

THE STATUS OF DECENTRALISATION IN MALAWI.

Report Prepared by:

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EXECUTIVE SUMMARY

The study was commissioned to assess the status of the decentralization processes in Malawi, with the overall objective of achieving a more intensive advocacy for, and active involvement in decentralization by Civil Society Organisations (CSOs). This was done mainly to achieve the following specific objectives:

- Identification of the key milestones reached, challenges and gaps in the process of decentralization in Malawi; and
- Identification of areas where CSOs can take part in the entrenchment of decentralized mode of governance

Findings - legal framework:

- The Decentralization Policy and institutional reforms are founded on a very strong legal framework, which is jointly provided for in the Republic of Malawi Constitution Act (1995) and the Local Government Act (1998). The problem, however, is that some of the provisions of the Local Government Act 1998 are incompatible with a number of existing laws. Despite recommendations for the amendments of such laws, they are yet to be passed by the country's legislature. The delay is, in many ways, affecting the pace as well as the tempo of the implementation of the decentralisation policy and institutional reforms.

Politics

- One of the key outcomes of the Decentralisation Policy has been the merger of the two parallel institutions of local governance that had existed from independence, namely the district councils and district administration structures, into District Assemblies. These are mandated to make policy and decisions on local governance and development. Overall, the study findings, however, reveal higher levels of reluctance for the real devolution of political power from the centre to lower levels of government. In particular, a high level of executive intervention in local level politics and policy making has also served to undermine the ability of the local authorities to operate effectively and take centre stage in local decision-making. As a result, instead of Assemblies assuming the role of autonomous decision making bodies at the district level, they are mostly functioning as implementing agencies for central government.

Fiscal Decentralisation.

- Fiscal decentralisation under the Policy involves a ceding of government non-tax revenue collection and use from central government to District Assemblies. However, government is yet, as of February 2003, to cede, without exception, any of the non-tax revenue provided for in the Decentralisation Policy. As a result, most Assemblies have struggled to undertake any meaningful development projects or to fulfil their legal functions and responsibilities.

Institutional Capacity:

- The merger of the previous political and administrative district focus initiative adopted by the Decentralisation Policy has led to the creation of new political and administrative institutional structures at the local level, the main one being the District Assemblies. However, generally, the findings reveal a very limited capacity in most of the new decentralised institutions, largely due to financial and human resource and capacity constraints, as well as little adherence to the operational requirements of the majority of the institutions.

Sectoral Devolution.

- Not many sectoral authorities have decentralized functions to the local Assemblies. This has been in part due to the failure by the sectoral authorities to come up with specific sector devolution plans, exacerbated by the failure by government to amend a number of existing laws on which the majority of the sectoral ministries are currently operating. Subsequently, those sectors that have at least decentralized some functions to districts have done so mainly on the basis of their own initiatives and not as demanded by the Decentralisation Policy.

Local Economic Development.

- Local economic development in the decentralisation Policy is built on the premise that the decentralisation of power and authority, and not the centralisation of the same, provides the ideal governmental/organisational arrangement to promote socio-economic development. However, the study findings reveal that most local Assemblies generally lack capacity to effectively support development efforts in their respective areas of jurisdiction. This is largely due to the fact that the responsibility over promotion of local economic development has not been followed by a meaningful devolution of real authority and policy-making powers to the local authorities. In addition, resource scarcity also constrains the operations of the DAs to a very large extent.

Civil Society.

- The decentralisation process has generally widened the potential and scope for civil society engagement and involvement in the policy process for better governance and service delivery. However, although the political changes have created an environment whereby CSOs can and have, flourished, the evidence from the study shows very little civil society engagement in the decentralisation process. Although a number of CSOs are working on areas that complement the responsibilities and functions of the decentralised institutions, there has simply been very little coordination between CSOs and the local government institutions. Because most CSOs have had to operate in the absence of decentralised institutions between 1994 and 2000, the majority do not have any specific policies on decentralisation. As a result, although most are generally supportive of the efforts to bring decision-making authority down to lower levels, they are generally reluctant to become part of the process themselves.
- Ultimately, the greatest scope for civil society engagement in the decentralisation process is provided for in the local government elections. However, a very low voter turn out in the November 2000 local government elections suggests that there is very little popular enthusiasm for local government. The electoral process itself has also highlighted the fact that a number of significant groups, in particular, women, are being sidelined from the electoral process.
- Because the decentralisation process in Malawi is still in the process of being implemented, there is an opportunity that the challenges and constraints can be addressed in the interim so that the final outcome can be a better system of local governance.

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1.0 INTRODUCTION.

1.1 Study Objective.

This status report on the Decentralisation Policy in Malawi, is part of a broader Regional Research Project on Decentralisation within the SADC region, whose overall objective is to achieve a more intensive advocacy for, and active involvement in decentralization by Civil Society Organisations (CSOs). The project, which is being

coordinated by the Local Government Centre (LGC) within the Institute of Democracy in South Africa (IDASA), covers seven countries, namely, Lesotho, Malawi, Mozambique, Namibia, Tanzania, South Africa and Zimbabwe. This report, which is prepared by the Centre for Social Research (CSR) at the University of Malawi, identifies the key milestones reached, challenges and gaps in the process of decentralization in Malawi and identifies areas where CSOs can take part in the entrenchment of decentralized mode of governance.

1.2 Specific objectives

It is envisaged that the results of the research study would serve three specific purposes:

- To facilitate targeted civil society organisations (CSOs) use of a broader knowledge base for monitoring the implementation of national strategies on decentralisation;
- To provide learning processes on how best to advance decentralisation in favour of the poor, promoted by a regional network of CSOs; and,
- To provide a solid base of knowledge, experiences and lessons to help decide whether and how a future regional project on decentralisation should be carried out.

1.5. Methodology.

The methodology adopted for this study comprised of two main elements - interviews with key stakeholders, including personnel at the Local Government Secretariat, and a review of existing literature and studies on the decentralisation process in Malawi. This work was undertaken during the month of February 2003 , .

2.0 OVERVIEW OF DECENTRALISATION IN MALAWI

Although Malawi's decentralisation process has received a renewed pre-prominence in recent years following the adoption of a new Decentralisation Policy in 1998, the concept itself is not necessarily new to the country. Instead, Malawi's history of decentralisation can be categorised into three distinct phases:

2.1 The Colonial Period (c 1891-1963).

Between 1891 and 1963, the British colonial administration in Nyasaland, as Malawi was then called, built up a system of local government which centred around the colonial policy of indirect rule. Under this system, the office of the District Commissioner (DC), who was the executive head of all government field services at the district level, was charged with responsibilities over all aspects of local administration, police and security, justice, finance and tax collection (Chiweza, 1998). In addition the colonial administration also incorporated chiefs and traditional leaders, who were answerable to the DC, to assist in some local functions such as tax collection, maintenance of law and order and administration of local justice.

