

Power to the People? Decentralisation and state formation in rural Malawi

Asiyati Lorraine Chiweza (Mrs), PhD.
Department of Political and Administrative Studies
Chancellor College
University of Malawi

Email: achiweza@chanco.unima.mw, achiweza2001@yahoo.com.

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Abstract

Throughout the world diverse countries are implementing decentralization as a strategy for promoting democracy and development objectives. While the assumed benefits of this orthodoxy have been well theorised, not much attention has been given to examining the actual politics and the extent to which it contributes to effective processes of state formation in Sub-Saharan African countries. This paper argues that democratic decentralisation has not really given power to the people. Instead political dynamics at the national level, weak civil society organisations and mechanisms of popular participation at the local level combined with the presence of strong traditional local power holders have influenced regime efforts to forge decentralised institutional mechanisms and political alliances that have emphasised the heavy presence of the central state at the local level. It highlights the extent to which decentralization has facilitated different access points for colonial and postcolonial regimes that have sought to extend state power to the rural peripheral. Thus, central state authority and hegemony have been constituted through fusions of state power with societal based forms of power, some of which are embedded in the rural life. These observations question the underlying wisdom in conventional discussions of democratic decentralization that tends to assume that regimes are free and willing to reconstruct central-local relations in accordance with a policy decision made at the top and that local communities will rise together to embrace their new found political autonomy. The paper concludes by drawing out implications these observations may have on democracy consolidation in Malawi.

Key words: decentralisation, democratisation, state formation, institutions

Introduction

Democratic decentralisation has in recent years gained significant attention in the development and democratisation discourses of many African, Asian as well as Latin American countries. With the onset of democratisation, decentralisation has in effect been linked into a discourse that combines ideas of collective empowerment and democracy. Thus the language of reform for many countries that have adopted these measures has shifted to a discourse, more focused on democratisation, pluralism and human rights (Cook and Manor 1998; United Nations Capital Development Fund 2000). This is a very different inflection compared with the liberal interventionist and monetarist approaches that see decentralisation as a means of accelerating state-driven development

and economising scarce administrative resources. Donor agencies and theorists now promote democratic decentralisation, involving the establishment of autonomous and independent units of local government, as the ideal form of decentralisation. This has largely grown 'out of the failure of marketising reforms to significantly reduce absolute poverty' (Houtzager 2003: 1) and the rise of good governance and institutions towards the centre stage of the development discourses in the 1990s. This approach entails democratic redistribution of political power to the grassroots (Grukkal 2000) and it emphasises reforming state institutions to enhance opportunities for democratisation and poverty reduction. Donors and international aid agencies are promoting decentralization to deepen democracy in developing countries. The rationale for decentralization, advocated by donors and international aid agencies, is that by bringing government closer to people, decentralization allows people to participate more effectively in the decision-making process (USAID, 2000). It is expected that greater participation of people in the political process promotes efficiency, effectiveness, and accountability. Thus, decentralisation of power to local government institutions is seen as a means of promoting and improving of democratic norms, institutions and processes practices with the hope of achieving improved developmental priorities of the majority of the populations that reside in rural areas.

In Malawi, democratic decentralisation was considered a key strategy for promoting poverty reduction and local democratic institutions and participation following Malawi's transition to democratisation in the early 90s. Through a popular slogan of "Mphamvu *ku wanthu*" which literally means "*power to the people*," decentralisation seeks to devolve political and development decision making powers to local communities through elected representatives (Chiweza, 2007a). Through the devolution of power to the lowest unit of society, it was hoped that decentralization would contribute to state transformation processes, through reforming institutions that structure state- society relations in the development process. However, 10 years have passed since this reform strategy was adopted and it appears that decentralisation is not necessarily producing the desired effects. This is a common story of many countries that have gone through these processes. Autonomy at the level of local district and town administration is everywhere the subject of debate and experiment (Mawhood, 1989). Similarly, Boone notes that, in West Africa, Mexico, Philippines, and elsewhere since the early 1990s, change in formal rule structures has also not always produced the desired effect. Decentralization has not necessarily empowered local citizens and can simply strengthen local power brokers or state agents instead. Why is this case?

Early analysts and debates about the failures of decentralisation tended to focus on the technocratic considerations bordering more on issues such as weak implementation, limited funding and weak staff capacity as plausible explanations for such failure. As the simplistic discourse on local democracy is translated into local institutional design, relations between state actors and local social forces embedded in the historical trajectory of state formation bring into question any notion of a simple transition through technocratic institutional design (Ito, 2007). There is now a growing realisation that suggests that the source of many policy failures may not simply be implementation weaknesses or bad policies but the politics and institutions that generate them (Leftwich, 2007; Boone, 2003). Leftwich argues that in the first years of the 21st century much of the accounts of

policy literature were couched in terms of ‘governance’ and ‘state capacity’, and seldom in terms of the politics of state formation. In other words a deeper understanding of the failures or prospects of decentralisation in Malawi to promote effective state formation needs to pay attention to the primacy of politics in the formation, maintenance and change of institutions. Underneath the *mphamvu ku wanthu* policy problems in Malawi lie deeper political and institutional features of state society relations in Malawi. Thus, analysing the historical and political, and social structural features of a country and the informal norms and practices that influence the behaviour of different actors is therefore vital to understanding the likely trajectory of different reforms and their possible outcomes (Cammack et.al, 2007).

Drawing from the historical and other literature and insights from qualitative field work that was carried out in a number of Malawian rural districts¹, this paper looks at how various colonial and postcolonial regimes reconfigured and bolstered state sanctioned political authority at the local level. Next, the paper examines the structuring and functioning of institutional arrangements linking the state and the localities following the implementation of democratic decentralization in Malawi, the politics behind it, and how they have shaped the nature of the state. It argues that democratic decentralisation has not really given power to the people. Instead political dynamics at the national level, weak civil society organisations and mechanisms of popular participation at the local level combined with the presence of strong traditional local power holders have influenced regime efforts to forge decentralised institutional mechanisms and political alliances that have emphasised the heavy presence of the central state at the local level. Institutional choices are influenced by political motivations and incentives of officeholders—bureaucrats and politicians. The paper shows how the institutional choices taken reflect the self-interest of the ruling elites in perpetuating their dominant position in Malawian society. Further, this article demonstrates that the historical processes through which village chiefs and district administrations have been constituted as an important element of state control of resources in the countryside. The history of state formation, whereby village chiefs have been incorporated into a patrimonial relationship with higher authorities, is reproduced in the institutional choices made by post 1994 governments and other district level actors thereby, preventing the actual transfer of power to the rural communities. As Boone rightly points out, institutional reform in the African countryside should be viewed not as a technical or administrative problem to be solved by the center but rather as a highly political process.

State Formation and Decentralisation in Perspective

State formation broadly refers to the development of the basic structures of the state at all levels of society and the political, economic, social and cultural structures through which it is articulated. It deals with a broader issue of the relationship between the state and local communities and it reflects on a regime’s efforts to forge institutional mechanisms to and political alliances to govern and tax localities (Boone, 1998). A central feature in the analysis of state formation processes centres around the notion of bureaucratisation

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that is the means by which the state administers, monitors and regulates society and extracts revenues from it (Schwalz, 2004).

The state in this paper is essentially understood, as, the set of fixed administrative institutions that claim legitimate command over a bounded territory. The characteristic institutions of the state are its coercive arms – army, police, and courts – and, in its modern variant, specialized bureaucracies governed by norms of law and reason. (Bratton and Chang, 2006). Conventional wisdom defines the state in terms of four core attributes: defined territory, population, government, and recognition by other states (Osaghae, 2007). The first three constitute the empirical referents, and the fourth constitutes the juridical. A state is expected to be effective on all counts: establish strong and effective institutions; control and defend its territory; have a stable, loyal, and cohesive population; exercise sovereign and legitimate power within its territory and possess the resources to ensure the well-being of its citizens; and, finally, enjoy the recognition and respect of other states as a credible member of the global community (Osaghae, 2007: 692). Osaghae further notes that the changing realities and paradigm shifts of the post-Cold War period have seen further elaboration and extension of these attributes to include good-governance variables (strong and effective political institutions and civil society, democracy, rule of law, accountability, transparency, conflict management) and the material correlates of just and equitable resource management, poverty alleviation, and economic growth and development. Effective states therefore, are constituted by a high degree of agreement about the rules of the game, the institutional arrangements which prescribe how decisions (and often what decisions) can and have to be taken about social and economic matters (Leftwich, 2007). In development discourse, the image of the state as a powerful and overarching entity that effectively controls a geopolitical domain has influenced the key agency roles assigned to it (Evans et al. 1985). The problem is that the state has not always been able to play the roles expected of it, probably because of the roots of its formations.

