

**Policy Formulation in Malawi: Case of
Police Reform 1995 - 2000**

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Abstract

This paper reviews the process of policy formulation in Malawi with particular reference to police reform between 1995 and 2000. After a long period of one party government, Malawi from 1994 made the transition to a multiparty parliamentary democracy. The Malawi Police is an important institution in the new regime. Within the frameworks of interest group theory and stakeholder theory the paper explores the way in which various interests influenced the reform of the police organization and management from 1995 to 2000. Reviews were undertaken of the literature on the policy process and the scholarly writing on interest group and stakeholder theory. Field research was carried out in the public documentation available in Malawi and by face to face interviews with senior officials and other participants in the reform process. The findings confirmed the utility of both interest group and stakeholder theory in explaining how public policies are formulated.

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Chapter One - INTRODUCTION

This paper discusses the policy process for Malawi as it has developed under the democratic regime established in 1994. Central to the project is a case study of police reform. The research consisted of a review of the policy literature, examination of primary documentation in Malawi, and interviews conducted in Malawi between end November 2000 and mid February 2001.

Malawi is a small landlocked country lying in the southern part of the East African Rift Valley south of the equator. The country has an estimated area of 94,276 square kilometres of which 20 per cent is water. It shares common borders with Tanzania to the North, Mozambique to the East and Zambia to the West. Lake Malawi covers one fifth of the country and lies about 473 metres above sea level. The lake is 580 kilometres long and between 40 and 90 kilometres wide. Lake Malawi was previously known as Lake Nyasa until January 1965 when its name was changed by the Malawi government. Part of the lake is included within the border with Mozambique. Malawi is administratively divided into three regions namely: Southern, Central and Northern. Of the three regions, the Southern part is densely populated followed by the less populated Central and Northern regions. In 1998 following declarations by government there were 26 districts as shown in the attached map (See Appendix 1). The new districts are Balaka and Phalombe in the Southern region.

The capital city of Malawi is Lilongwe in the central region. Until 1972 Zomba, in the Southern Region had been the capital. Parliament has only recently relocated from Zomba to Lilongwe.

Malawi is still developing its road network. The railway line links Malawi to the Mozambican ports of Nacala and Beira. Lilongwe international airport has flights to major airports while Chileka airport in Blantyre connects with regional airports in the Southern African region.

A. Political and constitutional background

Political History to 1994

Malawi was a British colony (then known as Nyasaland) from 1891 to 1964 when the country attained independence. As a British colony, all constitutional powers were vested in the Governor. After independence, Dr Banda became the President of Malawi. Some political commentators, for example, Dr Kings Phiri (2000) ¹consider three main events as crucial in understanding Malawi politics during Dr Banda's era: the cabinet crisis of 1964, the installation in 1971 of Dr Banda as President of both party and government and the manner in which the Life Presidency impacted upon lives of people of Malawi from 1972 onwards.

A cabinet crisis occurred barely three months after the country attained independence from Britain. It is commonly believed that the cause was Dr Banda's autocratic style of leadership. As a result of this crisis, a written

¹ Dr Kings Phiri is one of the political commentators who have written on the political history of Malawi.

Republican constitution was developed in 1966, under which the country became a one party state with six guiding principles, which included:

- The four corner stones of unity, loyalty, obedience and discipline;
- Promotion, safeguarding and advancing the welfare of the people of Malawi;
- Recognition of the sanctity of the personal liberties enshrined in the United Nations Declaration of Human Rights and of adherence to the law of nations;
- Not to deprive any person of his property without payment of fair compensation and only where public interest so require;
- All persons regardless of colour, race and creed had to enjoy equal rights and freedoms; and
- Recognition of the need for the ultimate unification of the peoples of Africa for their common welfare and advancement.

In 1970, the Malawi Congress Party Convention resolved that the Malawi constitution be amended to enable Dr Banda to be Life President of both the party and government. Consequently, Dr Banda was sworn in as Life President in July 1971 and became in control of all party and government activities.

The economic situation during Dr Banda's era was initially encouraging because the President himself was in control of the economy and he had a vision. He is given credit for his pragmatic economic management policies which were based on improving what was already there in agriculture and

industry, his ability to come up with comprehensive project plans for improving the economy and his perseverance in pursuing whatever vision he had for Malawi.

Multiparty Era since May 1994

With growing pressure from within the country and outside, the then Life President, late Dr Hastings Kamuzu Banda announced that a national referendum would take place on 14th June 1993. The citizens were to consider whether the system of government should remain one based on a single party or change to another, which accommodated several parties. The outcome of the referendum indicated that 67 per cent of the voters favoured change to a multiparty system while 33 per cent preferred a continuation of the one party system.

Following results of the national referendum, the first multiparty general elections were held on 17th May 1994. Malawians were given an opportunity to elect a president of their own choice as well as parliamentarians of their choice. Candidates for the Presidential race included the incumbent President, Dr H Kamuzu Banda of Malawi Congress Party, Dr Bakili Muluzi of the United Democratic Front (UDF), Mr Chakufwa Chihana of Alliance For Democracy (AFORD) and Mr Kamlepo Kalua of Malawi Democratic Party (MDP). Just before the elections, four minor parties joined the UDF to form a common electoral grouping. Election results indicated the UDF presidential candidate Muluzi as winner with 1,404,754 votes, followed by the Malawi Congress party candidate with 996,353 votes, AFORD candidate with

562,862 votes and finally MDP candidate with 15,624 votes.² The Malawi Congress Party and the Alliance for Democracy are the major opposition parties in parliament. Malawi has therefore been a democratic government since May 1994.

Some of the fundamental changes brought in by the change in regime include the development of a new constitution, and the creation of the Electoral Commission which consists of the Chairman, a nominated judge on behalf of the Judicial Service Commission and such other members not being less than 6 as may be appointed in accordance with an Act of Parliament. According to section 77 of the Constitution, all persons shall be eligible to vote in any general election, by election, presidential election, local government election or referendum.³

During the first multiparty elections in 1994, the military and the police did not cast their votes. This was just a convention. However, they assisted in maintaining law and order during the entire voting process, which was regarded as very peaceful by the international observers.

The new constitution

The new constitution for Malawi was developed in 1995. The new constitution provisionally came into force on 18th May 1994. It has 215 sections. Sections

² The source is an article by Dzimbiri L.B. "Competitive Politics and Chameleon –like Leaders" in Phiri, K.M. and Ross K.R. (1998) Democratisation in Malawi: A Stocktaking.

³ In Malawi, a person qualifies to vote if he/ she is a citizen of Malawi or if not a citizen, has been ordinarily resident in the republic for 7 years, has attained the age of 18 years and is ordinarily resident in that constituency or was born there or is employed or carries on a business there.

7, 8 and 9 of the constitution define government in Malawi as consisting of the Legislature, the Executive and the Judiciary. The role of the legislature is to enact laws for the Republic of Malawi; the Executive is responsible for the initiation of policies and legislation and for implementing all laws and the judiciary is responsible for interpreting, protecting and enforcing the laws. The branches of government are separate and with different roles to play but equal. Similarities in the branches may be observed in terms of usage of public resources in delivering services to people, exercise of state power and authority, obeying laws and observance of human rights.

The Constitution gives careful attention to the principles of good governance and democracy. The key features distinguishing the new constitution from the previous constitution include the creation of other agencies of government namely: the Human Rights Commission, the Electoral Commission, the Ombudsman, the Law Commission, the National Compensations Fund and the local government system. The constitution also provides for the police.

The powers of the President

Malawi has a presidential system of government. According to section 78 of the constitution,

There shall be a President of the republic of Malawi who shall be the head of state and government and the commander in Chief of the Defence forces in Malawi. There shall be a first Vice President and, a second Vice President both of whom shall assist the president, and shall exercise the powers and perform the functions conferred on the First Vice President or second Vice President, as the case may be by this constitution or by an Act of Parliament and by the President. The President shall be elected by universal and equal suffrage.⁴

⁴ The Constitution of the Republic of Malawi (1999,p.39).

The President shall be responsible for the observance of the provisions of the constitution by the executive and shall, as head of state, defend and uphold the constitution as the supreme law of the Republic. The President and members of the cabinet shall not hold any other public office and shall not perform remunerative work outside the duties of their office and shall within three months from the date of election or appointment fully disclose all of their assets and liabilities and business interests and those of their spouses held on their behalf...”

According to section 89 of the constitution, the powers and duties of the president include the following:

to assent to bills and promulgate bills duly passed by parliament; to convene and preside over meetings of the cabinet; to confer honours; to make such appointments as may be necessary in accordance with powers conferred upon him or her by the constitution or an Act of parliament; subject to the constitution, to appoint, accredit, receive and recognise ambassadors, high commissioners, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers; to negotiate , sign, enter, into and accede to international agreements or to delegate such power to ministers, ambassadors and high commissioners; to appoint commissions of inquiry; to refer disputes of a constitutional nature to the high court and to proclaim referenda and plebiscites in accordance with the constitution or an Act of parliament.

The President may pardon convicted offenders, grant stays of execution of sentence, reduce sentences or remit sentences. Each year the president shall immediately before the consideration of the official budget attend parliament and shall address parliament on the state of the nation and on the future policies of government at that time, report on the policies of the previous year and respond to questions. The President shall be called to parliament to answer questions at such times as may be prescribed by the standing orders of parliament or on a motion of the National Assembly. Subject to the constitution, the president shall exercise all other powers reasonably necessary and incidental to the functions of his or her office in accordance with the constitution. The powers and functions of the president shall be exercised by him or her personally or by a member of the cabinet or by

a government official to whom the president has delegated such power in writing.

Cabinet

According to section 92 of the Malawi constitution,

there shall be a cabinet consisting of the President, the first Vice President, the second Vice president and such Ministers and the President may from time to time appoint Deputy Ministers as. The members of cabinet shall have the following functions: to advise the president, to direct, coordinate and supervise the activities of government departments, including parastatal bodies; to initiate bills for submission to the National Assembly and to explain those bills; to prepare, explain and formulate for the parliament the budget of the state and its economic programmes; to be available to parliament for the purposes of answering any queries or participating in any debate pertaining to the content of the policies of government; to assist the president in determining what international agreements are to be concluded or acceded to and to inform parliament there on; to take responsibility for the implementation and administration of laws and to carry out such other functions reasonably necessary for the performance of their duties in accordance with the constitution, as may be prescribed by an Act of parliament or the president.⁵

Civil Service

In Malawi, the Civil Service is part of the Executive Branch of government. According to section 193 of the constitution, members of the civil service shall ensure that political activities do not interfere in the independent exercise of their functions, powers and duties as impartial servants of the general public. The National Assembly may prescribe a category of civil servants who by reason of their seniority shall not be able to directly participate in political activities: provided that the civil servants so restricted shall have the right to resign in order to participate directly in political activities: any civil servant

⁵ Op cit. Pgs.44 -46.

whose functions are not directly concerned with the formulation and administration of the policies are exempted.

Section 12 of the constitution outlines the values to be borne in mind when exercising state power. These values are as follows: that authority be exercised solely to serve and protect the interests of the people of Malawi. People matter and are supreme; exercise of power is limited to the extent of lawful authority; grant of authority to exercise state power is based on trust. If trust ceases, authority ceases too because the grantee ceases to hold office. Sustainability of trust in government depends on exercise of power in an open, transparent and accountable manner. Openness in government allows policies to be made after consultation and public discussion with those who may be affected by those policies. A “transparent” government is one in which procedures and decisions concerning usage of public funds are subject to scrutiny by the public. An “accountable” government is one, which agrees to provide an account of or explanation of actions to somebody and where inappropriate actions suffer the consequences.

In Malawi all policy is considered in the Office of the President and Cabinet while financial management is the responsibility of the Ministry of Finance and Economic Planning. These two offices are influential in policy decisions. The other actors include:

Ministry of Health and Population;

Ministry of Natural Resources and Environmental Affairs;

Ministry of Justice;

Ministry of Defence;
Ministry of State for Presidential Affairs;
Ministry of Home Affairs and Internal Security;
Ministry of Foreign Affairs and International Cooperation;
Ministry of Commerce and Industry;
Ministry of Agriculture and Irrigation;
Ministry of Transport and Public Works;
Ministry of Tourism, National Parks and Wildlife;
Ministry of Information;
Ministry of Sports and Culture;
Ministry of Water Development;
Ministry of Education, Science and Technology;
Ministry of lands, Housing, Physical Planning and Surveys;
Ministry Responsible for people with Disabilities; and
Ministry of Labour and Vocational Training.

Local Government

The Local Government Act was passed in 1998 with the following aims:

*to create a democratic environment and institutions at local level to facilitate participation of local people on issues of governance and development; to eliminate dual administration (field administration and local government) at the district level with an aim of making public service more efficient, more economical and cost effective; promote accountability and good governance at local level and to mobilise the masses for socio economic development at the local level.*⁶

A unified body known as a District Assembly has been established. Section 5 of the Local Government Act states that for every Local Government area

⁶ The Local Government Act No.42 of 1998 consists of 114 sections relating to Local Government, proceedings of the Assembly, discharge of functions and miscellaneous provisions.

there shall be an Assembly consisting of: one member elected from each ward within the local government area; Traditional Authorities and sub Traditional Authorities from the local government area as non voting members ex officio; members of parliament from the constituencies that fall within the local government area as non voting members ex officio, and 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. Each Assembly is known as “ the District assembly of...” or “ The town Assembly of...” or “ the municipality Assembly of...” or “ the city Assembly of...” as the case may be, with the addition of the name of the particular district, town, municipality or city.

Section 6 of the Local Government Act states that the functions of the Assembly include: to make policy and decisions on local governance and development for the local government area; to consolidate and promote local democratic institutions and democratic participation; to promote infrastructure and economic development through the formulation, approval and execution of district development plans; to mobilise resources within the local government area for governance and development; to maintain peace and security in the local government area in conjunction with the Malawi police service; to make by laws for the good governance of the local government area; to appoint, develop, promote and discipline its staff; to co-operate with other assemblies in order to learn from their experiences and ideas; to perform other functions including the registration of births, and deaths and participate in the delivery of local services. Implementation of the

Decentralisation policy has just begun with the creation of District Assemblies headed by Chief Executives. The Traditional Authorities system has an important role in the socio economic development of the nation and in communicating central government policies down to the village level. It has a hierarchy of village headmen, group village headmen, and chiefs and in certain areas paramount chiefs. The appointment of chiefs and paramount chiefs is normally determined on the basis of heredity. However the appointment is subject to confirmation by government.

The Police

The provisions for the Malawi police service are contained in chapter xv, sections 152 to 158 of the Constitution. The Malawi police service is constituted by an Act of Parliament that specifies the various divisions and functions of the Malawi police service. The Malawi police service is an independent organ of the executive responsible for the provision of protection of public safety and the rights of persons in Malawi according to the prescriptions of the constitution and any other law. In exercise of their powers the police are subject to the direction of the courts and are bound by the directions of such courts. Political responsibility for the Malawi police rests with the Minister of Home Affairs and Internal Security who ensures that discipline and conduct of the police accords with the prescriptions of the constitution and any other law. The operational responsibility as is discussed in Chapter Four of this document rests with the Inspector General.

An Inspector General of Police, whose office is a public office and who is accountable to the Minister responsible for police affairs, heads the Malawi

police. The Inspector General is appointed by the President and confirmed by the national assembly by a majority of the members present and voting, but the Public Appointments Committee may at any time inquire as to the competence of the person so appointed to carry out the duties of that office. The office of the Inspector General shall become vacant after a person holding that office has served for a period of 5 years. However he may be appointed for a further term not exceeding five years as deemed appropriate by the president.

The President has powers to remove an Inspector General on grounds of incompetency, if he compromised in the exercise of his or her duties to the extent that his or her capacity to exercise his or her powers impartially is a serious question and over the age prescribed for retirement.⁷ The Police Service Commission, appointed by the President, has the power to appoint persons to hold other ranks in the police other than the Inspector General, including power to confirm appointments and to remove such persons from office. Members of the police should ensure that they exercise their functions, powers and duties as impartial servants of the general public and the government of the day. A full text of the relevant provisions is attached as Appendix 2.

⁷ The provisions for removal of the Inspector General by the President are contained in section 154 of the Malawi Constitution (1999).

B. Socio- Economic background

Population

The population of Malawi was estimated to be 11,243,400 in 1998 with an annual growth rate of 2.9 per cent. This means the population would double in 25 years time.⁸ Densely populated areas are found in the southern region and in urban centres of Blantyre, Lilongwe, Zomba and Mzuzu. This is calculated as the number of people that live in a square kilometre. In 1998, it was estimated that 11,243,400 people were living in 94,276 square kilometres giving an average density of 119 people per square kilometre. Malawi's population has more than doubled since independence in 1964 when the population was about 4 million. In 1992, infant and maternal mortality rates were 135 per 1000 and 620 per 100,000 live births respectively. Life expectancy is one of the lowest in Africa and is currently estimated at 48 years.