The system of local governance was transformed in 1953 when the colonial administration, through the enactment of the Local Government (District Council) Ordinance of 1953, replaced Chiefs with District Councils, with representatives elected on a widely based franchise. Apart from taking over the functions hitherto exercised by the Chiefs Councils, the functional mandate of the new district councils was increased to cover local education, district roads, public health, customary land and forests. The extension of the mandates of district councils corresponded with the broadening of their revenue bases to enable them meet their increased responsibilities.

2.2 The single party era (1964 - 1994).

The attainment of independence from British colonial rule in 1964, and the adoption of a one-party system of governance that followed, brought with it major changes to the local government system and structure in Malawi. The approach pursued by the new administration of Hastings Banda and his Malawi Congress Party (MCP), like in most of the newly independent African countries, was to view a heavily centralised mode of decision-making as a key to rapid socio-economic advancement (Olowu, 2000). As a result, the district councils were gradually eroded of their autonomy and progressively divested of their powers, functions and responsibilities. Because of the increased responsibilities and functions assumed by central government, most line ministries and were compelled to deconcentrate and increase their presence at the district level.

Further changes to the local government system were made in 1967 when government established the District Development Committee (DDC) planning system, which operated in parallel to the existing local authorities. The DDC structure, which had sub-branches stretching to the village level, was designed to act as a conduit of development needs identified at the village level for consideration in the broader district development plans. The creation of the DDC institutional structure meant that district councils were dispossessed of the function of playing a big role in district development planning and were instead left with the responsibility of providing social amenities and services such as postal services, home craft training for rural women, entertainment and accommodation facilities.

Given the very high levels of centralisation, and the totalitarian nature of the Banda regime, the relationship between the state and civil society organisations (CSOs) started off with the latter being incorporated into the one-party political structures. Gradually, the autonomy of CSOs was steadily and progressively undermined and weakened as the MCP assumed most of their functions. Ultimately, the relationship between government and civil society remained, one of "mistrust, fear and dishonesty" Mbeye (1998).

In 1990, however, a joint Malawi Government and United Nations Situation Analysis of Poverty in Malawi revealed a number of weaknesses in the DDC framework for implementing rural development interventions. In particular, the analysis observed that Malawi's development performance, despite the impressive gains made in the early years of independence, was in rapid decline, and that this necessitated a review of the processes and structures of local government. On its part, the Malawi government, responded, through the Statement of Development Policies (DEV POL 1987-96), by embracing a policy of selective decentralisation, which would reduce government intervention and make districts focal points for development planning and implementation.

2.3. Local governance in the multiparty era (1994 -).

Before the recommendations for selective decentralisation could be fully implemented, however, Malawi underwent momentous political changes in the early 1990s, which brought a new dawn of multi-party democracy following a referendum 1993. In the elections that followed in 1994, a new political party, the United Democratic Front (UDF), led by Bakili Muluzi, emerged victorious. At the same time, the country adopted a new Constitution, which, among many issues, advocates for the devolution of administrative and political authority to local government. Guided by this new constitutional order, the new government embarked on a comprehensive review of the system of local government leading to the enactment of a new Local Government Act in 1998 and the adoption of a new and comprehensive Decentralisation Policy in October of the same year. The responsibility of operationalising the decentralisation policy has been vested in the Department of Local Government, who have developed a National Decentralisation Programme (NDP) to act as both a resource mobilisation and as an implementation guiding tool. Operating under a technical Cooperation framework, it is envisaged that the operationalisation of the NDP will cover a period of five years between 2001 and 2004" (GOM, 2002).

3.0. MALAWI' S DECENTRALISATION POLICY.

3.1 The new Decentralisation Policy and the Legal framework.

In October 1998, the Malawi government adopted a new Decentralisation Policy (Appendix 1) which advocates for the devolution of administrative and political authority to the district level. The underlying principle of the Policy is to place local authorities at the centre of planning and implementing district-specific projects.

The legal framework for Malawi's new Decentralisation Policy is provided for in two main pieces of legislation: the Constitution of the Republic of Malawi Act (1995), and the Local Government Act,(1998). The Constitution has a specific Chapter (Chapter XIV) dedicated to Local Government and sets out its roles and functions, which include the representation of people over whom they have jurisdiction, for their welfare and:

- a) The promotion of infrastructural and economic development, through the formulation and execution of local development plans and encouragement of business enterprise;
- b) . The presentation to central government authorities of local development plans and the promotion of the awareness of local issues to national development.
- c) The consolidation and promotion of local democratic institutions and democratic participation.
- d) Such other functions, including the registration of births and deaths and participation in the delivery of essential local sendees.

The Constitutional framework is further backed by the Local Government Act (1998), which provides a detailed legal status for the decentralisation process. In addition, the Act also elaborates on the functions and responsibilities of the local authorities.

Given this strong constitutional and legal framework, the decentralisation process in Malawi is, at least on paper, based on a very strong legal foundation, with institutional structures invested with statutory powers and duties imposed on them by law. The Constitutional and legislative basis means that the fundamental elements of the local government system cannot be changed without amending the Constitution.

Although both the legal framework ostensibly provides for the existence of functionally autonomous, democratic and authoritative local governments, the success and actual realisation of the decentralisation initiative is very much dependent on the government's political will and commitment to the process. This is especially highlighted by the fact that although the Constitution, which has the status of the supreme law of the land, provides for the establishment of the Local Government institutions and structures, the country operated without elected Assemblies for a period of six years between 1994 and 2000. It was only in 1998, after parliament enacted the Local Government Act, that there was some movement in the establishment of some of the major institutions of local governance. This was followed later in November 2000 when the first Local Government elections were conducted in the new democratic era. A lack of political will to translate the legal requirements into reality therefore delayed the creation of an enabling environment to make the envisaged local government system fully functional.

The full realisation of an effective local government system, the legal framework notwithstanding, has been further undermined by deficiencies in the Local Government Act itself. Specifically, while the Act deals with great detail on functional issues of local government, it does not adequately spell out the institutional relationships between the Local Government Ministry, line .ministries and the evolving local government structures (Kamanga, 2002). This has created confusion and problems in the process of institutionalising the decentralization policy initiative. As a result, the few decentralisation attempts that have been made have often been inconsistent, and at best, ad hoc and often operating on different policy frameworks. This is clearly illustrated in the Ministry of Health, where decentralisation efforts have been operating, not according to the devolved demands of the current Policy, but rather, on a 1988 in-house initiative focussing on the deconcentration of administrative services to regional offices.

The full realisation of a number of the activities proposed under the current Decentralisation Policy has also suffered due to the failure by government to amend a number of existing laws to bring them in line with the decentralisation process. The delays in amending the relevant laws have ultimately meant that some proposed activities under the Decentralisation Policy cannot be fully implemented. Table 1 below lists some of the laws that currently have inconsistencies with the Local Government Act:

Table 1: Existing Acts Recommended for Review.

