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Public-sector Reforms and Decentralisation of Public Services: Lessons From Malawi (1994-2006)

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Introduction

Since the 1980s, African countries have been making huge efforts to improve the performance of the public sector through various reform initiatives. Anchored by the new public management (NPM) paradigm and demands for good governance, the reform initiatives have sought to reduce the core functions of the state, foster fiscal stability, emphasise managerial efficiency within the public sector, redefine relations between public and private sectors, promote public accountability, improve service delivery, reduce corruption and change values and attitudes. Post-colonial African states built upon systems inherited from the colonisers (Tordoff and Young 1994; Mukwena and Lolojih 2002; Therkildsen 2001). Thus, in the immediate post-independence period, most African states focused on building public administrations that could spearhead national development, motivated by the conviction that statism was the best way to promote development. As a result, expansion of the role of government in many spheres, together with Weberian approaches emphasising procedural and instrumental approaches to the organisation of public administration apparatuses, dominated immediate post-colonial reform initiatives (Mhone 2003). Not surprisingly, earlier decentralisation reforms, shaped in the mould of the colonial age, more commonly boosted central control in their design as well as operation (Chiweza 2005; Tordoff and Young 1994; Mawhood 1993).

Over time, although reform agendas varied, reforms have generally been seen as a means to bring about desired changes in the public sector and improve its capacity as well as performance (Siddiquee 2006). A number of researchers point out that, among other imperatives, current reforms are mainly driven by

economic crises and the need for structural adjustment, donor demands, the perceived failure of the African public sector to promote sustainable development and the “third wave” of democratisation and political changes taking place in many African countries (Batley 1999; Mhone 2003; Mkandawire and Soludo 1999; Mukwena and Lolojih 2002; Schacter 2000; Therkildsen 2001). Therkildsen (2001) notes that, despite differences in design and emphasis, many of the current reform initiatives are inspired by NPM approaches, and the official reform language across the southern and eastern African region has been strikingly similar. Broadly speaking, the NPM approach emphasises transformation of the public sector by reducing its core functions, fostering fiscal stability, emphasising managerial efficiency, redefining relations between public and private sectors, promoting public accountability, improving service delivery, reducing corruption and changing values and attitudes.

Public sector Reforms in Malawi

Public-sector institutional development in Malawi reflects a point of reference in British parliamentary and government institutions. Thus, the very first efforts at public-sector reform in Malawi were embarked on immediately after the attainment of independence (Duverall 2001). A major concern at the time was how to manage the transition from an expatriate-based civil service to one dominated by Africans. However, since the early 1990s, Malawi has embarked on a quite different reform project within its public sector. This is being done as part of the governance improvement process that began with changes in the national political system that took place in 1994 (Government of Malawi 2002). In particular, the election of a democratic government in 1994 and the introduction of a new structural adjustment programme in 1995 with broad-based support from the donor community provided an impetus for many of the public-sector reform efforts that the country has been undertaking. During the 1990s, a number of policy reviews and programmes directed at reforming the public sector were attempted, often simultaneously. Among them were the public-sector management review, civil-service pay and employment study, civil-service action plan, the poverty alleviation programme, functional reviews of the ministries, decentralisation and formation of local-government policy reform, medium-term expenditure framework and sector investment programmes (Duverall, 2001). The public-service management reform programme (PSRP) aims at developing a public service that is efficient, effective and responsive to national aspirations and facilitates the eradication of poverty (Government of Malawi 2002:9).

This paper focuses on decentralisation as one of the reform initiatives Malawi has implemented. It examines the nature, direction and quality of the reform and asks whether it has the potential of fostering greater efficiency and account-

ability in public-service delivery. The paper starts by discussing the concept of decentralisation, because the way the term is conceptualised and understood has a bearing on the nature of reform. A brief historical background follows this discussion, in view of the fact that current decentralisation reforms have their origins in previous reform efforts. Thereafter, the paper discusses the nature and direction of the current decentralisation reforms, offers an empirical analysis of the reforms and concludes with a summary of the whole discussion.