The HIV / AIDS epidemic is estimated to be affecting 13 per cent of the total population. The productive age group of 15 to 49 years is the most affected. Government departments, private institutions and non-governmental organizations are all experiencing loss of productivity and increased costs due to absenteeism, high medical bills, funeral expenses and payment of premature death benefits. AIDS has impacted directly and indirectly on all sectors of the economy through losses in productivity and untimely death of skilled labour.⁹ The national strategic framework on HIV/AIDS was developed through a participatory and consultative process with communities, individuals

⁸ The National Statistics office in Malawi made projections in population growth based on the trend in 1998.

⁹ Malawi developed a national plan of action on HIV / AIDS for the period 2000-2004.

and institutions. It forms the basis for formulating policies, operational programmes, projects and activities.

There are different tribal groupings in Malawi in each of the three administrative regions. The main tribes include Tumbuka, Ngoni, Tonga, Nkhonde, Senga, Chewa, Yao, Nyanja, Lomwe, and Sena.

Economy

Malawi's economy is agriculture - based and the structure of the economy has remained unchanged since the 1970s. Agriculture accounts for an average of 43 per cent of gross domestic product. Tobacco is the most important cash crop in Malawi providing 65.7 per cent of total export earnings in 1997.¹⁰ Other important cash crops are sugar cane, tea, and cotton. Over 80 per cent of the population living in rural areas derive their livelihood from agriculture directly or indirectly. Nominal per capita GDP is at US\$220 and is less than half the sub Saharan African average. Malawi's industrial sector's performance is not well developed and contributes 12 per cent to gross domestic product while the distribution sector accounts for 11 per cent of gross domestic product.

During the 1960s and early 1970s there was vigorous economic growth in Malawi initially driven by high world commodity prices. However, there was a slow down after the 1970s oil crises and external shock in the 1980s. The civil

¹⁰ The Malawi Atlas provides information on the physical, political and economic factors for Malawi and member states in the Southern African Development Community (SADC), which include Angola, Botswana, Democratic Republic of Congo, Lesotho, Swaziland, Mozambique, Namibia, South Africa, Tanzania, Zambia and Zimbabwe.

war in Mozambique caused a disruption in transportation routes to the ports of Beira and Nacala. This situation forced Malawi to utilise expensive alternative routes through South Africa and Tanzania for her imports and exports and to incur high transportation costs. All this impacted negatively on the economy and led the Malawi government to pursue structural adjustment programmes. There was a short-lived improvement in the macro economic performance of the country in the early 1990s. Economic growth accelerated from 0.5 per cent to 7.8 per cent in 1991. However in 1992, the economy contracted due to effects of drought.

More recently, trade, foreign exchange and interest rates have been liberalised. Quantitative restrictions on exports and imports were removed in 1994. However, these structural reforms have not yet led to a noticeable economic growth.

Education

The present education system in Malawi evolved from work of early European missionaries, beginning in 1875 when Dr Laws of the Free Church of Scotland opened the country's first school at Cape Maclear. Malawi's formal education system comprises three levels: Primary (8 years), Secondary (4 years) and Tertiary (4 years). The system is examination based. The higher one goes in the education levels, the fewer places they are. This results in competition for places.

The education indicators for 1985 -1989 show that the literacy rate amongst the population aged 5 years and above was 40 per cent in 1987, male literacy rate was 48 per cent and female literacy rate was 29 per cent. The high illiteracy rate in Malawi is estimated at 60 per cent and this hampers socio economic development of the country. Until October 1994, only 50 per cent of the school age population in Malawi had access to primary education. More than 70 per cent of women (who constitute 52 per cent of the population) and 50 per cent of men are illiterate.¹¹

When the new government came to power in 1994, education was one of the key priority areas. Free education was introduced on 21st May 1994 with an aim of increasing access to primary level education, eliminating inequalities in enrolment, building a strong socio - economic base within society and enhancing civic education. Access has been improved through abolition of payment of school fees and uniform requirements. According to Ministry of Education reports, since the introduction of primary school education, enrolment has continued to rise and is now estimated at 95 per cent.¹²

Access to secondary school education is a problem. It is estimated that currently, only about 18 per cent of secondary school age population receives secondary education due to limited places. Tertiary education includes all teacher training colleges, technical colleges, nursing and university education. At independence in 1964 there were few professional local officers.

¹¹ The Ministry of Education in Malawi produces annual reports on literacy and illiteracy rates for males, females, boys and girls and how this affects the socio economic development of Malawi. This information was taken from the 1998 education annual report.

¹² This information was extracted from Ministry of Education annual reports.

Expatriates did a lot of skilled jobs. University education was therefore set up to provide quality education. There are five constituent colleges offering courses in Medicine, Nursing, Agriculture, Commerce, Public Administration, Humanities, Law, and Education. University education was free until 1996 when a system of cost sharing with students was introduced. Students contribute about one quarter of tuition costs.

C. Organisation of the Paper

This study was conducted through a review of the available literature on the policy process in Malawi and interviews with senior public servants in the office of the President and Cabinet, Vice President's office, Ministry of Justice, Parliament, Ministry of Home Affairs and Internal Security, the Police, Department of Human Resources Management and Development, Public Affairs Committee, Ministry of Local Government and District Administration, and Development Management Associates (independent consultants involved in the police reform initiatives).

The report is organised as follows: *Chapter Two* will discuss Interest Group and Stakeholder theories in influencing public policy formulation process.

The interest groups theory will focus on the work of Canadian scholar Paul Pross.

Chapter Three will outline the policy formulation process in Malawi including the role of various stakeholders in the policy process namely: the executive,

the legislature, and interest groups. This will be based on available literature and research findings.

Chapter Four will report on how policy relating to police reform was formulated. The analysis will focus on events from 1995 to 2000. The second part will analyse the application of the interest groups and stakeholder theories to the case study.

Chapter Five will discuss the effectiveness of the police reform programme. The *final Chapter* gives conclusion and recommendations. The conclusion draws lessons from the research and the recommendations will be based on whether the framework on interest groups and stakeholders was useful in the policy formulation process for police and the lessons that can be learnt.

Chapter Two - INTEREST GROUP AND STAKEHOLDER THEORIES

Interest group theory

Pross has defined formal interest groups as "...organizations whose members act together to influence public policy in order to promote their common interest."¹³ "Interest groups" are frequently labelled "pressure groups" and the two terms are often used interchangeably. Some scholars, for example, Pross, have attempted to distinguish the two concepts in terms of involvement in political activities. According to him, interest group activities are usually non political in nature while pressure groups are sometimes involved in political activities. For most interest groups political activity is a minor and unwelcome addition to the concerns that have brought the group together. There is, however, agreement in the literature that interest (or pressure groups) do not seek political power. They are to be distinguished from political parties.

Characteristics

The common characteristics of interest groups include the following:

- i. Persuasion- the group tries to persuade the government to implement the policies being recommended. This may take different forms through which the groups make their interests known to government.
- ii. Organization - the success of a lobbying campaign depends on the organization of the group. The essential ingredients in a lobbying campaign include persistence, extensive knowledge of substantive issues and the policy process and financial resources necessary to

¹³ Pross, P.A. (1992, p.3) Group Politics and Public Policy, 2nd ed Toronto: Oxford University Press.

enable the group to communicate with government as well as with the public.

- iii. Articulation and aggregation of common interests - the groups have formal structures and constitutional procedures to enable the members to identify the demands they wish to put forward to government and explore the conflicts that may arise in the process.
- iv. Influencing others to “buy” the group’s opinion in influencing the policy process.

Spectrum of interests

Group interests have been categorised by Pross in three groups namely: formal group interests, solidary group interests and latent group interests.¹⁴ The *formal group* interests are similar to the pressure groups in terms of definition. The *solidary group* interests comprise individuals with common characteristics sharing a common identity and interests. However, although these individuals may share common interests, this does not always give rise to the formation of a “formal organization” that can mobilise group effort to achieve policy goals. In most cases, the composition and influence of such a group remains unclear. *Latent group* interests are characterised by unmobilised interests but these have political significance in terms of influencing the public policy process. Individuals with latent interests in common have no group solidarity as the case is in formal interest groups. Because of this, although they may protect and promote their common

¹⁴ Op cit, p.6.

individual interests, they may not feel the need to recognise and promote it collectively.

Role of Interest groups in the public policy process

The public policy process is highly bureaucratic and complex. As such, the successful groups in exerting influence are those that know how to communicate effectively with the bureaucrats. The means of communicating their interests to the bureaucrats include briefs and working papers as opposed to placards and demonstrations. Other successful groups may use consultants in order to prepare quality briefs and working papers. Their role may be summarised as: communication with government and their members, building public support for policies and administering some programmes for government in certain instances. Only a few groups play the last role in a limited range of countries, for example Canada and New Zealand, the Law Societies and regulation of the legal profession.

The policy capacity of a group depends on the level of institutionalisation and has three components namely: *a strategic component* which involves ability to identify and articulate public policy goals and means to attain them, possession of *knowledge* on important issues involved in the policy debate and of the processes through which government will base its course of action and the *ability to mobilise* the group resources and bring pressure on the policy makers. A group that has professional staff is likely to influence public policies more than the one that does not have them. Policy capacity also depends on the resources that the group devotes to researching and

formulating their policy positions and to engaging in pressure politics; the structure they create to carry out these activities and the final products of these activities, membership of the group in terms of size, socio - economic status of members and knowledge on the group concerns and on the policy processes. This is another important feature determining the level of policy capacity. Groups whose members possess advanced education are likely to have a broader understanding of the workings of government. Such groups have an advantage through having a better understanding of the policy process and strategic planning ability than those groups without these abilities.

Policy communities

Specialised publics dominate the decision making process in sectors of public policy where they have competence. This has given rise to the notion of “policy communities” in public policy. Grant has defined policy communities as “ ... a series of vertical segments, each segment inhabited by a different set of organised groups generally impenetrable by unrecognised groups or the general public.”¹⁵ Pross has defined a policy community as that part of a political system that has acquired a dominant voice in determining government decisions in a field of public activity.¹⁶ In most cases this is as a result of its functional responsibilities, its vested interests and its specialised knowledge. The policy community may comprise the following: cabinet, government agencies, interest groups, media people, individuals and academics. The members of the policy community become involved in a

¹⁵ Grant, (1989, p.30) Pressure Groups, Politics and Democracy in Britain London, Philip Allan.

¹⁶ Op Cit, p.119.

policy field either because of a vested interest, an intellectual attachment or a commitment to a view of the public interest.

Networks

The policy communities divide into networks. Networks have been defined as “relationships among the particular set of actors that forms around an issue of importance to the policy community.”¹⁷ These networks can be formal or informal with restricted membership. Networks usually exist because those in them have an immediate “stake” or “interest” in an issue and therefore share a common approach to a policy issue. Because of this, stakeholders may get involved or not depending on a policy issue. Although policy communities and networks are closely related, they bear on different aspects of the policy process.

The Sub government

The policy communities consist of two elements: sub government and attentive publics. The sub government has been defined by Pross as the policy making body of each community comprising government agencies and institutionalised interest groups.¹⁸ The sub government consists of very small groups of people: the lead agency primarily responsible for formulating policy and carrying out programmes in a field (including the minister in charge of the agency), the senior officials responsible for that particular field of policy and representatives of the few interest groups whose opinions and support are essential. Representatives of other agencies may also be included if the

¹⁷ Op. cit, p.119.

¹⁸ Op. cit, p.120.

policy field affects those agencies. The parliamentarians may also appear in the sub government from time to time because they are always interested in issues affecting their constituencies. At times parliamentarians may sometimes be involved in the specific policy field relating to law making. The officers of government central agencies responsible for cabinet liaison and cabinet control are other actors who may also appear in the sub government. Although they may get involved in the policy process, they are never totally dominant because the responsibility for formulating policy is usually left with the lead agency.

Attentive public

The concept of the “attentive public” is not clearly defined. However attempts have been made by some scholars to define the attentive public in terms of the groups. Pross has defined the attentive public to include government agencies, private institutions, pressure groups (interest groups), specific interests, and individuals including academics, consultants and journalists.¹⁹ The attentive public is usually outside the policy community but has an active and informed interest in the issues. As such its members get affected by or interested in the policies of specific agencies. They follow and attempt to influence those policies but do not participate in policy making on a regular basis although their interests may be genuine. Sometimes attentive groups may be excluded from the policy process especially if they were opposed to the previous policy trends. This group usually lacks the power of the sub government but plays an important role in the policy development process.

¹⁹ Op. cit, p.121.

Stakeholder Theory

Frooman has defined stakeholders as any group or individual who can affect or is affected by the achievement of the firm's objectives.²⁰ According to this definition, there are two types of stakeholders: strategic and moral. A *strategic* stakeholder is someone who can affect a firm while a *moral* stakeholder is someone who is affected by the firm. In the case involving a strategic stakeholder there is management of their "stakes" while with the moral stakeholder, there is balancing of interests. Freeman has defined stakeholders as "any group or individual who can affect, or is affected by, the achievement of a corporation's purpose."²¹ This definition emphasizes the concept of survival of the organization as depending on support from individuals or groups in society. Stakeholders include government, non-governmental organizations, and other groups from whom an organization can benefit.

Dynamics of stakeholders

The changes in an external environment can lead an organization to react differently. An organization may decide to ignore these changes and continue operating in the usual manner or to respond to a specific event in the change process. The alternative is for an organization to position itself to anticipate the changes. It is therefore important for an organization to understand the changes taking place and then plan strategically on how to respond to these changes. Stakeholders change with time. Their interests too vary depending

²⁰ Frooman, J. "Stakeholder Influence Strategies" in Academy of Management Review 1999. Vol. 24 No. 2 .191- 205.

²¹ Freeman, R. E. "1984" Strategic Management: Stakeholder Approach Pitman Publishing Inc. Massachusetts.

on the strategic issue being considered. This implies that over time, the mix of stakeholders may change with new members joining and others dropping out. Those joining get involved in the policy process while those who drop out no longer get involved in the policy process.

Aspects of Stakeholder Theory

The stakeholder theory has three aspects namely: descriptive, instrumental and normative. As a *descriptive approach*, stakeholder theory is used to describe the firm and the behaviours and characteristics of an organization. As an *instrumental approach*, the theory is used to establish the framework for examining the connections between the practice of stakeholder management and achievement of corporate performance. As a *normative approach* the theory is used in analysing the functions of an organization. These aspects are interrelated and can be illustrated in figure 1 below:

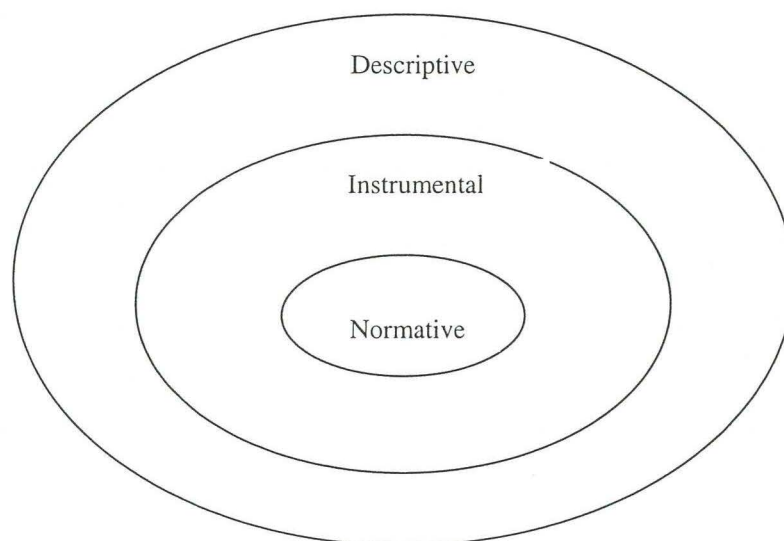


Figure 1: Interrelationship of the aspects of Stakeholder theory

Setting strategic direction using stakeholder theory

Strategic management is a continuous process that involves the following major stages: planning, choosing a strategy, implementation, monitoring and evaluation. Direction setting involves the corporate, divisional and business levels of an organisation. The key issues addressed at the corporate level include identification of the business of the organization and its future direction. This level is concerned with identification of the purpose of an organization to address the expectations of the stakeholders. At divisional level, issues of how to succeed in the business are considered.

