



Exploring Worldwide Democratic Innovations - A case study of Malawi

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This case study was written by Edwin Msewa, with input and editorial support from the European Democracy Hub team, as part of the Exploring Worldwide Democratic Innovations project.

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The “Exploring Worldwide Democratic Innovations” project was supported by the Robert Bosch Stiftung.



Introduction

There is growing dissatisfaction with democracy in Malawi which has led to diminishing levels of political support and fluctuating levels of political participation. The optimism and confidence that defined the transition to multiparty democracy have disappeared.¹ In the eyes of most Malawians, the outcome of multi-party politics has fallen short of their expectations. Democracy has failed to bring about a new era of social justice, peace and prosperity, and the legacy of repressed citizen-state relations inherited from the pre-democratic period persists.²

In response, government agencies, civil society and citizens have turned to new mechanisms for democratic participation. In Malawi, democratic innovations have taken various forms, including town hall meetings, participatory budget planning, citizen juries, citizen assemblies, deliberative surveys, public forms of collaborative policymaking and alternative dispute resolution structures. Despite some degree of success, these innovations have had limited impact, as they have not been institutionalised and have been mostly project-based.³ This paper explores two Malawian innovations and assesses their strengths and weaknesses, (1) Citizen Juries and (2) Citizen Participation in Local Governance Assessment using the LGB Process.

Citizen Juries for managing the Constituency Development Fund (CDF)

In 2020, the New Democracy Foundation piloted Malawi's first-ever citizens' juries (CJ) in the Salima District in the east of the country. After receiving a request from citizens, the Salima District Council and the Members of Parliament representing the Salima District allowed local citizens to create five citizen juries to represent each of the five constituencies within the district. Twenty people

from each of the five constituencies in the district were randomly selected to participate in the programme. The scope of the juries' work is to promote the effective implementation of the Constituency Development Fund (CDF) so that it benefits the poor by ensuring that stakeholders reach a consensus on the best ways to implement the fund. The CDF is a funding arrangement that disburses funds from the central government directly or indirectly to electoral constituencies for local infrastructure projects.

The CDF is a funding source made available to Members of Parliament (MPs) for the facilitation and implementation of minor projects within their constituencies. Problems with the implementation of the CDF and its management were both seen as persistent issues of national importance.⁴ Hence, there were widespread calls from citizens and civil society organisations for the CDF to be discontinued. President Mutharika challenged MPs to become more accountable to citizens, since they had made similar demands to government ministries and departments to become more transparent with the use of public funds.⁵

In tackling the CDF's problems, the CJs opted to concentrate on goals that could be achieved locally as they did not want to get involved in complicated and highly political CDF policy adjustment processes, given the high stakes involved. Firstly, the CJs realised that despite the influence MPs exert on the CDF, it is

1 Boniface Dulani, "Progress or Stagnation? Twenty Years of Democracy," in *Political Transition and Inclusive Development in Malawi: The Democratic Dividend*, ed. Dan Bonik and Blessings Chinsinga (Oxon: Routledge, 2016)

2 Chasukwa, "Multiple Faces of Democrats," 19

4 Maureen Kawerama, "Parliamentarians Establish Illegal Structures to Fleece Constituency Development Funds," Platform for Investigative Journalism, November 8, 2021, <https://www.investigativeplatform-mw.org/2021/11/08/parliamentarians-establish-illegal-structures-to-fleece-constituency-development-funds/>

5 Special Absalom, "Malawi President officially opens the 47th Session of the National Assembly; Says Parliament is not bigger than government," The Maravi Post, November 10 2017,