The Concept of Decentralisation

In the discourse of public-sector reforms in Africa, the term “decentralisation” has a variety of meanings, and what is meant by decentralisation in the literature is even more varied. Generally, decentralisation is understood as a process whereby power and responsibilities are transferred from a central authority to lower levels in a territorial hierarchy (Cook and Manor 1998; Mawhood 1993). It is closely linked to the concept of subsidiarity, which states that the most effective governance of any organisation occurs when authority for decision-making is located as close as possible to where actions take place. It follows that functions need be devolved to the lowest level of social order that is capable of completing them (McGinn and Welch 1999; Stohr 2001). Mawhood (1993) notes that decentralisation suggests the hope of cracking open the blockages of an inert central bureaucracy, curing managerial constipation and giving more direct access to the people.

However, in practice, decentralisation is a broader term and can take different forms and mean different things to different people (Bardhan 2002; Mawhood 1993). In a review of African decentralisation, Ribot (2002) shows that there is considerable confusion and obfuscation about what constitutes decentralisation. He argues that, in the name of decentralisation, powers are being allocated to a variety of bodies, actors and authorities that may not have sufficient powers and may not be downwardly accountable. Decentralisation is also applied to programmes and reforms that are ultimately designed to retain central control (Conyers 2000; Mawhood 1993). Therefore, understanding what the concept means in each particular context is important because the style and approach of decentralisation adopted by a country holds ramifications for the potential of any decentralisation reforms to achieve their stated objectives (Grant 2002).

During the colonial period, decentralisation focused more on management of local populations by extending central administration into the local arena (Mamdani 1996). In most cases, this constituted a transfer of power to traditional authorities under the direct control of the central colonial government. This was reinforced by the post-independence period’s dominance by one-party states that did not create space for elected local government (Ribot 2002). However, the decentralisation initiatives that most African countries attempted after

independence and in the early 1980s centred on public provisioning of services, national cohesion and, to a lesser extent, the voluntary sector. During this period, decentralisation was mainly conceptualised as the transfer of responsibility for planning, management and resource raising and allocation from the central government and its agencies to field units of government ministries or agencies, subordinate units or levels of government, semi-autonomous public authorities or corporations, area-wide, regional or functional authorities or non-governmental, private or voluntary organisations (Cheema and Rondinelli, cited in UNDP 1998:1).

Ideologically, such initiatives were mainly associated with liberal interventionists who regarded decentralisation as an effective means to make government more efficient in development administration (Oakely 1991). Viewed from this perspective, decentralisation becomes a public policy instrument for development administration that seeks to strengthen local governing bodies for quick and efficient implementation of various development schemes. Decentralisation is defined in terms of redistribution of the administrative responsibilities of the central government on the basis of normative liberal assumptions (Gurukkal 2000). In this context, decentralisation takes three basic organisational forms: *deconcentration* of administration to field offices of the central government, *delegation* to semi-autonomous bodies such as parastatals and *devolution* of functions to non-government institutions (Cheema and Rondinelli 1983).

However, as the need for consumer responsiveness in an environment of increased demand for public services rose on the international agenda starting in the late 1980s, a monetarist discourse of decentralisation emerged in which emphasis shifted away from public services towards market mechanisms (Slater 1989). This discourse, largely promoted by the major lenders such as the World Bank, viewed decentralisation as a means of breaking the power of central ministries, increasing revenue generation and shifting the burden of service delivery onto local stakeholders (Mohan and Stokke 2000). The sixth World Bank Report explicitly links decentralisation with market reforms as part of a broader market surrogate strategy geared towards economising scarce administrative resources (World Bank 1983). Accordingly, the organisational forms of decentralisation began to emphasise privatisation and deregulation in addition to deconcentration and devolution. Mohan and Stokke (2000) argue that underpinning this monetarist view is rational choice theory, which permits the more political readings of decentralisation to be transformed into a narrative of capital and efficiency. This resulted in greater emphasis being given to efficiency and incentive discourses that required communities to use their local resources such as labour and other materials as local contributions towards implementation of development projects (Rose 2003). These views present the logic of the market as natural, and they tend to

divert attention from issues of political power and the conflicts that inevitably arise when decentralisation changes the distribution of power.