Direction setting may involve revising the existing goals and at times entering new areas of business. This depends on environmental factors. It is important to set directions for the entire organization. Setting strategic direction for an organization can be difficult because it involves an understanding of the changes in business strategy and an understanding of new stakeholder relationships. The major changes in direction setting cannot be accomplished successfully without an understanding of the impact on stakeholders especially those groups which are very close to the organization such as employees, the civil society and customers. As observed by Freeman, direction setting in an organization is tied to understanding what the managers and employees of a corporation stand for.²²

A stakeholder may have economic effects on an organization in that its action may affect the organization's capability to generate profits. A stakeholder may

²² Op. cit, p.87.

also have technological effects on an organization by developing the organization to apply new technology in its operations. There are social effects on an organization that may be brought in by a stakeholder in that a position of a firm in society may be altered. The social effects may lead to political effects on a particular organization. This is because stakeholder actions normally involve the political process in order to achieve a social purpose. On the other hand, an organization may have political effects on a stakeholder group by frustrating its chance of success in the political arena. A stakeholder may have managerial effects on a firm by pushing for change in management systems, processes, values and culture. This may assist in the understanding of the relationship between an organization and its stakeholders.

Framework for stakeholder analysis

Freeman (1984) proposes a framework with three levels for stakeholder analysis namely: rational, process and transactional. An organization may use this framework to manage its relationships with stakeholders. The *rational* level involves an understanding of who the stakeholders of an organization are and what are their stakes. This can be well understood by preparing a stakeholder map around a policy issue. The next step involves the preparation of a stakeholder chart. This assists analysts to identify specific stakeholders around an issue based on the stakeholder map. The *process* level involves an understanding of how organizations manage the relationships with the stakeholders and whether the process fits with the stakeholder map of an organisation. The *transactional* level involves an understanding of the

transactions among organizations and their stakeholders. This has to be related to the stakeholder map and the processes followed in managing the organization's relationship with the stakeholders.

A good mix of the three levels implies that an organization has an effective strategic management capability. An organization with a clear stakeholder map, with clear organization processes to take account of all stakes of the stakeholders would be viewed as possessing superior stakeholder management capability. On the other hand, an organization, which does not understand its stakeholders and has unclear processes to analyse the stakes can be said to have inferior stakeholder management capability. Managing relationships has to take into account the external environment of an organization.

Conclusion

This chapter has discussed the major elements of the interest groups and stakeholder theories. There is considerable affinity between the two approaches; one found in the political science literature, the other from the discipline of management. For the purpose of the present study, both theoretical frameworks underline the important insight that public agencies such as the Malawi Police do not operate in a vacuum. Policy change will affect the interests of different groups in different ways and the interest groups or stakeholders will seek to influence the decision makers.

Chapter Three – THE POLICY PROCESS IN MALAWI

This chapter identifies the stakeholders in the Malawi policy process, including interest groups:

Elected officials

The elected officials involved in the policy process include members of the executive, the legislature and the judiciary.

The Executive

The executive comprises the cabinet and the civil servants - the bureaucracy. The cabinet - the political executive - is one of the key actors in the policy process. According to section 7 of the constitution ²³, “the executive shall be responsible for initiation of policies and legislation and for the implementation of all laws, which embody the express wishes of the people of Malawi and which promote the principles of the Constitution”. As discussed in Chapter One, the Cabinet comprises the President, the Vice President, and such Ministers and Deputy Ministers as may from time to time be appointed by the President. The Cabinet is responsible for deciding which policies government should follow while the rest of the executive implements those policies. The executive also controls fiscal resources and information.

i. Cabinet

The constitutional role of cabinet has been discussed in detail in Chapter One. In terms of guidance for the operation of the cabinet, the Malawi Government produced the first edition of the handbook for Ministers in 1996. The handbook provides an overview of the principles on which the process and

²³ The Constitution of the Republic of Malawi, (1999,p.12) Section 7.

operations of the Malawi cabinet system of government are based. It sets out the constitutional and legal framework of the government and explains the constitutional authority of cabinet. In Malawi, cabinet is the central organ for collective consideration of issues.²⁴

The responsibilities of cabinet include the following:

- To advise the President on policies of the government.
- To direct, coordinate and supervise the activities of government ministries and departments, including statutory bodies.
- To initiate bills for submission to parliament and to explain those bills.
- To prepare, explain and formulate for parliament the budget of the state and its economic programmes.
- To answer parliamentary questions or participate in any debate pertaining to the contents of the policies of government

In Malawi, cabinet considers and decides on matters that require collective advice of cabinet. This is because either the issues have major policy implications or because, if implemented, they are going to have a wider public effect.

a) Cabinet Committees

It is usual for the President to establish Cabinet Committees. These committees provide a forum for more detailed discussion of issues before submission to cabinet. There are currently 19 standing Cabinet Committees as follows:

²⁴ Malawi Cabinet Handbook, (2000).

Defence and Security
Economy
Public Service and Civil Service reform
Decentralisation
Legal and Parliamentary affairs
Education
Gender, Youth and Persons with Disabilities
Health and Environment
Foreign Affairs
Housing and Special projects
National Heritage and Special Events
Tourism
National Registration
Industrial Relations
Transport
Presidential and Parliamentary Elections
Manufacturing
Special Budgetary measures
Urban and Rural roads

The President decides on the number and type of committees. Some of the committees are permanent while others can be formed to attend to a special purpose and be dissolved thereafter. The Cabinet committees relieve pressure on cabinet by settling as much business as possible at a lower level before cabinet makes a final decision. This ensures that all the necessary technical details are fully considered and resolved, formulated and

recommendations submitted to cabinet in a way that streamlines business and facilitates informed decisions.

The Cabinet committees strengthen the principle of collective responsibility by providing a forum for joint consideration of policy proposals and reducing areas of disagreement among Ministers. Cabinet committee meetings may include persons who are not cabinet members. These persons attend either one specific session or on a regular basis if the issue being discussed requires their presence.

b) Cabinet office

The Secretary to the Cabinet heads the cabinet office. At present the Secretary to the Cabinet is also Secretary to the President. Because of this, he is referred to as the Secretary to the President and Cabinet. The cabinet office serves as a secretariat for cabinet and its committees. This office is responsible for:

- Coordinating policies and programmes of the government in order to ensure that policies proposed by ministries are compatible with each other and with overall national policy.
- Serving the cabinet by recording cabinet proceedings, writing minutes of meetings and conveying cabinet decisions to ministries for decisions.
- Analysing policy proposals for consideration by cabinet in order to assess their consistency with government policy and priorities.
- Coordinating the implementation of cabinet decisions.

- Monitoring and evaluating the implementation of cabinet decisions.

At present the cabinet secretariat is probably manned by three people, a Clerk to the cabinet who is a lawyer by profession, an assistant who is an administrator by profession and an administrative assistant.

c) Cabinet principles

Ministers are guided by principles of collective responsibility and cabinet confidentiality.

The convention on collective responsibility for government decisions is central to the cabinet system of government. Cabinet minutes reflect collective conclusions. They are binding on cabinet ministers as government policy. Ministers are therefore not supposed to disassociate themselves from any aspect of government policy approved by the government, even if they personally disagree with such policy. The internal process through which a decision is made should not be disclosed. Ministers are expected to express a variety of options and views freely and frankly during discussions as long as they maintain a united position when decisions are reached.

The doctrine of collective responsibility is supported by the strict confidentiality attached to cabinet decisions and to the discussions in cabinet. The openness and frankness of discussions at cabinet and cabinet committee meetings are protected by strict observance of this confidentiality.

ii. Ministers and their Ministries

Section 93 of the Malawi constitution stipulates that:

*There shall be Ministers and Deputy Ministers who shall be appointed by the President and who shall exercise such powers and functions including the running of government ministries and departments as may be prescribed by the President, subject to the constitution.*²⁵

As such, success of a nation depends on the quality of policies and commitments they make to achieve the government mandate. Ministers are responsible to the President for the provision of a clear vision and policy direction of their respective ministries. In order to avoid duplications and contradictions, ministers are encouraged to consult with their colleagues on policy objectives pursued and taken by other ministers.

The minister's contact point in a ministry is the Principal Secretary. The Principal Secretaries, known as Chief Executives in New Zealand, are public servants subject to the general direction and control of the minister. The ministers and principal secretaries are adopting an open and participative management style. This approach will ensure that all public servants are encouraged to perform to the best of their abilities.

²⁵ The Constitution of the Republic of Malawi, (1999,p.46), Section 93.

iii) Appointed officials

The appointed officials dealing with public policy issues are known as the *bureaucracy*. In Malawi they are referred to as *Civil Servants*. As discussed earlier on, their role is to assist the executive in the performance of its task. Thus the political executive – the President and his Ministers - are responsible for all policies while the civil servants are involved in policy formulation. This group is therefore expected to have within it qualified managers to lead in policy advice activities, researchers to collect relevant data, analysts to compile reports, information, and operational manuals. Alongside policy advice requirements the group is expected to have good supporting services. In Malawi the number of civil servants has increased with time. At independence in 1964, the Civil Service had an establishment of 10,745 staff members. This figure increased to 50,008 by 1987. In 1995, the establishment was estimated at 112,975.²⁶ There are no latest figures available to show the recent expansion of the civil service. The civil service in Malawi comprises a number of different sectors as discussed in Chapter One, with each sector having its own interests and policy capacity.

The Legislature

Composition and role of the legislature

In Malawi the legislature is concerned with passing laws of the land, which are consistent with values of democracy, human rights and good governance. The legislature is a forum where social problems from different constituencies are discussed. In terms of the policy process, the legislature is involved in

²⁶ Statistics obtained from a paper on Public Sector Reforms in Malawi prepared in the Department of Human Resources Management and Development in 1999.

debating and approving government bills. In the course of their work, Parliamentarians may sometimes demand alterations to policies in question. The nature of the problem being considered affects the level of involvement of the legislature in the policy process. Experience has shown that national security, foreign policies and emergency crises usually do not involve the legislature. Issues of national security and foreign policy are usually discussed in secret. Similarly, an emergency crisis may not involve the legislature because of the long processes taken in introducing, debating and passing a bill. However, the government budget is debated in the legislature because it is the principle of Parliamentary government that the executive must seek funds and authorisation for its expenditure once a year. The Ministry of Finance and Economic Development do most of the technical details in advance.

In Malawi, Parliament consists of the President, and the National Assembly. The National Assembly comprises Members of Parliament from the UDF and members from the opposition parties, MCP and AFORD. The ruling party has a majority of parliamentarians compared to the opposition parties. The distribution of Members of Parliament at the moment is as follows: 101 from UDF, 65 from MCP and 29 from AFORD.²⁷ As observed by one of the respondents to the questionnaire for this project (See Appendix 3, part A), the distribution of Members of Parliament clearly indicates that the opposition is currently in minority and unable to insist on any changes in the bills being proposed and policies being followed.

²⁷ A response from an interview conducted in Malawi between end November 2000 and mid February 2001.

Role of Parliamentary Select Committees

Some of the policy functions are performed in the Parliamentary Select Committees established along functional lines, to review legislation being proposed. At the moment there are 17 Select Committees set up in the National Assembly. The composition of each of the Select Committees includes 6 members from the UDF, 4 members from MCP and 3 members from AFORD. A committee has to report the results of its work to the National Assembly. The National Assembly has power to accept or reject the findings of the committee since it has the final word. Some of the committees set up by the National Assembly include the following:

- Public Accounts Committee, which is responsible for examining how government Ministries and Departments spend their funds.
- Parliamentary Service Committee, which is responsible for looking into the general management of the parliamentary chamber.
- Committee on Parliamentary procedure which looks into all proposals for the amendment of parliamentary standing orders, improvements in the Parliamentary procedures and consideration of suggestions pertaining to improvements on the recording system in the house.

Some of the people interviewed indicated that:

The process of involving select committees to consider bills allows detailed analysis of the Bills. The process has also enabled members of the Parliamentary Select Committees to build considerable expertise in the area they are involved in although this expertise takes a long time to be built. They further suggested that these committees

*experience problems especially where they are handling technical issues. This is because at the moment, there is not much interaction between Members of Parliament and technicians to enable them to develop a better understanding of policy issues.*²⁸

It could be argued that the composition of the select committees is an indication of good democratic practices because the decisions passed result in shared responsibility between the executive and the legislature. This is progress in the right direction for Malawi because the legislature will enact more appropriate statutes as a result of the new approach.

How Laws are made

The rule of laws governs Malawi as in most countries in the world. Laws guide society on what is to be done or not. Once the need to make a law or amend the existing one is identified and approved by cabinet, a proposal is made by the ministry concerned in liaison with the lawyers in the Attorney General's office. The proposal is made in writing and it then becomes a bill. There are three types of bills namely: a public bill that affects the whole country and is proposed by a Minister; a private bill that affects only some particular person; and a private members' bill that may affect the whole country or only particular individuals. In order for a bill to become a law it must be debated in the National Assembly.

²⁸ A response from an interview conducted in Malawi between end November 2000 and mid February 2001.

Stages in considering a bill

There are five stages, which a bill goes through before it becomes a law.

These are as follows:

- i. First reading - the responsible minister introduces a bill in the house.
- ii. Second reading- during the second reading, the minister explains why the bill is important to the nation and should become a law. A debate then takes place where members are free to express their views on whether they support the bill or not. At this stage, a member is allowed to speak only once. Once the bill receives approval of the house it goes to the next stage.
- iii. Committee stage – During the committee stage, the bill goes to a select committee on legal affairs. At this stage, the bill is discussed in detail. The Parliamentary select committee on Legal Affairs may need to consult members of the public through the local press calling for written submissions. Those interested respond and they are normally invited for further clarification on their submissions. A report is then compiled and it may take one of the following forms: it may propose an amendment to the bill or it may not amend the bill and instead recommend that a new bill be presented to the house in view of the submissions. Once the bill receives approval of the house it goes to the next stage.

In Malawi, the need to consult with members of the public in the policy formulation process is a new phenomenon that has been brought about by democracy. One of the respondents stated that “efforts to consult the public are there but the limitation at the moment is limited participation from the public itself. It is not clear whether this is because of lack of understanding of the bill or lack of interest in participating”.

It could be argued that since participation is a new concept in Malawi (introduced following the democratisation process), the citizens are still learning how to get accustomed to the new culture. Changing the existing culture will take time. Meanwhile the government should strengthen civic education in order to broaden the level of understanding.

iv. Reporting stage - at the reporting stage, the Chairman of the committee reports to the whole house. If the majority of members support the bill, it goes for final printing before it becomes a law.

v. Presidential Assent - After having passing through all the stages above, the bill has to be approved by the President. Once assent is given, the bill becomes an Act.

Interest Groups

As discussed in Chapter Two, interest groups have political impacts on the policy process. However, this depends on a number of factors such as the organisation of the groups, resources, and policy capacity. In Malawi interest groups are key players in the policy process in terms of exerting influence. However at the moment their involvement in the policy process is still minimal but the extent of the interest group involvement in the police reform process, particularly the Public Affairs Committee (PAC) is a good example of interest group influence in Malawi.

The Public Affairs Committee (PAC) in Malawi is a religious organization formed in 1992. Initially PAC was set up to respond to the political changes that were taking place in the country from a one party system to multiparty.

The PAC has a secretariat in Lilongwe comprising of technical and support staff and is significantly funded by international Non-governmental organizations. These include Dan Church Aid of Denmark, Bilance of the Netherlands, Christian Aid of the United Kingdom and GTZ of Germany. Locally, the United Nations Development Programme (UNDP) has assisted in some programmes. Its present role is to promote and sustain democracy through civic education, advocacy and mediation. The committee comprises 22 members drawn from Catholic parishes (Episcopal conferences), the Malawi Council of Churches and the Muslim Association of Malawi. PAC acts as a watchdog to government and all parties involved in Malawi politics. It also conducts country wide civic education through its member churches/mosques. This approach is in line with its objective of encouraging the religious community to participate in the social and political affairs of the country and to act as a voice for the voiceless.²⁹ As a watchdog for democracy, PAC executive speaks out on political issues and holds discussions with the government, the opposition and other political actors. These meetings are held periodically. PAC also encourages citizen participation in voting, for example through civic education, which is facilitated by its secretariat. Materials are produced for countrywide programmes. PAC's civic education efforts started in 1993. Its advocacy role is seen when PAC meets political parties, Government or other organizations on an issue of national interest to influence policy changes. For example, the local government elections were initially supposed to be held in 1995. However, this was not possible. PAC had to intervene by meeting relevant authorities to ensure that these elections

²⁹ Publication by the Public Affairs Committee Secretariat "What is PAC: An outline of the PAC"

are held on time in consolidation of the young democracy and good governance. As a result of its influence the local government elections were finally held in 2000.

The policy process

Section 13 of the constitution sets out the principles of national policy:

*The state shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at achieving the following goals: gender equality, nutrition, health, the environment, rural life, education, the disabled, children, the family, the elderly, international relations, peaceful settlement of disputes, administration of justice, economic management and public trust and good governance.*³⁰

The current policy process in Malawi could be equated to the idealized rational model with sequential stages.³¹ However, this is not achieved in practice because of the constraints that impinge on the process. The people interviewed in Malawi indicated that “at the moment the policy process is unclear and formal policy formulation depends on how active a sector is in terms of consultation with key stakeholders.” The other constraints highlighted during the interviews will be included in the analysis that will follow later.