1.	The Education Act
2.	The Business Licensing Act
3.	The Birth and Death Registration Act
4.	The National Youth Council of Malawi Act
5.	The Marriage Act
6.	The Censorship and Control of Entertainment Act
7.	The Control of Diseases of Animals Act
8.	The Public Roads Act
9.	The National Roads Authority Act
10.	The Public Health Act
11.	The Town and Country Planning Act
12.	The Land Act
13.	The Petroleum Act
14.	The Explosives Act
15.	The Regional and District Boundaries and Places Names Act
16.	The Local Government Service Acts and
17.	The <u>Chiefs Act</u> _____

Source: Decentralisation Processes in Malawi, 2000 p. 15

Given that it was only in late 2000 when Malawi undertook its first local government elections based on the new Decentralisation Policy, it is perhaps too soon to judge the impact of the current form of decentralisation on local communities. However a study on the impact of the decentralization processes by Chinsinga and Dzimadzi (2001) found that in the main, local communities do not have adequate understanding of the concept and process of the decentralisation policy, institutional reforms and their implications on grassroots development-planning and implementation. In addition, the study found that most communities exhibit a lack of knowledge on the roles and responsibilities of existing local government support structures. Thus despite the Policy's stated aim of promoting popular participation in the governance and development of districts, the available evidence does not appear to point towards a full realisation of this goal.

A complete realisation of the decentralisation process in Malawi, the legal framework notwithstanding, therefore requires a speeding up of the legislative process, not only to sustain the momentum of the process, but also to create the requisite legislative environment for the full implementation of the decentralisation policy and institutional reforms. There is also need for civic education campaigns to sensitise local people on the on the roles and functions of local government to make the decentralisation process real and relevant for them. Civil Society Organisations can play a big role in this to assist in the full realisation of the stated objectives of the Decentralisation Policy by advocating for the full and timely implementation of the provisions on local government as set out in both the Constitution and the Local Government Act. In particular, CSOs can help in the implementation of the Decentralisation Policy by lobbying for greater political commitment to the decentralisation process and by advocating for the passage by parliament of the relevant laws required to make the decentralisation process complete. CSOs, particularly those involved in advocacy and civic awareness, can also play a key role in entrenching the local democratic process by undertaking civic education campaigns on decentralisation.

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3.2 POLITICS.

Decentralisation refers to a set of policies that determines the fiscal, administrative and political reorganisation of government. It also entails a process whereby authority and responsibility for public functions are transferred from higher to lower level government.

One of the key outcomes of the Decentralisation Policy has been the creation District Assemblies, which merge the previous district councils and the district administration structures.² This new body is in turn mandated to make policy and decisions on local governance and development, to bring down the focus of development planning and execution from central to local government.

In November 2000, six years after the ushering in of multi-party democracy in Malawi, the first local government elections took place to establish the District Assemblies in the country's 39 district, town, city and municipal Assemblies. These were followed by the creation of other institutions of local governance at the district level, which has gone some way towards the real devolution of political power from the centre to the district level. On its part, central government is mandated to provide support to the District Assemblies in the form of policy guidance, financial and technical assistance. Under this arrangement, line ministries will retain responsibility over the following areas:

- Policy formulation
- Policy enforcement.
- Inspectorate and establishment of standards.
- Training and curriculum development.
- International representation.

However, despite the shift in focus from central government to district decision-making, there are signs that the centre is still resistant to the real devolution of decision making authority (Chiweza, 1998). In the first instance, the initial five-year delay in the conduct of the Local Government elections meant that, in the absence of District Assemblies, the district-focus initiative was operating on a partial basis.

The near universal problem of insufficient funding for the Assemblies has also meant that most local authorities continue to be heavily reliant on central government subvention to fulfil their functions and responsibilities. As a result, instead of Assemblies assuming the role of autonomous decision making bodies at the district level, they are mostly functioning as implementing agencies for central government.

A high level of executive intervention in local level politics and policy making has also highlighted the limited nature of the real devolution of political power to the local authorities. In particular, President Bakili Muluzi, continues to tour the length and breadth of the country and frequently directs Ministers and senior government officials to undertake development projects usually on the spot, and without consulting and ascertaining whether these are in line with the broader plans of the Assemblies. The creation in March 2003 by the presidency of a new Ministry of Economic Planning and Development, which has been given overall responsibility for the development of national development plans and overseeing their implementation³ has also greatly undermined real devolution of political power from central to local government as envisaged by the Decentralisation Policy. Ultimately, local Assemblies are simply required to reflect in their plans the national development plans, which are drawn with very little consultation with them. Thus much as local authorities are empowered to make policy and decisions on local government and development planning, it is ultimately central government which continues to make and implement development policy and substantive decisions at the local level.

² The Local Government Act establishes 39 'District' Assemblies, which also include city, town and municipal assemblies, across the country.

³ see Nation Newspaper, March 13th, 2003, 'Bingu Promises to Deliver', pg. 1s.

Another area where the machinations of politics has overshadowed the real devolution of political authority has been in the area of recruitment of Assembly staff. While the 1998 Act invests the powers of recruitment of Assembly secretariat personnel to the Assemblies themselves, this responsibility has in practice been usurped by the state President. The extent to which such presidential interventions undermines the capacity of Assemblies is highlighted by events in the Lilongwe City Assembly. In this particular case, the relationship between the Chief Executive, Donton Mkandawire, and the majority of the Lilongwe Assembly councillors has been so ill-tempered to the extent of halting the activities of the Assembly a number of times. However, despite the wide reporting of this problematic relationship, President Muluzi still renewed Mkandawire's contract for a further three years in February 2003. This highlights the dilemma in the decentralisation set-up, which on one hand claims to hand over authority to Assemblies, while in reality, some of the important functions continue to reside in the head of state who has shown a greater capacity to make decisions based on purely political grounds⁴.

The authority of the local government institutions, in particular, the Assemblies, has also been undermined by a lack of popular public enthusiasm for local government. This was especially noticeable in the very low voter turn out at the inaugural local government elections in November 2000. While the turn out at the two parliamentary and presidential elections in 1994 and 1999 was exceptionally high, averaging over 90% in both cases, the average voter turn out in the 2000 local government elections was a very low 14 percent⁵. This lack of public commitment has ultimately deprived most local authorities popular mandate in the course of undertaking their functions and responsibilities.

The next local government elections are due in May 2004, which are planned to take place simultaneously with presidential and parliamentary elections. Other than the elections themselves, there do not appear to be any other mechanisms to influence citizen participation in politics at the local level in between elections. Apart from direct pressure, there are no mechanisms or avenues to enable local people check the performance of their elected local assembly representatives. Ultimately, this has meant that Assembly members are shielded from popular pressure and influence, enabling most to put self interest and that of their respective parties above those of their constituencies the majority of elected representatives who, once elected, put self and party interest which in the majority of cases has been in conflict with those of the electorate.

The realisation of some of the major objectives of the Decentralisation Policy therefore requires intensive lobbying of government to honour its obligations to the process by devolving real power and authority to the local authorities. Civil Society Organisations in particular can play a big role by advocating for more political commitment to the decentralisation process to check the usurpation of power from local authorities by the national leadership. The spaces created for civil society engagement (see section on civil society) in the operations of the decentralised institutions can also be exploited by CSOs to ensure that the institutions of local governance are operating within the Policy framework and in the interests of the local masses.

