

# **Where are the records in Public sector reforms? Championing a cause for public sector reforms to be integrated with reforms in records management systems in Malawi.**

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Clement Mweso  
Archivist, National Records and Archives services of Malawi  
E-mail: [cmweso@gmail.com](mailto:cmweso@gmail.com)

## **Abstract**

This paper examines the public sector reforms in Malawi and argues that as much as focus on reforming dysfunctional and ineffective public institutions structures and norms is seen to be the effective remedy at dealing with malaise in public sector. Such focus partly addresses the heart of the service delivery challenge in the public sector. Robust and vigorous efforts should also be employed to address the laxity in records management systems very common in the public sector. Sometimes the biggest challenge for people seeking a particular service in public institutions in Malawi is not necessarily impediments caused by dysfunctional structures. But lack of records to support citizens' claims or inability by public officers to timely track files and provide relevant information to clients on time. While a wide variety of institutional reforms within the public sector are essential it is important to recognise that without well-functioning records management systems efficient delivery of public service will remain a challenge. This paper argues that it is imperative when implementing institutional reforms in the public sector that they are integrated with reforms in records management systems. Secondly, the legislative and policy framework of institutions undergoing reforms needs to be reviewed to transform not only the structural challenges but incorporate changes in information managements systems.

**Key Words: Records, public sector, Service delivery, Reforms, impediment, information, systems.**

Public sector reforms should be appreciated as a constitutive part of changing political environment. Because whenever public sector reforms are conceived and implemented they raise questions as to what propels the motivation to reform certain sectors of the government and not others, in whose interests are particular reforms championed and how may reforms help unite or pacify society with multiple and competing purposes. Traditionally the state has been most active in initiating processes that lead to reforming the public sector, but such processes would be meaningless if the people do not understand why it is necessary to reform. Reforms being imposed from above also leaves the public sceptical with the whole process and may inadvertently fuel production of rumours about the hidden motives of the public sector reforms. Nevertheless, Public sector reforms have become predominant in sub Saharan Africa to showcase political commitment towards efforts to enhance service delivery by government institutions. Restructuring and reforming

the public sector has been envisaged as pathway to progress and economic transformation of the countries. The public sector reforms are meant to address any outstanding issues relating to poor service delivery offered by public institutions thereby enhancing institutional capacity as well as efficiency in performing their statutory obligations in society. However, embarking on reform process is very challenging undertaking for any organisation let alone public bodies, therefore for any country to embark on public service reforms require to have thorough understanding of what needs to be reformed within the realms of their public sector operations. Mostly, public sector reforms become particularly important when there are changes in government predominantly for the new people in power to show the citizens their efforts at modernizing and revitalizing the public sector as well as a means of attracting aid inflows and foreign direct investments.

Most of the reform activities undertaken in Malawi since independence have mostly focused on administrative and financial management restructuring and rarely considered records management functions as a priority area for reform. This failure to recognize and incorporate records management as part of the priority areas for reform has inevitably led to a 'missed... opportunity to mainstream records management into the public sector reforms and thus raise the profile as well as the resource base for the records and archives Management' Mazikana (2009). In the case of Malawi the failure to raise the profile and resource base for records management has led government ministries, department and agencies (MDA's) to have poor records management practices evidenced in some cases by ministries, departments or agencies of government having no policies and guidelines for standardizing records management functions, absence of appropriate filing systems for both paper and electronic records; cluttered registries without file tracking systems where retrieval of documents is difficult thus slowing government operations and decision making. Unless deliberate measures are undertaken at a policy level to reverse the situation by entrenching excellent records management systems in the public sector as a cornerstone for achieving accountability, efficiency and effective service-delivery public service will remain stagnant and inefficient P. Lihoma (2017).