³⁰ The Constitution of the Republic of Malawi, (1999, pgs.13 to 14).

³¹ Howlett, M. and Ramesh, M. (1995) Studying Public Policy: Policy Cycles and Policy Subsystems.

The stages in the policy process in Malawi are as follows:

i. Problem identification

The first step in the policy process is identifying how policy ideas arise. Policy problems may be identified through competing political parties for power. Usually what happens is that during the election campaign period competing political parties identify problems requiring government intervention. These problems are those that have been left unattended by the party in power for various reasons. Each competing political party indicates how it will address these problems in a document known as a *party manifesto*. The manifesto therefore consists of a number of promises for fulfilment once a particular party is voted into power. Usually these promises attract the electorates to vote for a particular party. Once a party wins, it has a duty to fulfil what is in its manifesto. This is a new phenomenon in Malawi brought about by democracy. For example, the UDF manifesto in 1999 included guaranteeing food security, advancing quality education, ensuring economic prosperity, devolving power to the community, creating opportunities for employment, investing in infrastructure, empowering women, harnessing the potential of the youth, increasing social welfare, protecting the environment, delivering universal health care, devolving power to the community, fighting crime, providing an efficient civil service, consolidating freedom and democracy, promoting diversity and culture and establishing a secure Malawi in the world.³² The UDF therefore has a mandate of fulfil what is contained in the manifesto since those promises form the basis for its policies.

³² Manifesto of the United Democratic Front 1999: Eradicating Poverty, Our Goal. This manifesto enabled the electorate to vote for the UDF for the second term of office from 1999 to 2004.

Apart from the manifesto, certain conditions in society may be perceived and are defined as problems requiring government intervention. The task of converting a societal problem into a public issue and calling government attention to it is an important aspect of the process. The process is not the same for every policy issue nor is the process a linear one. All kinds of loops will occur throughout the process. One such loop involves the recognition that something has to be done and then determining what that something is. This is where the boundary between the politicians and technocrats often crosses. The government in power must choose carefully the priority policy initiatives by which their term of office will be judged.³³ In Malawi, following the democratisation process, the civil society plays a role in aggregating and articulating interests.

ii. Policy analysis

Once on the policy agenda, the executive arm of government requires analysis to estimate likely costs and benefits of different options. Such analysis is twofold, technical and political. The former focuses on whether it is technically feasible to achieve a given policy goal and at what economic cost/rate of return. The latter asks whether the policy is consistent with electoral promises and/or national priorities and also questions the expected impact on political support for the incumbent government. In Malawi these activities take place in sector Ministries with the Office of the President and Cabinet coordinating the process. Ministries analysing the problem with alternative options develop cabinet papers. The cabinet papers are expected to be clear,

³³ Hogwood, B.W. and Gunn, L. (1984) Policy analysis for the Real World.

concise and prepared in good time. The Minister concerned initials them before submission to cabinet office. According to one of the respondents, nowadays one of the requirements is for the Ministry originating a cabinet paper to consult widely within the Ministry and outside with other stakeholders in the course of preparing its paper. However sometimes limited human, financial and time resources make it difficult to meet all the requirements.

A number of problems may be experienced in this stage. During the interviews conducted in Malawi the respondents indicated the following problems:

- At the moment there are few officials with training or experience in policy analysis.
- The policy analysts operate in a much more complicated setting that requires balancing the wishes of political competitors, lobbying groups and the electorate with their understanding of what is technically correct and suitable.
- With democratisation, it is necessary to strengthen decentralisation structures if the citizens are to be well involved in the policy process. This would involve the transfer of the central executive branch functions to lower levels of government in order to facilitate popular participation.

It could be argued that the other contributing factor is the present set up of the career structure for graduates trained from the University of Malawi. It is focused on agriculture, medicine, nursing, human resource management and

development, public administration, business administration, law, economics, and teaching. There are no opportunities at the moment for university recruits to specialise as policy analysts in the course of their career. As a result of this, some of the proposals prepared by civil servants reflect shallow empirical evidence and limited analytic skills.

iii. Policy Implementation

In Malawi, policy implementation comprises three components namely: dissemination of decisions, monitoring and implementation of directives and the evaluation of policy results.

a) Dissemination of decisions - In Malawi two types of documents are prepared after cabinet meetings: cabinet *directives* and cabinet *minutes* both of which must be approved by the Secretary to the President and Cabinet before distribution to Ministries for implementation. At the moment this process is operating well in spite of the few personnel manning the cabinet secretariat.

b) Monitoring – This is an important stage in the policy process requiring the institution of formal implementation plans and monitoring systems to ensure that decisions are actually carried out. Although a fully rational system to measure outputs against inputs is difficult to achieve, the introduction of a monitoring system is crucial in order to strengthen the implementation phase. This phase is another challenge in Malawi for a number of reasons. According to the respondents, there is lack of skilled manpower to monitor the implementation process. The skilled ones have either opened their own

consultancy firms or have migrated to neighbouring countries especially South Africa and Botswana in search of higher paying jobs. Secondly, successful implementation can be complicated by lack of skilled manpower, poor resource planning, unpredictable resource flows, lack of commitment on the part of the implementers, and lack of coordination and collaboration between ministries. The other constraint is that there are no policy management units in ministries to monitor implementation. The units in ministries would liaise with the implementation unit in the office of the President and cabinet if there were one. Ideally, the task of monitoring should begin before implementation gets underway. One way of ensuring that the intended outcomes are achieved would be to include an implementation plan in the plans prepared by each ministry.

From the writer's experience, monitoring implementation is indeed a major handicap that has led to delayed implementation or abandonment of projects.

c) Evaluation

The evaluation process usually answers the question of whether policies achieve their intended results, at what cost and with what kind of impacts economically, socially and environmentally. Evaluation summarises what has been learnt about the effectiveness of a certain policy. Usually this process provides feedback which assists the on going policy process. Policy evaluation is also an attribute of mature management systems in which policies are carried out rationally through to the end of the process and its success depends on implementation.

In Malawi there is a planning unit in the Ministry of Finance and Economic Development. However, there is no unit for evaluation of the effectiveness of the policies. Some of the respondents indicated “ the planning unit is not very effective in policy analysis probably because of lack of capacity to analyse sectoral policies”. Thus there is no agency providing the policy analysis framework at the national level and this has sometimes resulted in duplication of effort between agencies.”

Conclusion

This Chapter has considered the actors in the policy process in Malawi and their relationships as outlined in the Constitution of the Republic of Malawi. The actors include the elected officials, appointed officials and interest groups. Each actor plays an important role in the policy process and non-involvement of one can affect the policy process in that it would be incomplete. The second part has discussed the current policy process in Malawi, which is based on the rational model. However this process is not ideal because of the constraints being experienced at the moment.

Chapter Four - POLICE REFORM 1995 TO 2000

Background

Police during Colonial era

The Malawi police service operated under the British Government for the period that the country was a British colony until 1964. The allegiance of the police was to the Governor who was the head of government. The main function of the police was to protect the lives and property of the people of Malawi. Certain traditions and values were established. The respondents to the questionnaire distributed for this study (Appendix 3, part B) indicated that most of the traditions and values established during the colonial era still apply in the service up to present day. For example, the tradition of having separate messes for senior and junior officers, and the police standing orders have remained unchanged in the service since 1964. Expatriates occupied most of the senior positions until the early 1970s when the organization went through a process of "localisation".

Police in the one party era 1964 to 1994

After independence, the major role of the Malawi police continued to remain the protection of lives and property. However, paramilitary bodies, namely the Malawi Young Pioneers (MYP) and the Malawi Youth Leaguers (MYL) complemented the role of the police at the grass roots level (Village and Area). During this era, the police were under the office of the President and Cabinet until October 1993 when the Ministry of Home Affairs and Internal Security was created to be responsible for police affairs.

Police reform in Malawi begun in January 1994 when Baroness Lynda Chalker from United Kingdom visited Malawi in her capacity as the British Minister of Overseas Development Cooperation (ODA). During the visit, an offer was made by the British government to the Malawi Government to provide assistance to the Malawi police in the area of training.³⁴ At that time, Malawi was still in the one party era of the Malawi Congress Party. The offer from the British government was not pursued vigorously, probably because this coincided with the preparations for the first multiparty general elections, which were held in June 1994.

Police under multiparty system of government since 17th May 1994

When the new government of the United Democratic Front came to power, the offer from the British government was pursued further at a meeting between the Minister of Home Affairs and Internal Security, the British High Commissioner and the Inspector General of Police. At this meeting it was agreed that a consultant be engaged by the British government to assess the future needs of the entire police service.

Engagement of a consultant and assessment of the Malawi police service

The British Government engaged and paid for Mr Roger Nicklin, ODA police advisor to carry out an assessment (SWOT analysis) of the Malawi police from 17 to 24 September 1994. His terms of reference were as follows:

³⁴ Report by Roger Nicklin, ODA police Adviser after an appraisal of the Malawi Police Service between 17th and 24th September 1994.

- *In discussion with the Inspector General and senior police management, to help and articulate the main problems which the police perceive in undertaking their current responsibilities, the new tasks and approaches which the police believe are expected of them in the changing climate of Malawi, and the overall role which the police should fulfil in Malawian society and the constraints which make progress towards the intended role difficult and the current strengths which can be built upon to help realise it.*
- *In consultation with senior police management, to draw up an action plan based on a clear expression of the role envisaged for the police. This would include specific prioritised recommendations for taking initial steps towards realising the role and will constitute the first stage in the formulation of a long - term development strategy for the police. It should be clearly indicated where the responsibility for acting on particular recommendations lies and where external assistance would be appropriate with an indication of the approximate cost or scale of such assistance where possible.*
- *To produce a draft report within two weeks of completing the mission which after finalisation will be submitted to the Inspector General for his consideration. The report would indicate areas, which need further investigation and attention.*³⁵

Despite the short period he was in Malawi, Mr Nicklin consulted widely in the Police, the Ministry of Home Affairs and Internal Security and Ministry of

³⁵ Roger Nicklin's report following appraisal of the Malawi Police Service from 17th to 24th September 1994.

Justice, and discovered weaknesses in areas of management and command, human resources, finance, strategic planning and, accountability as follows:

Management and command – decision-making was overcentralised in that senior officers were not able to exchange information and contribute fully to the management of the organisation.

Human resources management and development - there was no competent human resource management and development unit for recruitment and training and placement of staff at all levels. Staff numbers were well below establishment level of 6428.

Finance - There was no proper financial management system in place. All finances were controlled from the centre.

Strategic planning - there was no unit for research, forward planning and identification of potential opportunities and threats to the organisation. No crime statistics were available because of the absence of a research and planning office. Managers, therefore, had no basis on which to make sound decisions regarding utilisation of resources and identification of priorities. There was no formal means for inspecting and monitoring performance.

Accountability - although the Malawi constitution (under section 154) stipulates that the Malawi police service be accountable through the Ministry of Home Affairs and Internal Security, there were no clear accountability structures in place.

At the end of his stay, Mr Nicklin organised a one-day consultation workshop for senior officers to develop the “way forward”. At this workshop, it was agreed that the first priority of the police should be to deliver a basic policing service to the people and that a redeployment of existing staff was necessary. A major weakness was discovered in the absence of modern management practice especially in relation to strategic management, human resources management and development and service delivery.

Nicklin’s recommendations

As a way forward, Mr Nicklin made the following recommendations:

- Provision of quality policing services to a population of 9 million people at that time required a police force of approximately 18,000 and the actual staff numbers were only 5348. However, Mr Nicklin and the senior police officers consulted realised that policing is an expensive service requiring a lot of resources. Initially the police would aim at recruiting to reach the establishment level of 6428.
- Formal inspection and performance monitoring systems should be introduced.
- The human resource function should be reviewed to ensure that the Malawi police force gets the best from its workforce.
- Training needs should be analysed and training programmes be amended to take account of the findings.
- Open appraisal systems should be introduced.
- The distribution of staff to the branches and regions should reflect priority objectives set by the Malawi police service and ensure that the police perform general policing duties in contact with the people.

- Clear accountability structures should be established between the Ministry of Home Affairs and Internal Security and Police.
- A new command and control system should be introduced.³⁶

One of the respondents summarised Roger Nicklin's recommendations as follows:

*That the Malawi police service should develop a strategic development plan to drive the growth and development of the organisation, that there should be rationalisation of the available resources, that non-policing duties should be "civilianised" to allow police officers to concentrate on policing duties. Implementing these recommendations requires government commitment.*³⁷

The findings by Nicklin required major changes in the operation and reputation of the police so that it could perform its public service role in a more effective manner. The report was presented to top management in the Police for observations in May 1994. It was adopted, and circulated to the Ministry of Home Affairs and Internal Security for final approval so that further action is initiated.

Formation of the Presidential Working Group on Police Reform

On the recommendation of the Minister of Home Affairs and Internal Security, His Excellency the President of the Republic of Malawi in January 1995 approved the formation of a Presidential Working Group on Police Reform. He took a very keen personal interest in the police reform programme and as observed by one of the respondents:

³⁶ Op cit, 1994.

³⁷ Interviewee's comments, January 2001 in Malawi.

The Presidential working group on police reform was formed as a result of His Excellency's anxiety to see the police fulfil its public service role in the maintenance of the rule of law and promotion of justice, security and democracy in a more effective manner. ³⁸

The group comprised 15 members drawn from government, non-governmental organisations, the business community, and public affairs committee as follows:

- One member from Ministry of Finance
- One member from Ministry of Justice
- One member from the National Economic Council
- One member from the Department of Human Resources Management and Development
- One member from the business community
- One member from Immigration Department
- One member from Christian service committee of churches
- One member from the Public Affairs Committee (PAC)
- Five members from Police
- Two members from Ministry of Home Affairs and Internal Security.

³⁸ Interviewees' comments, January 2001, Malawi.

Mandate of the Presidential Working group

The Presidential working group was mandated to produce a comprehensive 5-year strategic development plan for the Malawi police service by June 1995. The strategic development plan had to be “realistic and achievable”³⁹.

The British Overseas Development Administration engaged another consultant, Alex Marnoch, to act as a lead consultant for the presidential working group and the Malawi police service on the development of the strategic plan. Mr Marnoch was a retired Commandeer (I think) from the Metropolitan Police in United Kingdom. He had undertaken similar assignments in other countries, for example, in Bangladesh. Mr Marnoch therefore had experience in applying modern policing concepts in developing countries.

His terms of reference were as follows:

- To advise and assist in the preparation of future policing policy for agreement by the government of Malawi.
- To advise on appropriate methodologies for translating the policy into a police development plan.
- To advise on methods of implementing and evaluating the outcomes of the plan.
- To advise on methodologies to be utilised to produce and consult upon the policy, the plan and its implementation.
- To advise upon the role, activities and structure of the force especially in regard to its continuing planning and development capacity.

³⁹ This is taken from the 5 year strategic Development Plan for the Malawi Police Service (1995 – 2000).

- To outline future courses of action that might be considered to invest in the implementation of the plan.

It is clear from the interview responses that the presidential working group benefited from Mr Marnoch's experience in modern policing and strategic planning in the police.

Consultation process

The working group reviewed Mr Nicklin's report and after a series of meetings agreed to produce the strategic development plan through a consultation process with members of the public and the police. The objectives of the consultation process were to establish what were the functions of police, the manner in which these functions should be fulfilled and the problems being experienced by the communities in terms of crime and what could be done to contain crime. This was conducted as follows:

Meetings with police and members of the public

The working group subdivided into three small groups to cover all the three regions of the country and embarked on a country wide consultation exercise holding meetings with the police and the public in order for them to contribute towards the future strategy and direction of the police service. The Inspector General issued a circular letter in March 1995 inviting all police officers to contribute freely to the change process. One of the respondents stated that the issuance of a personal letter by the Inspector General made the police relaxed and free in expressing their views.

It could also be argued that this approach demonstrated commitment to the change process from the leader of the Malawi police service.

Questionnaires

A total of 25,000 questionnaires were issued to the public for completion. These were placed in supermarkets, gas stations and other public places. Copies of the questionnaires were printed in the newspapers as well in order to give the consultation process greater publicity. A press conference was held and announcements of the meetings were made on the radio. The consultation process lasted for a period of almost one month. It was completed by 31st March 1995. One of the respondents indicated that publicity around the consultation process enabled the interested individuals to be aware of the meetings and to be well prepared. Attendance of the meetings varied. In some there was probably a traditional reluctance to engage with the police.

Study visits

As part of the consultation process, study visits were undertaken by some members of the working group to Zimbabwe and the United Kingdom in order to learn from their experiences. In these countries, policing and the strategic planning process were at a more advanced stage. Senior officials from the Ministry of Home Affairs and Internal Security and the Malawi Police Service undertook similar visits to the United Kingdom, Zimbabwe and South Africa to learn from their experiences.