<https://www.maravipost.com/malawi-president-officially-opens-47th-session-national-assembly-says-parliament-not-bigger-government/>

the only source of funding currently available which can be made easily accessible to citizens. Secondly, they recognised that it is possible to influence the way CDF projects are implemented locally. Thirdly, the CJs offered learning opportunities as they provided access to informative resources, such as the CDF guidelines and information on the performance of previous CDF projects in their areas. After a series of meetings and a thorough analysis of the information collected from consultations, the CJs reached a consensus and agreed on a course of action – focusing on CDF management and implementation, formulating recommendations to address the issues in this area. The CJs presented the following critical recommendations:

- The district council should facilitate the identification of CDF projects based on the village action plans for the area or the district development plan;
- The projects to be implemented under the CDF should pass through a normal project appraisal process;
- Each project should have a project management committee (PMC) which is independently elected and trained;
- In collaboration with the Area Development Committee (ADC), the council should monitor the implementation of projects and provide technical advice at regular intervals;
- The council should use the 5% it deducts from the CDF's funds to monitor the implementation of projects and provide technical advice at regular intervals;
- Procurement and storage of goods through the CDF should be in accordance with the rules and procedures laid down in the Public Procurement Act;
- The council should conduct rigorous audits on a project and constituency basis, and they should make the audits' findings public;
- CSOs should include in their community awareness, advocacy and training programmes issues related to the CDF in order to empower communities;

These proposals were subsequently submitted for action to the Members of Parliament who represented the same constituencies as the CJs and the Salima District Council. The MPs and the Salima District Council found the recommendations proposed by the CJs to be reasonable and therefore committed themselves to the recommendations.⁶

An evaluation of the impact and efficacy of the CJs' efforts shows some degree of success, especially concerning CDF sub-projects that are currently being implemented. An interview with several CJ members indicated that some projects are abiding by the procedures outlined in the CDF guidelines as advised by the citizens.⁷ Generally, there has been a noticeable improvement in consultations during project identification as well as increased transparency during the disbursement of funds and procurement processes. The members stated that the CJs revealed the inherent policy design and implementation flaws of past CDF projects, and they produced insightful public discussions about the effectiveness of past projects. The CJ participants also observed that members gained knowledge and understanding about issues that affect CDF projects, as well as an increased sense of common purpose and greater motivation to participate in civic endeavours. The CJs also built the capacity of various stakeholders, one example is the specialist training provided to the council extension workers responsible for setting up the operating environment of the juries. Equally, peer-support networks were set up to combine the efforts of the citizen juries not only to facilitate the transfer of skills and knowledge but also to carefully monitor funds disbursement, CDF project implementation progress and provide feedback to the council and citizens.⁸

Overall, the citizen juries appear to be an innovative tool for enabling people with varied demographic, socio-economic and political profiles to participate in policymaking. The democratic innovation of citizen juries is that they put very small groups of citizens at the centre of the policymaking process and in some cases, they offer citizens the opportunity to set the agenda specifically in tandem with local MPs' decisions over local spending projects. Moreover, the selection of the participants for citizen juries through lottery ensures that nearly every person has an equal chance of being invited to participate in a citizens' jury and that the final group is a representative sample of the wider society. By doing this, it shields the process from being influenced by powerful individuals, ensuring that citizens truly representative and inclusive.

⁶ Louis Majamanda, "Salima MPs and district officials accused of abusing CDF," The Independent Digest, May 27, 2022, <https://independentmw.com/salima-mps-and-district-officials-accused-of-abusing-cdf/>.

⁷ Majamanda, "Salima MPs and district officials accused of abusing CDF."

⁸ All CJs are connected through a common network anchored by the Chisomo Community Radio Station located in the district, where they air programmes on CDF. MPs and District Council Staff are invited to answer questions and clarify some issues related to CDF.

Citizen Participation in Local Governance Assessment in District Councils using the Local Government Barometer (LGB)

Another interesting innovation in Malawi is found in citizen participation within a select few district councils in Malawi using the Local Government Barometer (LGB) Process. The LGB was first created in 2005 by a consortium of partners comprising the Impact Alliance, Pact, and SNV in South Africa.⁹ The LGB has been implemented in more than ten countries, including Malawi.