The nature and dimension that public sector reforms take in Malawi just as in many sub-Saharan African countries mainly involve what is generally referred to as the new public management. New Public Management (NPM) 'refers to a practise whereby the public sector is shaped and driven by private sector ethos and it is run along corporate sector techniques' Edigheji (2008). It is imperative to understand that public sector reforms implemented along the lines of NPM 'have broader implications for... body politics, governance and development' Edigheji (2008). Primarily because the focus of NPM reforms is to enable the state to develop modern methods of doing business to achieve economic efficiency of public sector bodies and in this regard 'instead of the state being responsive to citizens, the reforms promote an agenda that makes the state responsive only to users, clients and customers' Edigheji (2008). It is therefore not surprising that governments undertake Public Service Reforms with the aim of modernizing the public services in

order to inculcate a business culture and eliminate organizational rigidities that undermine public service efficiency. According to Tambulasi, although public sector reforms in Malawi have not explicitly specified alignment with NPM but the nature and form of implementation alludes to the NPM agenda Tambulasi (2010). Before going any further I would like first to look at the history of public sector reforms in Malawi.

The Government of Malawi has undertaken a series of reforms since the dawn of independence in 1964. The first attempts at public sector reforms were embarked on immediately after the attainment of independence Durevall (2002). The focus of these first initiatives at reform were primarily designed to manage the transition from European dominated colonial civil services to one dominated by Africans Chiweza (2010). During the entire period of colonial rule, very few Malawians had attained higher or professional education and consequently very few had been integrated into the senior hierarchy of the colonial civil service. As a consequence of this, at the time of independence, the civil service was mainly run by Europeans with very few Malawians who mostly were holding junior messenger or clerical positions in the civil service. In essence, the colonial public service essentially operated with a cadre of European officers and a parallel native service. These parallel civil service structures of the colonial government 'had very different remuneration packages and conditions of service' Lihoma (2012). At the attainment of independence, 'this parallel staff establishment system had to be dismantled and replaced with a new unified staff establishment' Lihoma (2012). The first reforms were designed to resolve this conundrum of civil service with cost cutting being the goal for efficient service delivery by the civil service as well as implementing other administrative reforms to suit the needs of the post-colonial state.

These first post-colonial government reforms (1964-1966) were largely instrumental in incorporating Malawians into post-colonial civil service and redesigning the administrative function of government. However they were also very devastating in as far as public records were to be managed in the new post-colonial state. The colonial government had systematically 'regulated record keeping in the civil service' through the enactment of the Nyasaland protectorate General Orders first issued in 1920 Lihoma (2012). The general orders 'regulated the creation, use, maintenance and disposition and preservation of public records through regulations on records management' Lihoma (2012). These regulations, 'which were revised in 1922, were incorporated as part of the provisions of the Nyasaland Protectorate General Orders, which were revised from time to time and issued to all heads of departments. Among other important aspects, the General Orders required every head of department to be responsible for all aspects of records management in their departments' Lihoma (2012). The Nyasaland general orders tackled various aspects pertaining to administration of the colonial government and had also outlined 'specific sections that regulated the management of records in the public service' Lihoma (2012). Specifically for records management 'Orders 190-232 outlined detailed steps for

managing public records systematically from classification, creation, use, preservation and disposition' Lihoma (2012). The general orders also specified the actions to be followed to safeguard government records while in the care of any ministry, department or agency (MDA) of the government and also provided the criteria to be followed when the records were due for transfer to the National Archives. Furthermore, the general orders specifically proscribed any deliberate attempts by public officers to destroy government records 'while each head of department was required to ensure that no aspect of the General Orders was violated by his officers' Lihoma (2012). Through the reform process pursued by the first post-colonial government these Nyasaland protectorate general orders were abolished and replaced with 'new regulations, the Malawi Public Service Regulations (M.P.S.R), which came into operation on 15th June 1966' Lihoma (2012). Although the M.P.S.R were essentially a revision of Nyasaland protectorate general orders, on implementation of the new provisions for the 'newly independent nation, an important provision similar to the Nyasaland General Orders 190-232 covering all aspects of records management in the public service was omitted. All the amendments to the M.P.S.R from the 1966 edition to the current 1988 edition have excluded any provision for records management' Lihoma (2017). This omission has proved very costly for the public sector in Malawi because it effectively means that the government of Malawi has been operating without records management policy and guidelines from 1966 to the present. This lack of records management policy guidelines has created huge gap in the management of records in the public sector for all the period of the post-colonial Malawi. It seems the early Malawian administrators were undermining the relevance of records management provisions in M.P.S.R 'due to a lack of appreciation for good record keeping' Lihoma (2017). Sadly this 'perception' of the early administrators still exists in the public service today and has led to worsening 'low standard of records management in Malawi' Lihoma (2017).