The unique characteristics of state formations in Africa have long been recognised. In Western Europe, “war made the state, and the state made war” (Tilly, 1975: 42), with taxation being associated with both (Moore, 2001). In Africa, Herbst (2000) points that out, neither war, nor taxation were major factors of state building and consolidation. It has been argued that, because of its epochal effects, colonialism is the most important explanatory factor for the unique trajectory of state growth in the Third World and the subsequent problems, the bottom line being that the state model was imported wholesale and imposed on erstwhile colonies (Ekeh, 1983; Young, 1994). The colonial state itself remained aloof from indigenous or native society and enforced its will through violence and repression, placing emphasis on the rudiments of law and order that were sufficient to ensure economic exploitation and uphold the standards of European settlers (Young 1994). This made it become impossible for the ‘natives’ to appropriate the state, which they perceived as alien and serving the interests of the coloniser and not those of the colonised (Ake 1985; Davidson 1992). Thus the failure to properly graft or adapt the ‘migrated’ state structures to the circumstances of the colony and post-colony is said to have created a disjunctive duality between state and society that left the state suspended above society like a balloon (Hyden, 1980). This gave rise to the endemic legitimacy

crisis that characterised the colonial state and its post-colonial successors. With the exception of some countries such as Botswana, Ghana, Mauritius and South Africa, beyond initial colonial historical roots, other writers have noted that the central state in many African countries has been further weakened, by the effects globalization and the policy prescriptions of the very donors, the Bretton Woods institutions included, which give the bulk of financial support (Boone, 2003). The challenge now facing many Africa countries for state building is one on the one hand, about projecting and “broadcasting” state power, more often than not concentrated in the capital city at the periphery of the respective country, across a vast, sparsely populated, demographically and geographically highly diverse territory Herbst (2000). On the other hand it is about striking a balance, at the different levels of the state, between “effectiveness and accountability” around common interest (IDS, 2005).

It is against this background that decentralization is believed to contribute to state formation processes through the devolution of power to the lowest unit of society facilitating local government’s pursuit with the central state for a new shape of the state in which centre and periphery interact, negotiate, and struggle over resources, institutions and politics, and as a process which works both ways: bottom up and top down. In other words, decentralisation is viewed as a strategy of increasing or strengthening the state’s capacity to control its territory and regulate society. This capacity is an indicator of effective state building, with enhanced government penetration of its territory, bureaucratic reform and institutionalised bargaining with citizens over the conditions of taxation and the government budget (Moore, 2004). The key issue then about decentralisation and state formation is whether it leads to genuine local governance which in turn facilitates state building from below. Local governance is defined by Olowu and Wunsch (2004:4) as a

“rule governed process through which residents of a defined area participate in their own governance in limited but locally important matters; are the key decision makers in determining what their priorities are, how they will respond to them, and what and how resources will be raised to deal with these concerns; and are the key decision makers in managing and learning from those responses. Representatives of local residents may... perform these functions, but they remain accountable to and removed by the people included in the local regime through procedures specified by law. Their choices and limits are structured through rules determined by the larger political systems of which they are part”.

Democratic decentralisation as currently conceptualised and pursued by several African countries focuses on establishing some sort of local accountable political institution with revised rules and responsibilities for both administrative and political actors. In this context of devolution, *democratic decentralisation* is viewed as a form of political decentralisation or devolution but one that is linked with democratic principles. According to Mayo (1960: 60) ‘a major defining principle of a democratic system is that decision makers are under the effective popular control of the people they are meant to govern.’ Therefore, for decentralisation to be democratic, more is implied than just a downward transfer of authority to political actors and institutions at the lower level. Johnson (2001) argues that democratic decentralisation entails a system of governance in

which citizens possess the right to hold local public officials to account through the use of elections, grievance meetings, other collective action, and other democratic means. Barnett, Minis, and VanSant (1997) further provide a conceptualisation of democratic decentralization in which they show the key relationships that are defined by this term: the relationship between central government and local government which they call decentralization; and a reciprocal relationship between local governments and citizens which they call democratic local governance. They argue that through decentralisation, central government transfers administrative, financial, and political power to local government institution, whereas democratic local governance looks beyond local government administration and service delivery. It focuses on institutions and structures that enable people to decide and do things for themselves. However, they emphasise that it is the political dimension that is critical for democratic local governance because it reconstitutes the state in a democratic way by providing a process at the local level through which diverse interests can be heard and negotiated and resource allocation decisions can be made based on public discussion. In this case, democratic local governance emphasises the presence of mechanisms for fair political competition, accountability, and government processes that are transparent and responsive to the public. Blair captures the essence of this idea when he defines democratic decentralisation as:

meaningful authority devolved to local units of governance that are accessible and accountable to local citizenry who enjoy full political rights and liberty. It combines participation with accountability- the ability of the people to hold local government responsible for how it is affecting them (Blair, 2000: 21).

This understanding of decentralisation differs from the way decentralisation has traditionally been categorised with emphasis on deconcentration and devolution as the most common dimensions in literature. *Deconcentration* is generally understood as the transfer of power and responsibilities to local branches of the central state, whereby the central government does not give up any authority but simply relocates its officers to different levels within the national territory (Blair, 2000; Crook and Manor, 1998; Oyugi, 2001; Rondinelli, McCullough, and Johnson, 1989). In this case, local entities act largely as the local agents of central government, and the entities maintain the same hierarchical level of accountability to the central ministry or agency rather than to representatives of a local community. While *Devolution* is considered a form of political decentralisation and refers to the full transfer of responsibility, decision-making and local revenue generation to a local level public authority that is autonomous (Work, 2002). It implies the ceding of power and responsibilities to political actors and institutions at lower levels (Crook and Manor, 1998). These dimensions are however still important in this paper because following after Boone (2003) they help in the examination of institutions linking core and periphery along two dimensions: the spatial dimension: how state agencies and institutions are arranged within the national space; and the processual dimension: de facto distributions of authority between central and local actors. Institution-building strategies can thus be defined in terms of these two separate dimensions: One measures spatial concentration/deconcentration of the state apparatus; the other gauges centralization/devolution of political and economic authority (Boone, 2003:360). Of

particular interest in this paper is the “the roles and authority” dimension because it measures de facto devolution of political authority which is at the core of democratic decentralisation in Malawi- *power to the people*. In this analysis, the interest is in the distribution of power and prerogative between central regimes and local political authorities in gauging the institutional building strategies that are being employed in the name of *power to the people*. Boone notes that at one end of the continuum the central regime monopolizes roles and authority; there is no devolution of authority. (In other words, authority is centralized.) The regime aims at enhancing the power, prerogatives, and resources of direct agents of the state. At the opposite end of the continuum, agents of the center establish partnerships and brokerage relations with nonstate authorities in the rural areas. In these cases there is a “sharing of roles” via various forms of devolution of authority and discretion.

The Political Economy of Decentralisation in Malawi

Seventy-three years of colonial rule and thirty years of authoritarian one-party government dominate the political history of the country. Even though the main focus of this paper is on post 1994 democratic decentralisation initiatives, a lucid discussion of the history is critical in understanding contemporary trends. These two periods are significant in understanding present day state formation processes and institution building strategies in Malawi for a number of reasons. First, the present system of local government has its roots in structures bequeathed to it by the colonial government. Successive governments only sought to modify the colonial structures so that the ways the systems operate today, and their associated problems, can be best understood by looking back to the character of the colonial and the subsequent post independence one party rule. Secondly, the thirty years of Dr Banda’s style of governance have left deep marks on the collective soul of Malawians, and have formed the socialisation of the current ruling elite in ways that influence the current style of political discourse in the country (Immink, Lembani, Ott, and Peters-Berries, 2003). What happened in the past has a definite bearing on the present (Government of Malawi and UNDP, 2003).

The Colonial Period

Colonial rule in Malawi has been described as a top-down commandist-centralised structure, which excluded the participation of the indigenous people (Cross and Kutengule, 2001; Kaunda, 1999). Thus decentralisation during the colonial period reflect strategies and mechanisms for governing rural areas that were heavily centralized and deconcentrated designed to control and extract resources from the rural masses through a systematic institutionalization of institutions of chiefs as links with the local people. Initially, When Malawi became a British protectorate in 1891, the initial reaction of the British was to weaken the institution of chieftainship and govern through the colonial bureaucracy because the initial imperative of the colonial government was to maintain stability and continuity for itself (Baker, 1975). Due to the relative small number of commissioners ruling in a vast country with poor communication systems, it was difficult to collect taxes and govern the populations without the aid of local leaders. A system of indirect rule was introduced in the rural areas following the District Administration

(Native) Authorities Ordinance of 1912.² Through this ordinance, selected chiefs termed principal headmen were incorporated into the administrative structure as executive agents of the government administration in the collection of hut tax, maintenance of law and order, reporting of village deaths, construction of roads and other such functions as demanded by the colonial government. Although the rhetoric of the aims of the colonial government in passing the 1912 ordinance was to provide for decentralised government in the sense of a subsidiary local government in the districts, chosen and operated by the people themselves under the supervision of the District Commissioner (Baker, 1975), in practice the selected principal headmen were not always chiefs appointed according to the tribal traditions of chieftaincy at the time. Some chiefs considered compliant by the colonial government were selected. However, many appointed were ordinary people who were favoured by the colonial leaders because of their perceived usefulness in aiding colonial District Commissioners in previous administrative matters in the rural areas (Hailey, 1950). Consequently the “chiefs”, who were incorporated in 1912 into the colonial government as the only authentic voice of the people in each district, did not operate as such. Instead, they served as instruments of the colonial government in the maintenance of law and order and they were more accountable to the British colonial office than to the indigenous people they governed. One early observer of Malawian history argues that:

the new scheme in no way intended to bolster up, foster or perpetuate either governance by chiefs or tribal instincts. [Although it] was an improvement upon the prevalent pattern of direct white rule, Governor William Manning introduced it in order to give the administration a stricter control of the ‘rising generation’ of rural Nyasaland (Murray as cited in Rotberg, 1971: 48-49).