3.3 FISCAL DECENTRALISATION.

In many ways, the success of political and administrative decentralisation is dependent on the success of fiscal decentralisation. In the Malawi Decentralisation construct, fiscal decentralisation envisages a ceding non-tax revenue collection and use from central to local government. However, central government still retains a key role in the distribution of this ceded revenue, which is to be centrally collected for later redistribution to the Assemblies. Non tax revenue that is to be ceded to the local governments includes:

- Toll fees.
- Gambling and casino fees.

⁴ See *The Nation* Newspaper, February 13, 2003, 'Councillors Seal Assembly Offices.' Pg. 1

⁵ Malawi Government Gazette, 2,541 A, Vol. XXXVII No. 2, December 29th, 2000.

- Fuel levy/fee (Road maintenance levy).
- Motor vehicle registration fees,
- Industrial registrations fees.

The non-tax revenue as a source of revenue for the Assemblies is to be complimented by a direct transfer of funding from central government of at least five percent of national revenue, as well as grants to Assemblies to be used for district development. In addition, local Assemblies are also mandated to raise revenue from local sources, namely:

- a) Property rates.
- b) Ground rent.
- c) Fees and licenses.
- d) Commercial undertakings, and
- e) Service charges.

The main step towards the realisation of fiscal decentralisation has been the creation of the National Local Government Finance Committee (NLGFC), a body which is mandated to facilitate both vertical and horizontal inter-governmental fiscal transfers and also act as a regulator on the financial matters of the District Assemblies. However, other than the creation of the NLGC, there has been very little progress in the area of fiscal decentralisation thus far. As a result, the realisation of fiscal decentralisation is faced by a number of challenges and constraints which include:

- i. **Financial constraints and increasing demands:** despite the provisions for the ceding of nontax revenue, government is yet, as of February 2003, to cede, without exception, any of the non-tax revenue provided for in the Decentralisation Policy. At the same time, a sluggish economic performance coupled with suspension of donor budgetary support has resulted in a decline of central government transfers to local authorities. As a result, most Assemblies have struggled to fulfil their legal functions and responsibilities. In a number of cases, this poor cash-inflow has made it difficult for the Assemblies to pay their staff and fund their sittings, to the extent that a number only meet at very irregular intervals. This has affected the way that Assemblies work as forums for discussion of local development initiatives, which has in a number of instances resulted in central government stepping in to assume this role.
- ii. **Human capacity constraints:** A second problem undermining fiscal decentralisation has been due to the difficulties most Assemblies have faced in attracting appropriate levels of qualified staff. In particular, most Assemblies have had to operate without Directors of Finance, at least until the last quarter of 2002 and have as result, lacked leadership in financial management. Although there has been a concerted drive to recruit key staff for the District Assemblies of late, only ten Assemblies had a Director of Finance by end October 2002. And this effort notwithstanding, two Assemblies were still operating without a Director of Finance by end December 2002, and none had a Deputy Director of Finance (GOM, 2003). At the same time, there has also been very little progress made in filling the positions of Internal Auditors, with vacancies for this position in half of the Assemblies (19) as of December 2002. The delays in filling these two positions of Directors of Finance and Internal Auditors has led to problems in the timely submission of financial reports as well as the existence of backlogs of unaudited financial accounts.
- iii. **Inadequate facilities:** The weak financial base of most Assemblies has also meant that a number are constrained in terms of equipment, particularly information management systems, and other physical resources. Although a computerised Integrated Financial Management System was installed in six, the majority of Assembly financial records are maintained manually, which contributes to a very slow retrieval of information and compilation of financial reports, thus affecting the effectiveness and pace of Assembly functions.

Fiscal Decentralisation has also posed significant challenges for some of the poorer local authorities, especially those in the rural areas, and hence, capacity to undertake their functions and responsibilities. Due to the relatively very weak economic base in rural areas, most rural authorities do not have credible taxable services and activities, such that even in the context of real devolution, they would still not be able to raise a lot of revenue from local sources. This fear has been clearly espoused by van Donge et al. (2000), who observe that the decentralisation process in Malawi has the potential of creating and exacerbating inequalities that would promote the development of already rich districts, where important fiscal and economic resources are generated.⁶

The full realisation of fiscal decentralisation is also being undermined by the absence of well established mechanisms to ensure that what government has promised (grants and transfers) actually gets disbursed to the local authorities, or, if disbursed, that it is according to the criteria of need and equity, and in good time. This has been particularly challenging in recent years due to the poor macro- economic and financial position of the Malawi government in recent years due to declining donor budgetary support. Consequently, there have been delays and general reductions in levels of government subventions to District Assemblies and even to the Department of Local Government itself, which is discharged with the overall responsibility of operationalising the implementation of the National Decentralisation programme. This has ultimately meant that the financial operations of most Assemblies are subject to the general goodwill of central government

The legal provisions for appointments to the NLGFC has also make the body susceptible to political control which limits the body's independence in the decentralisation set-up. Under the Local Government Act (1998), appointments to the NLGFC are based on the recommendation and approval of the Local Government Minister, and their removal from office rests with the Presidential consent. Since both offices continue to wield enormous political power and influence, it is very difficult to envisage a fully autonomous NLGFC in the current context.

A full realisation of fiscal decentralisation therefore requires that government should honour its commitments to cede non-tax revenue to the local authorities as provided for in the Decentralisation Policy. In addition, government should provide adequate grants and transfers to the local authorities in a timely manner to enable the authorities fulfil their mandate. Otherwise, the local governments are facing a number of difficulties as a result of their very weak financial bases. CSOs can play a big role here in lobbying for both the speeding up of decentralisation non-tax revenue collection and use from central government and the timely and sufficient transfers of funds and grants to the Assemblies.

3.4 INSTITUTIONAL CAPACITY OF LOCAL AUTHORITIES.

The drive towards the harmonisation of the district development planning system adopted by the new Decentralisation Policy has meant the merger of district administration and local authorities with the overall aim of minimising the overlaps and duplication of efforts created by the dualism of institutional structures for development and governance at the district level during the one-party era. This merger has subsequently led to the creation of new institutional structures at the local level revolving around the Assemblies.

The composition of the Assemblies includes elected councillors, often referred to as Members of the Assembly (MAs), who hold office for a period of five (5) years; ex-officio and non - voting members that include Traditional Authorities (Chiefs) and Sub - Traditional Authorities in the local government area; Members of Parliament within the local government area; and five (5) persons appointed by the voting members of the Assembly to represent special interest groups within the local government area.

For purposes of facilitating participation of people in local decision-making, the Assemblies are empowered to create committees at Area, Ward and village level. In addition, the Assemblies have also been mandated to form

⁶ This view is also echoed by the World Bank, 1990:13.

working committees, comprising of Assembly members and co-opted members, to assist in the performance of their functions. These include:

- Finance Committee.
- Development Committee
- Education Committee.
- Works Committee.
- Health and Environment Committee; and
- The Appointments and Disciplinary Committee.