Subsequent public sector reforms were undertaken in 1985 with the commencement of Malawi's initial structural adjustment programmes Durevall (2005). The reforms that were implemented during this period mainly were 'primarily aimed at reducing public expenditures' Durevall (2001). In essence the reform measures undertaken during this time can be described as first generation reforms and although necessary 'for macroeconomic stability, these measures had negative effects on the functioning of the public sector' Durevall (2001). Generally the public sector suffered because 'expenditures were cut across the board without systematically addressing the fundamental reasons for the dysfunctional state, such as leadership, accountability, and human capacity deficit' Durevall (2001). The situation remained the same for quite some time with the reforms partially addressing the problems encountered in the public sector. However, with the attainment of democratic governance in 1994 the glaring weaknesses of the previous reforms necessitated the need for other reforms. The newly elected government of Malawi embarked on an ambitious civil service reform. These reforms were implemented with support from World Bank and

donor community. The government of Malawi immediately introduced new structural adjustment programme in 1995 which 'provided an impetus for many of the public-sector reform efforts that the country has been undertaking' Tambulasi (2010). There were several reforms that were executed as part of this initiative and these encompassed 'decentralisation, downsizing, rationalisation, privatisation, user fees and cost recovery, salary structure reforms, private-public partnerships, capacity building, better public expenditure management, increased use of digital technology and a shift to performance contracting' Tambulasi (2010).

The latest wave of reforms in Malawi was initiated by the current government and was launched by President Peter Mutharika in February 2015. The reforms have been touted to address the public sector institutional malaise which threatens to undermine service delivery. The objectives of the current reforms clearly follow the NPM path because not only are the reforms targeting improving public sector effectiveness in spearheading 'socio-economic development to reduce poverty' Public Service Reform Commission (PSRC) report (2016). But also the 'reforms are undertaken so that the public sector can respond effectively to the needs of the private sector. The private sector is considered as the engine for economic growth, wealth creation, poverty reduction and a better quality of life for the citizenry' PSRC report (2016). According to Blessings Chilabade the principal secretary for public sector reforms unit, the main thrust of the current reforms effort in Malawi is to ensure reforms are sustainable and achieving the desired national goals Mpaka (2015). Among other things the reforms were focusing on integrated service delivery. The objective was to enable citizens and customers have a 'single access point to government information and service transactions under one roof, leading to enhanced service delivery' Mpaka (2015). To this end, the commission headed by the vice president was very vibrant and initially set out to do a situation analysis whereby the 'Commission reviewed the available documentation in order to appreciate the challenges being faced in the Malawi Public Service, conducted Stakeholder Consultations/Engagement as well hold round table discussions to obtain inputs from different stakeholders and through a press release requested inputs from the general public PSRC report (2016). The Chairperson of the Commission also held consultative meetings with MDAs, and representatives of multilateral and bilateral Missions in order to identify quick win reforms and to consider the roles that each of these organizations can play in the Public Sector Reform process PSRC report (2016). At the end of the process the current reforms commission came up with 15 recommendations which they submitted in a report to the President.

Among the notable recommendations relating to records management included one on the need for public sector bodies to embrace Information Technology as a means of improving efficiencies and modernization MPSR report (2016). The Commission noted that 'MDAs were behind in the utilisation of information technology as a tool to improve service delivery both internally and externally therefore the commission recommended that the department of E- Government, in the Ministry of Information,

should be one of the pioneer MDAs in pursuing reforms that facilitate accelerated absorption of IT within the public service, as a vital tool for efficient service delivery in today's technologically driven world' MPSR Report (2016). It is very poignant that a reform area that pertains to electronic records management there is no mention of the National Records and Archives as a stakeholder in the management of electronically generated records. Furthermore, this omission whether inadvertently done seems to overlook governments own initiatives in the past to manage the electronic records properly. The failure to embrace absorption of the IT within the public service is more to do with failure to provide financial support towards government own initiated programmes.