Since the 1990s, decentralisation has been linked into a discourse that combines ideas of collective empowerment and democracy. This is a very different inflection from the liberal interventionist and monetarist approaches that see decentralisation as a means of accelerating state-driven development and economising scarce administrative resources. It has 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 discourse in the 1990s. It is based on the assumption that pluralism and good governance will make African managers more responsive and better managers of their economies (Chikulo 1997). This approach emphasises reforming state institutions to enhance opportunities for democratisation and poverty reduction. Within this context, decentralisation of power to local government institutions is seen as a means of promoting a new communitarian spirit and forming the seedbed of democratic practice (Mohan and Stokke 2000). Associated with radical populists, this variant of decentralisation entails democratic redistribution of political power to the grassroots (Grukkal 2000). Thus, in the recent wave of decentralisation, the language of reform has shifted to a discourse, currently termed “democratic decentralisation”, more focused on democratisation, pluralism and human rights (Cook and Manor 1998; United Nations Capital Development Fund 2000). 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 (United Nations Capital Development Fund 2000:4).

Given this background – and the fluidity of the concept of decentralisation – two broad classifications are evident in the literature. Most analysts distinguish among three types of decentralisation: administrative, fiscal and political (Smoke 2003), and four major forms of decentralisation: devolution, deconcentration, delegation and privatisation (Work 2002). However, in seeking to understand decentralisation the pertinent issue that relates to these classifications is to look at what characteristics distinguish the various types and forms of decentralisation.

Administrative decentralisation refers to the transfer of decision-making authority, resources and responsibilities for the delivery of a selected number of public services from the central government to other levels of government, agencies or field offices of government ministries (Mawhood 1993). Deconcentration and delegation are forms of administrative decentralisation. Political decentralisation refers to situations where political power and authority are transferred to sub-national levels of government. Litvack, Ahmad and Bird (1998) argue that political decentralisation occurs when citizens and their elected representatives are

involved in public decision-making and contribute to the creation of spaces for participation that can enable and encourage citizen mobilisation. Thus, the most obvious manifestations of this type of decentralisation are elected and empowered sub-national forms of government from village councils to state-level bodies (Work 2002).

Finally, fiscal decentralisation refers to the transfer of financial resources from higher levels to sub-national levels of government (Work 2002). While some analysts consider fiscal decentralisation as a separate type of decentralisation, in many cases it constitutes a cross-cutting element of both administrative and political decentralisation rather than a separate category (Agrawal and Ribot 1999; Oyugi 2000). Furthermore, Barnett, Minis and VanSant (1997) argue that these three aspects should not be viewed as distinct types of decentralisation but need to be looked at as dimensions of decentralisation that reflect increasing and often sequential stages of progress in achieving the governance objectives of decentralisation. These stages entail, first, transfer of functional responsibilities (administrative), then access to resources (fiscal) and, finally, promotion of accountability (political).

Of the four forms of decentralisation, the most commonly discussed in the literature are deconcentration and devolution. The issue of privatisation (including deregulation) as decentralisation is now a contested view, with scholars such as Agrawal and Ribot (1999) arguing that privatisation is not a form of decentralisation because it operates on an exclusive logic rather than an inclusive, public logic of decentralisation. Others, such as Oyugi (2000), argue that privatisation entails a horizontal transfer from public to private and non-profit firms and not a downward transfer, which is what decentralisation is all about. On the other hand, delegation relates to transfer of public functions to lower levels of government, public corporations or any other authority outside of the regular political administrative structure to implement programmes on behalf of a government agency (Ostrom, Schoeder and Wynne 1993).

