

**BUILDING PUBLIC TRUST IN THE
ACCOUNTABILITY AND PERFORMANCE OF
CONSTITUENCY DEVELOPMENT FUND IN MALAWI**

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1. Background.

The Constituency Development Funds (CDFs) are funding arrangements that disburse funds from central government directly or indirectly to electoral constituencies for local infrastructure projects. Constituency Development Fund (CDF) is a source of funds that is made available to a Member of Parliament (MP) to facilitate the implementation of minor projects in his/her constituency. The CDF in Malawi seeks to provide Members of Parliament and their constituent communities with the opportunity to make choices and implement projects that maximise their welfare in line with their needs and preferences. The CDF is there to respond to immediate, short-term community development needs.¹ CDF represents a central government transfer to the local authorities, which is in line with fiscal decentralisation process. Decisions about how these funds are allocated and spent are profoundly influenced by elected members of parliament (MPs)². The definition that we use here refers more specifically to *unallocated* transfers to constituencies that MPs allocate to projects at their discretion. The degree to which these funds are controlled by parliamentarians, and the degree to which local citizens participate in them, differ from country to country. However, the common feature of CDFs is that MPs have considerable control over the distribution and application of these centrally allocated funds. Comparatively from the literature, little is known about CDFs. Yet it is surprising that policymakers have been prepared to adopt them, given the absence of research on their long-term impact in countries that began to implement them such as Pakistan, the Philippines and India, which have well-established CDF schemes. Paradoxically, despite the scarcity of research supporting these funding mechanisms, CDFs spread like wild fire more especially in Commonwealth countries. CDFs have also grown very rapidly in size since they were introduced. The funds allocated for CDF has seen an increase in the amount along with the overall size of the Government Budget financed by locally generated revenue. The trend has been the same in Malawi where CDF has increased from MK 1 million since its introduction in 2006 to MK 30 million per MP in the 2019/2020 financial year.

In Malawi, constituency development fund scheme was introduced in 2006. The concept was borrowed from Kenya. CDF funds are meant to finance minor development projects, among others, construction of bridges, boreholes and houses for civil servants. In fact, a 2006 policy paper for CDF argues the fund is there “to respond to immediate, short-term community development needs and is a means of ensuring that rural development spreads evenly throughout the country” the scheme started with an annual allocation of K1 million (about \$2 500) in the 2006/2007 financial year, but today it has rapidly grown to the current K30 million (about \$31,000) for each constituency. At national level, the allocation has increased from K193 million (about \$483 500) to K5.8 billion (about \$8m).

2. Problem Statement and Analysis

However, for a decade and half, stories of CDF have hardly inspired confidence. In December 2011, the office of the Auditor General released the first comprehensive audit report on CDF funds. The report, which audited accounts of district councils for 2006, 2007 and 2008, showed that about K107 million (about \$267 500) was spent without the approval of internal procurement committees (IPC) at Salima, Mmbelwa, Karonga, Nkhata Bay, Mulanje and Phalombe district councils. According to Rockford Kampanje, the then Auditor General, the CDF was ‘being heavily abused’. A thorough analysis of the efficacy of CDF revealed that growth was failing to trickle down to the poorest, yet the CDF came about to achieve just that. In the policy arena, the CDF scheme is a significant break from MPs’ primary lawmaking and oversight roles. In

¹ “*Constituency Development Fund Guidelines: Revised*” June 2014, Ministry of Local Government and Rural Development.

² The term “MP” refers to legislature members in commonwealth or parliamentary systems.

addition, “Members of Parliament were seen to be managing the CDF resources with party structures, sidelining Area Development Committees (ADCs) that are supposed to participate in the implementation of the fund,” reads the report. According to the report, CDF guidelines provides for every constituency to have a constituency committee, which brings together Councillors, MPs and ADCs to discuss the implementation of the CDF. “CDF guidelines provides for ADCs to sign on the project application form and remain key in the implementation process,” says the report. Nevertheless, CDF have always been dominated by MPs seeing it as their pocket money for strengthening their political positions as one MP asserts:

“Let’s be honest. CDF funds are completely in the hands of us, sitting MPs. Often, we do not use it to facilitate development in our area. Development is secondary and often, incidental. This is the money we, MPs, use to strengthen our position in the constituency,” he said.