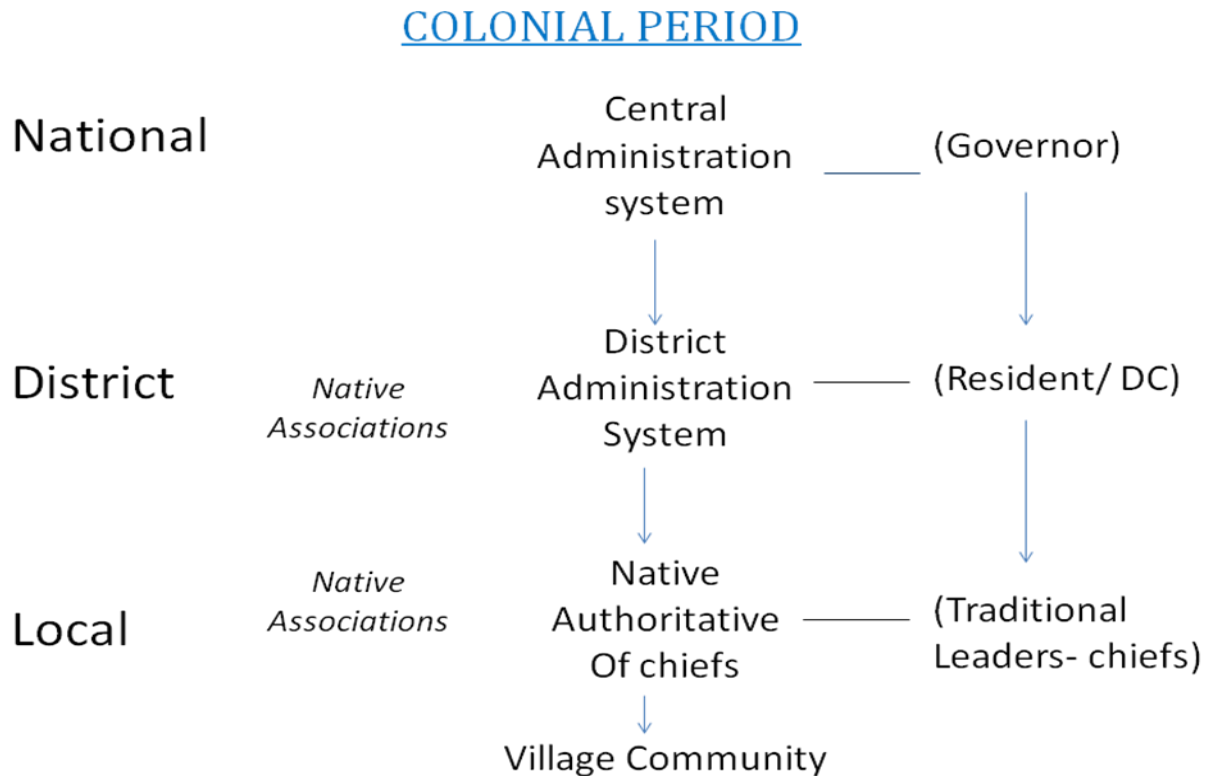
The colonial regime introduced governance through the power of traditional authorities to make them useful to the colonial administration. As Mamdani (1996) has argued, indirect rule was created to penetrate and manage rural Africa in colonial interests rather than to benefit local people in the first instance. A vast array of welfare associations, cultural associations, workers unions and independent religious organisations emerged to engage with the colonial government but they had limited influence on governance, elitist in outlook, comprising mainly of young educated Malawians (Chirwa et al., 2001). Several explanations have been advanced for the restricted pressure these exerted on the colonial governance process. Rotberg (1971) points to the colonialists disregard of Africans. Others, attribute it to the heavy handedness of colonial authorities and the pacific non-confrontational approach adopted by the groups (Government of Malawi and UNDP, 2003)

The systematic use of chiefs to buttress colonial rule was further strengthened with formation of Native Authorities in 1993 with the chief’s political powers reoriented and circumscribed under the strict control of the colonial administration through the district commissioners (DCs). Figure 1 best illustrates the structuring of institutional

² Separate legislation was first introduced in 1931 in the urban areas to ensure that the emphasis of urban local government was on Europeans and other settlers and not Africans.

arrangements linking the centre and the periphery during the most part of the colonial period

Figure 1: Institutional Arrangements Linking Centre and Periphery- Colonial Period



Even though towards the end of colonial rule in 1953, government introduced legislation that created rural district councils to replace the Native Authorities as local government units, chiefs' powers and functions as agents of central government in the maintenance of law and order were retained and government continued to use the chiefs for its own purposes despite having legally constituted local government institutions. The rise of nationalism in the late 1950s led to the reform of the Local Government Act of 1953. The colonial government feared that nationalists would capture the local government councils to advance their anti-colonial struggle. Thus the new legislation, apart from introducing an institutional and functional separation between Native Authorities of chiefs and local government councils, it also stripped the local government councils of all rule making powers and relegated them to mere providers of services and facilities (Baker, 1975). The institution of chieftaincy now operated in parallel with the local government institutions and chiefs were made responsible for acting as agents of the central government as its direct links with the black African population. Their tasks were mainly traditional roles such as maintenance of law and order, allocation of trust land user rights, and administration of justice through African courts. The result of all the ordinances introduced between 1912 and 1960 was that by the time Malawi became self-governing

in 1961, a dual system of governance had emerged in rural Malawi. A decentralised system of rural local government councils based on the English model³ operated side by side with Native Authorities in a number of districts where local government councils were introduced. While it is notable that the foundations of a decentralised system of local government were laid during the colonial period, a point worth noting in this account is that the government main interest was by and large management of native populations. As a result there was a desperate endeavour to fine-tune the institutions of local government in such a way that real power and decisions making remained at the centre.

From the political readings of the nature of decentralisation policy reforms since the inception of the colonial regime, we can infer that, much as the reforms were linked to efforts to create state society relations in which power would be transferred to Malawians in the country side, there were clear tendencies towards control and centralisation. These included the recourse to chiefs rather than locally elected local government as recipients of decentralised powers under the strict control of the central government representative (the DC), the postponement of the election principle in favour of government appointment in the choice of council members, the amendment made to the 1953 act in the late 1950s that stripped councils of all rule-making powers and limited their role to that of service providers for fear that nationalists would capture the councils and further the anti-colonial struggle (Kaunda 1999). These examples reflect the colonial government's perception of local government as a potential threat to state consolidation. This illustrates an important feature of Malawi's historical legacy that has been clearly manifested in various forms under different regimes and has influenced the direction, extent of contemporary decentralisation reforms

Post Independence one party Era

When Malawians gained control of the central government in 1961, they demonstrated a commitment to decentralisation based on devolution of powers to local political institutions of elected councillors. In building on the system of decentralised local government established by the colonial government, the nationalist government made a number of changes. Through the Local Government (District Councils) Amendment Ordinance of 1961, the government introduced statutory district councils in all districts and provided for universal adult suffrage in the election of council members. District councils assumed all the responsibilities of the pre-independence councils. In particular, councils became local education authorities, highway authorities, and public health authorities, functions that were formerly under the control of the DCs (Apthorpe, Chiviya and Kaunda 1995). By the time of independence 1964, a formal constitution, containing a bill of rights, was adopted. The constitution provided for a parliamentary system of government based on the British Westminster model and a devolved system of decentralised government. Although in principle considered a multiparty system, in

³ Characterised by a single tier system of local government with a well-defined local tax system, and powers and responsibilities that included involving local government in a range of infrastructure services, such as local education, roads, public health and sanitation.

practice the Malawi Congress Party dominated since all the party candidates had been returned unopposed in the April 1964 pre-independence elections.

A formal one-party state was proclaimed in 1966: Dr Banda introduced a new constitution through which the parliamentary system as well as the multiparty system was abolished. All constitutional powers were vested in him as executive state president and the Malawi Congress Party was the only legal party (Meinhardt and Patel, 2003). The 1966 constitution introduced by Dr Banda also eliminated the bill of rights and therefore provided no explicit guarantees of human rights. Instead it institutionalised one of Southern Africa's most undemocratic regime (Chirwa et al., 2001). Meinhardt and Patel (2003), writing about the characteristics of the Banda regime, observe that the 1966 Republican constitution gave Banda unlimited powers to rule the country like a private estate - as he himself used to put it. Kaunda (1999) notes that the one-party state proclaimed in 1966 altered the nature of political and administrative relations. He argues that there followed a rapid transition towards state centralisation accompanied by growth of executive dominance in the political system (Kaunda 1999). As a result both the civil service and local administration became politicised.