Deconcentration relates to 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 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. On the other hand, 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 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).

Closely related to devolution is another variant of decentralisation known as “democratic decentralisation”. This form of decentralisation has gained significant attention in recent years, particularly with the onset of democratisation. Democratic decentralisation is viewed as a form of political decentralisation, but one that is linked to and informed by 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 a 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 democratic means. Barnett, Minis and Van Sant (1997) provide a conceptualisation of democratic decentralisation showing the key relationships that are defined by this term: the relationship between central government and local government, which they call decentralisation, and a reciprocal relationship between local governments and citizens, which they call democratic local governance. They argue that, in decentralisation, central government transfers administrative, financial and political power to local government institutions, whereas democratic local governance looks beyond local government administration and service delivery to focus on institutions and structures that enable people to decide and do things for themselves. Democratic local governance thus emphasises the presence of mechanisms for fair political competition, accountability and government processes that are transparent and responsive to the public. Blair (2000:21) captures the essence of this idea with the following definition of democratic decentralisation:

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.

This brief review has highlighted the difficulties in defining the term “decentralisation” as a standard notion. It appears that what is meant by decentralisation is closely related to the specific social, economic and political context. In Malawi, the history of decentralisation shows that various understandings of the term have been applied at different points in time. However, Malawi’s current decentralisation reforms display a shift of emphasis from deconcentration or administrative decentralisation to devolution/political decentralisation. In particular, the current reforms are being termed “democratic decentralisation”, heralded by the slogan *mphamvu ku wanthu* (“power to the people”). Thus, the current understanding of decentralisation as a means of fostering more efficient public service delivery is

being explicitly linked with democratisation, accountability and enhancement of participation at community level.

Decentralisation Efforts in Malawi

Colonial period (1891-1961)

The move towards decentralisation in Malawi is part of an unfolding process that goes back to the country's history both during the colonial period and Dr Banda's single-party era. Initially, the British introduced a deconcentrated form of administration through the policy of indirect rule where judicial, administrative and development powers were devolved to chiefs under the 1933 Native Authorities Ordinance. However, the chief's political powers were reoriented and circumscribed under the strict control of the colonial administration through the district commissioners (DCs). The system changed during the late colonial period with the passage of the District Councils Ordinance of 1953 that established formal statutory local government councils separate from the native authorities. Through this legislation, local government councils were given some authority to make bylaws and provide health, education, agriculture and other services. Even though the purpose of these changes, at least from the perspective of the colonial office, was to provide for the political education of the indigenous Malawians through practice, none of the members of these bodies were elected (Kaunda 1999). Unlike the urban areas, in the rural districts where this initiative was implemented, the council members were still appointed by the DCs in conjunction with the chiefs. 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 redress incapacities in public management, there were clear colonial 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 and impact of contemporary decentralisation reforms, as I show later in this paper.

Decentralisation after Self-government and Independence (1961-1965)

When Malawians gained control of the central government in 1961, they demonstrated a commitment to decentralisation based on devolution of powers. 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). Apthorpe, Chiviya and Kaunda further note that, through these changes, the councils played an important role in providing public health facilities, building rural dispensaries and operating maternity clinics. They were also responsible for supervising markets, water supplies and slaughterhouses, as well as for building and maintaining roads, bridges and ferries in rural areas. In addition to these important functions, local government authorities also operated postal agencies and provided community centres, libraries, sports grounds, home craft centres and adult literacy classes.

Some analysts consider this period as the golden age of local government in Malawi. Council members were democratically elected, councils provided a variety of services that were valued by their communities and government supported the councils with adequate grants (Apthorpe, Chiviya and Kaunda 1995; Kutengule et al. 2004). These observations lend credence to propositions provided in the decentralisation literature (Manor 1999; Smoke 2003) about the value of a supportive public, sufficient powers to exercise influence over development activities and financial support from central government in providing crucial and helpful conditions for the success of decentralisation in improving public service delivery. This period was short-lived, however, as the following section describes.