The government of Malawi through the office of the president and cabinet issued a circular, Ref No: CS/S/001, dated 29<sup>th</sup> April, 2010 to all ministries and departments directing that all government establishments should introduce electronic recordkeeping systems as one way of protecting and preserving important government records from any disaster, or deliberate criminal or possible destructive behaviour by some individuals, and to avoid permanent loss of information. Furthermore, government directed that controlling officers should ensure that all paper based records should be captured into digital format and that backup copies should be securely stored at the respective headquarters and other two alternative safe places including the National Archives of Malawi as part of disaster preparedness. The national archives of Malawi in line with its mandate of providing leadership and guidance in records management as provided for under the National Archives Act, issued guidelines to help public institutions on how to proceed with digitisation programme. And as part of monitoring compliance of government directive and promoting good digital preservation and electronic records management the National Archives of Malawi in conjunction with the department of E-government undertook periodic visits to all public establishments and offer professional guidance on the digitisation process. But to date no tangible evidence of digitized records by various government bodies exist because apparently the government issued the directive without correspondingly providing the necessary funds to ensure government MDA's complied with the directive. In some instances government agencies when visited by National Archives to monitor progress on the implementation of the Digitisation directive was astonished to discover disturbingly that most agencies feigned ignorance of the existence of the circular while others simply lamented lack of funding to carry out the directive.

The principal secretary for Culture who was responsible for National Archives also reiterated the problems with regard to electronic records in 2012, two years after the chief secretary's circular. In his circular to all government departments he lamented the poor state of record keeping in government in general and in particular highlighted that 'most institutions do not have integrated records management systems in place. Institutions acquire computers and software without due regard to recognized electronic recordkeeping requirements and preservation of records in digital format' circular NA/RM/3/3/45 (2012). He further lamented the fact that 'there were no established procedures for filing, care, and disposal of electronic records.

Consequently, officials tend to individualize the management of electronic documents/ records on their desktops, laptops, flash disks, CDs, and other storage media which have no guarantee to the security and lifespan of the records' NA/RM/3/3/45 (2012). This situation still remains a challenge in many public offices and has created huge information gaps evidenced by numerous records surveys conducted by the National Archives in some public offices which reveal that public officials 'rarely print copies to file, and vital records/ information cannot be traced. There are no controls to the disposal of such records as they are kept in individual officers file folders' Circular NA/RM/3/3/45 (2012).

The situation highlighted above is not limited to electronic records only but also extends to the management of paper records too. Despite the fact that the public sector in the country predominantly depends on the use of paper records for almost all its activities, the management of paper records leaves a lot to be desired. A number of studies, press reports and experiences indicate that record keeping in the Malawi public service is poor Mpaka (2016) Mhango (2015) Chimjeka (2015) Gondwe (2015). In a Circular of 7<sup>th</sup> May 2010 to all Principal Secretaries and Heads of Departments, all Chief Executive Officers of Parastals and Subvented Organisations, the Registrar of the Supreme and High Courts of Malawi, and the Clerk of Parliament, the Chief Secretary to the Government noted with concern increased deteriorating standards in the management of records in most public institution Circular ADM 316 (2010). This worrisome situation has not changed nor improved to date and the state of affairs have actually worsened as evidenced by yet another Chief Secretary's Circular of 17<sup>th</sup> March 2017, which deplores the poor records management in the public service. Particularly the chief secretary was concerned with 'the missing of files and documents during audits conducted by the National audit office'. The Circular noted with concern that 'government offices were failing to maintain proper filing and keeping records to make them available for audit' Circular ref: 15/15/2 (2017). In addition to failing to maintain proper filing systems in recent times the circular also bemoaned several instances where fires have mysteriously occurred in some 'government offices which destroy valuable records and shows just another example of lapses in security of government records' Circular ref: 15/15/2 (2017).