From the writer's experience such study visits are widely being used in the civil service in Malawi as a learning process. Reports are compiled after the visits, and recommendations are made. In some cases, the recommendations put forward are implemented. In other cases, implementation of these recommendations becomes a problem either because of lack of resources or inability to modify the lessons learned to suit the prevailing conditions. This may have been experienced during implementation of the police reform programme. This point will be discussed in detail in Chapter Five.

Development of the 5 year strategic Development plan

Following the findings from the consultation process, the working group developed the mission statement stating what the function or role of the police is and how the police intended to fulfil this role. The mission statement shows where the police are going and how it will get there. From the mission statement the group derived strategic intentions, then identified core and support functions. Details of the mission statement, strategic intentions, and core and support functions are attached as Appendix 4. One of the interviewees stated that:

*The ideas and contributions from the consultation process with both the public and the police in all districts of the country formed the basis for the strategic development plan.*⁴⁰

⁴⁰ Interview conducted in Malawi between end November 2000 and early February 2001.

When this process was completed, the working group adopted a strategic planning approach looking at where the police service was at that time, where it aspired to be in 5 years time and how it wished to get there.⁴¹ A draft report was presented to the Inspector General for scrutiny. He consulted his senior officers who made their observations and the final version was then agreed. The Strategic Development plan was presented to the President on 31 May 1995 in the presence of the Minister of Home Affairs and Internal Security and the Inspector General of Police. The President endorsed the findings and recommendations and committed the government to supporting the Malawi police in its way forward. It could be argued that this was a sign of commitment from government in support of the strategic planning process that had been adopted in the Malawi police service.

Implementation model

It was planned that implementation be in two phases as follows: Phase One dealt with activities that could be undertaken immediately at no, or with minimal, additional cost. Implementation of this phase begun after the plan was presented to the President in June 1995. Phase Two involves activities that have greater financial implications or resource requirements, or require further research. These activities were worked out into an implementation plan lasting 5 years up to 2000. The implementation schedule included simple performance indicators, and the newly created research and planning unit of the Malawi police service was requested to develop qualitative and quantitative performance indicators. Two members of the working group with

⁴¹ Part Two of the Strategic Development Plan for the Malawi Police Service 1995 to 2000.

financial expertise were tasked to compile actual costing for activities under Phase Two prioritising the various activities and indicating financial cost in each year for the entire project period. A summary of the strategic management process is presented in figure 2 below. (Adapted from Johnson and Scholes 1999,p.24)

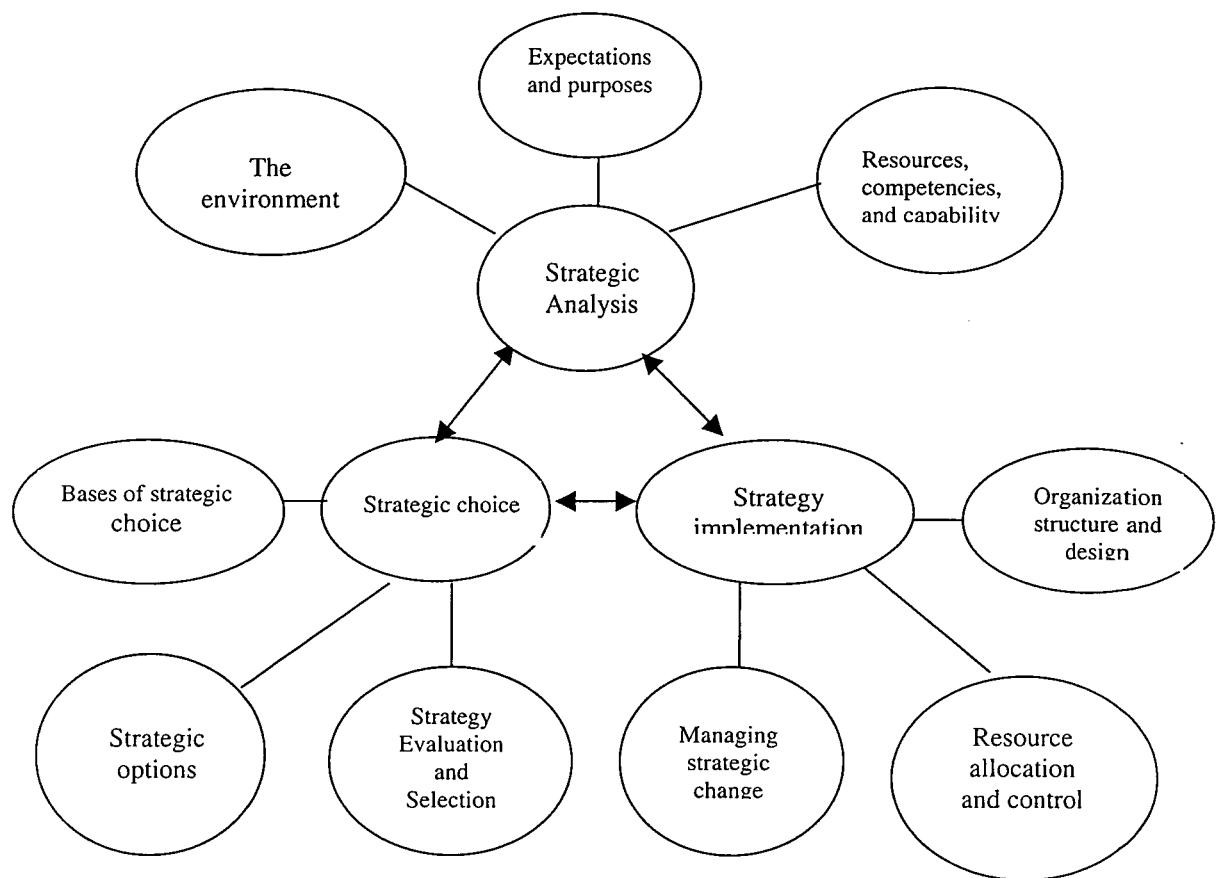


Figure 2: A summary model of the strategic management process

Key achievements

Following a recommendation from Mr Marnoch, police consultant, the Presidential working group remained in existence up to 31 October 1995. The

working group prioritised and costed phase Two activities and presented to the Minister of Home Affairs and Internal Security for approval. At that stage the strategic plan was presented to some interested potential donors, for example the European Union.

The continuity in existence of this group was because of the team working spirit and the production of a comprehensive strategic plan for the Malawi Police service, which was generally commended. Besides, the group had gained a deep understanding of the police service, its problems and the future direction. It was argued that this justified a longer period of existence as a strategy group to assist the research and planning in monitoring implementation.

The key achievements of the strategic management process in the Malawi Police service during the period 1995 to 2000 include the following:

i) Research and Planning Unit

By June 1995 the Research and Planning unit was established to operate as an implementation-monitoring cell for the police reform programme. Some initial performance indicators were identified and included in the schedule. Thereafter, the branch worked out more sophisticated performance indicators, both qualitative and quantitative. The functions of this unit include the following:

- Monitoring the implementation of the development plan and coordinating regional plans.

- Establishing an effective management information system for the service to cover crime, traffic, response times, finance and other relevant data.
- Developing good performance indicators both qualitative and quantitative and monitoring public satisfaction with police services.
- Providing an objective research service for the organisation, carrying out major research studies required under the plan, using established organisation and methods, work-study and other techniques.⁴²

The research and planning unit has been undertaking these duties using the available human, financial, and technological resources. Most of the technical support is from the British government.

ii) Assignment of core and support functions to senior police officers

Senior officers were assigned responsibility for each of the 16 core and support functions including implementation of their given functions (See Appendix 4). The officers were required to maintain proper records of minutes of meetings, action taken, and any research paper produced. They would hold monthly meetings to share experiences, (progress and problems). By 1996, this group became known collectively as the Malawi Police Service Organisational Development Task Force (ODT). The ODT is answerable to the Inspector General. Its mission statement is “To act as a think tank and a driving force for the reform programme throughout the organization.” The ODT terms of reference are attached as Appendix 5.

⁴² Source: Alec Marnoch’s report February/ March 1996 during a visit to Malawi as a British police consultant on the Malawi police reform programme.

From the writer's experience, the ODT is the core of implementation of the reform programme. The research and planning unit relies on information from this group to produce progress reports.

iii) Establishment of Press and Public Relations office

One of the core functions of the Malawi police service is to foster a better image of the organisation. Press and Public relations offices were created by early 1996 to provide the press and the media with information on policing. The Malawi police service for the first time in the history of the organisation became more open. This resulted in newspapers publishing more positive articles and supportive editorials. A 15 minute radio programme by the police was broadcast at peak times every Sunday evening. In addition, a drama group performed country wide to encourage good citizenship, crime prevention and partnership with police.

The new approach led to improved police / public relationship, media coverage, public opinion and openness of the police to discuss issues previously thought of as taboo. From the writer's experience, at one time the police press officer was voted as one of the best in his profession in terms of openness and the manner he accepts constructive criticism on behalf of the organization.

iv) Seminars on the mission statement

The process began with a one day seminar for commissioners and heads of branches at headquarters. The seminars to be attended by all police staff commenced in January 1996. Initially there were two facilitators

provided by the British Government. They in turn trained (for two days) and handed over their role to 12 facilitators from the Malawi police service. The seminars were aimed at providing an opportunity to all police officers to develop an understanding the new mission statement; what it meant for them; and how they personally had to change to comply with it either as individuals or members of the team. Furthermore, the seminars were aimed at introducing cultural change for the police officers and ownership of the mission statement. Regular feedback was encouraged from these seminars. One of the respondents indicated that for the first time in the history of the organisation, senior and junior officers sat together and discussed problems. The posters on the mission statement were displayed at police stations and in offices. The seminars lasted approximately six months to cover all police formations in the country.

It could be argued that the approach followed in orienting officers to the mission statement assisted in removing the barriers to effective communication that had existed in the organisation between senior and junior officers because of their culture.

v) Training

The British Government in 1996 appointed Mr Stewart Cullen from Lancashire Constabulary as a training consultant. His role was to oversee the running of a six months' training of trainers course for instructors at Police Training school, a 7 weeks curriculum review to include aspects of human rights and good governance, three weeks probationers' training, a

syllabus development with the University of Malawi to lead to a certificate or diploma in policing. One of the respondents indicated that most of the actions have commenced except the last one because it involves a lot of technicalities.

vi) Acquisition of new skills through study visits

The key officers in management and command as well those in the organisational development task force undertook study visits to police organizations in the United Kingdom, Zimbabwe, Botswana and South Africa as one way of acquiring new skills and knowledge to assist implementation. The key officials in the Ministry of Home Affairs and Internal Security undertook similar visits to the United Kingdom to learn how the Home Office relates to the police and the accountability arrangements that exist. The Chairman and some members of the Police Service Commission also undertook study visits to the United Kingdom to learn how they could improve their role to fit in the organisation undergoing reformation. All the study visits were paid for by the British Government.

Application of the Interest group theory to the case study on the policy process for police reform in Malawi: 1995 –2000

Role of Interest groups in the policy process

In Malawi, with the change to multiparty democracy, interest groups could be expected to be participating in the policy process from the formulation stage. The interest groups expect to receive feedback to show what happened to their submissions on issues. This is to ensure sustainability,

effectiveness and building ownership of the policies being recommended. This relationship also promotes stakeholder involvement in the policy process. In the case of the policy process on police reform 1995 - 2000, the role of interest groups was observed during consultation process with members of the public (civil society).⁴³ In Malawi the civil society comprises representatives of business and non-governmental organizations, religious bodies and women's organizations. The group also comprises the employees in the police, criminals and ordinary people who did not belong to any of the groups comprising the civil society. These groups communicated to the Presidential working group on what they perceived as the future direction for the Malawi police service. In so doing, they participated in the initial stages of the policy process.

Policy capacity of the interest groups

In terms of policy capacity, it is possible that some of the interest groups' members had knowledge of the policy process by virtue of their past experience or through networking with senior public servants. However, this was difficult to quantify during my research. A consultant with expertise in policing and strategic planning undertook the initial phase of the policy process involving the assessment of the organization in terms of its strengths, weaknesses, opportunities and threats (SWOT). The subsequent processes involved the development of the 5 year strategic development plan (1995-

⁴³ The Institute of Development Studies Working Paper 109 for the World Bank Participation in Poverty Reduction Strategies has defined Civil Society Organizations as business and non governmental organizations which include academic and technical bodies, research initiatives, professional associations, business associations, religious bodies, labour unions, farmers organizations, cooperatives, women's organizations, environment protection organizations, minority rights organizations and rural development organizations. Citizens not government officials manage civil societies.

2000) and another experienced consultant led the initial phase for implementation. Policy capacity was also vested in the members of the Presidential working group. Within the working group itself, there were some senior civil servants with relevant knowledge and experience in the policy process. They applied their knowledge and expertise in articulating the goals of the policy process on police reform and the means to attain the goals.

The policy community

In Malawi, the policy community for any policy domain is drawn from: cabinet (which is the central decision making body whose role will be discussed in detail in Chapter Three), government agencies which are 26 in number as outlined in Chapter One, the media, interest groups such as Disabled People Association of Malawi (DIPAM), Society on Advancement of Women, Public Affairs Committee (advocacy group, whose role will be discussed in Chapter Four), the African Businessmen Association of Malawian individuals including academics, especially those in political science department at the University of Malawi. With multiparty democracy, when an issue of political interest appears in the newspapers, the academics analyse it in terms of its impact politically, socially and economically.

The sub government

In Malawi the sub government includes Cabinet and other influential agencies such as the office of the President and Cabinet and the ministry of Finance and Economic Development. The lead agency for the policy process on police reform in Malawi was the Ministry of Home Affairs and Internal Security. As

discussed in Chapter One, the police are answerable to the Minister of Home Affairs and Internal Security. Once a decision was made to reform the Malawi police, the Ministry took a leading role in formulating the policy and its relevant programmes. The Ministry followed a strategic planning approach in the policy process involving the following sequential activities:

- i. Approving a consultant to undertake a situation analysis in the organization using SWOT methodology.
- ii. Recommending to the President members to form a strategy group, known as the “Presidential Working Group on police reform in Malawi”. The working group was responsible for developing a strategy to reform the Malawi police. Members were drawn from government, non-governmental organizations, advocacy groups such as Public Affairs Committee, and interest groups such as the African Businessmen Association. The main goal for the government was to have a reformed police that would operate in line with democracy and ensure continued safety and security for the lives and property of the people residing in Malawi. The advocacy group was interested in the reform of the police in order to consolidate democracy and to ensure that the police operated in an accountable and transparent manner respecting human rights as outlined in the new constitution. The African businessmen association was interested in the promotion of internal security in order to secure investments of the business community.
- iii. Approving a consultant to lead the Presidential working group in its activities up to the time the group produced a five-year strategic plan document and the initial phase on implementation.

- iv. Arranging meetings of the strategy group and record management on the work of the group.
- v. Coordinating the consultation process in terms of publicity, printing of the questionnaires in the newspapers, arranging venues for public meetings and receiving completed questionnaires.
- vi. Record management on the work of the working group.
- vii. Preparation of briefing papers to cabinet committees or parliament select committees interested in learning progress in the policy process for reforming the police.
- viii. Approving the strategy document and leading the working group in submitting the strategic development plan (1995 - 2000) to the President.

Senior officials in the Ministry of Home Affairs and Internal Security and the Malawi police coordinated the policy process with overall political direction of the Minister of Home Affairs and Internal Security. In terms of membership on the strategy group, there were two members from the Ministry headquarters while the Malawi police were represented by four members. However as the role of working group increased, more police officers were coopted in the group. The role of the officials from the ministry was to coordinate the policy process. In situations where the working group required policy guidance relating to police, the ministry's officials channelled this to the minister. On the other hand the officials from police provided technical expertise in policing to the working group.

Interest groups that attended consultation meetings

The members of the public who attended the consultation meetings included representatives of the following interests: women's groups, the African businessmen's association, religious bodies, criminals and ordinary people. The business community included the shop owners in the major cities who were concerned about the security of their business premises. In some areas representatives of the ruling party the UDF and those representing the major opposition parties the MCP and AFORD attended the public meetings. These representatives presented the interests of their parties in the policy for police. The employees manning a particular police formation attended the meetings with the police.

Policy Community and Attentive public

Strategic planning is a new concept in Malawi and expertise in this field in the public sector is yet to be developed. The Ministry of Home Affairs and Internal Security approved the involvement of consultants to undertake a situation analysis of the police and to lead the process leading to the development of the strategy document and the initial phase of implementation. This process gave some substance to the notion of a policy community (as discussed in Chapter Two) in respect of Police reform. In forming the working group, the agencies that were involved were those who had interest in the reform of the police and could therefore contribute effectively to the process. The Ministry of Finance and Economic Development were included in the Strategy group because of their expertise in planning and financial matters. The Department of Human Resources Management and Development were included because

of the human resource issues that were to be addressed. The Ministry of Justice were included in the working group in order to provide legal advice.