Shifting Sands: The Dismantling of Elected Local Government and the Revival of the District Focus Policy of Decentralisation (1965-1993)

The installation of Dr Banda's one-party state in 1966 heralded a decline in the fortunes of decentralised, elected local government in Malawi. 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 demo-

cratic 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. Beyond this, the activities of party members had further ramifications for the efficient operations of local government councils. For example, party officials stayed in local council rest houses free and used council vehicles as and when they wanted, without paying for them. They also refused to pay local government rates and fees either for party functions or for personal use, and nobody could challenge them, since the party was supreme (Apthorpe, Chiviya and Kaunda 1995).

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, central-government offices operated side-by-side with district councils in each district. Through these trends, central government systematically began to transfer some of the functions and responsibilities of district councils to these offices. At the same time, it took over the posting of all district councils' senior staff and progressively restricted the councils' freedom to fix and collect revenue (Mbeye 1998).

Government's decision to create district development committees (DDCs) further contributed to the decline. 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 DDCs:

[B]y the close of the first decade of independence District Development Committees existed in practically all Anglophone Africa and the common practice was for one country to replicate the structures in operation in a neighbouring country; often there would be a consultant from a donor country initiating such replication (Oyugi 2001:106).

This development led to the turning away from district councils as the prime instrument of decentralisation in favour of DDCs (Mawhood 1993). Thus, in 1965, District Development Committees¹ were established in rural districts of Malawi with the stated intention of providing decentralised planning of local development projects in each district through popular participation (Miller 1970). The committees were envisaged as key vehicles for effecting grassroots participation and involvement in the development process. Structurally, these committees

came under the district administration system operated by the Office of the President and Cabinet. Although the architects of the DDCs initially viewed them as sounding boards through which government could be appraised of district priorities, the DDCs soon changed into vehicles for enlisting community support for government-approved programmes (Miller 1970). The government permitted the creation of informal area and village action groups at sub-district level to enlist the latent enthusiasm of villagers for productive work as needed (Government of Malawi 1969). The creation of DDCs, with a mandate similar to local government councils but placed under a central government office, marked a fundamental step in Banda's sidelining of local councils in favour of an enlarged role for central government structures in rural development processes: part of a continuing trend towards central planning and control in the delivery of public services.

During the final years of Banda's rule, decentralisation reform re-appeared in the government agenda as poverty alleviation took centre stage in international policy circles. With growing evidence that structural adjustment programmes were having adverse effects on large numbers of people, the Bretton Woods institutions were compelled to shift their position on stringent economic reforms and include poverty in the adjustment agenda (Mkandawire 2003). Conspicuously, during the late 1980s and early 1990s, bilateral and multilateral donors began to give explicit recognition to the importance of human needs and good governance (World Bank 1989, 1991). As Mawhood argues, although decentralisation did not seem to be a condition for the bank's loans up to early 1992:

the combination of policies of liberalisation and the new emphasis that ordinary people should participate more in the design and implementation of development programmes seemed to order for the introduction of an explicit policy of structural adjustment which included a requirement for decentralisation (1993:42).

In Malawi, the process of reconsidering decentralisation in light of poverty was punctuated by a number of studies. It was initially triggered by a World Bank Assessment Report of 1987/88 that concluded that the fight to eradicate poverty in Malawi could not be won without the direct involvement of people in the development process (Mbeye 2003). Further, a joint government and United Nations situation analysis of poverty was undertaken in the early 1990s in which the question of an appropriate institutional framework for poverty alleviation arose (Government of Malawi 1993). The analysis noted that the uncoordinated approach using a plethora of activities from various ministry operations at the local level tended to confuse beneficiaries. It concluded that the DDC was not an effective institutional framework for implementing rural development initiatives. The analysis recommended a participatory process in which the government, civil

society and the private sector organised themselves to explore grassroots solutions to poverty. Specifically, decentralisation was highlighted as a reform process that would address this gap, but no specific mode of decentralisation was articulated in this report. Subsequently, government explicitly adopted decentralisation as an institutional objective and strategy for the implementation of poverty alleviation efforts (Department of Local Government 2001).