However, a focus group discussion with members of parliament indicated that MPs do not abuse CDF as purported by the media and some ardent critics of MPs, in fact the MPs do not have direct control of the funds. The funds come through the DC’s offices and it is the council secretariat that deals with all administrative aspects of the funds such as procurement of goods, arranging for monitoring etc. and that MPs only come in to advise on which committees, locations and to which projects the money should be channeled to. These largely speculative public opinions fueled by prevailing vacuum of information exist between the council and the citizens. **However, the MPs do not outright deny abuse of CDF by some of them in some cases, but they bemoan the tendency of making over-generalization as if all behave like that metaphorically likening that to getting rid of the bath water together with the baby. The MPs complained that due to their position of influence even when the funds are mismanaged by the secretariat, it is the MPs who bore the wrath of the citizens, sometimes with negative impacts on their political career. The MPs observed that CDF is the center of controversy because it is the only fund that is visible and which has a meaningful impact on the lives of people at the grassroots although it is not enough.** The funds come in tranches per quarter, which makes it difficult to administer. The council secretariat deducts 5% of the total for monitoring, which in most cases is not carried out. The MPs also noted with dismay that in some cases the council secretariat does not follow proper procedures when procuring CDF project materials citing cases where the secretariat pays the supplier in advance before delivering the goods to the project sites as required by both the CDF guidelines and legislations on public procurement.

Nevertheless there are other dynamics associated with the CDF, as observed by Chinsinga³ MPs have also taken advantage of CDF using it as a bargaining tool. For instance, after refusing to pass the 2006/2007 national budget, the opposition MPs used the passing of the budget as a bargaining chip to force the government to bow down to the demands for a CDF. Taking advantage of their dominance in Parliament, the opposition insisted that they would pass the budget only if the CDF was accommodated. One parliamentarian described the CDF as “a tool that we used to bargain with government to have the budget is passed. So, they gave us CDF and we passed the budget”. “The argument of most observers is that the establishment of the CDF has tremendously pacified the parliamentarians across the political divide because it serves their selfish political interests that are central to building a potentially successful political career without having to dig deep into their own private vaults,” writes Chinsinga⁴. He adds that the pressure to establish the CDF was so great that the government proceeded to implement it without sufficiently thinking through the requisite legal and administrative arrangements. However, using the same method in 2019/2020

³ The Interface between Local Level Politics, Constitutionalism and State Formation in Malawi through the Lens of the Constituency Development Fund (CDF)

⁴ *ibid*

budget session, the MPs forced the Minister of Finance to increase the amount of CDF to MK30, 000,000 failing which the MPs threatened not to pass the budget.

Regarding Management laws and procedures there is yet no legal basis to subject the CDF resources to the group of public funds management laws and procedures as specified in the Public Financial Management Act (PFMA) (2003); the Public Audit Act (PAA) (2003); Public Procurement Act (PPA) (2003); and the Corruption Practices Act (CPA) (1995). As such, cases of abuse of CDFs by both the MPs and district council officials have been rampant. They know that they can get away with cases of mismanagement because there is no legal basis to prosecute them,” he writes. Again, it is not amazing that Parliament has not endeavoured to correct the conspicuous administrative and legal shortfalls in arrangements governing the CDF. However, a group of Public finance management laws cannot be applied entirely to the CDF because it has been merely created by a parliamentary administrative decision. “The inaction on the part of MPs could be attributed to the fact that they view [the CDF] as an investment in their political careers, with returns spread out over the electoral cycle.⁵ “The CDF has, therefore, widely been described as a very good example where formal institutions are exploited to sort out informal deals outside the formal governance framework to bolster selfish political goals,”⁶ he writes.