There was also a rudimentary attentive public through the inclusion of the Public Affairs Committee's representative on the Presidential Working Group on police reform. The Public Affairs Committee were included to advocate the concerns of the civil society in relation to issues of democracy, good governance and human rights. The concerted effort and varied expertise of the working group members enriched the policy process. The Malawi Policy community for police reform in Malawi is summarised in the diagram below:

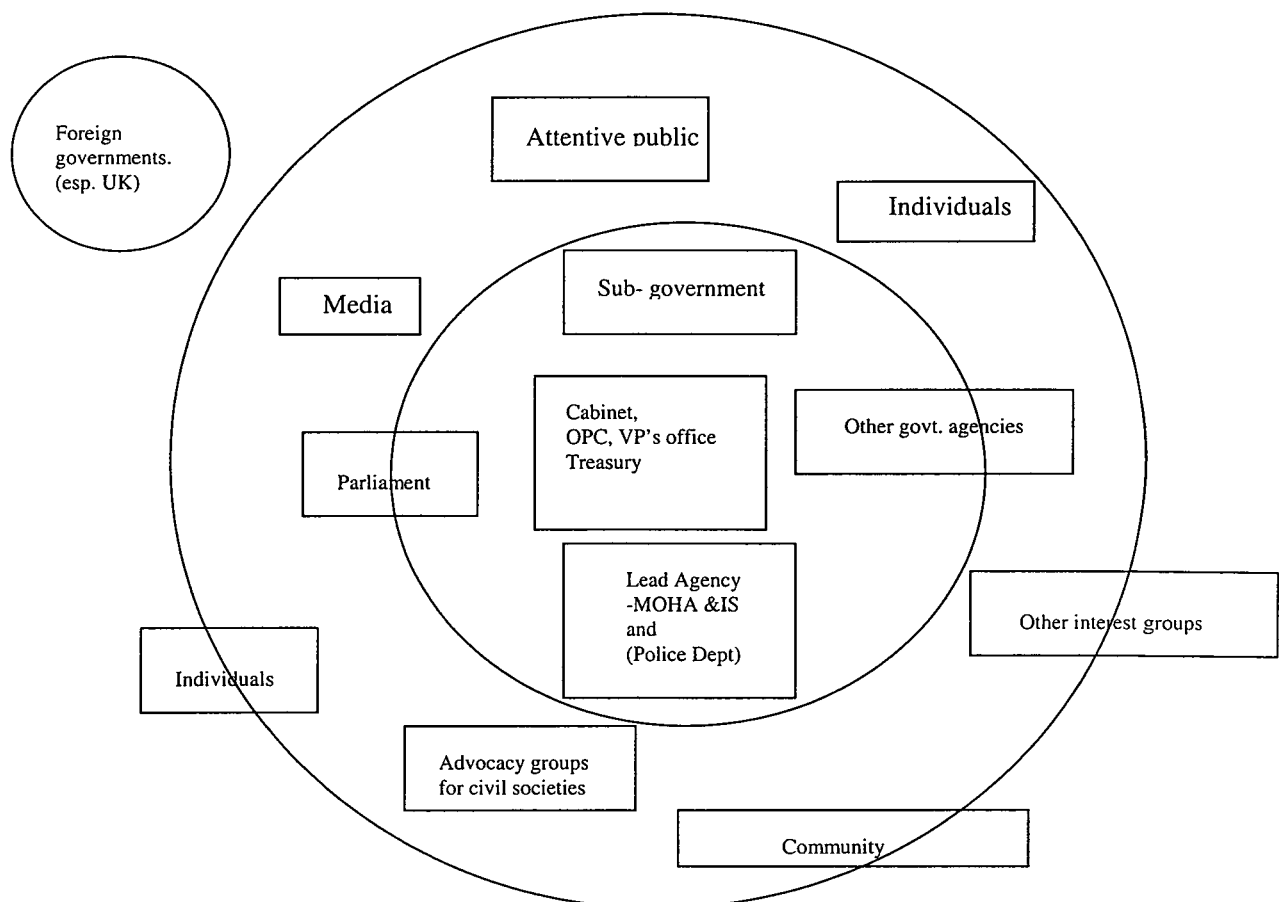


Figure3: The Malawi Policy Community for Police Reform (Following Pross, 1992)

Other government agencies: Ministry of Finance and Economic Development, Ministry of Justice and the Department of Human Resources Management and Development.

Community Groups: for example, farmers' associations

Lead agency: Ministry of Home Affairs and Internal Security (MOHA&IS) as parent ministry for police.

Attentive publics: For example, academics, journalists and Advocacy groups (eg Public Affairs Committee.)

Other interest groups: Criminals

Foreign government: The British government

The next section discusses the stakeholder theory and its application to the case study.

Application of the stakeholder theory to the case study on the policy process for police reform in Malawi: 1995-2000

Elias et al. have indicated that a systematic stakeholder analysis may consist of the following steps: develop a stakeholder map of the project, prepare a chart of specific stakeholders, identify the stakes of stakeholders, prepare a power versus stake grid, conduct a process level stakeholder analysis, conduct a transactional level stakeholder analysis, determine the stakeholder management capability of the project and analyse the dynamics of stakeholders. ⁴⁴

⁴⁴ Elias, A.A., Cavana, R.Y. and Jackson, L. S. 2001 Stakeholder Analysis to Enrich the Systems Thinking and Modelling Methodology, Proceedings of the 19th International Conference of the Systems Dynamics Society: Atlanta, Georgia, USA.

In applying the stakeholder theory to the case study, the analysis will follow the stages identified by Elias et al. The analysis will also indicate how the strategic direction in the Malawi police service was set.

Step 1: Stakeholder map

The policy process for the police reform in Malawi 1995-2000 involved the following stakeholders who had various stakes from the change process: government, civil society, the community, the media, a donor, politicians, individuals, employees and criminals. These groups are represented in a stakeholder map below.

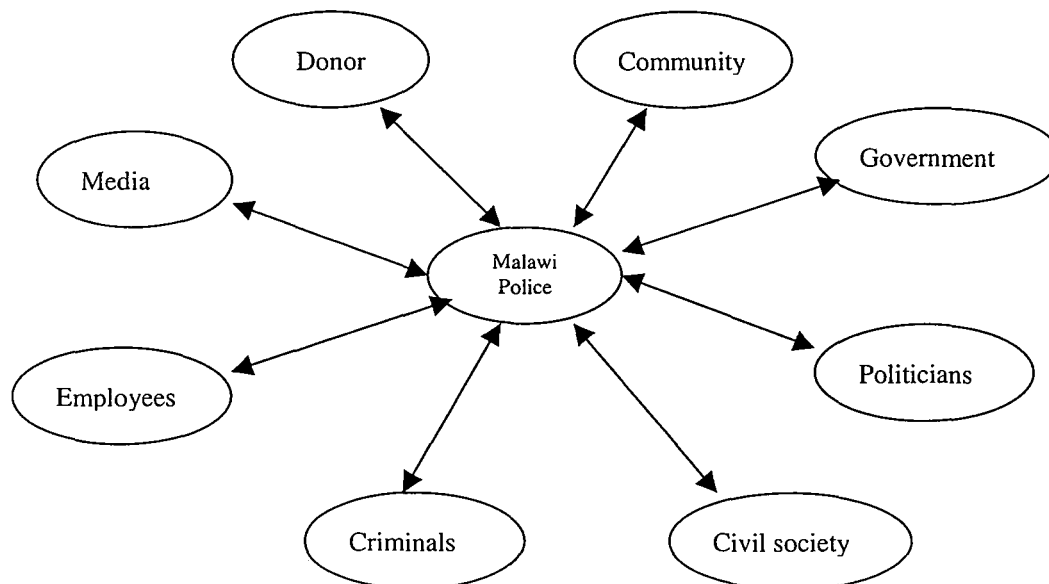


Figure 4: Stakeholder map of the policy process on police reform in Malawi 1995 -2000

Step 2: Stakeholder Chart

In the case study the policy process had specific stakeholders who can be illustrated in a chart below:

<p><u>Government:</u> Ministry of Home Affairs and Internal Security, The police, Ministry of Finance and Economic Development, Ministry of Justice, Department of Immigration and Department of Human Resources Management and Development.</p>	<p><u>Community:</u> Local villagers Traditional leaders Working class men and women in cities, towns and those based in the rural areas</p>
<p><u>Media:</u> The Nation newspaper, The Malawi news The Chronicle Malawi Broadcasting Corporation Other local newspapers</p>	<p><u>Legal:</u> Ministry of Justice</p>
<p><u>Civil Society:</u> Religious bodies Women's organizations Business Association</p>	<p><u>Politicians:</u> United Democratic Front (ruling party) Malawi Congress Party (opposition party) Alliance for Democracy (opposition party)</p>
<p><u>Criminals:</u> Hard core criminals</p>	<p><u>Donor:</u> The British government</p>

Figure 5: Specific Stakeholders in the policy process on police reform in Malawi 1995 -2000

Identifying Stakes of Stakeholders

In the case study on the policy process for police reform in Malawi, the stakeholders had different stakes or objectives as follows:

i. Government

The government stakes included modernising the police in order to consolidate the principles of democracy, good governance and human rights and ensuring continued safety and security on the lives and property of all the people residing in Malawi. The other government members on the working group were included to specifically ensure that the following issues were addressed in the strategic planning process: financial management, human resources management and development and review of the force standing orders and police regulations.

ii. Donor (the British Government)

The stakes of the donor included fostering the image of the police through improvements in command and management structure, human resources management and development, research and planning and financial management.

iii. The media

The stakes of the media included improved access to the police.

iv. The civil society

The stakes for this group included ensuring that the police operated in line with the principles of good governance, human rights, and transparency and accountability.

v. The community

This group was interested in promoting safety and security for their lives and property.

vi. The politicians

The politicians from both government and the opposition side were interested in continued safety and security for the people residing in Malawi.

vii. Criminals

This group are high users of the police cells. Their stakes included improvements in the welfare of those on remand.

Consultation process

The policy process on reform of police in Malawi had a well-organised consultation process. The working group identified the purpose of the consultation as a process of involving the police and the public in the policy process. Those consulted were allowed to identify the current position of the police and where they wanted them to be in future. The findings from the consultation process enabled the working group to produce the strategic plan

for the Malawi police for 1995 to 2000. This document set the strategic direction for the police.

Conclusion

This chapter has discussed the policy process followed in reforming the Malawi police from 1995 to 2000. The analysis has indicated that strategic planning approach was followed by looking at the current position of the organisation and where it wanted to be in five years. The second part has analysed the application of the interest groups and stakeholder theories to the case study. In terms of the interest group theory, the groups that were involved in the policy process on police reform in Malawi have been identified. The discussion has explored their role in influencing policy. For better understanding of the interest group theory, the stakeholder theory has been applied in identifying who the stakeholders were, their stakes and the consultation process followed. The final part has discussed how these groups contributed in setting the future direction for the police. There is considerable affinity between strategic planning, interest groups and stakeholder approaches. The interest groups theory is found in political science literature while the other two are from the discipline of management.

Chapter Five – EFFECTIVENESS OF THE POLICE REFORM

Effectiveness has been defined by Johnson and Scholes as a measure of the level of value, which can be created from a given level of resources.⁴⁵ It is to be distinguished from *efficiency*, which has been defined by the Oxford dictionary as being productive with minimum waste of effort.⁴⁶ The quality of effectiveness is related to how well the organisation is matching its services to the needs of the customers. It might be expected that effectiveness could also be measured by statistics or reported crime and their resolution.

In Malawi however, effectiveness in the case study will be looked at in terms of how the police reform programme improved the quality of policing services in matching the needs of the public.⁴⁷ The findings are based on the results of semi - structured interviews conducted between end November 2000 and mid February 2001 in Malawi. The respondents included senior officials in the Ministry of Home Affairs and Internal Security, the Malawi Police Service, the office of the President and Cabinet, the office of the Vice President, the Public Affairs Committee (representing the civil society) and independent consultants (locally based with an involvement in the police reform programme). The other sources are published reports on the police reform programme. The interview questions relating to police reform are attached as Appendix 3, part B.

⁴⁵ Johnson, G. and Scholes, K. (1999,p.169) Exploring Corporate Strategy: Text and Cases 5th ed. Prentice Hall: London.

⁴⁶ The Oxford Dictionary has defined efficiency in terms of being competent and capable.

⁴⁷ Effectiveness in the case study on police reform in Malawi to be looked at in terms of how the police reform improved the quality of the services in matching with the policing needs of the public.

According to the respondents, the police reform programme has been effective in certain areas and not in others.

*For example, in activities viewed as containing less threat to the status quo, such as community policing and training, one may notice success whilst in those areas requiring fundamental changes, there has been no real change.*⁴⁸

The respondents felt that it is important for a person heading an organisation to play a leading role in the change process. Areas where the police reform policy has been effective include the following:

Strategic Development Planning process

Since 1995, a strategic planning process has been followed in the Malawi police service for the first time in the history of the organization in order to improve effectiveness and efficiency in the delivery of policing duties to members of the public. Under this heading some of the successes include the following:

a) Involvement of a number of stakeholders in the strategic planning process

The strategic planning process in the Malawi police service involved a number of key players right from the assessment of the organisation by a consultant, the appointment of the Presidential working group on police reform, the consultation process with the police and members of the public, the development of the strategic development plan and the implementation process. The respondents considered that through this approach, the

⁴⁸ Response from an interview conducted in Malawi between end November 2000 and mid February 2001.

strategic planning process was “rich” because it incorporated the interests of the various stakeholders namely:

- The politicians
- Government agencies
- Non-governmental organizations
- The church
- The business community
- The Police
- The public
- The civil society.

In my opinion, the police were more involved in the strategic planning process than the public because of lack of understanding of what was going on by some of the citizens.

b) Strategic Development plan

The respondents believed that the production of the strategic development plan itself is a key achievement in the strategic planning process. The strategic development plan consists of the mission statement, which was developed after a countrywide consultation process with the police and members of the public. The mission statement has guided the organisation in terms of knowing the current status of the organisation and where it will be in five years time, what the public expects from them and how these expectations would be delivered. From the mission statement, strategic intentions were developed outlining the desired future state of the Malawi police service. The mission statement also describes the core functions (main

activities) and the support functions, which service the core functions. One of the respondents likened the strategic development plan to a foundation during construction of a house. The shape of the house depends on the foundation. Thus the future direction for the police depends on what was laid down in the foundation stage.

From the writers' experience, the strategic plan in the police has added value to the organisation in terms of leading the way into the future. What remains is for the organisation to attain the vision. This is a key challenge because there are issues of competencies in the organization, and alignment to the Ministry of Home Affairs and Internal Security, which are not clear up to now. There is no strategy document for the Ministry at the moment with which to align the vision for the police.

c) Research and Planning Unit

The respondents viewed the establishment of the Research and Planning Unit as another key achievement of the policy on police reform in Malawi. The unit was created in the last quarter of 1995 to be responsible for forward planning of the organisation and monitoring implementation of the strategic plan using performance indicators pegged against each action item. It was further indicated that currently the unit is undergoing capacity building so that it assumes a central role of research and planning in the Malawi Police Service. At present the unit is manned by about, seven officers, and their budget is included in that for national police headquarters. Another challenge is to improve the internal and external linkages of the unit.

The Research and Planning Unit acts as a policy advice unit for the police because it is responsible for forward planning and advises the Minister of Home Affairs and Internal Security on parliamentary questions and crime statistics. This unit would succeed further if it develops core competencies such as being manned by adequate and qualified researchers and analysts who will be equipped with necessary skills, recruitment of experienced researchers and analysts, development of a data base on crime statistics and development of linkages with similar organisations in the public sector such as the planning unit in the Ministry of Finance and Economic Development. Forward planning in the organisation would require the unit to have adequate financial and technical resources. The Malawi police would have to develop strategies to attract and retain qualified researchers and analysts in order to strengthen the unit.

d) Human Resources Management and Development

One of the respondents indicated that through the police reform programme, the Malawi police service has created a “well established” human resources management and development unit responsible for recruitment, selection, promotions and discipline (in liaison with the Police Service Commission), training and performance assessment. As a new entity in the organisation, the unit is still developing some of its capabilities. Some of the successes in the area of training include the development of a new curriculum, which encompasses certain aspects of the strategic plan, for example, the mission statement and human rights issues.

The aspiration of the organisation is to have a human resources strategy to guide the organisation in the application of modern human resources techniques in recruitment, selection, appraisal system, staff retention, promotions and discipline.

