, prioritization and preliminary feasibility studies of the community needs project proposals.
- Undertake technical appraisal of the development proposals.
- Provide technical support to the development committee and the assembly in the formulation of the district development plans.
- Provide advice in the project implantation.
- Assist in soliciting funds from local and external sources.
- Train the VDC, ADC, AEC and DC in technical, leadership and management skills.
- Act as a technical advisory body to the DC on local developments
- Advice the DC on policies and programs

b. Village Development Committee

Membership of the village development committees should be as follows.
- Elected member from each village within the VDC.
- Ward representatives (councillors) as members
- Four women representatives nominated by people with the VDC.
- Elected extensions worker representative.
- Members of the VDC should elect among themselves a chairperson, vice chairperson, secretary, vice secretary and treasurer. Issues of gender should be considered when electing.
- Extension workers within the VDC area elected as representative who participate in VDC meetings and AEC meetings. The extension worker cannot be elected chairperson of the VDC. Other extension workers can attend VDC meetings to discuss any developmental issues at invitation.

The members of VDC are not supposed to be more than 16 people. The term of the office for all VDC members is three years except for councillors who are members of VDCs until new councillors are elected.

The functions of VDCs are:
- To identify and prioritize community needs as well as preparing project proposals and submitting these to ADCs.
- To communicate on community-based issues with the ADC and DEC. The VDC communicates messages from the ADC and DEC to the communities.
- To supervise, monitor and evaluate the implementation of development activities in the villages.
- To initiate community self-help activities
- To encourage and bring together community resources for people's participation in self-help activities.
- To report to the relevant communities Group Village Headmen (GVHs) on the discussions and activities of the committee.

c.   Area Development Committee (ADC)

An ADC represents all VDCs in a Traditional Authority (TA) area. The functions of ADCs are:
- To set priorities, to identify and prepare project proposals addressing community needs which cover more than one VDC.
- To organize monthly meetings together with VDCs from their area.
- To supervise, monitor and evaluate the implementation of projects at TA level.
- To bring together community members and resources for self-help projects.
- To improve on and prioritize project proposals for VDCs for submission to DECs.

The members of an ADC are.
- VDC chairperson and vice-chairpersons
- Councillors
- Representatives of religious groups

- Representatives of youth and women groups in the area
- Representatives from the business community
- Chairperson of the AEC
- Members of the ADC elect a chairperson. The TA and Sub-Traditional Authority (STA) should not chair the ADC. The TA and STA should advise the ADC and other communities within their areas. The term of office for all ADC members is three years except for councillors who are members until new councillors are elected.

d.   Area Executive Committee (AEC)

An AEC is responsible for advising the ADC on all aspects of development for the community within a T/As area. The AECs also advise ADCs on project identification and preparation of project proposals for community projects.
The functions of the AEC are:
- To assist and advise the ADC to identify and prepare proposals.
- To carry out field appraisals of proposed projects.
- To review project proposals before submitting them to the DEC for consideration.
- To conduct data collection and analysis at community level.
- To take a lead in the organization of VDCs.
- To train and assist VDCs in setting their own guidelines and come up with development projects.

Since there are many extension workers from different sectors and NGOs in an area of a TA , it is necessary to limit the number of extension workers who can be AEC members. Usually, the following core sectors have one member representative in the sector at AEC:
- Health sector represented by health assistant.
- Education sector represented by a primary school advisor.
- Community services sector represented by a community development assistant.
- Agriculture sector represented by a development officer.
- Forestry sector represented by a forestry assistant.
- Water development sector represented by a water monitoring assistant.
- NGOs represented by team leaders in the area.

8.0   UNDERSTANDING AND CONDUCTING A SOCIAL AUDIT

a.   WHAT IS SOCIAL AUDITING

Many have used the word 'audit" to mean financial assessment, one to crosscheck how an institution has used its financial resources. Others have used this word, "audit" to mean a checking for compliance by an institution of its financial and administration policies and procedures. Central to this understanding is the word *assessment* or *follow-up* or *crosschecking.*

The social audit itself is a process that measures the way an organization lives its shared values and objectives. Through feedback, social audits assist in sharpening the definition and focus of an organization.

Organizations may be viewed as social 'systems' which survive in the long term only through being alive to feedback concerning both their internal (subsystem) and external (super system) environments. Social and financial audits are two monitoring tools that can provide this feedback. It is a fact that effective and efficient organizations are those with a clear blueprint of where they are going and how they are going to get there. A comprehensive social audit process can help organizations achieve that clarity of purpose and efficiency of procedure.