In Malawi, between 2011 and 2018, five rounds of participatory local governance assessment were conducted, comprising of 21 district councils and three city councils involving 2,676 participants. The National Initiative for Civic Education (NICE) in collaboration with the Ministry of Local Government and Rural Development pioneered the current format for participatory local governance assessment in Malawi. The current process enables citizens to participate in assessing the performance of the council using five governance indicators: transparency and the rule of law, accountability, efficiency and effectiveness, participation, and equity. Citizens make their assessment through scores, providing detailed reasons citing practical examples and incidents to justify their scores. The LGB Process entails holding six separate successive town hall meetings with six different citizen groups.¹⁰

The stakeholders will vary depending on the sector being assessed or the local context where the exercise is conducted. For example, when the LGB Process is used to assess the governance of a particular sector, stakeholders are more likely to reflect associated industries and policymakers, whereas when the LGB Process is used to assess the state of local governance, a wider range of stakeholders is likely to be found. In every case, a minimum of six critical stakeholder groups are identified and invited to participate in the process. Each of these citizen groups builds consensus on the state

of local governance on each of the designated local governance indicators. A specially designed computer-based local governance diagnostic tool, the Local Government Barometer (LGB), is then used to capture the data from the deliberations.¹¹ The data is then analysed, and the results are shared between all the stakeholders in a town hall meeting where all of the citizen groups come together and consolidate their views. Apart from the citizen groups, also in attendance are individuals and representatives of organisations whose actions or inactions are alleged to be negatively affecting the local governance process or service delivery, giving them a space to be heard and to respond to critique. A thorough capacity development programme is then designed, informed by the results of the LGB exercise, targeting the specific areas where the stakeholders were found to be weak in the promotion of good local governance. For instance, with political representatives, their main problem identified by the LGB exercise tends to be weak political oversight of the district council, while a common problem with district council staff is the limited level of accountability concerning how they discharge their duties. After identifying the areas where stakeholders can improve, a plan of action that includes a monitoring process is then drawn up. In its original form, the selection of participants was based on the relevance of the stakeholder groups to the activities or operations of the entity to be assessed.¹² Following this, invitations would be given to the leaders of that particular stakeholder group to identify eventual participants. However, in the LGB exercise mentioned in this paper, NICE aimed to increase representativeness by randomly selecting the participants from predefined lists of stakeholder groups.

The LGB Process is adaptable to different contexts and can be adjusted by stakeholders to meet their specific needs. This was exemplified by its use in 2014 to assess the state of multisector HIV and AIDS governance in the Mchinji District Council.¹³ The LGB can also evaluate the difference in levels of good governance between two periods if an assessment has already been completed, or between two separate locations if each location uses the same evaluation indicators. It can also be repeatedly applied to the same entity or sector in intervals to judge the progress of whatever is being assessed, this was done in the Ntchisi, Zomba and Mangochi district councils, to appraise the progress being made in local governance.

9 Evan Bloom, Amy Sunseri, and Aaron Leonard, *Measuring and Strengthening Local Governance Capacity*, Pact, March 20, 2007, https://pdf.usaid.gov/pdf_docs/Pnadh250.pdf.

10 At the local government level in Malawi, citizen stakeholder groups include civil society organisations, traditional leaders, elected officials, council staff, business community and area development committee members.

11 Bloom, Sunseri, and Leonard, "Measuring and Strengthening Local Governance Capacity."

12 See footnote 17

13 Justin Steyn, "The state of HIV sector local governance in Malawi and Zambia: Evidence from five districts," *Commonwealth Journal of Local Governance*, no. 15 (June 2014), <https://doi.org/10.5130/cjlg.v0i0.4066>.