Paradoxically, although CDF is perceived to be dominated by the MPs, the reality is that accountability of the funds is entrusted in the hands of the District Commissioner or the Chief Executive Officer. The CDF Guidelines identifies the District Commissioner (DC)/Chief Executive Officer (CEO) where applicable, as a Controlling Officer (CO). A Controlling Officer is a person appointed by the President who is charged with a duty to, or who actually does, collect, receive, disburse or deal in any way with any public money, or a person who is charged with the purchase, receipt, custody, or disposal of, or the accounting for, any public resources or public securities.^{7,8} The CDF Guidelines charges her/him with a responsibility, should put in place policies and procedures that would ensure compliance with the PPA. Simply put, it means that the CO should ensure that any procurement carried out using CDF should comply with the PPA.

Nevertheless, the problem of CDF affects everyone. The president speaking in his opening address to the 47th Session of *Parliament under the theme Rising Above Macroeconomic Stability*, challenged MPs to be accountable in the same manner they push government ministries and department to account for public funds.

“My government has been accountable to the people of Malawi through you [MPs]. We are always accountable to Parliament. But are you accountable to government and the people who voted for you? “As we say in Latin, *quis custodiet ipsos custodes?* Put it this way, who watches the watchers? Who is holding accountable the MPs who hold us accountable in this House?” The President specifically mentioned the abuse of CDF by some legislators, saying some MPs abuse the funds of the people, but stand in the National Assembly accusing government of corruption. He said: “Something is tragic with a democracy in which those who think are watchdogs also think they must be accountable to no one. In any human society, in any democracy, no institution must be accountable to no one.” Said Mutharika.

Echoing the president’s sentiments several Civil Society organizations have called for serious reforms or abolition of CDF because it does not help the people instead it has been turned into pocket money for MPs.

⁵ ibid

⁶ ibid

⁷ “*Public Audit Act of 2003*”, National Audit Office

⁸ “*Public Finance Management Act*” Ministry of Finance and Economic Planning

Furthermore, CDF has turned into a battleground for MPs and councillors thereby eroding the much-needed harmony of elected representatives at council level to provide oversight role.

It is evident from the literature and several public discussion forums that CDF remains a thorn in the flesh of both government, MPs, policy makers, councillors, district councils and the citizens at large. This calls for action to correct the anomalies so that its benefits trickle down to the poor. This calls for all stakeholders to meet and build a consensus on what should be done to improve the situation. Extrapolating from various discussions on matters related to CDF implementation, the following issues are frequently raised:

i. Lack of transparency and accountability in its implementation

Lack of transparency in decision-making in CDF processes led to reduced community participation and the loss of funds and materials: this, coupled with inadequate information about the CDF at community level, meant that the benefits of CDF never trickle down to the local level to improve the lives of the poor, which was the intention of its institution. Furthermore, awareness of the CDF guidelines was mainly limited to those involved in the CDF process, rather than the wider community. In the same vein, in view of their exclusion from the decision-making processes, Area Development Committees (ADCs) did not provide citizens with detailed explanations as to why certain projects were funded or rejected. Equally, the procurement of CDF materials was not transparent often not passing through the internal procurement committee (IPC) as required by the law thereby arousing serious suspicion of corruption.

ii. Lack of community participation

Another common issue is lack of participation in the majority of CDF processes, which often resulted in unfinished or inappropriate projects. In this scenario, citizens are usually not aware of CDF procedures and therefore not involved in identifying CDF projects. This leads to inappropriate CDF projects, which are unsolicited and as such left unused. For instance, in one constituency, a clinic was ‘imposed’ on the community without consultation; the Ministry of Health did not provide services to the clinic, which was found wanting in critical standards as such, the building now stands empty. The consequence of lack of involvement is that communities are discouraged from participating in future CDF projects. Specifically, the lack of consultation and insufficient feedback on project applications left community members with no incentive to participate in future applications. Matters are aggravated by the district council’s failure to fulfil its responsibility to engage the community in monitoring CDF projects due to insufficient funds allocated for monitoring.

iii. Perceptions of Undue political influence

By virtue of its design, the CDF process creates the potential for perceptions of undue political interference; critics further argue that CDF are avenues for perpetuation of neopatrimonialism citing that heavy involvement of MPs in the implementation of CDF aggravates the problem. Furthermore, these critics see the arrangement as being in breach to the principle of the separation of powers by conferring parts of the executive function on the legislator, and that this contributes to political clientelism because it means that the MP is managing government funds, rather than representing citizens and holding the executive accountable. The posit that by skewing resource allocation and project selection and oversight, CDFs also may have a negative impact on governments' capacity to contribute to service delivery and development, especially at the local government level. They continue to argue that contrary to the CDF guidelines, some Members of Parliament manage CDF resources with party structures, sidelining Area Development Committees (ADCs) that are supposed to participate in the implementation of the fund. CDF guidelines provides for every constituency to have a constituency committee, which brings together Councillors, MPs

and ADCs to discuss the implementation of the CDF. Again, CDF guidelines provides for ADCs to sign on the project application form and remain key in the implementation process.