For this manual the term audit will be used to refer to an assessment that determines the fulfillment of an institution's vision, mission as well as key activities/ core functions.
This audit of institutions' fulfillment of core functions, core duties, vision and mission are what is called social audit. It is social audit because you are assessing the fulfillment of its social responsibilities.

Example:

Ministry of Internal Security and Home Affairs has its core function-the provision of internal security to Malawian citizens. Through the department of Police, internal security must be ensured through the availability of Police stations, personnel and services in all areas in Malawi. To do a social audit on ministry of internal security and home affairs, citizens must first understand this core function and then check the availability of police stations, of police personnel, availability of the actual police services, and the accessibility of police services, the quality and timeliness of the police services.

This can be done through administering of questionnaires or through community focus group discussions especially to those who are supposed to benefit from the service at stake.

SECTION A

Questions that guide a good social audit vary but broadly follow this simple pattern;
- What is the service/ issue being assessed/ audited.
- Who is mandated by law or policy to provide it?
- What are the expected standards for the service?
- How timely is the service?
- How accessible is the service, distance to a center from communities' outreach?
- What must people do to access the service?
- What challenges are being encountered in accessing the service?
- What are the results arising from the challenges faced by communities in accessing the service?
- What do the service providers say are their challenges limiting the fulfillment of this service, with quality?

26

b.   THE IMPLICATIONS OR SIGNIFICANCE OF CONDUCTING SOCIAL AUDITS.

Social audit of governance and delivery of public services is of critical significance because of the following:

- It provides service beneficiaries' views on the service under audit. (Usefulness, timeliness, quality)
- It provides direct evidence of fulfillment or lack of it of the service to beneficiaries.
- It provides space for duty bearers (those responsible for providing services) to account for performance or provision of the service.
- It allows for citizen participation in the service delivery and governance processes in so doing improving and deepening democratization processes.
- It allows for citizens as rights holders to demand for the fulfillment of public services that are part and parcel of their socio-economic development.
- This process helps to institutionalize feedback and accountability systems in any organization. The affected constituents should demand for accountability and should be regularly consulted on matters of their organization.
- Provide space and an opportunity for the constituents' voices and choices to be heard and respected respectively – this provides space for constituents to advocate for their rights.
- Promotes greater constituents' representation and participation in the affairs of a particular organization or government department Effective constituent representation involves adopting democracy as the cardinal principle. It is only through democracy that institutions will open themselves up for public scrutiny and criticism and ensure constant learning and change. This will also prevent monopolization and mismanagement by individuals.
- Helps the implementing organization to note its weaknesses and strengths.
- Helps the organization and the constituents to ascertain outcomes and impacts derived.
- Helps to assess program continuity or sustainability.
- It can be a steppingstone towards ascertaining any best practice that could eventually act as a basis for policy advocacy.
- Gives space and an opportunity for feedback.
-

c.   HOW TO CONDUCT A COMMUNITY BASED SOCIAL AUDIT

There are two levels at which community social audit is done at the community level. The two levels are:
- a.   Ongoing social service delivery community auditing
- b.   Periodic social service delivery community auditing

I.   Ongoing Social Service Delivery Community Auditing

This approach understands auditing as part of everyday life. It therefore becomes as one of the daily activities or routine activities for the community to continuously check the quality of service being delivered identify its shortfalls and take corrective actions. The steps involved are:

- Identify a social service being enjoyed within a given community or area.
- Identify positive changes to be done in each of the social services according to relevance. The basic question is "what changes do we want to see in this social service delivery to make it better".

Once the above-mentioned question is answered, arrange the social services in order of priority.

- Develop a community managed corrective action plan (refer to the format below)
- Divide or share responsibilities.
- Identify critical progress reflection events to discuss progress.

ii.   Format for Community Service Corrective Plan

	Service Provider	What is wrong with the service?	What changes do we want to see	What has to be done?	Who do engage?
1					
2					
3					
4					

This process is both communities managed, actioned, implemented and monitored. The community service corrective plan allows the community members to be clear on which social services, changes and with whom do they have to work with to realize an improvement in the social service delivery. Communities on monthly basis review progress achieved in the corrective plan.

iii.   Periodic social service delivery community auditing

Similar processes are undertaken when one is conducting a periodic social service delivery community auditing. But here the process focuses on:

1 A community comes together to identify a service they urgently need to audit.

2 This service is Identified as a burning issue of the community since it is impacting badly on many people, or it is on high demand in so doing affecting its quality and timeliness

3 A community identifies key individuals to do the social audit.

4 These individuals must come together to understand their scope of work.

iv. The process allows community members to understand the following:

- Who is the service provider?
- What are the key roles to be fulfilled by the service provider?
- What are the laws saying about the service to be provided?
- What are the key roles of citizens in the realization of the social service?
- Who are the key officers in the service provider that can be interviewed for the audit?
- Structured questionnaires or semi-structures questionnaires are administered both to service beneficiaries (in large numbers) and to service providers. A defined sample of respondents covering various age categories, sex, and specific beneficiary groups is clearly identified for the actual audit survey.
- Data is analyzed to identify the responses to the questions in section A. A report of issues is derived from the identified responses. Depending on issues from the findings, actions point among which advocacy are developed for further implementation.

An example of an MP's Performance Audit/Score card

What is your opinion or perception of your MP's performance in	Satisfaction rating			
	Highly satisfied	**Satisfied**	**Fair satisfied**	**Not satisfied**
Promotion of transparency and accountability				
Promotion of social justice, fairness and equity in resource allocation				
Effectiveness as a people's representative				
Accountability to citizens/constituency				
Selection or nomination of members of CDF				
Constituency visits				
Public forums/meeting with constituents				

Articulation of people's needs				
Allocation of Constituency bursaries fund				
Promotion of people's participation and social inclusion				

An example of a project-based CSC Tool

Project type/name	Satisfaction Rating			
	Highly satisfied	**Satisfied**	**Fairly satisfied**	**Not satisfied disappointed**
Amount allocated for the project				
Community involvement and participation in project management				
Relevance of the project to pressing community needs				
Cost effectiveness and efficiency of resource use				
Project impact on poverty reduction				
Quality of workmanship				
Number of beneficiaries				
Integrity and competencies of the project management committee				
Project procurement process/openness				
Promotion of transparency and accountability				
Project outputs and outcomes				

An example of an Institutional Performance Audit/C/Score card

	Satisfaction rating			
	Highly satisfied	**Satisfied**	**Fair satisfied**	**Not Satisfied Disappointed**
Promotion of transparency and accountability in the institution				
Promotion of social justice, fairness and equity				

Effectiveness and efficiency in use of public resources				
Relevance of the projects implemented				
Access to information from the institution				
Civic leaders Effectiveness in representing people's voices in council meetings				
Responsive/ empathy with the peoples they serve				
Promotion of people's civic participation and social inclusion programme delivery				
Promotion of gender empowerment in words and deeds				
Commitment to fight corruption				

Citizen's satisfaction
SAMPLE REPORT CARD

1. On a scale of 1 to 5, how would you describe the level of dedication of the nurse in the clinic nearest to you? Please mark the appropriate box with an ☒.

1 = Very dedicated	2 = relatively dedicated	3 = dedicated	4 = Less dedicated	5 = not dedicated at all

2. Where do you get help when you are sick? Please mark the appropriate box with an ☒.

1 = government hospital	2 = mission hospital	3 = health Centre	4 = traditional healer	5 = no help

3. Overall, on a scale of 1 to 5, how would you judge the efforts of the district commissioner to facilitate meaningful participation in budget processes at the district? Please mark the appropriate box with an ☒.

1 = the DC did nothing to facilitate participation	2 = the DC did little to facilitate participation	3 = the DC made a moderate effort to facilitate participation	4 = The Dc made a good effort to facilitate participation	5 = the DC did everything possible to facilitate participation

4. Are you satisfied with the services provided by MASAF community steering committee? Please mark the appropriate box with an X.

1 =	2 =	3 =	4 =	5 =

Sources/Reference Manuals/Handbooks

1.   **Facilitators Guide to Local Government Elections 2000 (PAC)**

2. **Civic and Voter Education on Local and General Elections – Gwira Mpini Kwacha 2 (PAC 2003)**

3. **Guidebook on the Local Government Systems in Malawi (Malawi Government**

4.   **The Malawi Constitution (Malawi Government)**

5. **A Tool kit for Aspiring Female Candidates for Leadership Positions in Local and National Assemblies in Malawi (2009 PACENET Publication)**

6. **A Training manual for Aspiring Female Candidates for Leadership Positions in Local and National Assemblies in Malawi (2009 PACENET Revised Publication)**

33