Civil society associations that had flourished in the colonial period became severely constrained during the Banda era. As Chirwa (2000) indicates, the one party political regime inhibited civil society and undermined its independence. The party became a kind of quasi-state institution with a well organised, elaborate, and efficient structure down to the grassroots, even in the remotest villages (Meinhardt and Patel, 2003). Consequently the party performed, though poorly, all the major functions of civil society. Meinhardt and Patel also draw attention to a number of activities that characterised Banda's regime: strikes, demonstrations or any kind of protests were banned. The right to join or form a political institution other than the Malawi Congress Party did not exist. Press censorship was rife and a network of informers kept citizens in a state of silence, subservience, and fear, as Harrigan (2001: 31 -32) describes:

a personal network of support and control that was independent of the party organisation, developing a comprehensive private and informal structure of control with channels of information and command outside the formal party hierarchy.

The paramilitary movement, Malawi Young Pioneers, supported this network and kept tight control on all parts of society: and any slight critical comment about the party, the government, or the life president carried serious consequences. This further undermined the formation of a strong and active civil society but enabled Banda to establish highly personal control that had the 'full power of the law but was completely arbitrary' (Williams, 1978 cited in Cammack, 2004: 47).

Between 1964 and 1994 no democratic elections were conducted in Malawi and there was no meaningful participation of people in the political process. After the landslide victory of the Malawi Congress Party in 1961 elections for the legislative council, Dr Banda did not want to allow political participation by the general public: on the

introduction of the 1966 constitution, the lifespan of parliament was extended by another five years to 1971 (Meinhardt and Patel, 2003). Just before presidential and parliamentary elections were due in 1971, Dr Banda was made state president for life at the Malawi Congress Party's convention in late 1970. Consequently, presidential elections did not take place and parliamentary elections also scheduled for 1971 and 1976 also did not take place because the president in his capacity as head of the party nominated only one candidate in each constituency, who was then 'elected' unopposed. The practice slightly changed in elections that took place in 1983, 1987, and 1992. Between two and five candidates competed at the local level. However this slight change had no material effect on people's participation because the elections were orchestrated in such a manner that genuine electoral competition was curtailed. Only Malawi Congress Party members, approved by the president, were allowed to stand. Even within the party itself no meaningful participation was possible, as the president used the party as an instrument to control and repress its active members (Meinhardt and Patel, 2003). The caricature that was the party's rules demonstrates the depth of control that lay within the party. The preamble of the party's rules and regulations stated that the Malawi Congress Party was:

supreme and that no one is above the party... that Dr Kamuzu Banda, life president of the mighty Malawi Congress Party is the supreme leader... all party officials, ministers, parliamentary secretaries, members of parliament, city, town, and District Councillors exist as a result of the party...Therefore every member of the party must subordinate his personal interests to those of the party and membership must imply solidarity and loyalty to the party and the party leader (Malawi Congress Party as cited in Kaunda 1999:583)

Such words created an environment in which all institutions and individuals were subordinated to the party and its leader Dr Kamuzu Banda, who was also head of state and head of government. Dr Banda considered such a strong executive presidency as appropriate for a young sovereign state like Malawi to achieve unity, stability, and rapid economic development (Malawi Government 1965a as cited in Kaunda 1999) - a common justification for centralising trends noted in much of postcolonial Africa.

However, others such as Kaunda (1999) argue that the centralisation of state power from 1967 appears to have been Dr Banda's reaction to perceived threats to his power when some cabinet ministers openly rebelled against his autocratic leadership style and criticised some of his political decisions. What followed thereafter attests to this view: political intimidation, detention without trial, and disappearances of opponents. A culture of fear was created so that party officials, members of parliament, chiefs, and local government councillors had to show complete unquestioning loyalty and allegiance to Dr Banda for fear of losing positions, of detention without trial, or even disappearing (Phiri and Ross, 1998). Consequently, from 1967, Dr Banda's policies could not be debated or opposed (Kaunda 1999). The ambience that marked Dr Banda's leadership has been very well captured in the statements below:

the legislature and the judiciary were used merely as rubber stamps of the decisions of the executive. Popular participation in the affairs of government was non-existent. The government was inaccessible to the general public. The regime

emphasised need for authority, obedience, and public order over free expression, free competition, and access to political processes. Public policy was imposed from above (Chirwa, 2003: 50).

The inherent dynamics of the one-party state's need to consolidate its power led to the dismantling of elected local government, and popular participation was forcibly moulded into a role prescribed by the party (Cross and Kutengule 2001). First, the procedures for election to local government councils were altered in October 1966. The original district council election rules of 1962, which provided for democratic elections, were made subject to party selection, thus reversing the principle of elected, representative local government. Instead, within each ward, the party had to nominate at least three and not more than five candidates and then forward these names to the president, who would then select one candidate to represent the ward (Kaunda 1999). Further, all local councillors had to belong to the party and had to be ex-officio members of the area committee of the party. Any elected council member had to vacate his seat if he left the party.

In addition, Banda's government's orientation towards central control of all aspects of governance emphasised implementation of development functions through deconcentration of sectoral ministries from the centre to the region, district and sub-district levels. Thus, a deconcentrated array of central- government offices operated side by- side with local government councils in each district. Through these trends, central government systematically began to transfer some of the functions and responsibilities of local government councils to these offices. At the same time, it took over the posting of all district local councils' senior staff and progressively restricted the councils' freedom to fix and collect revenue (Mbeye 1998).

To maintain his control over the masses, Dr Banda established a range of political structures to keep the people informed of government policy and to teach them what the government required of them (Joffe, 1973). In return the people were expected to listen to his advice, and to obey the four cornerstones of the party namely: unity, loyalty, obedience, and discipline. Thus the creation of District Development Committees in 1965 with the stated aim of providing decentralised planning of local development projects in each district through popular participation should be understood with this background in mind. Although the adoption of this system was based on lessons from other Anglophone countries such as Kenya⁴, the Malawi variant had unique characteristics fitting the political context at the time. Structurally these committees in Malawi came under the office of the President and Cabinet district administration system; they had no legal basis, or directly elected element. Instead they were comprised of the District Commissioner as the chairperson, district chairperson of the Malawi Congress Party, Members of Parliament (all were MCP members), chairpersons of the League of Malawi Youth and League of Malawi Women of the Malawi Congress Party, Chairman of the District Council, Clerk to the District Council, and heads of government

⁴ From the mid 1960s an important development in the decentralisation movement in Africa was the realisation that development goals in the field could not be effectively pursued in situations in which field offices and local government systems operated in isolation of one another in the development process. This need led to the creation of District Development Committees to give expression to that concern.

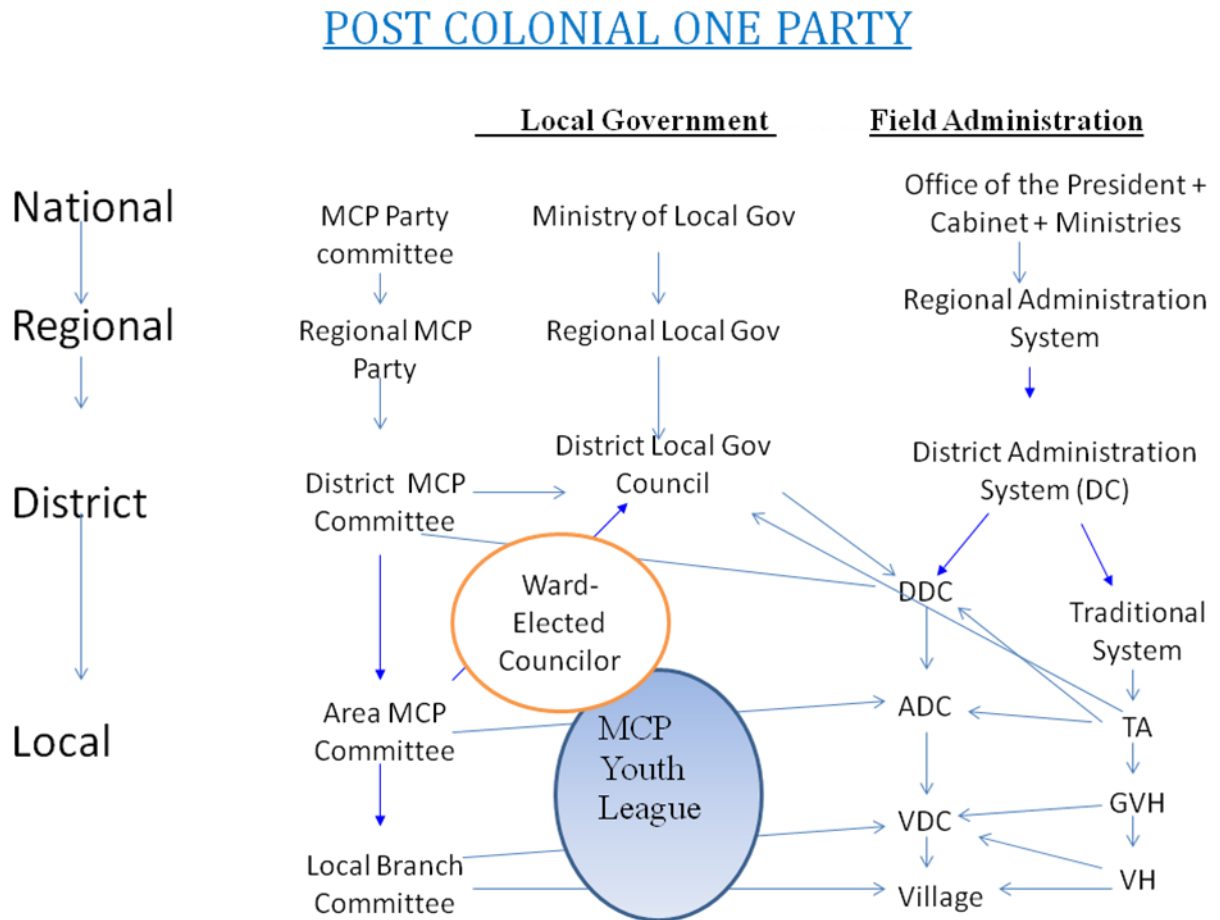
departments at district level (Malawi Government, 1969). Clearly, this composition illustrates that Malawi Congress Party leaders formed the majority of the members of these committees.