The administrative structure at the district level has also undergone significant changes to keep them in line with the new Decentralisation Policy. Under the Policy, the office of the District Commissioners (DC), which previously acted as a central point for the line ministries at the district level and reporting to central government, is now to work with, and report to, the Assemblies. The Policy also provides for the establishment of six directorates, namely, Planning and Development, Administration, Finance, Education, Health and Environment, to assist in the activities of the local authorities. Further, the Assemblies are also required to work hand in hand with a number of technical officers at the district level under the ambit of the District Executive Committee (DEC), which serves as a technical arm to the District Development Committees (DDCs).

However, the institutional capacity of the local government institutions has been undermined by a number of factors. Firstly, the absence of local government structures in the first five years from 1994 has had a profound impact on the institutionalisation of the decentralisation structures. In particular, the delay in the local government elections from 1994 to 2000 created an institutional vacuum in the grassroots involvement and management of local affairs. The establishment of some of these institutions after 2000 has in turn meant that the majority of local government institutions are still in their infancy and therefore lacking in experience.

While the status of local government under the new construct has been upgraded, this has not been followed up with any changes in their resource base or management capabilities, a scenario which is frustrating their capacity and the expectations of the people. Of the six Directorates that are supposed to be created in the Assemblies, only three, namely, Directors of Administration, of Finance and of Planning and Development have received prioritisation for establishment. However, most of these positions were only filled in the last quarter of 2002. Still, by end December 2002, two Assemblies were operating without a Director of Finance while a further seven had no Director of Administration. A further 19 Assemblies had no Human Resources Management Officers and a similar number were operating without an Internal Auditor. Another 12 Assemblies were also operating without Management Information Systems Officers. Although there has been a vigorous effort to fill in a number of these key positions towards the last quarter of 2002, this has brought new challenges in that most of the newly recruited staff only have a very limited knowledge of Local Government issues, with most being recruited directly from the University after graduation. As a result, the capacity of most Assemblies to fulfil their responsibilities is still very limited. At the same time, the failure to fill in some of the positions has also been serious set back to the decentralisation and institutional reforms.

The status of the Assemblies as the centre-piece of the district focus initiative has also been undermined by relatively high number of resignations of their elected members. In the last year alone (2002), a total of 19 wards across the country are reported by the Electoral Commission, to have fallen vacant, largely due to resignations and a few from deaths of sitting members⁷. These vacancies have been exacerbated by the inability of the Electoral Commission to conduct bye-elections due to the unavailability of funding. In one case, Ntcheu District Assembly alone has had to operate for a year with five less councillors.⁸ Other than affecting the capacity of the Assemblies

⁷ See *Daily Times*, Monday, March 17th, 'Lack of Funding Delays Bye-Elections'

⁸ *ibid.*

to operate fully and more effectively, the existing vacancies also mean that the people are in some cases being denied their right to representation at the local level.

The capacity of the Assemblies has also in a number of cases been undermined by the calibre of a number of sitting members. This has been largely due to the fact that the position of councillors has not been attractive largely because it is not, unlike that of an MP, a salaried position. As a result, most capable community members have shunned this position. In the study by Chinsinga and Dzimadzi (2001), it was reported that the majority of councillors lack a clear understanding of the functions, responsibilities and rules guiding Assembly proceedings. In some cases, councillors exhibit a vague idea of what they were elected for and what they are supposed to do. As a result, most lack capacity to make effective contributions at Assembly meetings. In the process, the extent to which the Assemblies can play the leading role in the district development plans has been weakened. This has in turn given scope to other existing institutions, including members of the DEC and members of Parliament, to dictate to the Assemblies.

In some instances, this lack of capacity in the composition of the Assembly has led to resistance on the part of some key players, including Civil Society Organisations and donor agencies to operate within the decentralised framework. The case of the Malawi Social Action Fund (MASAF) clearly illustrates this resistance: while MASAF acknowledges that a viable local government system could enhance service delivery to target groups, it expresses reservations about working with and through the decentralised planning and governance framework on the basis that the system lacks adequate capacity. As a result, MASAF prefers to work directly with the people rather than to go through the Assemblies (van Donge et al., 2000).

The envisaged committee system, which are expected to originate business for Assembly deliberations, are in most cases non-functional. Given that agendas of Assembly meetings are supposed to originate from these committees, their inactivity has meant that the Assemblies are deprived control over their own proceedings, which are instead dictated to by the un-elected technical and administrative members.

The effectiveness of the District Assemblies as a central institution in the decentralisation framework has been further undermined by a characteristically tense and often conflictual relationship between the elected Assembly members on one hand, and Members of Parliament and the technical members on the other hand. This has largely arisen due to the lack of legal clarity in the institutional relationships and demarcation of responsibilities under the decentralised framework. In a number of cases, the conflict between MPs and MAs has been the reason cited for resignations by some Assembly members. At the centre of this controversy is the perception by MPs of Assembly members as potential threats to their candidacy during the next general elections scheduled for 2004. The tendency of MPs has, in many cases, been to often disagree with the decisions of elected members of Assembly in order to frustrate their ambitions. On their part, most DEC members feel sidelined in the decisionmaking processes regarding projects. They are often involved at technical planning and implementation stages usually, and only if, there are problems requiring their attention. Furthermore, the conflictual relations prevail because members of Assemblies feel cheated since their positions, unlike those of DEC members, do not attract any perks at all. As a result, these two institutions often operate as if they were two separate entities. In the final run, these conflictual relationships undermine meaningful cooperation, which only serves to weaken the capacity of the Assemblies as the centre-piece of the decentralisation process.

With a background of weak mandates, institutional arrangements and structures, inadequate financial, human and material resources, poor systems and absence of appropriate infrastructure, Assemblies face major challenges to take on additional responsibilities and functions. However, the opportunities created by the Decentralisation Policy as well as stakeholders' support provide a promising foundation to implement and sustain the envisaged change provided the required capacities are built or met and institutional relationships are clearly defined. This gives scope for CSOs to take an active part in the entrenchment of the decentralisation process by supporting and strengthening these institutions.

3.5 SECTORAL DECENTRALISATION.

Under the Decentralisation Policy, Local Assemblies are entrusted with responsibilities over the provision of a number of services that were previously under the mandate and supervision of central government organs at the district level. To ensure a systematic transfer of functions from the centre to the Assemblies, sectoral authorities are required to prepare and implement sector devolution plans. Table 2 below lists the first eleven ministries targeted for the first phase of sector devolution within the period 2002 and 2004:

Table 2: Ministries whose functions will be devolved between 2002 and 2004.