This observation is in tandem with the circular issued by secretary for culture in 2012 which scathingly states 'that most government officials in Malawi have lost confidence in the formal registry system where recordkeeping functions are normally handled. This has resulted into dysfunctionality of registries and senior officials have resorted to creating parallel registries in their offices' circular NA/RM/3/3/45 (2012). The principal secretary further bemoaned that 'most offices do not have proper filing and file tracking systems for their records neither do they have records retention and disposal schedules which has resulted into the accumulation of valueless records' circular NA/RM/3/3/45 (2012). He further lamented the fact that 'there are rampant cases of missing files such that vital and strategic records get lost or destroyed due to poor storage coupled with negligence by responsible officials. There is also a

growing tendency of dumping files in storerooms, warehouses, office corridors, ceilings, and mixing strategic records with obsolete and other undesirable items' circular NA/RM/3/3/45 (2012). Some of the observations made by the Principal Secretary in his circular are surreal to be true but indeed this is the sad reality of record keeping in the public sector in Malawi.

From the foregoing one clearly notices the dysfunction that is currently prevailing in records management in the public sector in Malawi. Regrettably, it is no secret that even though there have been reforms implemented in the public sector; most public institutions are still grappling with the effects of poor record keeping. Furthermore, even after the current reforms were inaugurated and several organisations undergone the reform process to improve service delivery several malpractices pertaining to poor recordkeeping have been reported. For instance the Malawi electoral commission (MEC) was embroiled in financial malpractices. An audit report revealed MEC had failed to persuade the ministry of finance to accept its justifications on how it transacted about K1.6 billion tax payers' money between July 2012 and December 2014. A special investigative audit of the commission conducted by the ministry of finance revealed gross financial mismanagement and flouting of procurement and staff recruitment procedures Mkandawire (2015). Similarly, another audit of the payroll at the ministry of education uncovered 'systematic' manipulation of the records to insert on the payroll ghost workers. Some observers even alleged that the 'pilferages were going on as if there were no reform processes in place or under implementation' Chimjeka (2015). The report exposed that public officers in the Government were seizing opportunity through the poor record-keeping system in ministries to manipulate payroll data and insert ghost workers on the Government payroll. For instance, a civil servant working for a certain department can create five bank accounts across the country working for several ministries/departments where various positions are created for him such as extension worker stationed in Chitipa District, Accounts assistant stationed in Ntcheu District. The civil servant will collect his numerous salaries from his bank accounts and share with his accomplices Chimjeka (2015). This audit report on the ministry of education raised issues of serious abuse of state resources 'requiring further follow up by accountability institutions if the public sector reform agenda is to be meaningful and not mere rhetoric' Chimjeka (2015).

Records management is very fundamental to public governance and 'effective records management improves service delivery, supports efficient information exchange, facilitates evidence based policy making, encourages accountability and improves decisions and knowledge management across sectors of government' Kemoni and Ngulube (2007). Therefore at the heart of public governance and accountability is the availability of information. Consequently any plan towards improving service delivery in the public sector or reforming the administrative and governance functions in government should ideally include information and records management because information management is 'fundamental to business activity'



Kemoni and Ngulube (2007). Accordingly, it can be categorically stated as Nwaomah argues that 'the absence of information can cripple the planning and decision making process of management' Nwaomah (2015). Despite the importance attached to records management and the crucial role information and records play, it is surprising that the public sector reforms historically undertaken in Malawi have skipped in some cases completely overlooked records management.