Findings from the LGB Process and the influence of citizens have led to several positive policy changes in district councils. In the Ntchisi district, the council changed policies regarding the issuing of drugs at the hospital when it was revealed that there was rampant drug pilfering at the hospital.¹⁴ To prevent this, the Ntchisi District Council issued an instruction to hospital gatekeepers to search every person carrying a bag in and out of the hospital. While in the Zomba district, the council was forced to review some of its policies in the procurement of public goods when the LGB exercise exposed serious procurement issues regarding the construction of a bridge, as the bridge's quality was not reflective of the capital invested.¹⁵

Advantages and limitations

These two case studies highlight several innovative elements that can improve democratic participation. The deliberative processes of the CJs and the LGB forced public authorities to make tough decisions on complex and politically controversial policy issues that seemingly had no feasible solutions. The CJs and the LGB Process demonstrated to district councils and MPs that people who are normally outside the political process can participate in policymaking and propose workable solutions for controversial policy issues such as the correct implementation of CDF projects. If institutionalised, the CJs and the LGB Process could assist in curtailing democratic decline, giving a voice and agency to a much wider range of citizens. As such, these innovations are also useful in rebuilding trust in local councils and for generating more legitimate and effective public decision-making.

In particular, the LGB Process reinvigorates policymaking and democratic processes at the district and city council levels, which were previously closed and inaccessible to citizens. By reaching a collective decision on what should be done to improve several facets of local governance, the LGB exercise provides the opportunity for district councils to redeem themselves when they have lost public trust. This approach emphasises the significance of enhancing and deepening participation to legitimise council decisions and to get better and more consensual results. Crucially, the innovative aspect of the LGB Process is that it uses a combination of democratic innovation methods in the various stages of the exercise, namely: deliberation, consultation, direct voting (in this case direct scoring) and town hall meetings.

The advantage of using the LGB method is that it allows citizens to discuss the abstract concept of local governance in a way ordinary people can understand, increasing their participation in the policy process. Importantly, the LGB exercise brings together a cross-section of the population that is representative of major groups within the district so that deliberations reflect the opinions and sentiments of these critical stakeholders. The exercise creates a rare interface between high-level council management staff, the Ministry of Local Government, and important stakeholder groups. These broad stakeholder interactions have promoted increased citizen participation in council decision-making processes. In principle, all citizens have an equal chance of participating in the LGB exercise, since the LGB Process is run by independent organisations to ensure fairness. The robustness of this methodology is reinforced by the use of computer software, which makes it easy to quantitatively store all the responses from every participant involved in the process. The package generates an index (an overall average) which sums up the status of local governance in any locality where the LGB exercise has been carried out. This allows the results to be compared across districts, cities and councils.

Despite these advantages, there are several limitations that can be identified. These include limited institutionalisation of the innovations because they are capital intensive, project-based and inherently donor-dependent. In addition, implementation of both innovations is dependent on the approval of entities dominated by vested interests. For instance, despite the effectiveness of the LGB Process, some district and city councils are reluctant to assess themselves, and when scoring themselves, they tend to score themselves highly, and they are generally defensive about their performance. The scope for the success of follow-up activities is also dependent on the political will and commitment of the council or the entity that is being assessed. It is important to note that the LGB Process is relatively easy with a literate audience as it reduces the time necessary for translation and writing; conversely, it becomes more difficult with less literate audiences. Unfortunately, the LGB Process inherits the existing problems associated with town hall meetings, where some individuals tend to dominate discussions, especially during plenary sessions.

¹⁴ Zuzgo Khunga, "Ntchisi man fined for selling drugs," *The Nation*, January 10, 2012.

¹⁵ "Zomba's K2 million timber bridge," *Sunday Times*, December 11, 2011.

Conclusion

Despite these weaknesses, successes have been achieved through applying these innovations due to some prevailing contextual factors. More specifically, the introduction of devolution, which, albeit superficially, has transferred both administrative and political powers to district and city councils. Citizens have seized the opportunities presented by devolution to negotiate with local governments to get the best out of the policies being introduced.