Although initially the architects of the District Development Committees viewed them as sounding boards by which government could be appraised of district priorities, they later changed so that their main role became that of enlisting community support to government approved programmes (Miller, 1970). To this effect, the government permitted creation of informal area and village action groups at sub-district level to enlist the latent enthusiasm of villagers into productive work as needed (Malawi Government, 1969). Miller (1970) citing the Minister of Development and Planning at the time, indicates that informal action groups were preferred as government policy was opposed to the proliferation of formal committees below the district. The reasons for this policy were not made public, but given Dr Banda's style of leadership it is not farfetched to suggest that the aim was to prevent competition with grassroots party structures that served to encapsulate Malawians within one-party authoritarian rule because of the need to prevent secessionist movements. This suggestion also seems plausible when we consider the dominance of party leaders in the membership of the committees and the attention that was given to the role of party functionaries in the work of the committees. For example, in delineating specific duties, the operational guidelines of the District Development Committees did not state a clear role for the local government councillors in the operations of these committees. Attention was given to the responsibilities of the Malawi Congress Party chairmen, government extension workers and the chiefs. The District Development Committee handbook specifically instructed that:

district chairmen of the Malawi Congress Party should see to it that information is disseminated down to the village level through the party channel. Similarly, the District Agricultural officer works through his field staff and the District Commissioner effects decisions through the chiefs and village headman (Malawi Government, 1969: 20).

Consequently, some analysts of these structures have argued that the action groups were simply lower level extensions of the Malawi Congress Party machinery and had little to do with decentralisation (Geist and Nge'the, 1998). Even with the chiefs, their roles were only welcomed in so far as they lay within the framework of the party and the government (Miller, 1970). Not surprisingly, some critiques of the effectiveness of these committees have noted that the system ignored the real needs and aspirations of the majority of poor village communities and that village involvement in implementation of top down projects by providing labour and other materials was maintained only through fear of the wrath of the Malawi Congress Party (UNDP and UNCDF, 1997). Figure 2 below best depicts the situation that obtained on the ground.

Figure2: Institutional Arrangements Linking Centre and Periphery- Post Colonial One party era



Therefore creation of District Development Committees, with a mandate similar to local government councils but placed under a central government office, marked a fundamental step of the post independence government in sidelining local government councils in favour of an enlarged role of central government structures in rural development processes with direct links to chiefs. The decision reflected on the government's inclination towards central planning and greater control. In operational terms, it introduced a role overlap and competition for resources as the government channelled more resources through the District Development Committee at the expense of legally constituted local government councils under the pretext that local government councils were ineffective in fostering service delivery (Apthorpe et al., 1995; Miller, 1970). Similarly, donor development funding bypassed the councils and went directly to District Development Committees (UNCDF, 2001). As a result local government councils became ineffective in their ability to deliver services: consequently they grew unpopular and many people were not willing to pay local government fees and rates (Apthorpe et al., 1995). Philip Mawhood, writing about the experience of decentralisation in Tropical Africa, best captures this state of affairs:

in the 1960s there followed for most countries a swing away from local autonomy in favour of central planning and greater control of public resources. A deconcentrated administration was left in charge of the locality, similar to but weaker than the colonial one. It was aided by committees, which hardly had a role beyond discussing development plans and giving help in their implementation (Mawhood, 1983: 8).

The colonial and postcolonial account of decentralisation presented herein reveals that continuity marks the governance practices of these two legacies. In both cases, the imperative for stability induced a dominant political culture that displayed a marked tendency towards greater centralisation and control, which compelled the obedience and submission of rural communities to authorities. Therefore, although formally the rhetoric spoke of decentralisation, the structures of decentralisation and the actors to whom powers and responsibilities were transferred in practice reflected a determination to maintain central control. The occupation of the implemented systems was to carry out orders, to produce, to administer and control; and not to transmit needs, responses, and facilitate exchanges between the countryside and the central state.

While the colonial strategy was to systematically use chiefs, the post-colonial one party period clearly illustrates institutional building strategies that were strategically being deployed to shift the local balances of power towards centralism and a predisposition to strengthen the party's presence and influence at the grassroots. An elected system of local government that would allow avenues for local people to engage with the central state existed on paper and was systematically weakened, sidelined, and brought under party control. Instead the district administrative system (state apparatus) was deconcentrated as the regime multiplied its outposts in the localities and also used traditional chiefs as an extended arm of the state. Dr Banda (President from 1964–94) presided over an authoritarian political system, which enabled him to use repression as well as charisma and traditional authority (rooted in Chewa culture) to maintain his position (Cammack et al The presence of multiple overlapping party and state institutions imposed a tight web of state power and influence in the rural localities. The hierarchical structure of the party supported by youth league was empowered at the expense of pre-existing organs of rural government and wielded a lot of power among rural residents. This dense network of district administration and local government agencies and organs of the MCP party represented multiple and diverse points of access to state power and resources. By the time the political changes were taking place in 1994, local government in Malawi was in a state of deterioration due to lack of resources. The actual role played by councils in rural provision of services at the time was very minimal and most public services were provided directly by central government line ministries (Schroeder, 2000)⁵.

Winds of Change and Democratic Decentralization in Malawi

Decentralisation gained new impetus with the political changes that took place in 1994 as the new, democratically elected government sought to revamp the machinery of

⁵ Schroeder, L. (2000). Social Funds and Local Government: The case of Malawi. *Public Administration and Development*, 20, 423 - 438.

government. A new constitution, drafted in 1994 and adopted in 1995, provides the constitutional foundation for Malawi's new democratic system. The constitutional provisions based on liberal democracy principles such as legitimacy, accountability, transparency, human rights and the rule of law, seek to place limits on the power of the President. It established a hybrid system that provides for a directly elected president with powers to appoint his or her cabinet while legislative power is vested in a Parliament, which consists of the Assembly and Senate (Mutharika, 1996). However, in 2001 Parliament repealed and abolished the Senate provision in constitution. The constitution clearly defines and separates the powers of the three branches so that they are not fused in a single institution or person as in the days of Dr Banda.

Decentralisation featured prominently in the 1994 Malawi constitution, and the language employed in this document in effect links the agenda of decentralisation with democratisation, development, and good governance. Specifically the constitution provided for the strengthening of previously defunct local government institutions by allowing for the creation of a new wave of rural and urban local government authorities with responsibility for 'welfare provision; consolidation and promotion of local democratic institutions and participation; the promotion of infrastructure and economic development through ... local development plans; and the representation to central government of local development plans' (Government of Malawi 1994: Chapter XIV). In other words the Constitution creates the basis for a democratic system of local government with local elections as an important element of the functioning of the system.

In keeping with the constitution, section 3 of the Local Government Act that was adopted in 1998 identifies the objective of Local Government in Malawi as the furtherance of democratic principles, accountability, transparency, and participation of people in decision making and development processes. Section 6 and the second schedule of the Act also provide a further elaboration of these functions. Similarly, the policy of democratic decentralisation enacted in 1998, popularly heralded in government discourses by the slogan *mphamvu ku anthu* or literally "power to the people," devolves powers to local communities through elected representatives.⁶

Both the policy and the Act seek to achieve the following objectives:

- to create a democratic environment and institutions in Malawi for governance and development at the level that will facilitate the participation of grassroots in decision-making;
- to eliminate dual administration at the district level with the aim of making public services more efficient, more economic and cost effective;

⁶ Chiweza, A. (2007) 'The Ambivalent role of Chiefs in Malawi's rural decentralization initiatives'. In Buur, L and Kyed, H.M (eds.), *A New Dawn for Traditional Authorities: State Recognition and Democratization in Sub Saharan Africa*. London: Palgrave Macmillan.