From the writer's experience, human resources should be manned by qualified civilians in this field who should be oriented to the police code of conduct to guide them in their work. This is because human resources like finance are one of the key support activities in the police, which assist in improving the effectiveness and efficiency of the operational activities. Human resources management will be concerned with those activities involved in recruiting, managing, training, developing and rewarding people within the police.

e) Attitude and organisation culture

One of the aims of the police reform was to change the attitude and organisation culture of the Malawi police service in line with the democratic dispensation. The respondents indicated that following the development of the mission statement, a series of seminars and workshops for senior and junior officers combined were conducted for police officers to make them understand their role in the new political environment. This has resulted in an improvement in attitude of most police officers towards the junior ranks in terms of flexibility as well as an improvement in attitude of the police towards the public. This is observed by the positive remarks made by some members

of the public towards the police. In terms of organisation culture, there is more openness in conduct.

It could be further argued that police reform has brought some changes in organization culture for example in terms of police training, which incorporates human rights issues. However some of the routines such as one way communication, hierarchical structure, and control systems require improvement to be in line with the reform programme.

f) Financial management

Financial management is one of the crucial elements for the success of strategic plans. The strategic plan recommended *civilianisation* of financial management in the Malawi Police Service so that the police officers performing accounting duties should be reassigned to operational duties in order to add to the strength of present staffing levels. The respondents further indicated that there has been progress in this area. A civilian Director of Finance was appointed to take charge of financial management in the police. The respondents advised that efforts were underway to recruit civilian accounting personnel from the Accountant General's Department, which is a pool for accounting personnel in the Malawi Civil Service. It could be argued that the Malawi Police Service should develop strategies to attract and retain accounting civilian staff.

g) Community Policing

The respondents felt community policing was a milestone in the police reform programme. Community policing is a partnership between the police and the community to solve safety and security problems. This approach to policing recognises the interdependence and shared responsibility of the police and the community in ensuring a safe and secure environment for all the people of the country. Examples of community policing partnerships include; community policing forums, crime prevention panels, crime prevention committees, neighbourhood watch groups and school liaison programmes. The new style of policing and public liaison is a way ahead for the Malawi police service. The public is involved in policing in their area, joint action is developed to solve problems, partnership in action is encouraged and the police have become more accountable to their local people.

The system initially operated on pilot basis in the major cities of Malawi namely; Blantyre, Lilongwe, Mzuzu and the municipality of Zomba. However, according to one of the respondents, the system is expected to spread to the rest of the country by the end of year 2001.

h) Introduction of new policing functions

The respondents indicated that the strategic planning approach has assisted the Malawi police service in identifying gaps in some of the operational functions. This has led to the introduction of new functions especially in relation to “crime reduction”.

Problems Encountered during implementation

The strategic development plan for the Malawi police service was to be implemented during the period 1995 to 2000. However, this was not possible because of the following reasons, stated by the respondents:

Frequent changes in leadership of the organisation

In strategy implementation, the centre of the organisation is expected to operate as a parent who is a master planner. The centre is expected to coordinate, control and provide management innovations.⁴⁹ The respondents indicated that in the case of implementation of the policy on police reform, leadership has not been static. Although the reasons are difficult to identify, between 1995 and 2000, five different people were appointed to lead the organisation, with each leader bringing his own ideas in terms of driving the organisation. This resulted in lack of continuity in implementation of the strategic plan and lack of total commitment from top management because they are not sure how long they will lead the organisation.

From the writers' experience, although this is a concern, one should consider the provisions in the Malawi constitution relating to the appointment and removal of an Inspector General. There are clear grounds for removal, which include age, medical grounds and incompetence (See Appendix 2 on the constitutional provisions on the Malawi police).

Lack of Strategy group to monitor implementation process

Some of the respondents indicated lack of a "strategy group" within the organisation as a major shortfall. The strategy group would comprise

⁴⁹ Johnson, G. and Scholes, K. (1999, p.) Exploring Corporate Strategy 5th ed. Prentice hall: London.

commissioners and other senior police officers to advise the Inspector General on strategic issues such as priority setting during implementation process, monitoring and evaluation of progress. This approach would ensure involvement of other senior officers in the strategic planning process.

It could be argued that a strategy group is important. However an alternative approach would be to strengthen the capacity of the Research and Planning Unit for the Malawi police and review reporting systems so that this unit has direct access to the Inspector General of Police and the Minister of Home Affairs and Internal Security whenever necessary.

Multidivisional structure

The Malawi police service has a multidivisional structure with the Inspector General at the top, 4 regional offices and 26 district offices created on the basis of geographical areas. The regional offices are expected to enjoy some autonomy in decision-making relating to administration and operational issues. The respondents indicated that the current system is still highly centralised with all decision making power vested in the person at the top. They further stated that there is need for deliberate empowerment of middle level management to make decisions on certain issues, for example operational and general administration. This arrangement would allow the headquarters to concentrate on major policy issues. Thus the bottom up approach management system would be introduced.

It is often argued in management literature that decision-making should be decentralised. In Malawi, however, decentralisation would be effective only if mechanisms are in place to ensure that the Inspector General does not lose

track of operational issues since he is the authority to report to the Minister of Home Affairs and Internal Security and the President.

Lack of 'ownership'

The respondents indicated that some of the officers in the organisation feel the police reforms belong to the donor (British) and not to themselves. Unless the strategic development plan is accepted and owned by the police themselves, implementation will continue to pose some challenges. This problem is compounded by the fact that change agents are few and no matter how brilliant the ideas they may bring up, they are not always taken seriously in the organisation.

Acceptance of the plan would depend on the police seeing benefits of the reform programme. This is a serious concern requiring immediate intervention by the Ministry of Home Affairs and Internal Security and the senior management in police. A team should be tasked to find out why there is lack of acceptance and ownership of the plan. The information would assist in consolidating the next phase of implementation.

Resource allocation

Success or failure of organisational strategies is dependent on planning and control of resources. In the Malawi Police service, resource configuration was done through inclusion of the required resources to the implementation schedule. However the problem has been the allocation of adequate resources to police in view of the limited resources available overall to the

government, police is not the only sector in government. Because of this, the implementation process is not following the schedule. The conceptual framework has not been matched with reality.

Accountability arrangements

The respondents indicated that the Ministry of Home Affairs and Internal Security is the major mechanism for police accountability. This is provided for in Section 154 of the Malawi constitution. The Malawi police service needs to be accountable for their actions because they have at their disposal a range of coercive powers over freedoms of citizens, which may be easily abused. It is therefore important for them to justify the exercise of such extensive powers. In the financial sense, the police need to account for how they utilise public funds. In case of over expenditure, or where financial regulations are contravened, the Secretary for Home Affairs and Internal Security as controlling officer is summoned to appear before Public Accounts Committee. Through accountability the police service can earn a high degree of public trust and cooperation and be more effective and efficient. However, accountability structures for the Malawi police service are still not very clear. Some of the respondents stated that the Ministry of Home Affairs and Internal Security is not holding the police accountable in addressing the needs and concerns of the communities they serve. The establishment of structures to support community policing is a signal to promoting accountability of the police to the local community. The respondents indicated that accountability of the police could be achieved if the Ministry of Home Affairs and Internal Security clearly defined annual priorities and objectives for the Malawi police service

and indicated performance measurements, monitoring mechanisms and the estimated cost.

From the writer's experience in government, it could be argued that the starting point should be the development of a strategy document for the entire Ministry of Home Affairs and Internal Security to provide the strategic direction, and to clarify the role of the Ministry, the goals, the objectives, the priorities, the reporting and accountability arrangements. At present the Ministry has no overall strategy document.

Donor/government expectations

The respondents indicated that the expectations of the British Government were to strengthen institutional and capacity building in the Malawi police service. The British were interested in issues as such as:

Are the police as an organisation structured to the best effect?

Is the system efficient?

Do the resources reflect prioritisation of the core business of the organisation?

Is there willingness from top management to drive the change process?

On the other hand, the government expected the donor to provide capital equipment such as additional motor vehicles to the police, new structures, radio communication equipment and financial resources. In the initial planning

stages this element was not clearly spelt out. Despite this, the British government maintains a close interest in reforming the Malawi Police service.

Non-involvement of some key players in the strategic planning process

The respondents felt that some of the key players, for example the Parliamentary Committee on Defence and Security has not made an input into the police reforms. Where this committee has intervened is when the members demand progress reports. The respondents therefore proposed that this committee should be “reactivated and allow the Minister of Home Affairs and Internal Security to account for policing activities annually in Parliament”.⁵⁰ They further indicated that if this committee had been fully involved the police reforms would have attracted a lot of attention though parliamentarians from the Government and Opposition sides.

It could be argued that this approach would have influenced support for the change process. The Ministry of Home Affairs and Internal Security also needs to get more involved in influencing policy decisions in the reforms. At present, much of the influence is donor driven.

Lack of Coordination between the Ministry and the police during implementation process

Some of the respondents indicated that during the implementation process there was lack of coordination between the Ministry of Home Affairs and Internal Security and the police. An example was the composition of the

⁵⁰ Response from an interview conducted in Malawi between end November 2000 and mid February 2001. The Parliamentary Committee on Defence and Security has existed only since 1994 after changing to multiparty democracy.

Organisational Development Task force (ODT). The task force comprised members from Police only until 1999 when two members from the Ministry were coopted in the committee. Before the involvement of the Ministry in the organisation task force, it was difficult for the Ministry to know what was happening in the police reform programme.

Coordination is important in bringing about effectiveness in an organisation. This has to be within the organisation as well as across to other sectors. However, in terms of the police reform programme, the Ministry should have developed proper mechanisms to improve coordination with the police and externally with other agencies.

Conclusion

This chapter has analysed the effectiveness of the police reform programme in terms of how the process has improved the quality of policing services in matching the needs of the public. Examples of the improved services include the introduction of a number of stakeholders in strategic planning process, the production of the strategic development plan for the period 1995 to 2000, establishment of research and planning unit, introduction of a well established human resources management and development, attitude and organisational culture change, civilianisation of financial management, introduction of community policing and introduction of new policing functions.

The second part of the analysis has considered the problems encountered that have slowed progress in implementation. These include frequent changes in leadership of the organization, lack of strategy group to monitor

implementation process, lack of ownership, resource allocation, accountability arrangements, different donor / government expectations, non involvement of some of the key players in the strategic planning process and lack of coordination between the Ministry of Home Affairs and Internal Security and police during implementation process.

Chapter Six- CONCLUSIONS AND RECOMMENDATIONS

Malawi was a one party state from 1964 to 1994. The change in the system of governing the country in May 1994 led to a number of political parties competing to govern the country. The electorate participated in the electoral process by choosing a President as well as a Member of Parliament of their choice. This was democracy in practice for the second time in the history of Malawi; the first time being in 1993 when people voted in a national referendum in favour of change to a multiparty system as opposed to one party system. A new Constitution provisionally came to force on 18th May 1994. The key features distinguishing it from the previous Constitution include the creation of other agencies of government namely: the Human Rights Commission, the Electoral Commission, the Ombudsman, the Law Commission, the National Compensations Fund and the Local Government system. The Constitution also provides for the functioning of government including the police. With the creation of these agencies, it meant that institutions such as police had to be governed in accordance with the principles of human rights, good governance, transparency and accountability. Malawi therefore embarked on a number of public sector reforms including the modernisation of the police service.

This study has illustrated the actors in the policy process in Malawi and their relationship. The actors include elected officials, appointed officials and interest groups. They are interrelated in their roles in order to promote ownership and sustainability of the policies being designed. However, there are problems being experienced in the current policy process because of lack

of an appropriate institutional framework for policy analysis at the Cabinet office and sector ministries and lack of skilled policy analysts to implement, monitor and evaluate the policies put forward by government.

The case study on the policy process for police reform in Malawi has demonstrated how it was able to utilise the interest group and stakeholder theories. It has further demonstrated that a strategic planning approach was followed in designing the future direction for the Malawi Police Service by looking at the current position of the organization and where it wanted to be in five years. The influence of interest groups, for example Public Affairs Committee was observed during consultation process with members of the public. There is evidence through the study that interest groups influenced greater participation of the public in the policy process. The stakeholders involved in the policy process for police reform have been isolated. These included government, civil society, the community, the media, a donor (the British Government), politicians, individuals, employees in the police and criminals. The stakeholders had various stakes from the change process.

Since Malawi is committed to democratisation process, the policy process on police reform has laid a foundation on which other policies in future could be designed especially in relation to the importance of involving interest groups and stakeholders in the policy process. However, there were fundamental weaknesses highlighted in the following areas:

- Frequent changes in leadership of the organization in that between 1995 and 2000 five different people were appointed to lead the organization.
- Lack of a strategy group within the organization to monitor implementation process (the group would comprise officers to advise the Inspector General on strategic issues such as priority setting).
- Lack of ownership of the reform programme because some police officers believe the reforms belong to the donor (British) and not to themselves.
- Inadequate financial resources.
- Unclear accountability arrangements between the Ministry of Home Affairs and Internal Security and the police.
- Unclear government and donor expectations from the reform programme.
- Lack of coordination between the Ministry of Home Affairs and Internal Security and Police during implementation process.

The policy process is on going and for the purpose of consolidating democracy in Malawi, recommendations for carrying on the police reform process are made: The recommendations are in two parts as follows: (A) those relating to the policy process in general and (B) those specifically related to the case study.

In terms of the policy process in Malawi, it is recommended that:

a) A policy management unit should be established in the Cabinet office to strengthen the present capacity. Ten analysts with different professional backgrounds should initially staff the unit. The analysts would offer policy advice on issues from ministries in areas related to their professions for example tourism and migration. At Ministerial level, policy units should also be established, manned by three analysts initially, to offer policy advice to the ministers. The units should initially be set up in a few selected Ministries such as Finance, Defence, Agriculture and Livestock Development, Foreign Affairs, and Home Affairs and Internal Security. The Ministerial policy units would coordinate all policy related work with the unit in the Cabinet office. These analysts would require on the job training so that they handle their work professionally. This approach would improve quality of policy advice.

b) A career structure for policy analysts should be developed, as is the case for economists, scientists, teachers, lawyers, medical doctors, nurses and administrators. At present there are few locally qualified analysts who have secured better jobs outside government. Donor funded projects provide their own policy analysts and for this reason Malawi has not been able to provide its own analysts.

c) The legislature should have policy analysts to advise members of parliament on technical issues. This would allow a better understanding of technical issues and fruitful debate when considering Bills on technical issues.

d) Participation of the civil society in the policy process should be strengthened. Participation is important because it promotes ownership and sustainability of the policies being developed.

In relation to the case study, it is recommended that:

a) Although the expectations of Government and the donor were not clearly spelt out in the initial planning stages, this issue should be sorted out so that implementation of the remaining projects continues. In future, in donor-funded projects, expectations from government side and donor in respect of reform in a policy domain: should be clearly spelt out in the initial planning stages. This approach would ensure a smoother policy process.

b) A steering group comprising of some of the members of the Presidential Working Group, for example PAC and government representatives should be formed to monitor implementation of the remaining projects on police reform. This group would work together with the Malawi Police Service Organisational Task Force. The study has revealed some limitations in implementation, which was left to the police themselves without including the other stakeholders who were involved in developing the five year strategic development plan.

c) The Ministry of Home Affairs and Internal Security should play a leading role in the reform programme. The successes or failures of the programmes largely depend on the performance of the leader.

d) A strategic planning approach should be adopted to align the Ministry of Home Affairs and Internal Security and Police in order to achieve a comprehensive approach in setting the future direction of the police. This is because although a strategic planning approach was followed in the policy process on police reform, the study has revealed that the interface between the parent Ministry and Police is weak.

e) The capabilities of the Research and Planning Unit should be strengthened in terms of provision of skilled manpower to undertake research and an in depth analysis of policy issues.

f) The concept of community policing should be further strengthened in order to encourage participation of interest groups and stakeholders in policing activities. This approach would ensure greater involvement of the interest groups in the policies being developed.

g) Since the policy process on police reform is an ongoing project, adequate resources should be identified in order to continue with implementation process.