Perhaps, a question would be what is the National Archives of Malawi doing to address the challenges of poor record keeping observed in the public sector? The answer to that question is very simple and inconceivable in the sense that the main setback to the operations of the National Archives of Malawi is financial limitations. Most of the National Archives programmes have not been implemented successfully in the past because the levels of funding have only been sufficient to support the administrative functions alone like payments of utility bills, fuels and other support while the rest of the technical operations have suffered to the detriment of recordkeeping management in the public sector. The main challenge for inability of the Archives to secure funds for its activities in recent times has been that when it comes to evaluation of the activities of the National Archives budgets by the treasury, it is very difficult for resource allocators to appreciate and consider the functions of the National Archives as a priority. Most activities have been overlooked because of their inability to forecast revenue generating potential to the government. However management has tried to seek audiences with authorities to unlock the funds from the treasury. For instance on 17<sup>th</sup> June 2005, management took unprecedented step to write a memo directly to the state president on the poor state of records management in the public sector and the need for increased funding to improve the situation on the ground Memo ref MHQ/CUL/05/01. The president noted the concerns and instructed the minister to factor the concerns into the budget for that year. However, when the budget was approved there was a very nominal increase to the funding.

On the one hand, the current reforms process may significantly improve the operations of the National Archives of Malawi because a functional review of the operations of the department of culture recommended that the department be split into three. One of the departments to emerge from the split will be the Department of National Records and Archives Services. The functional review was conducted in 2011 and the recommendations of the review were presented to the public service reforms commission where they were approved. With that approval all the necessary processes were undertaken and now the Department of Culture is split into three directorates namely; Arts, Museums and Monuments, and the National Records and Archive Services, Ministry of Civic Education, Culture and Community Development (MoCECCD) progress report on reform areas (2017). The establishment warrant was granted and the Ministry is currently in the process of internally recruiting staff for the aforementioned directorates MoCECCD progress report (2017). It is envisaged that this change may eventually lead to improvement in the operations of the National Records and Archives Services.

On the other hand, however, structural reform changes like this splitting of the department of culture runs a risk of being seen on its own merit as an achievement without necessarily improving the services delivery of the institution. If the unbundling of the department does not transform to increased resources to enable efficient operations of the newly created departments the split will only be in the name and structure of the institution with little tangible benefits. According to Chirombo the problem is that we are focusing on restructuring the institutions while ignoring the role of systems Chirombo (2015) As such the reforms may even change nothing, because while the focus is reforming the institutional structures which may lead to increases in structural performance perceptions but other systems within the reformed institutions will continue to behave as usual because there have been no corresponding efforts to reform these systems. For instance, if you only concentrate on reforming the managerial structure of the institution without corresponding effort towards reforming information management of the institution you may end up with a scenario where you have excellent managerial structures for all intents and purposes but still have persistent poor records management systems making a mockery of the management restructuring and reforming process.

As previously noted that Malawi Public service reforms focus on service quality as part of the general direction of public sector management reforms, namely to improve the responsiveness of public sector institutions by requiring and encouraging a greater emphasis on performance or results. However that requires robust and improved management of information to meet the needs of users, clients and consumers. The clients and consumers of public services because of the assurances advocated by reform process that once reformed the public service will efficiently and effectively serve them. They expect to be involved and have more say in the manner in which the public services are delivered and expect more from public bodies that have undergone reforms especially when it comes to service offering to the general population. Ideally, reforms should be a challenge for information management because of the promises made about the benefits for reforms, the citizens are astutely aware and have increasing interest in measuring performance of public bodies that have undergone reforms. According to Mchulu, public sector reforms require greater transparency from reformed public bodies and high ethical standards on the part of public officers responsible for the delivery of services Mchulu (2015). The recipients of the public services will expect more information and redress when things go wrong. All this will require efficient information management so that the citizens and users are better informed about standards and trends.

## **Conclusion**

From the preceding discussion, a few conclusions can be drawn. Firstly the public sector reforms should incorporate review of the records management policies and guidelines in order to strengthen and promote better management of public records. The National Records and Archives service is the fulcrum and the lead agency in terms of provision of guidance and promotion of sound and proper records

management in the public sector. Therefore government should strive to empower the institution to effectively carry out its functions as currently there has been consistent under-investment in the National Archives activities by the national treasury for the past few years. Substantial investment of funds will ensure improved records management by intensifying supervision and carrying out regular records management inspections, production of updated file classification systems and records management procedure manuals.

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