Ministry	Functions
I Education, Science and Technology	Nurseries and Kindergartens Primary Schools, Distance Education Centres
Health and Population	Health Centres, Dispensaries, Maternity Clinics, Health Posts, Control of Communicable Diseases, Health Education, Environmental Sanitation
Transport and Public Works	District Township, City and Estate Roads Street Naming, Issuing of Road Permits, Issuing of Driver's Licenses, Provision of Maintenance of Office Buildings
Lands, Survey and Physical Planning	Land Valuation, Land surveys, Administration and Lease Agreements, Physical Planning
Agriculture and Irrigation	Livestock Extension. Control of Livestock Diseases, Land Husbandry, Crop Husbandry, Food and Nutrition, Small Dams
Water Development	Boreholes and Wells, Piped Water Projects, Distribution of Water
Gender, Youth and Community Services	Women in Development, Community Development, Street Children and Orphans Youth Affairs, Cultural Affairs, District Information Sendees, Probation and Welfare.
I Natural Resources and Environmental Affairs	Environmental Reclamation and Education, Botanical Gardens, Zoos and Parks (other than National Parks and Game Reserves), Licensing and Inspection of Fishing Gear, Fisheries Extension, Establishment of Woodlots/Forests, Forest Surveys/Inventories, Forestry Extension, Forestry Management
Commerce and Industry	Licensing and Inspection of Small and Medium Sized Businesses.

Source: Guidelines for Sector Devolution Plans, 2000: pp.21-22

Although the deadline for submission of these sectoral devolution plans was 30th June 2002, four of the initial eleven Ministries targeted for sector devolution by 2004- Health and Population, Transport and Public Works and Lands, had not come up with their Sector Devolution Plans by early May 2003. Other than the development of the Sector Devolution Plans for the other seven Ministries, there has also not been much movement towards the actual implementation of sector devolution. Given that these Ministries have operated under established laws and guidelines, sectoral devolution necessarily requires the amendment of a number of laws to bring them in line with the decentralisation Policy. However, as we have seen earlier on in this paper, government is yet to amend the relevant laws that would give legal authority to sectoral devolution. The failure to amend these laws has in turn meant that there has been very little progress towards the realisation of sector devolution and it is very doubtful that the goal of devolving the functions of the first ten ministries by 2004 will be realised. These delays are also further delaying the spelling out of institutional relationships among various stakeholders within the decentralized framework. As a result, the few attempts at sectoral decentralisation have been largely ad hoc, inconsistent and often disjointed to the extent that some are not even in line with the provisions of the Local Government Act (Chinsinga and Dzimidzi, 2001).

The tempo and pace of sectoral devolution has also been hampered in large part due to fears from line ministries of the potential and perceived threats that the decentralisation process engenders. Because, *inter alia*, the reporting relationships between the sectoral authorities, Ministry of Local Government and the local Assemblies are yet to

be clearly spelt out, decentralisation has been construed as largely a process of sectoral authorities loosing their power and authority to the local Assemblies and the Local Government Ministry. Coupled with the relatively undeveloped decentralised structures at the local level, there have been reports of conflicts between line ministries and the district administration. At the same time, while most ministries continue to dilly-dally in coming up with specific sector devolution plans, they are reported to be busy directing their efforts at what Kamanga et al (1999) refers to as "empire building", creating new structures at the district level to fulfil current functional arrangements with very little or no linkage to the decentralisation Policy.

Real sectoral decentralisation therefore requires the speeding up of the legislative process to amend existing laws that are inconsistent with the decentralisation initiative, as well as the spelling out of the institutional relationships between line ministries and the local government institutions. Given that sectoral devolution is in essence at the heart of the decentralisation Policy, it is imperative that these processes are undertaken without further delay. Yet again, CSOs and other stakeholders need to actively lobby government and parliament to speed up the legislative process and get clarity in the Local Government Act on the institutional relationships.

3.6 LOCAL ECONOMIC DEVELOPMENT

One of the central responsibilities assigned to the Local Government institutions under the Decentralisation process is the promotion of infrastructural and economic development.⁹ This builds on the arguments that decentralisation of power and authority, and not the centralisation of the same, provides the ideal governmental/organisational arrangement to promote socio-economic development (Oyugi, 2000).

The Malawi Decentralisation Policy and its attendant District Development Focus Initiative, also forms a crucial pillar of the UDF government's flagship poverty alleviation programme (Mbeye, 1998). Under the initiative, local authorities are given responsibility for the representation of people and their welfare. More specifically, the Policy provides for the inclusion and participation of the local peoples in the governance and development processes. The Local Government Act (1998) expands on this and assigns a clear local developmental role to Assemblies and has made provision for the establishment of Local Government structures, including various developmental committees up to the village level with a view to bringing "government to the people." Linked with the general community participation development literature, it is hoped that this approach can generate development projects at the local level that are more relevant and hence, more sustainable.

Under the Policy, Assemblies are required to promote local economic development primarily by creating an enabling environment that would booster greater local involvement in business, and promotion of local tourism. Investment in local infrastructure, in particular, road construction and maintenance is also expected to generate economic benefits to the districts. In addition, the Decentralisation Policy also requires that districts come up with District Development Plans (DDPs), which are to be used as a basis for accessing funds pooled in a District Development Fund (DDF).

The ability and capacity of the local government authorities to promote economic development at the local level has however been undermined by several factors. Firstly, the weak human resource capacity in a number of Assemblies has meant that some, in particular, the City and Town Assemblies, have failed to even come up with District Development Plans, as a result of which their access to DDF funds has had to be determined without consideration to district development priorities. Over dependence on donor funding for the District Development Fund also raises the issue of the sustainability of this approach to promote local area development. This has in recent been borne out by the withdrawal of Danish Aid to Malawi, at a time when DANIDA was a big contributor to the DDF(GOM, 2003).

⁹ See Malawi Constitution, Section 146(2)(a).

The failure of the relevant ministries to devolve real power and authority to the local authorities has also posed a major challenge for the promotion of local development. While the local Assemblies under the Local Government Act are discharged with the responsibility of promoting and regulating business and local development to spur development, in reality, parent ministries, such as the Ministry of Trade and Industry and the Tourism Ministry still continue to take responsibilities for most of the functions that are otherwise to be assigned to the local authorities. The overall responsibility over infrastructural development, such as road building, has, with the possible exception of the city and municipal roads, remained the preserve of the Ministry of Works and the National Roads Authority (NRA). The limited control over areas that bear direct relevance to the promotion of local economic development have in turn undermined any meaningful promotion of local development by the Assemblies.

The ability and capacity of the local government authorities to promote economic development at the local level has been further undermined by a general lack of resources in most Assemblies. According to findings by Chinsinga and Dzimadzi (2001), most Assemblies do not have transport facilities, adequate office space and basic operational equipment, which constrains the operations of the Assemblies in the promotion of local economic development to a very large extent.

A sluggish national economic performance has also significantly undermined the capacity of district Assemblies to play a crucial role in the area of local economic development. This has been particularly so that government still retains a big say in the field of economic and development policy, through the Ministries of Finance and the new Economic Planning and Development ministries. Coupled with the suspension of donor budgetary support to Malawi, this has meant that local authorities have been deprived access to funding that could have been used for the promotion of local economic development.

These problems notwithstanding, the decentralisation reforms have, the nevertheless broadened the scope of the antipoverty programmes. In particular, there is increased scope for other players, including CSOs, to play a bigger role in the promotion of local economic development. This is particularly so given that a number of CSOs are already working towards the promotion of local economic development, including local agriculture, promotion of local business enterprise and better marketing. It is therefore imperative that CSOs take advantage of the spaces that have been opened at the local level, which is a clear departure from the suppression of the single-party era.