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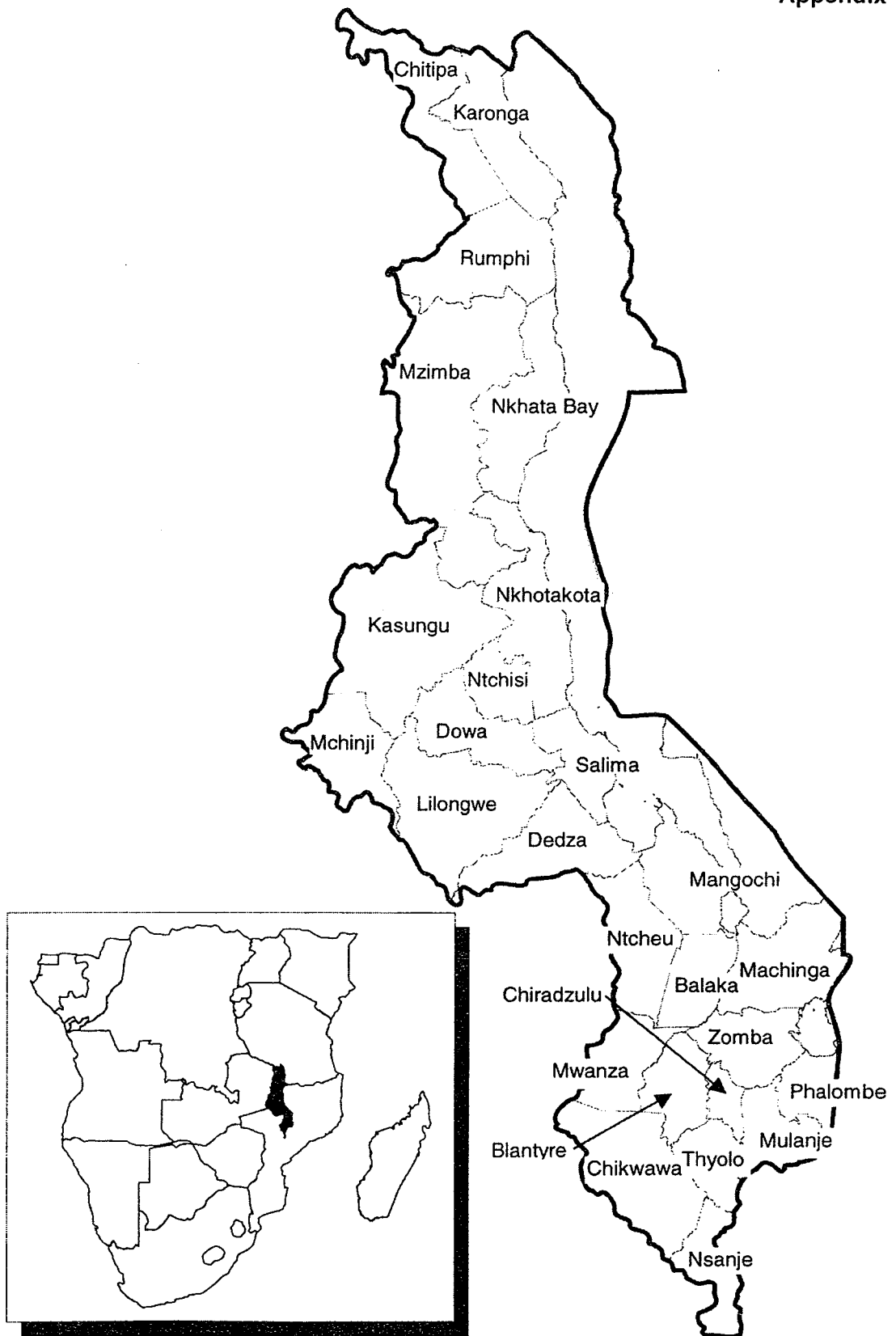
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(2) Except for persons who are or become members of the Local Government Finance Committee by virtue of holding office as Principal Secretary for Local Government or by Chairman or member of the Civil Service Commission, the term of office of a member of the National Local Government Finance Committee shall expire -

- (a) three years after the date that member was first appointed; or
- (b) on removal by the President on the recommendation of the Public Appointments Committee, but no member shall be recommended for removal under this paragraph unless the Public Appointments Committee is satisfied that he or she is -
 - (i) not competent to exercise the duties of that office;
 - (ii) compromised to the extent that his or her financial probity is in serious question; or
 - (iii) otherwise incapacitated.

Chapter XV

The Police

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|--|---|
| The Malawi Police Force | 152. There shall be a Malawi Police Force which shall be constituted by an Act of Parliament that shall specify the various divisions and functions of the Malawi Police Force. |
| Powers and functions of the Police | <p>153. (1) The Malawi Police Force shall be an independent organ of the executive which shall be there to provide for the protection of public safety and the rights of persons in Malawi according to the prescriptions of this Constitution and any other law.</p> <p>(2) The Malawi Police Force shall enjoy only such powers as are necessary for the protection of rights under this Constitution and the maintenance of public safety and public order in accordance with the prescriptions of this Constitution and the law.</p> <p>(3) In the exercise of their functions, members of the Malawi Police Force shall be subject to the direction of the courts and shall be bound by the orders of such courts.</p> <p>(4) Political responsibility for the Malawi Police Force shall vest in a Minister of the Government who shall ensure that the discipline and conduct of the Malawi Police Force accords with the prescriptions of this Constitution and any other law.</p> |
| The Inspector General of Police
6 of 1995 | <p>154. (1) There shall be an Inspector General of Police who shall be the Head of the Malawi Police Force whose office shall be a public office and also shall be accountable to the Minister responsible for the Police and whose office shall be a public office.</p> <p>(2) The Inspector General of Police shall be appointed by the President and confirmed by the National Assembly by a majority of</p> |

the members present and voting, but the Public Appointments Committee may at any time inquire as to the competence of the person so appointed to carry out the duties of that office and as to such other questions as may have direct bearing on the performance of the duties of that office.

(3) The office of the Inspector General of Police shall become vacant after the person holding that office has served for five years, but the person holding that office may be nominated for such further terms, not exceeding five years, as the President may deem appropriate.

(4) A person holding the office of Inspector General of Police shall be subject to removal by the President only by reason of that person being -

- (a) incompetent in the exercise of his or her duties;
- (b) compromised in the exercise of his or her duties to the extent that his or her capacity to exercise his or her powers impartially is in serious question;
- (c) otherwise incapacitated; and
- (d) over the age prescribed for retirement.

(5) Subject to subsection (4), in the exercise of the duties and powers vested in the office of the Inspector General of Police by the Constitution or any other law, the person holding that office shall not be subject to the direction or control of any other person or authority, other than as prescribed in this Constitution or an Act of Parliament.

(6) The Inspector General of Police may delegate such powers as are conferred on him or her by this Constitution or by an Act of Parliament to such other persons or authorities, being part of the Malawi Police Force, as he or she may consider appropriate.

(7) With respect to any powers under this section, the Inspector General of Police shall notify the Police Service Commission of any delegation and the Police Service Commission may prescribe any regulations it considers appropriate in relation to the manner and form of reports that the person exercising that power shall make and shall specify such restrictions as may be required to ensure the proper exercise of the powers delegated under this section in accordance with the law.

The Police Service
Commission

155. (1) There shall be a Police Service Commission with such powers and functions as are conferred upon it by this Constitution or an Act of Parliament.

(2) Subject to this Constitution, power to appoint persons to hold or act in offices in the Malawi Police Force other than that of Inspector General of Police, including the power to confirm appointments, and to remove such persons from office shall vest in the Police Service Commission.

(3) The Police Service Commission shall, subject to this Constitution and any general directions of an Act of Parliament, exercise disciplinary control over persons holding or acting in any office to which this section applies.

Power to delegate

156. (1) The Police Service Commission, may, subject to such conditions as may be laid down by an Act of Parliament, delegate powers conferred by this Constitution or an Act of Parliament by directions in writing to any member of the Commission or to any public officer or public body.

(2) Where any person or body may from time to time exercise powers under this section on behalf of the Police Service Commission in accordance with subsection (1), the Police Service Commission shall-

(a) require that person or body to furnish reports in such manner or form as the Commission may prescribe in the directions which delegated those powers; and

(b) hear such complaints or appeals from persons with sufficient interest relating to the exercise of powers delegated under this section and shall have the authority to -

(i) quash the decision of a person or body exercising such powers;

(ii) exercise such disciplinary powers in relation to such person or body, subject to the conditions laid down by an Act of Parliament; and

(iii) revoke directions delegating powers to any person or body:

Provided that nothing in this section shall prejudice the right of any person who is the subject of a decision made by or on behalf of the Police Service Commission to appeal to the High Court or the right of any person with sufficient interest in such a decision to petition the High Court for judicial review of that decision.

Composition

157. (1) The Police Service Commission shall consist of the following members -

(a) such Justice of Appeal or Judge as may for the time being be nominated in that behalf by the Judicial Service Commission and who shall be the Chairman of the Police Service Commission;

(b) such member of the Civil Service Commission as may for the time being be nominated in that behalf by the Civil Service Commission;

(c) the Inspector General of Police or such senior officer in the Malawi Police Force as the Inspector General may for the time being nominate in that behalf;

(d) the Ombudsman; and

(e) such legal practitioner as may for the time being be nominated in that behalf by the President and confirmed by the Public Appointments Committee.

(2) Any three members of the Police Service Commission shall form a quorum.

(3) A person shall not be qualified for appointment as a member of the Police Service Commission if he or she is President, Vice-President, a Minister or Deputy-Minister, a Member of Parliament or a police officer.

(4) Subject to this section, the office of a member of the Police Service Commission shall become vacant -

(a) at the expiration of three years from the date of that person's appointment, unless reappointed to a new three year term:

Provided that this paragraph shall not apply where the member in question still holds the office of Inspector General of Police or of Ombudsman, or other office in which behalf that person was appointed to the Police Service Commission; or

(b) if any circumstances arise that, if that person were not a member of the Police Service Commission, would cause that person to be disqualified from appointment as such.

Political independence
of the Malawi
Police Force

158. (1) Members of the Malawi Police Force shall ensure that they exercise their functions, powers and duties as impartial servants of the general public and the Government of the day.

(2) No member of the Malawi Police Force shall be permitted to participate directly in political activities:

Provided that -

(a) any member of the Malawi Police Force shall have the right to resign in order to participate directly in political activities;

(b) nothing in this section shall be deemed to prejudice any member of the Malawi Police Force having the absolute right to vote in accordance with this Constitution; and

(c) nothing in this subsection shall prejudice the right of any member of the Malawi Police Force to hold office in or be a member of any association, group or professional body, the purposes of which are principally to represent their members interests in relation to the terms and conditions of employment or the general carrying on of any profession or trade or the promotion of any interest, not pertaining directly to the promotion of a political party, campaign or philosophy or otherwise inconsistent with the functions of the Malawi Police Force.

(3) No government or political party shall cause any member of the Malawi Police Force acting in that behalf to exercise functions, powers or duties for the purposes of promoting or undermining the interests or affairs of any political party or individual member of that

party, nor shall any member of the Malawi Police Force, acting in that behalf, promote or undermine any party or individual member of that party.

(4) No government or political party shall cause any member of the Malawi Police Force, acting in that behalf, to deploy resources, whether they be financial, material or human resources, for the purposes of promoting or undermining any political party or member of a political party or interest group, nor shall any member of the Malawi Police Force, acting in that behalf, cause such deployment:

Provided that nothing in this section shall be construed as derogating from the duty of the Police to uphold the rights and afford protection to all political parties, persons and organizations equally, without fear or favour, in accordance with this Constitution and subject to any law.

(5) Any member of the Malawi Police Force who contravenes this section shall be subject to such disciplinary measures as the Police Service Commission considers appropriate, taking into account the gravity and circumstances of the contravention, subject to such regulations as may be prescribed by an Act of Parliament.

(6) Where the Police Service Commission is satisfied that a government or political party or member of a political party has acted in contravention of subsection (3) or subsection (4), the Police Service Commission may initiate proceedings before the High Court for punitive damages and, in the case of a contravention of subsection (4), for the recovery of such resources or sums equivalent to the benefit of the enjoyment of those resources from the government, or political party or member of a political party who has so benefitted, as the case may be.

Chapter XVI

The Defence Forces

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| The Defence Forces of Malawi | 159. There shall be no military force constituted in Malawi other than the Defence Forces of Malawi provided for and regulated by this Chapter. |
| Constitutional position of the Defence Forces of Malawi | 160. (1) The Defence Forces of Malawi shall operate at all times under the direction of those civil authorities in whom this Constitution vests such power, and shall -
(a) uphold the sovereignty and territorial integrity of the Republic and guard against threats to the safety of its citizens by force of arms;
(b) uphold and protect the constitutional order in the Republic and assist the civil authorities in the proper exercise of their functions under this Constitution; |

Appendix 3

Leading questions for semi structured interviews

A. General questions

1. You may wish to comment generally on policy formulation process in Malawi?
2. What are the major differences from how policy was formulated under one party system of government?
3. Can you define various stages in the policy making process?
4. Who are the key stakeholders in the policy process?
5. Where does the initiative for policy change come from?
6. What is the role of Cabinet in the policy process?
7. What is the role of Cabinet Committees in the policy process?
8. What is the role of Interest Groups in the policy process?
9. What is the role of ordinary citizens in the policy process?
10. What is the role of the Public service in the policy process? Are some Ministries more influential than others?
11. Do you think the present system is effective? If not, what improvements would you suggest?
12. What is the role of the legislature in the policy process?
13. In the legislature, what is the role of the opposition parties in the policy process?
14. How many Parliamentary Select Committees are there and what is their role?
15. What improvements would you suggest?

B. Police Reform

1. Where did the initiative for police reform come from?
2. Once on the policy agenda, who were the key stakeholders in developing the reforms?
3. Was one Agency (or person) the lead player?
4. What was the influence of the central agencies? (President's office, Home Affairs and Internal Security and Finance)
5. Would you be able to comment on the relationship between the Minister of Home Affairs and Internal Security and officials in developing this policy?
6. Did the legislature influence the policy?
7. Did the interest groups influence the policy?
8. Has the reform initiative been effective? What lessons can be learnt for future use?

Appendix 4

Mission Statement

We in the Malawi police shall maintain law and order by providing internal security services of magnitude and quality, necessary for peace and protection to all people and their property, through an effective, efficient and conscientious service; to prevent and detect crime, apprehend and bring to justice all criminals; to safeguard the integrity and freedom of the country and the respect for the rule of law always adhering to the constitution; to reduce the fear of crime and in so far as possible meet public expectations and priorities.

We shall fulfil this in an independent and professional manner, selflessly, fairly and decisively without fear or favour, with compassion, consideration, courtesy, integrity, justice, and sound judgement, demonstrating self-restraint and calm in the face of danger.

We shall at all times be a dependable service respecting the sanctity of life and death, never using unnecessary force or violence, never accepting unlawful rewards, compensation or gratuities.

We shall be an open service, admitting mistakes and at all times demonstrating a willingness to change in the face of justified criticism from the public.

Strategic intentions

- I. To improve police performance against crime and criminals. To reduce all crime especially violent crime, arrest more criminals and clear up more offences by means of an increased visible police presence, greater partnership with the public and better criminal intelligence and surveillance operations
- II. To improve public image of the police service by making it benevolent and non partisan
- III. To satisfy public demand for police by increasing the present establishment level of the police service and resource inventory
- IV. To enhance the participation of civil society in police duties through voluntary programmes such as neighbourhood watch
- V. To rationalise managerial capacity in the police service through proper selection, placement and training
- VI. To improve motivation in the police service by introducing competitive, transparent and equitable remuneration packages.

Core Functions

- I. The prevention, detection and investigation of crime
- II. The prosecution of criminals
- III. The promotion of public safety on the road
- IV. The maintenance of public order
- V. The reduction of the fear of crime

- VI. The rendering of assistance to victims of crime
- VII. The involvement of civil society in police service.
- VIII. To foster better image of police.

Support functions

- I. The provision of staff development services.
- II. The provision of welfare services.
- III. The financial management services.
- IV. The provision of research and planning services.
- V. The maintenance of buildings.
- VI. The provision of radio and telephone communication services and computerised management information system.
- VII. The provision of reliable and adequate transport system.
- VIII. The provision of adequate modern weapons and other equipment.

(Source: Presidential Working Group on Police Reform – Part 2 Strategic Development Plan)

Appendix 5

MALAWI POLICE SERVICE ORGANISATIONAL DEVELOPMENT TASK FORCE: TERMS OF REFERENCE

- i. To develop a bottom up planning process at all levels in the organization.
- ii. To develop awareness of strategic planning throughout the organization.
- iii. To market the change process within the organization through seminars, workshops and other fora.
- iv. To market the change process to organizations outside the police and the general public.
- v. To ensure that the cultural and attitudinal change as stipulated in the mission statement is embedded into the minds of all members and is demonstrated in their daily discharge of duty.
- vi. To ensure that all resources: human, financial, and material are utilised with economy and to optimise them for the efficiency and effectiveness of the organization.
- vii. To identify problems and shortfalls that would act as obstacles to the implementation process and find solutions and where necessary, recommend alternative strategies to top management.
- viii. To ensure that all activities of the Organisational Development Taskforce and actions on ground are documented.
- ix. To align all police operations to the change process.
- x. To collect and collate all recommendations from the various study visits undertaken in relation to the reform programme for consideration of implementation.
- xi. To ensure the development and implementation of regional and district policing plans.

- xii. To institute a performance management approach in all sections of police operations.
- xiii. To monitor and evaluate all planned activities and ascertain that standards and targets are being adhered to.
- xiv. To carry out all other duties in relation to the reform process as may be directed by the Inspector General and his top management.