However, those in favour of CDF have their own arguments as follows:

It has been argued that CDFs can address a number of development and governance challenges that many countries face. They purportedly: ensure project delivery in the face of ineffective and corrupt local government structures, bypass central bureaucracies and channel funding directly to community level, enable the participation of the local population in the choice of which local infrastructure is delivered, empower the legislature by allowing them to allocate and spend money independently of the executive, and allow MPs to respond directly to concrete demands from their constituents, something that they may not be powerful enough to make the executive do. These arguments in favor of CDF are appealing, yet, as depicted in the preceding paragraph there are many critics of CDFs, as well. There is also evidence of fundamental deficiencies built into the design of these schemes.

1. CDFs may breach the key democratic principle of the separation of power by conferring the executive function of budget execution on the legislature.
2. Because of this breach, CDFs may compromise the ability of legislatures to represent the electorate and to oversee the work of the executive.
3. By skewing resource allocation and project selection and oversight, CDFs also may have a negative impact on governments' capacity to contribute to service delivery and development, especially at the local government level.

Nevertheless, CDFs have made the headlines largely because of corruption and political manipulation associated with them; CDFs are always seen by the public to be money, which MPs use following their whims for consolidating their political hegemony and maintaining their neopatrimonial relations. Viewed in this way, CDF is nothing, but funds for the MPs not only for safeguarding their political interest, but also for rewarding political supporters. This erodes citizens' trust in parliamentarians and undermines strong and effective governance.

By way of concluding this section, it can be seen that Members of Parliament are at the center of controversy in as far as management and implementation of CDF funds is concerned. Whether these negative perceptions towards MPs in CDF implementation are justifiable or not is not the subject of this treatise nor is it the intention of this discussion to take sides in this searing debate. What is clear though is that CDF presents a common problem to almost all stakeholders involved and there is need for identifying collective solutions to deal with the ensuing socio-political and administrative schisms affecting the implementation of the fund. This proposal endeavours to facilitate processes for identifying solutions for addressing this ubiquitous problem by harnessing the views of all stakeholders and common citizens without necessarily pointing fingers of who is in the wrong. However, what is obvious is that the problem of CDF is complicated, the extent of its shortcomings are systemic, administrative and political to mention the most obvious. Thus, simple finger pointing could be a parochial approach to dealing with this incessant problem.

It is the aspiration of this project to find a way of including people who are normally exterior to the political process to satisfy themselves that CDF is a good, fair, transparent and effective way of spending money. If this is properly executed, this could have the potential of enticing a range of entities (including foreign NGOs) to perceive this as a preferred way for deploying funds. It is a fundamental principle of good governance to spend money as close to the people as possible because this is where it has greatest impact – and CDF can clearly be that mechanism. The problem

is to traverse the simplistic public opinion (which perceives MPs as being corrupt and abusing CDF funds) in favour of a mechanism, which delivers objective public judgment. This is the distinction between an opinion poll (answered in a few minutes) and a criminal jury trial (where a group takes a number of days to examine evidence). Judges benefit from having juries as a complement to their role, and we think MPs will also benefit the same way.

3. Objective

The overall objective is to promote public confidence in the effective implementation of CDF so that it benefits the poor by ensuring that citizens, the Council secretariat and elected representatives reach a common ground on how best CDF should be implemented by using a novel method of involving a citizen jury - a randomly-selected group drawn from across the community to propose workable solutions and recommendations to which the council and political representatives will commit to responding.