- to promote accountability and good governance at the local level in order to help government reduce poverty; and
- to mobilise the masses for socioeconomic development at the local level

The 1998 Local Government Act gives effect to the constitutional provision by making local government Assemblies as deliberative bodies with legislative and executive powers, designed to further democratic principles, accountability, transparency and participation of people in development and decision making processes.⁷ Taken together, these provisions represent a commitment on the part of the post 1994 democratic governments to move away from centralising tendencies that characterised state building efforts during the colonial and post colonial one party era towards democratising decision making at the local level in Malawi and to bring services closer to people. In effect the provisions integrate local governance and development functions and decentralises them to democratically accountable and representative local institutions. According to the Malawi Growth and Development Strategy, Malawi recognises local government as key to national development and good governance.⁸ Local governance is believed to enhance both the legitimacy of government (by strengthening participation and accountability in policy-making) and the efficiency of public-service delivery (by improving information, input and oversight). Democratic decentralisation then was meant to reconstitute the state in a democratic by distributing power to local political institutions and through this provide a process at the local level through which diverse interests can be heard and negotiated and resource allocation decisions can be made based on public discussion.

However, despite the Constitution, Local Government Act and Policy articulating the formal institutions and purposes of democratic decentralisation, ten years down the road a general perception amongst the people interviewed is that, ‘the *state/government has been dominant on the ground and it has been a guided decentralisation process where the central government dictated matters so as not to lose control of the grassroots*’⁹. The issue here is that the implementation of this innovation has been subjected to a multitude of informal rules, practices, and political calculations that bear semblance to the historical experiences. The politics appears to be played out through a number of avenues and arenas: the design of local level structure to promote participation and accountability, the incomplete sectoral devolution processes, the postponement of local elections and the institutionalisation of alternative decision making forums, the systematic use and engagement with chiefs as an extended arm of the state among others. However in this paper I only elaborate the two key strategies being employed.

⁷ Government of Malawi. (1998). *The Local Government Act, No 42 of the Laws of Malawi*, Zomba: Government Press.

⁸ Malawi Growth and Development Strategy, page 64

⁹ Excerpts from key informant interviews done in Lilongwe and Balaka

a) *The design of local level structures for participation and accountability*

A critical aspect of democratic decentralisation, that of participation and downward accountability, is dependent not only on having locally elected councillors but also on channels of participation available to the people in order to influence policy inputs, budgets and scrutinise Assembly performance. However, the provisions of the Local Government Act create elected bodies at the district level only, but institute nothing below the district. The legislation's architects argued that shifting authority to the district would promote democratisation and that district based autonomy would bring decision making to a level where communities were more inclined to participate and where they could hold politicians accountable for their actions' (Chiweza, 2004). If democratic decentralisation is to promote state formation through local governance, there is a greater need to ensure that the decentralisation process goes beyond the district-level structure and reach out to the lower levels.

In democratic decentralisation discourses, participation is valued because of its potential to foster collective voicing of needs and collective action to force government to deliver services effectively (Echeverri-Gent, 1992; Mehrotra, 2002). As such, control from below and creation of institutions and structures at the grassroots level that can enable people to decide for themselves and channel influence upwards are of significance in democratic local governance processes (Barnett et al., 1997). Examples from a number of countries that have instituted frameworks for participatory planning as strategies for democratic decentralisation show that apart from instituting planning committees at various levels of the local government hierarchy, they create deliberate avenues at the grassroots through which citizens could directly deliberate, voice their demands and seek explanations from local government representatives. In India for example, village assemblies and neighbourhood groups are used; in Bolivia, grassroots territorial organisations; in Ghana, unit committees; in Indonesia, citizens' forums and village councils and in Uganda, resistance councils and committees were instituted for such purposes (Antilov, 2003; Gaventa and Valderrama, 1999; Goetz and Gaventa, 2001; Matthew and Matthew, 2003).

To illuminate this point I call here on examples from India, because these have been systematically studied and well documented (Crook and Sverrisson, 2001). In the state of Kerala, Matthew and Matthew (2003) note that ward *sabhas* played important roles in bringing local government to account and keeping citizens within the ward informed about development and welfare programmes. In their analysis, the authors emphasise that the *sabhas* met frequently and that written invitations were sent to each household. Every member was given a copy of the government order detailing the rights and responsibilities of the ward *sabha*. In West Bengal, they describe how grassroots structures known as *gram sansads* identified and advised local government councils on schemes for economic and social development to be undertaken in the area. The *sansads* also identified and laid down principles of the various poverty alleviation programmes. In this respect, Webster (1990) also indicates that heated discussions in these West Bengal village level forums enabled voices of the poor and the disadvantaged to be expressed. The important point to note here is that the inclusion of these grassroots structures within India's democratic decentralisation system opened up space for more direct democratic participation of its citizens. Thus, a more level playing field for the citizens was

constructed since these mechanisms enabled the citizens to meet and express their wishes, raise issues of social concern and public interest and demand explanations from local government leaders (Matthew and Matthew, 2003).

Drawing from these comparative experiences, what becomes apparent about the institutionalised framework set up for participation in Malawi is that a major gap exists in the system in terms of appropriate channels of creating linkages with the citizens that would facilitate democratic participation of the rural citizenry. Neither the Act nor any other legislation provides any legal direction about institutions and channels for citizen participation below the district and how district level structures connect with the grassroots citizens to promote the objective of democratic participation in the processes of development and governance. Rather, the Act gives discretion to individual Assemblies to constitute appropriate structures at ward, area or village level for the purpose of facilitating popular participation in the Assembly's decision making (Government of Malawi, 1998). According to key government officials involved in the policy process at the time, the issue of previous sub-district structures: Village and Development Committees the role of chiefs in those processes were topics of heated discussions when the 1998 Decentralisation Policy and Local Government Act were being prepared (Chiweza, 2007). The feeling from some reformers was that 'in order to reflect the new democratic constitutional provisions, there was a need to create ward committees as an appropriate basis for the elected government councillors members instead of continuing with the previous Area and village committees. In the end, the position adopted government was to maintain adopted the *status quo* because of the perceived popularity of chiefs with their communities, a decision that reflects the government's fear and hesitancy about upsetting the position and status of chiefs in local governance and creating democratic institutions at the local level.

In practice these committees mainly function as chiefs' development coordination forums, mechanisms through which project proposals, submitted by village heads, were compiled and submitted for onward transmission to the Assembly and as important channels of communication for the District Assembly to the communities through the hierarchy of chiefs. There is no other dialogue between the committees and the community except for the one that is used by village chiefs to facilitate in mobilising the communities for development. Chiefs continue to chair all the bodies in direct contradiction to the District Development Planning guidelines. Consequently, my research found that the notion of the Village Development Committee had little currency among the ordinary citizens in the villages. Consequently, the committees are 'filled with gatekeepers who speak for but not with those they represent' (Cornwall, 2002b: 8) which limited their efficacy as channels of grassroots participation. As one key informant put it:

with the on and off implementation of decentralisation and local governance reforms, the grassroots are yet to feel empowered to the extent of establishing their own structures (bottom-up structures) as a matter of creating channels for communication with the state/government. The institutions existing do not really reflect the notion of empowerment as they are top-down (key informant interview, Lilongwe District)

Inevitably then, the committees do not operate as avenues through which community demands and preferences were articulated and heard, but rather as government bodies overseeing development activities in the villages with limited influence on policy processes. In that they did not offer any voice to the rural citizens, this is not significantly different from the way these bodies used to operate during Dr Banda's era. Rather, as in the new dispensation, the committees served as channels of communication to enlist people into development work.