They have engaged in this also out of a realisation that increasingly funds are being transferred to local authorities for the delivery of social services. Increased citizen participation is also prompted by citizens' disillusionment with the central government, which they fear wields tremendous oppressive power and is usually seen as being predatory. Both examples show that citizens yearn for increased participation in local policymaking, evidenced by the increase in social accountability initiatives and mechanisms for holding the government to account. Citizens possess enormous power, ingenuity, energy, talent and local knowledge that can be offered to the government to create policies that are more informed and improve service delivery. The innovations in both case studies are concerned with citizens engaging the state or public authorities. The case study on CJs is more informal as it takes a bottom-up approach, originating from outside of the governmental sector, whereas the local governance assessment case can be seen as both formal and informal, depending on the agent sanctioning the exercise. In some cases, the process is sanctioned by the government itself to generate feedback from the citizens or consumers of its services; in other cases, it is pushed by citizens. However, the case studies presented in this report are both indirect in their connection to macro-scale democracy as their scope was limited, focusing only on district councils.

These case studies show that it is possible for a diverse range of citizens to come together, deliberate and make recommendations on intricate public policy issues. This is made possible with good coordination, regardless of the social, economic and political status of a given combination of citizens. The participants in these cases, especially those in the CJs, were randomly selected; random selection offers all citizens an equal opportunity to participate in these processes, ensuring no social group is methodically excluded. In the case of the LGB Process, it has been relatively easy to achieve a consensus between and among stakeholder groups. The results also indicate that citizens can discuss issues associated with local governance in a way that is understood by the wider public, thereby increasing knowledge of the subject matter and participation in the process. In the

same vein, this case study revealed that participation in the LGB Process empowers citizens as the exercise deals with all the fundamental aspects of district or city council management, such as finance, administration, political and administrative oversight, citizen participation, procurement processes etc. Like the CJs, the LGB Process brings together a cross-section of the population that constitutes major groups within the district or city council so that deliberations reflect the opinions and sentiments of these critical stakeholders. It was also noted that the application of this method offers a rare opportunity to create an interface between high-level council management staff, the Ministry of Local Government, and stakeholder groups that constitute the council in their various capacities and roles and thus promote increased citizen participation in council decision-making processes.

However, it is important to understand the context under which these innovations can successfully be applied. There has to be a political environment that allows for popular participation. There is always a range of policy issues that could be tackled using deliberative processes, especially those that have a direct impact on the everyday lives of citizens and those where citizens can easily contribute their personal opinions and experiences. Once such spaces are created by local or central government, citizens may be eager to participate in them. However, another political factor that drives citizens' desires for alternative forms of political participation is the faltering trust in government. Trends show that the number of citizens who are unhappy with the present state of democracy is increasing, but they are eager about all the alternative forms of political participation, which are more dynamic and deliberative.¹⁶ This is in line with citizens demanding more openness and the growth of innovative practices that give people more agency in shaping public decisions. This reignites the debate about the proposition that the failure of contemporary governance schemes to curb unrelenting challenges is partly attributable to democratic processes and institutions that are archaic and not appropriate for dealing with twenty-first century challenges.¹⁷

¹⁶ Chasukwa, "Multiple Faces of Democrats."

¹⁷ OECD, *Beyond Growth: Towards a New Economic Approach*, Report of the Secretary General's Advisory Group on a New Growth Narrative, September 11, 2020, <https://www.oecd.org/governance/beyond-growth-33a25ba3-en.htm>.

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About the project:

'Exploring Worldwide Democratic Innovations' is a research project supported by Robert Bosch Stiftung, which explores emerging innovations in democratic participation around the world and offering an overview of the lessons learned throughout the application of these innovations. The project highlights policy implications and gives a set of recommendations for European policymakers and practitioners working on the EU's internal democratic renewal. The project brings together researchers, practitioners and policymakers to exchange best practices in democratic political innovations.