It is anticipated that these duty bearers would respond to each of the proposals that the citizen jury proposes. **The goal is to demonstrate a way that people who are normally outside the political process can satisfy themselves that CDF is a good, fair, transparent and effective way to spend money.**

The project is also aimed at going past simplistic public opinion (thinking that MPs use CDF as their pocket money!) in favour of a mechanism which delivers public judgment based on real evidence.

3.1 Specific objectives

- 3.1.1 To improve transparency and accountability in the implementation of CDF among stakeholders.
- 3.1.2 To increase citizen participation in CDF project identification, implementation and monitoring.
- 3.1.3 To reduce political influence in the design and implementation of CDF sub projects.
- 3.1.4 To improve public trust of elected officials on issues related to CDF
- 3.1.5 To show that CDF is the right fund to improve citizens' welfare at the local level if properly administered.

4. Outcomes

- 4.1 Increased transparency, accountability and performance in CDF implementation among stakeholders
- 4.2 Improved stakeholders' conformance to CDF set laws, policies and procedures.
- 4.3 Meaningful citizen participation in CDF implementation and expenditure monitoring.

5. Project Methodology & Activities

5.1 Methodology

The project will utilize the service of a randomly selected group, which will further analyse the problem at hand, examining its ramifications, interests involved, the constituency impinged by the problem, stakeholders and potential solutions among others. The randomly selected group is a de facto citizen jury, which will make recommendation of possible solutions to the problem for the duty bearers to commit to respond. This method has eight main decision points in the course of creating a design as follows:

Step	Description
1. Problem definition	What is the problem you are trying to solve?
2. Consideration of Time	How much time does the community need
3. size	“How many people do we need?”
4. scale	How big is the decision? How many places do I need to go?
5. Do you need Civic Lottery?	Who should be involved?
6. Demographics	What does your community look like? Who needs to contribute to the decision and give a perspective to citizens?
7. Information	What information do participants need to know in order to make informed recommendations?
8. Final output	How can you get useable recommendations?
9. Government response	

The structure of this intervention will follow this design trajectory. The following section succinctly elucidates this.

1. Problem Definition

In this project, the problem is broadly defined as *lack of public confidence in the efficient and effective implementation of CDF projects such that they do not benefit the poor*. The problem carries with it (whether justifiably or unjustifiably) negative perceptions of who is to blame for this predicament.

As it is, Members of Parliament by virtue of their influence in CDF tend to disproportionately endure the most of the accusations. As such, in dealing with this problem all areas will be scrutinized so that the solutions to be proposed should be to the benefit of all stakeholders. Thus, in order to help the jury to understand the daunting task before them, some guiding questions will have to be posed such as, what is the problem. What is hard about it? Who is impacted? What information do people need to read to get a good understanding? How many active interests need to contribute a perspective? What solutions will they offer? Is a potential solution being missed? Why? Who would offer that view?

The task is for the randomly selected group in each of the constituencies in Salima District, to find a common ground and make recommendations to government/council and elected representatives to change the way CDF is implemented looking at both the processes and projects. The citizen jury will propose solutions, which the elected representatives and the council are obliged or committed to abide by. They will be guided by a single over-arching question –

How can Salima District Council fairly and transparently utilize CDF money to achieve the objectives for which the fund was setup?

2. Consideration of Time

The CDF problem is complex therefore there is need for adequate time for every day citizens to understand and begin to make sense of this for them to provide plausible proposals informed by facts. In addition, there is a lot of literature, past projects and stories, which need to be consulted and deciphered for the citizen juries to make meaningful contribution towards unraveling anonymsities of CDFs. The estimate of this project is that the citizen juries will need at least **two and half months** to understand the problem and to clearly pinpoint areas that require attention. In the choice of this time span, the project takes into consideration

literacy levels tenable in these socially and intellectually heterogeneous groups. In addition, a longer duration has its virtues as it entails more time for learning, deeper deliberation, more opportunities to connect to wider community, longer means more commitment and ownership of the outcome all of which are necessary in dealing with a complex problem like the one at hand. Therefore, the citizen jury will be given adequate time to analyse the problem to understand its perversity, depth, and difficulty; find causes and effects, conduct independent investigations or fact finding mission to understand how CDF works in reality. However, there also costs as it can make the process more expensive and may require greater time commitments from participants, which can favour the participation of those with time. Nevertheless, the costs do not outweigh the benefits.