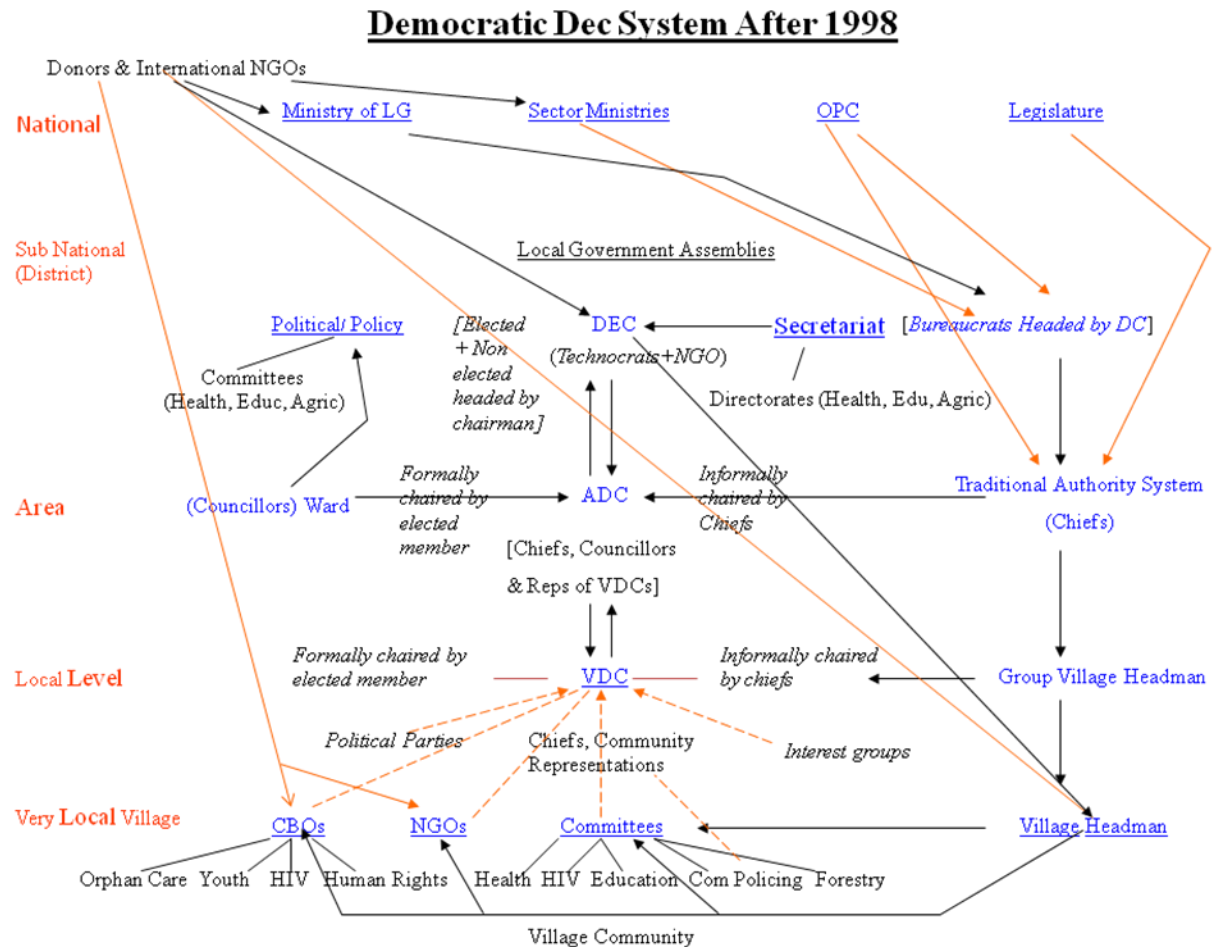
Several government and donor initiated reviews of the implementation of decentralisation in Malawi have consistently revealed the weak, almost defunct position of these committees (Bloom et al., 2005; Government of Malawi, 2001). However, despite these reports, and an expressed commitment to citizen participation, no tangible effort has been displayed by government to review or revitalise and train the committees instituted under the District Focus Policy since the implementation of decentralisation in 1999. In a true sense, there has been no significant change and attention given to these committees since these previous decentralisation initiatives. This points towards a continuing practice of exclusion and marginalisation of the rural citizens, even though the written legal provisions suggest inclusion and empowerment.

Therefore even though the immediate post 1994 government publicly expressed commitment to liberal democratic institutions and norms through the adoption of democratic decentralisation, in practice, however, liberal institutions— a more transparent political environment and the need to submit to open competition made the position of Malawi's political elite less secure (Cammack et. al, 2007). Thus instead of promoting state formation processes that would allow citizens to engage with the state in more active ways and bottom up processes and foster democratic consolidation the political leaders have resorted to practices that would see them cooperating more with traditional chiefs. This constellation allows only for fragile accountability mechanisms between the state and the citizens because the chiefs have demonstrated that they can easily be manipulated. During the past four national elections that Malawi has had chiefs have been seen canvassing support for the ruling party and in some cases actively campaigning for the ruling party.¹⁰ In some cases they have acted also used their role as community gatekeepers to exclude opposition leaders and supporters from their area¹¹. Figure 3 below clearly depicts the situation now obtaining on the ground in terms of structuring of the bodies linking state and citizens after 1998.

¹⁰ See Nation May 13, 2009 Political Index- Elections- Should traditional Leaders take part in national campaign- Investigating a Chiefs Role in democracy.

¹¹ See Nation Newspaper, 7th May 2009: Chiefs have no power to stop rallies

Figure 3: Institutional Arrangements Linking Centre and Periphery after 1998



b) The postponement of local elections and the institutionalisation of alternative decision making forums

The contemporary postponement or manipulation of local elections in Malawi is not a new phenomenon. It bears semblance to the fate of local elections in 1994 which were consistently postponed until 2000 and it reflects some continuities in the behaviour of political actors that goes as far back as the colonial period. In fact it is fair to say that throughout the various political regimes Malawi has had, there is no compelling evidence of strong political will to constitute democratically elected local governments and to support them to be fully established in order to effectively carry out their mandates. For example during the later part of the colonial period significant steps were taken through the 1953 District Councils and other revisions in 1960 to provide for establishment of a statutory district council in selected districts with an elective component and with the aim of providing political education through local practice.¹² However “none of the members of the bodies were elected but were government

¹² Baker, C. (1975). *The Evolution of Local Government in Malawi*. Ile-Ife University of Life Press.

appointees” (Kaunda, 1999)¹³ because with the rise of nationalism in the 1950s, the colonialists feared that the nationalists would capture the councils to further the anti-colonial struggle. Even during Banda days, The District Council Election rules of 1962 that provided for democratic elections were made subject to party selection, thus reversing the principle of elected representative local government

On coming to power in 1994, the United Democratic Front (UDF) abolished all local government councils. The transition was meant to promote democracy and decentralised systems were seen as one way of doing this and of fostering development. However, government repeatedly postponed local council elections, a delay that was assumed by commentators to be the result of the ruling party’s fear that the MCP (still powerful in parts of the country) would win them, thus giving opposition politicians a base from which to campaign in the future (Cammack et al. 2007). In effect the central government’s deconcentrated system as opposed to democratically elected councils continued to function.

After the first local elections of 2000, the next elections were scheduled for 2005 but these were postponed under the justification of lack of funding in the midst of hunger that took place in the 2005/06 fiscal year. Even though parliament passed a motion to hold the local elections in the 2006/07 fiscal year, it was not possible to hold the elections in May 2007 because among other reasons the issue of commissioners required for MEC to make binding decisions had not yet been resolved. When stakeholders pressured government further to hold the elections, the indication was that they would be held in 2009 but even this commitment did not culminate into any tangible result following a variety of excuses.

Chinsinga (2008)¹⁴ has argued that these experiences and practices need to be situated in the context of broader political realities in the country. He notes that the country emerged out of the 1994 elections a heavily fragmented polity along regional lines whose dynamics are affecting the implementation of decentralisation and local government reforms. Parties have emerged with strong regional bases in which they would like to dictate and set the agenda in the political, economic, cultural and social sphere. Take for example the 1994 elections: the United Democratic Front emerged as a dominant party in the South while the North and Central were dominated by AFORD and MCP respectively. Using the fear logic, the most plausible argument is that local elections were postponed at the time because of the fear that MCP and AFORD would secure outright control of District Assemblies in the Central and the North. In the same manner Mutharika’s switch from UDF to establish his own party DPP, resulted in a government with minority status in Parliament, yet 71% of the local assemblies were controlled by UDF councillors. In the years that followed, the protracted fight between the opposition and government surrounding issues of impeachment, section 65, and the budget created a shaky and unstable environment for the DPP government to call for local government

¹³ Kaunda, M. (1999). State Centralisation and the decline of local government in Malawi. *International Review of Administrative Sciences*, 65(4), 579-595.

¹⁴ Chinsinga, B (2008) In G. Crawford, C. Hartmann (eds.) *Decentralisation in Africa: A Pathway Out of Poverty and Conflict*

elections. Thus the postponement of local elections after 2005 appears to be more an issue of fear of not doing well because compared to other parties the DPP did not at the time have established structures at the local level.¹⁵ The failure to gain control of District Assemblies would have thus magnified the party's minority status at both the national and local level.

Given this logic, then one would have expected that the DPP's overwhelming victory on the May 2009 elections would have bolstered its political position and altered the configuration of power at the national level, a position that would allow it to confidently call for a local election without much hesitation. This has not been the case and the uncertainty and speculation surrounding government's reluctance to hold local elections has been further buttressed by the recent media reports¹⁶ about DPP's intentions to amend the Constitution to allow local government elections to be held 5 years later instead of a year after the general election. In addition, the plan to include a section in the amendments that would give prerogative powers to the Head of State to decide whether to have polls or not, is an antithesis of the '*mphamvu ku wanthu*' message that has been a hallmark of Malawi's decentralisation since 1998. The moves to amend the constitution are not very surprising when one looks at 2009 DPP manifesto. The manifesto says that while it believes that local government is a sound institution for transferring power to the people at the grass roots, it is silent on local elections but clearly singles out traditional chiefs at all levels as important participants in local governance.

Indeed since Mutharika came into power there have been increased appointments and promotions of chiefs. Chiefs have also received substantial increases in remuneration from the state and others have had houses built for them. Through these activities which display an attempt to into traditional legitimacy by appropriating traditional symbolism it has become apparent that there is continuity in leadership style between him and Malawi's previous 'big men' (Cammack, et. al, 2007). The manifesto further indicates that the democratisation of local government including the procedures for re-electing will be reorganised to fit changing circumstances¹⁷. It can therefore be safely concluded that the constitutional amendments could be part of this reorganisation that seems to display a preference for hereditary traditional chiefs as opposed to elected democratic institutions in rural local governance processes. However chiefs themselves do not fully support the democratic decentralisation. They are of the view that:

Decentralisation reforms have weakened the cultural institutions and if not careful the state/government in the long run may not be able to administer, monitor, and regulate the rural society. The chiefs blame decentralisation reforms that emphasise on the elected representatives for the weakening of their powers. Chiefs are of the view that the elected officials may not be effective in pushing for the proposals that are not popular yet good because they lack coercive authority (Excerpts from interviews with senior chiefs in Balaka and Lilongwe District)

¹⁵ *ibid*

¹⁶ See Malawi News, November 21-27, 2009, Move to have 14 years for President

¹⁷ Democratic Progressive Party's manifesto, 2009

Therefore unless otherwise stated recourse to chiefs in the local governance processes would not guarantee transfer of powers to local people to engage with the state in more open ways.