3.7 CIVIL SOCIETY.

The Decentralisation Policy framework in Malawi places a lot of emphasis on the need for participatory processes in which the state, the private sector and the civil society organise themselves to explore grassroots solutions to poverty (Mbye, 1998). The first point of entry for civil society engagement in the local government process is provided for in Section 5 (d) of the Local Government Act (1998), which provides that membership of the District Assemblies should also include five persons as non-voting members to be appointed by the elected members to cater for the interests of such special interests groups as the Assembly may determine. Additionally, Assembly meetings, including committee meetings, are also supposed to be open to the public. This provides scope for civil society organisations, if not to influence proceedings, at least to monitor the activities of the Assemblies and their committees.

In making the Assembly the central focus of district development, the Decentralisation Policy also requires that CSOs working in the field of development, deal directly with the Local Government institutions as it is the Assembly that is discharged with the overall responsibility of coordinating and mobilising resources within the local government area for governance and development. In addition, the Policy acknowledges that, because of the extra functions and responsibilities placed upon them, Assemblies can no longer continue to rely wholly on their staff to provide the entire range of services to their communities. Partnerships with the NGOs, the private sector and the communities themselves are therefore seen as essential to achieve effective service delivery. Considering the current weak capacities of most Assemblies, the support of CSOs and NGOs and other partners can therefore

go a long way in complimenting the activities of the local government institutions in ensuring the success of the decentralisation process.

The withdrawal of the state from its previous and dominant role in managing all aspects of life at the local level has provided an increased scope for CSOs and other non-governmental actors to play a bigger role in local governance and development. Among the most active CSOs that are active across the country include Village Associations; trade unions, consumer associations; women's groups; youth groups; religious groups; savings and credit associations; students' parents associations; community health associations, agricultural producer groups; political groups; and other social enterprises (profit- making cooperatives) etc. a number of these are in a number of cases, already working in areas where Local Government has assumed responsibilities and therefore compliment the decentralisation process. Table 3 below gives a list of some of the active CSOs and other Non State organisations that exist in Malawi as of February 2003:

Table 3: Select active CSOs in Malawi:

Organisation	Activity.
Active Youth Initiative for Social Enhancement	Human Rights, Advocacy. HIV/AIDS, Environment, Conservation.
Adventist Relief Agency	Health and Agriculture
Aged Welfare & Development Association	Advocacy, Human Rights, Environment
Association of Progressive Women	Women and gender, micro credit, advocacy, lobby
Association of Promotion of Women in Politics	Advocacy, lobby
Centre for Youth Empowerment and Civic Education	Advocacy, lobby
Chitukuko Cha Amayi M'Malawi	Women and gender, micro credit, women's business, advocacy.
Consumer's Association of Malawi	Consumer lobby and advocacy
Disabled People's Association of Malawi	Advocacy, lobby
Herbalist Association of Malawi	Health
Mabulabo Voluntary Transformation Initiatives	Agriculture, health
Malawi Schools Parents Association (MASPA)	Education, advocacy
Mchirawengo Poor People Irrigation Development Org.	Agriculture
Muslim Association of Malawi	Education
Mzimba South Development	Agriculture
National Association of Small and Medium Enterprises	Micro credit, business
National Women's Lobby	Advocacy
Paprika Association of Malawi	Agriculture
Namwera Aids Action Committee	HIV/AIDS
National Association of Smallholder Farmers Association	Agriculture
Soche Business Women Association	Women and gender, micro credit
Society for the Advancement of Women	Women and gender, advocacy.
Tiyende Women in Development	Women and gender, micro credit, agriculture
Walutundu Development Organisation	Agriculture
Wildlife Producers and Hunters Association	Environment
Zipatso Association of Malawi	Agriculture, marketing, food and nutrition

Source: Council for Non Governmental Organisation of Malawi (CONGOMA).

The primary *raison d'être* of most Malawian NGOs and CSOs is to address and resolve a well-defined collective problem or to advance a shared interest as identified by their members or clients. These include inadequate access to critical social services, lack of micro-credit financing; joblessness or low incomes to promotion of human and political rights. Although most of the CSOs in Malawi are still in their infancy, they are increasingly playing an important role in service delivery and in the promotion of the democratic governance, in which

diverse community organisations - representing and defending the interests of their members, participate as equal partners in sustainable national development efforts at the local level and beyond.

The participatory approach on which the Decentralisation policy in Malawi is founded also gives an increased scope for the inclusion CSOs, the majority of whom have embraced community participation as a key to better service delivery, to compliment the decentralisation process.

However, despite the attempts to reach out to civil society organisations and bring them into the decentralisation process, the emerging picture is one of unwillingness on the part of CSOs/ NGOs/donor agencies to work with and through the decentralized planning and governance framework

(Chinsinga and Dzimadzi, 2001). Firstly, a general review of the CSO literature in Malawi highlights the fact that the majority are still in their infancy, having been suppressed and co-opted under the former one party regime of Hastings Banda. Despite their increasing prominence, the extent of their reach is still very limited. Very few of these emerging CSOs have also come up with specific plans to coordinate their activities within the decentralisation process, preferring instead to build up their institutional image by operating independent from both central and local government institutions. Although a number of the most prominent CSOs do operate at the local level, their institutional structures tend to be more centralised, with head offices in the major urban areas. As a result, the majority CSOs are disproportionately located, and operating, in the urban areas. This has in the process narrowed the extent of CSO involvement in the decentralisation process in the majority rural districts.

A number of CSOs, some of whom rely on donor funding for their activities, have also exhibited signs of reluctance to make use of the decentralized planning and governance framework because of politics of identity. In the case of CSOs that are funded by organisations that have shown reluctance to operate within the decentralisation framework, these have been forced to operate independent of the decentralisation process. The case of the Namwera Aids Action Committee, (NACC) which receives funding from the MASAF for HIV/Aids advocacy and education, illustrates this point: because MASAF itself has been reluctant to operate within the decentralisation framework, NACC has also been forced to operate independent of the local authority structures in the determination of its projects and activities in the Namwera area of Mangochi district of southern Malawi (Dulani, 2003).

The scope for civil society engagement in the decentralisation process has also been undermined by the requirement that any assistance to Assemblies from non-government organisations, should be approved by the Minister for Local Government, in consultation with the Assembly. Not only does this create unnecessary hurdles for the CSOs to operate effectively within the local government framework, but, it also subjects CSOs to political vetting, which has dissuaded a number from engaging with the decentralisation process.

The absence of the local government structures in the first five years of the new democratic dispensation has also impacted on the ability of a number of CSOs to operate within the local government framework. The delays in establishment of the local government structures in a number of cases meant that some CSOs took on some of the responsibilities and functions that are now currently being placed in the hands of the local authorities. This has meant that in some cases, the decentralisation process poses a big challenge to the very existence of some of the existing CSOs. The challenge now therefore is to find a way for these CSOs to find a role for themselves in the decentralisation framework and justify their continued existence.