3. Size of the Group

The project will be implemented in five constituencies each constituency will have a group of 20 people deliberating to make recommendations on CDF. Considering the size of the constituencies and magnitude of the problem this number is appropriate. The framer of the concept is mindful of the implications of size on the budget, communication effectiveness and the ease to construct high quality deliberation. In the same vein, the framer takes into consideration the scalability of the intervention to larger jurisdictions and the representativeness of the sample.

4. Scale of the Decision

The project will involve participants of the whole district covering all the five constituencies, 10 wards and 10 Traditional Authority (TA) Areas. Therefore, consultations will involve citizens drawn from all these areas. As already alluded to in the preceding sections, the problem of CDF is not only multifaceted, but also ubiquitous and it affects several stakeholders both at district and grassroots levels. Thus, in order to effectively and efficiently deal with its inherent bottlenecks discernible in its implementation, project administration and project conception, extensive and inclusive consultations are imperative.

5. Selection of Who should be involved

In view, of the nature of the project, we opted to have randomly selected groups (citizen juries) in each of the constituencies cognizant of the fact that implementation of CDF varies based on several circumstances in a particular area. These include culture, social organization, bonding of social capital; capacity of local governance structures, traditional authorities and opinion leaders; as well as attitude, personality and influence of political representative. The selection of the citizen jury will be done using a multi stage random sampling method. The first level of sampling will be stratified to ensure that all categories of people are represented in the group i.e. youth, male, female, social status etc. In each of these groups, a simple random sampling method will be applied to find individuals to constitute the randomly selected group (citizen jury). This process will be conducted in all the **five** constituencies of Salima District. The selection will be carried out in public gathering places such as open markets, where people of all walks of life congregate to buy or sell commodities. Each constituency will have a randomly selected group comprising of 20 members. In total, the district will have 200 members participating in citizen juries across the district. As already alluded to in the preceding section, the citizen juries will receive appropriate orientation and training to commence their work. The orientation sessions will be conducted with the help of local facilitators who will be carefully identified and trained i.e. TOT to facilitate the initial processes then the jury will take over. The facilitators will later assist in monitoring progress of strides made by the citizen juries.

6. Demographic Mix

Selecting a feasible demographic mix in rural setup can be a daunting task in that citizens' life tends to revolve around hereditary chiefs who are instrumental in forging strong community bonds based on kinship ties and make the community behave almost as a homogenous groups making it a bit difficult to influence divergent opinions as would be the case in urban areas, where community bonds are based on common interest and the group tends to be heterogeneous. It is therefore easier to cultivate independent opinions with citizens in urban areas, as it would be the case with citizens in rural areas. In addition, decades of poor central -local level relations coupled with government ever present penchants of repressing citizen voices have supplanted citizens as active participants in the decentralization processes and consequently feel excluded from the decision-making processes. Thus, there is need for many engagements to bring back the trust of the citizens of the state machinery. Against this background, it is important that the project should be as inclusive as possible in selecting the participants by using such demographic filters as age, gender, location, social status/ position in society etc. For instance, we will use income profiles of various groups, type of jobs, occupation, residential status- rural vs. urban/semi urban, education attainment and social standing of the individuals – i.e. is he a chief/block leader, opinion leaders etc. Furthermore, the selection process will ensure that it minimizes errors of inclusion and exclusion. It is however envisaged that by using a multi-stage sampling technique this problem would be reduced if not eliminated.