What are the Implications of continued postponement of local elections?

In the absence of democratically elected local governments, Assemblies have reverted to the 1960s style of District Development Committees, though they are now called Consultative Committees (CCs). Basically these are decision-making bodies that are made up of appointed assembly officials and ex-officio in normal setup of decentralisation framework. They comprise Traditional Authorities and Sub-Traditional Authorities within the district, Members of Parliament, representatives of interest groups, and Secretariat. The District Commissioner chairs the CCs and the Director of Planning and Development acts as the secretary. Ideally CCs need to meet once per quarter but they rarely do so and meetings are organised at the discretion of the District Commissioner. Their decisions are not binding and can easily be challenged in a court of law. In effect these bodies act as serious obstacles to the development of effective democratic local government institutions as envisaged in the Local Government Act of 1998. This is clearly coming through in the words of one key informant who state that:

The intermittent implementation of decentralisation and local governance reforms has consistently denied the chance of the establishment proper and effective linkages between the central government and local government as far as local governance; linkages that are two way by feeding both the central and local governments with input and channeling out the output. Because of the on and off decentralisation and governance reforms, the central government representatives/institutions have remained dominant in the local affairs since they still remain operational even when the decentralisation project has been suspended and sometimes take over the powers and duties of the local institutions/representatives. This has contributed to the questioning of the relevance of decentralisation, in particular, councillors, when the central government institutions can do the same jobs (Key informant interview, Balaka District).

There is also a much bigger problem relating to the transparency and accountability in the management of finances without any local oversight mechanism. In democratic governance, the expectations are that political representatives and public officials must account for the collection and use of public funds. With the absence of councillors, there is no mechanism for local scrutiny and holding District Commissioners accountable to the communities they serve. This has opened up a new window of corruption and misuse of funds among assemblies.¹⁸ Recent improvement in resource flows to DAs means that the secretariats are carrying out massive expenditures without a local system of checks and balances. There is absolutely no oversight over their expenditures to ensure that

¹⁸ Tambulasi and Kayuni (2007). Decentralisation- Opening a New Window for Corruption: An Accountability Assessment of Malawi's Democratic Local Governance. *Journal of Asian and African Studies*, Vol. 42:2, pp 163-183.

poverty reduction and development expenditures are appropriately prioritised and getting the attention they deserve. Therefore, at local level, the decentralisation process has

helped create and strengthen elite which, through official activities and awards, consumes much of the locally generated revenue as well as non-conditional grants from central government. Members of this elite maintain control of contracts and appointments to sub-bodies, which gives them further opportunities for patronage and rent-seeking. They are not accountable downwards to any great degree as people have little knowledge or understanding of local resources or decisions and central government institutions have 'little power to sanction inappropriate behaviour' (Cammack et al, 2007:18)

There is also an increased presence and recognition of other players on the local policy space such as traditional institutions, block leaders in urban areas and members of parliament (through the Constituency Development Fund). The delay in reconstituting elected local Assemblies is further entrenching the rule of traditional authorities in the local governance landscape and creating a fertile ground for the continued rivalry between councillors and chiefs on one hand and councillors and members of parliament on the other hand as was the case between 1994 and 2004.¹⁹ If not properly handled, this is likely to heighten existing tensions and conflicts²⁰ among the three players. In sum with the absence of local councillors and legally mandated district assemblies, forms of hybrid governance structures are emerging at district level that differ according to the local political forces at work. Although the impact on services is unclear, there has been a de facto recentralisation and a decline in democratic oversight and accountability (Cammack et. al, 2007)

c) Weak Civil Society in Malawi

The process of state formation through democratic decentralisation is further complicated by a weak civil society in the Malawian countryside. Organisations of civil society also offer complementary ways of ensuring influence in governance for cooperative citizens. As Miraftab (2004) has argued, community-based grassroots invented spaces expand the public sphere so that citizen's right to social justice can be achieved. These organisations may also engage in efforts to improve accountability by acting on the state, monitoring local assembly expenditure, exposing corruption and the like. It is generally expected that 'active engagement and links into these spaces bolsters citizen voices, strengthening the preconditions for being able to speak out as well as to be heard in intermediary invited spaces in which statutory or supra-state actors are involved' (Cornwall, 2002b: 24). They

¹⁹ Kutengule, M., Watson, D., Kampanje, R., Chibwana, A., Chiteyeye, J., Matenje, I., et al. (2004). Report on Review of the National Decentralisation Programme of Malawi: 2001-2004, Lilongwe: GOM, UNCDF, UNDP

²⁰ A number of reviews on decentralisation have observed that the first years experience with councillors were characterised by conflicts with chiefs, members of parliament and even assembly officers.

offer what might be termed 'popular' sources of political power in the form of mobilized activity by members of the society (Leftwich, 2009)

In the Malawi case, Cammack et. al, (2007)notes that the economic and social structures have also changed little since independence. Its principally pre-capitalist agrarian economy has meant that there has been little class formation. In this regard, vertical relationships therefore dominate over horizontal associations and organised civil society is also underdeveloped as a result of these social conditions and Malawi's history of state repression. Therefore while a number of human rights and good governance non-governmental organisations and community-based organisations whose aim is to engage with the state have emerged since democratisation, the formal spaces where these groups participate are not widely accessible in the rural areas (VonDoepp, 2001). For instance, district ethno-linguistic associations and foundations, though they have great potential to provide effective linkages between the urban elite and rural communities tend to be elitist in their membership, with a majority of their members and office holders resident in towns (Chirwa, Kanyongolo, and Patel, 2001). The same also applies to the role of religious institutions as institutions of civil society. An important observation on the church has been made by VonDoepp (2002), that the church in Malawi plays high politics that is, it engages with the national executive, legislature, and political parties at national level but is significantly limited in its grassroots civil society activism. The evidence from my study districts points to the limited character typical of these civic associations and organisations, whose focus is largely on service provision, rather than as vehicles of enabling people to recognise, articulate, and realise their rights. This illustrates the problem of organizing collective action in Malawi. As a result, there is less proactive engagement with the local level institutions by the majority of rural Malawians, and less influence in planning and implementation of activities or demanding services.

Concluding remarks

The story of state formation through democratic decentralization processes in Malawi reflects continuities in the behaviour of political leaders. Even though it is manifested in different forms, it reflects a predisposition towards centralism as political elites battle for votes. The paper has shown that throughout the state formation process, the districts and villages have been the spheres where the state has constructed its hegemony in alliance with district and village elites. In order to make rural life accessible and identifiable for the center, the colonial state has relied on rural elites, chiefs who have functioned to link the state and villagers. Against this backdrop, devolving power and resources to district officials simply renews the existing patrimonial ties because the conservative course of state formation has kept patronage politics as the primary model of regulating social, political, and economic relations within the villages. Neither organizational forms nor institutional designs alone of decentralized form of government are synonymous with good governance and democratisation. Institutional choices and outcomes do not simply get constructed by the stated objectives but are shaped by the complexity of power relations between state actors and social forces. Gramsci (1971) reminds us of the importance of patrimonial ties that have bound state and society for the maintenance of the status quo. This indicates that even with well crafted constitutions and other legal

provisions for democratic institutions, effective implementation of such policy reforms appear to be largely the prerogatives of national politicians depending on what interests they are prepared to sacrifice or not. As Chabal²¹ notes, where a regime wants to prevent democratic change it can find means to do so raising an important question about whether democracy is being consolidated or dissipated in Africa.

While democratisation has fundamentally changed the formal rules of the game for political actors in Malawi, in practice the formal state institutions are suffused with informal practices and norms, producing a multiplicity of rules that create uncertainty for all actors and undermine formal lines of decision-making and accountability. This is particularly true for insecure incumbents who have had to turn more attention to the informal rules and practices as a way of maintaining their power rather than shoring up democracy consolidation. Thus while democratic decentralisation appears to have been accepted and endorsed in the 1994 Constitution and other relevant legislation, the actual current reform trajectories display attempts by the political elite to mould the functioning of these macro-institutional contexts to their advantage. Thus bringing governments closer to rural populations, has not translated into '*power to the people*' buti. Instead, for the sake of administrative efficiency and political calculation, power and resources have been devolved to district officials and traditional chiefs. Democracy appears to be seen more in liberal and procedural terms than in substantive terms that place participation and socio-economic inequalities at the centre of analysis.

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²¹ Chabal, Patrick and Jean Pascal Daloz, (1999) *Africa Works: Disorder as Political Instrument*, James Currey, Oxford

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