However, perhaps the biggest scope for civil society engagement in the decentralisation process is provided for in the requirement that Members of Assemblies should be elected every five years. As we saw earlier on in this paper, the first of these elections took place in November 2000, and the next elections are due in May of 2004. All in all, the country is divided into 859 wards. A total of 1,967 candidates from five political parties,¹ as well as a host of independent candidates, contested the elections to win seats as Ward Councillors in the country's 27 District Assemblies, three city councils and eight town councils. The results showed the dominance of the ruling United Democratic Front,

which scooped 606 of the 846 seats that were contested for¹⁰ (71.2%), scores of whom were elected unopposed, especially in the party's southern region stronghold. The Alliance for Democracy (Aford), came second with 120 councillors elected, 114 (95%) of whom were in the party's northern region stronghold. The Malawi Congress Party (MCP), had 88 of its candidates elected, the majority of whom (84%) came from the central region, although the party did lose out as the status of being the dominant party for the Central region, where the UDF scooped 255 of the region' 342 wards. The National Independence Party followed with 2 councillors while 30 independent candidates also emerged victorious (Table 4).

Table 4: Local government Election Results, by region and gender and Political Party:

Region	Northern Region		Central region		Southern Region		Total		Grand Total
Gender	M	F	M	F	M	F	M	F	
AEORD	110	4	6	0	0	0	116	4	120
MCP	5	0	70	4	9	0	84	4	88
MP	0	0	0	0	1	1	1	1	2
UDF	28	3	232	23	289	31	549	57	606
INI)	6	0	7	0	17	0	30	0	30
Sub Total	149	7	315	27	316	32	780	66	846

Calculated from Malawi Government Gazette Extraordinaire, 2,541 A, Vol. XXXVII No. 2, December 29th, 2000.

In the first instance, the inability of government to conduct local government elections in the years between 1994 and 2000 meant that the general citizenry were unable to engage effectively with the issues of local governance. Even after the establishment of the District Assemblies in 2000, the extent of citizen's engagement in the policy process at the local level has also been further undermined by infrequent Assembly meetings in the majority of cases, where some are reported to be failing to meet, or, where they do, only meet once or twice a year.

The electoral process has also shown that a number of groups continue to be sidelined in the political processes, which ultimately means that their involvement at the local level is very minimal at best. This is particularly true of women representation in the Assemblies. Of the total of 1,967 candidates who put their names forward as candidates in the local government elections of November 2000, only 187, representing 9.51 percent of the total, were women. Of these, a significant proportion stood as independent candidates, highlighting the limited opportunities women are getting in the mainstream political parties. In the actual elections themselves, only 132 female candidates won seats for the 859 wards that were being contested for, representing a female councillor percentage of 15 percent of the total. Bearing in mind that women's representation at the parliamentary level in Malawi is equally limited, (only 18 of the country's 196 parliamentarians are women),

¹⁰ This was because elections were postponed in 11 wards (5 in the northern region, and three each in the central and southern regions), and in two wards, the result ended up in a tie and therefore required a run-off. Hence the total number of elected councilors is

and that one of the stated objectives of the decentralisation policy is to facilitate the participation of the grass roots in decision making, the evidence from these figures does highlight the limited opportunities that women as a group are being given to participate in the political process. Although there is no clear evidence to suggest that the activities of most Assemblies are as a result being dominated by issues in favour of males, it still stands to reason that a number of pertinent issues that affect women directly might not be brought to the attention of the local government institutions, especially bearing in mind that a number of authorities do not even have a single female elected Member. Given that there are already a number of CSOs advocating for a greater women's role in the governance process, it is imperative that these actively seek to increase the number of female representation in the District Assemblies. In particular, there is need to lobby the mainstream political parties to give particular attention to increasing their numbers of women candidates standing for both local government and parliamentary elections.

The limited levels of civil society engagement in the decentralisations processes also highlights the need to strengthen most local level civil society organisations working on the areas of local governance and service delivery as one way of ensuring the success of decentralisation in Malawi. However, at the same time, there is also need for most CSOs to seek alternative sources of funding rather than to rely on donor support in order to operate effectively and independently at the local level.

3.8. LOCAL SOLUTIONS.

So far, this study has highlighted the constraints being faced by local Assemblies, which can only in the main be resolved by outside players. However, it is important to highlight that there are a number of areas that can be resolved at the local level. For the efficiency of the evolving local government structure to improve, the following needs to be done:

- The expectations of the people regarding what government can do and cannot do for them need to be made more realistic. People must understand that government cannot do everything for the poor. Rather than rely on government, both local and central, for most of their needs, the self-help spirit which has been one of the victims of the democratic dispensation, needs to be revived so that local people can be the starting point for finding solutions to local needs. In particular, the people ought to think about what they can do in order to improve service provision and delivery in their respective areas;
- There is need for people at all levels of society to be very committed to the process of decentralization. This means that as citizens there is need to cultivate a culture of responsibility in whatever is done at any level of society without necessarily waiting for government intervention. The decentralisation process, in particular, can benefit greatly from a greater public commitment which would in the process give it greater authority.
- The mental construct of the people need to be transformed especially in terms of attitude to work and public welfare through consistent civic education and improved levels of education. Knowledge is a very crucial prerequisite for sustainable development. However, although government can provide education facilities at the local level, it is up to the people to take advantage of these facilities and make full use of them. The maintenance of the same should also not necessarily rely on the service providers but instead, the local people ought to take pride in their facilities and manage them properly.

4.0 CONCLUSION.

The decentralisation process in Malawi has created significant opportunities in civil society engagement in the policy processes. However, it is worth pointing out that the process is still in its implementation phase. As a result, not all elements of decentralisation are in place. The support for a steady implementation of the plan is therefore

crucial since the Poverty Alleviation Programme (PAP), the country's central operative development philosophy since 1994, emphasizes the need for a participatory process in which government, the civil society and private sector organize themselves to explore grass roots solutions to poverty. The current successes need to be built upon for a more successful implementation of the programme. At the same time, institutions, such as District Assemblies, Planning committees as well as fiscal capacity etc, and human resources development, along with other elements, must be strengthened.

The major advantage in the implementation of the decentralisation process in Malawi is that, because it is still in the process of implementation, the challenges and constraints can be seen, not as challenges to the process itself, but opportunities that can be worked on to ensure a better and more successful decentralisation process. On this score, there is a big scope for civil society organisations to play an active and crucial role in advocating for a better decentralised system of governance of which they can be major players themselves.

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The Constitution of the Republic of Malawi, 1995

⁶ Of the 39 Assemblies, only 4 had Directors of Finance by end May 2002, when 13 were recruited. The remainder continued to operate without this Director until end October 2002, when a further 20 were recruited. This still left two vacancies by end December 2002 (GOM:2003).

¹¹ The parties which fielded candidates were: the Alliance for Democracy (AFORD), the ruling United Democratic Front (UDF), the Malawi Congress Party, (MCP). the Malawi Democratic Party (MDP), and the National Independence Party (NIP).