7. Information Required by Participants to Make Informed Recommendations

This process gives the participants a starting point. Before delving into the quagmire of CDF, the participants will need information to understand the extent of the problem and stakeholders involved. In this case, the participants will be given CDF guidelines, CDF policy documents or any related documents. In addition, the citizens will investigate how CDF projects have been implemented over the years, scrutinizing funding and project management modalities as well as scrutinizing secondary sources on CDF projects. Furthermore, the participants will collect a lot of primary information from focus group discussions, key informants' interviews and through participatory expenditure tracking processes of CDF projects. The participants will be trained on basic historical research methods, which will help them, differentiate between biased and independent sources. This is important for facilitating formulation of robust recommendations informed by independent sources and observations. Now, participants will be given guiding questions, which will guide them through the data collection process. One set of questions is based on the CDF guidelines, which are designed to make the citizens understand CDF, its processes, and the actors involved. The second set of questions provokes the citizens to start analyzing the processes and see whether something should be done to change the way it is being implemented to achieve the fund's intended objectives. The questions also give the citizens the opportunity to independently analyse the roles of all actors including making deduction of underlying factors that influence MPs' negative publicity in CDF implementation, which should be corrected. It is anticipated that this approach will yield different views contrary to the official perspective on how CDF should be implemented. The following is a list of some of the questions:

- What is CDF?
- Where does CDF funds come from?
- What is the purpose of CDF?
- Which national laws are applied in governing CDF?
- What kind of projects do CDF money funds?
- How do citizen access CDF?

- Who are the stakeholders and what are their roles?
- How are the funds accounted for?
- In the context of CDF, which expenditures are allowed and which ones are prohibited?
- Who is the custodian of the funds at district council level?
- How are procurement processes carried out?
- How are contracts managed?
- Have you ever been involved in CDF projects? If yes, explain how?
- In your opinion, does CDF benefit the poor? Give reasons for your answer.
- If given an opportunity, which aspects of CDF would, you change.
- What advice would you give to authorities to improve on the implementation of CDF?
- What are the challenges associated with CDF projects identification, conceptualisation, implementation and administration?
- Are citizens satisfied with CDF projects? Give reasons for your answer.
- Are you aware of CDF guidelines? In your assessment, are the guidelines followed when implementing CDF projects?
- What factors influence negative perceptions of CDFs? What steps can be taken to turn these perceptions positive?
- How can we tame the influence of elected leaders and use it to improve the delivery of CDF projects?
- How can district councils make CDF become a reliable community demand driven funding window?

8. Final output

After a thorough analysis of the information collected, the participant will need to investigate some information gaps, which may affect the outcome of their final recommendations. It is also time to question information sources to see if some of them are not biased or compromised in any way as this may have a negative impact on their final recommendations. The participants will write their recommendation on their own concentrating on **what** should be done and **why**, but not *necessarily* on **how** it should be done to avoid prescriptive recommendations. The guiding principle here is clarity of intent. In policy formulation, flexibility is very significant as it allows government the latitude to use whatever tools they have to address a recommendation, the participants will thus focus on clarity of their intent while ensuring this intent can be implemented in future, changing environments.

9. Response from Duty Bearers

It is envisaged that the response of the DC and elected representatives will be determined by the initial commitment they made when they were initially consulted about the project and in subsequent preliminary activities intended to garner their unending support in the process of implementation of project activities. As citizens' representatives, and not to hurt their influence, it is assumed that the MPs response to the citizens' recommendations will be egalitarian and in the interest of the majority of the citizens. The response will be made in person and in public. Whatever is going to be agreed finally between the citizens and the authorities (DC and MPs) will be written down in form of a contract or concordant stipulating *modi operandi* of CDF henceforth, which in reference to citizens' recommendation will stipulate the roles of relevant stakeholders. Embedded to the agreement will be a monitoring framework to track implementation of the agreement. This will include periodic participatory reviews, community score cards etc. The contract is also an attempt to guard against deviation from the agreement by some shrewd politicians in future. Thus, this will be a tool,

which the citizens will use to hold the authorities accountable for their decisions in the implementation of the fund.

6. Activities

Series of activities will be implemented to achieve the objectives of this project. The activities can be categorized as follows:

1. Activities that are meant to introduce the project to relevant stakeholders such as the District Executive Committee (DEC), which is a body with the mandate to approve a project to be implemented in the district. It is therefore necessary that before any project activities can commence this committee should be briefed. This committee is composed of government and non-state actors' heads of department operating at the district level. The chairperson is the district commissioner who is the Controlling Officer of all government sectors in the district. The DEC will in turn offer advice to the organization intending to implement the project.

In the same vein, it is also necessary to hold a Full Council meeting, which is composed of MPs, Traditional Authorities, Councillors and Interest Groups. Headed by a chairperson elected from the councillors, this is a policy making body which will be very instrumental in operationalizing citizens recommendations on CDF implementation and administration. In addition, the project involves MPs, Councillors, Traditional leaders and interest groups, it is therefore necessary that they are briefed to avoid any misunderstandings, which could derail the operation of the randomly selected groups/citizen jury.

2. A second category of activities pertains to those meant to build capacity of the randomly selected citizens after they have been identified. Of course, this package also includes activities related to recruitment of the citizens. After being identified, it is necessary to orient and train the citizens so that they can quickly start working. It is envisioned that some of these citizens will not have heard of CDF or even participated in any of its activities therefore such activities are necessary. In some cases, mentoring and handholding will be necessary. Also part of this package is the identification and training of field facilitators who will work as volunteers albeit with some modest honoraria. The facilitators will be responsible for facilitating initial citizen engagement processes until the citizens gain confidence in organizing themselves. Now the role of the facilitators will change to facilitating monitoring of the processes through periodic reviews, scorecards and participatory monitoring.
3. A third batch of the activities will be those related to helping the randomly selected groups to understand the problem. This entails allowing the groups to start investigating how CDFs are implemented and or administered. In addition, the citizens will visit some CDF projects to understand how they are identified, planned, funded and implemented let alone contract administration processes. The jury will conduct expenditure tracking of CDF money in randomly sampled projects, following the money from point of receipt to service delivery points, in this case CDF projects including all the administrative processes involved. In order for the randomly selected groups to effectively carryout these processes, they will have to be trained or oriented on CDF guidelines and public expenditure tracking. It is therefore envisaged that a thorough analysis of the problem will equip the juries with adequate information to make best recommendations based on facts. It is also anticipated that the recommendations will not only be fair, reasonable and cost-effective but will also be in the interest of citizens and all stakeholders involved.

4. A fourth category of activities is related to those helping the juries to analyse the problem in order to come up with solutions. This will include a scansion of issues and feasible alternatives for improving the implementation of CDF. This will involve application of tools for analyzing problems and decisions such a problem tree analysis and the decision tree among others.
5. A fifth batch will be activities meant to reach a consensus. Consensus building is a process and cannot be done quickly. In general, any consensus-building effort requires a consistent set of participants who work together over the duration of the process. It is important for the participants to work and learn together, developing the relationships essential to reaching agreement. This is not possible if participation is not stable. Consensus building in low-trust situations will take even longer as participants must first develop the trust needed to work together constructively, which is a precursor to reaching agreement. Consensus building requires that people meet face-to-face. While some activities can occur remotely at points during the process, initial relationship-building and key agreement seeking will require in-person meetings. Many of the tools to inform and for generating and obtaining input can be used as components of a consensus building process to educate participants, generate dialogue, and identify common ground.
6. The sixth category of activity relates to communication of the decisions of the jury to the duty bearers. this will entail holding of interface meetings between the duty bearers and the jury for the latter to communicate its decisions. Conversely, this also means creation of space for the duty bearers to communicate their response to the juries upon receipts and consideration of the recommendations of the juries. In the same vein, it also entails holding of signing ceremonies between the citizens and the duty bearers of the modi operandi of CDF henceforward.

The following is a list of proposed broad activities

1. *Brief the District executive committee of the project:*
2. *Conduct TOT training of Facilitators:*
3. *Orient and train citizen Juries:*
4. *Hold meetings of citizen juries (several sessions)*
5. *Carryout fact finding missions on CDF processes*
6. Hold meetings where the juries meet the DC and the MPs.

7. Project Area & beneficiaries

Salima is a district in the Central Region of Malawi about 110Km from Lilongwe City. The district covers an area of 2,151 km² and has a population of 478, 346 of which, 231,931 is male and 246,415 female. The population density is 222.4/km². 46% of the population is between the ages of 0-14, 50% is between 15-64 years while 4% is above 65. Literacy rate for the district is 61%. The district has 5 constituencies, 10 wards and 10 Traditional Authority (TA) Areas. In this project, it is anticipated that 50% of the population will benefit from the project over the next three years when implementation of CDF projects improves and meaningful benefits begin to trickle down to the poor as intended by the Fund's design.