Around the same time, the United Nations Development Programme (UNDP) and the United Nations Capital Development Fund (UNCDF) offered to work with the Malawi government to develop and pilot a methodology for decentralised participatory planning, and financing of district-level capital investment. These initiatives were first implemented in six districts: Nkhatabay, Mchinji, Dedza, Nsanje, Thyolo and Mangochi. Suffice to note that this was part of a global agenda involving twenty-three developing countries with the aim of generating lessons and providing a basis for replicating the best practices in the design of decentralised governance reform programmes. The major aims of the reforms were to revitalise the rural development process, make the districts the focal points for planning and implementation of projects and for district development management generally and elevate popular participation as the cornerstone of decentralisation (Government of Malawi 1996; Mbeye 1998; Ssewankambo; Chiweza and Nyondo 2004).

These developments culminated in the government's adoption of the District Focus for Rural Development decentralisation policy, an adaptation of a Kenyan model of decentralisation. The implementation of this programme relied on existing structures of the DDC system, albeit with some modifications that were done to ensure that districts assumed a leadership role in matters of local governance and development through enhanced capacity for district planning and financial autonomy (Mbeye 2003). However, the nature, scope and content of the policy were limited to administrative deconcentration of service provision and delivery responsibilities of line ministries. It did not include elected local representative institutions (Mbeye 1998). This observation offers a plausible explanation for government's positive attitude towards the reform given the regime's history of deference towards centralised rule. Nevertheless, a critical point of departure for the 1993 decentralisation reforms is that this round of policy innovation was largely a function of macro-variables that were external in origin. The reforms were not the result of an evolutionary process from below reflecting people's desire for participation in development and governance, or even the result of government's own policy analysis. This is in line with observations that have been made in other countries about decentralisation reforms in the 90s: they were all influenced by external reformist trajectories that promoted values of participation, transparency and accountability (Schoburgh 2007; Olowu 2001).

The successes of the district focus policy led to a further UNDP-supported programme called the Local Governance and Development Management Programme (LGDMP), whose aims were twofold: 1) to support further decentralisation policy development; and 2) to replicate the district planning system in all of Malawi's districts (ECIAfrica 2007). The LGDMP, implemented from 1998 to 2001, had three main components: 1) strengthening the capacity of central and local government to formulate and implement decentralisation policy, 2) strengthening the capacity of central and local government, districts and communities in planning and managing local development and service delivery and 3) instituting appropriate procedures and processes for financing local authorities in support of their decentralised service responsibilities.

Democratic Decentralisation and the Revival of Local Government Councils (1994 to 2006)

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 government. Decentralisation featured prominently in the 1994 Malawi constitution, and the language employed in this document in effect linked the agenda of decentralisation with democratisation, development and effective public management. The 1994 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). However, even though constitutional provisions provided the vision for the desired local government system, they did not provide direction on the types of institutional arrangements that should be set up for decentralisation. Cabinet therefore commissioned a review of all decentralisation efforts in the country in order to come up with a new policy that would embody the spirit of the constitution. Lessons derived from the pilot districts also fed into the decentralisation policy formulation process and the promulgation of the Local Government Act (ECIAfrica 2007).

The 1998 decentralisation policy integrates governmental agencies at the district and local levels into one administrative unit (called the assembly) through a process of institutional integration, manpower absorption, composite budgeting and provision of funds for the decentralised services. Additionally, the policy assigns functions and responsibilities to the various levels of government and promotes popular participation in the governance and development of the districts. Implicit in this reform process are changes in the structure and internal

administration of local governments as well as adjustments in intergovernmental relations. Each assembly is meant to incorporate under one authority the previous district councils and all the ministry offices and departments represented at the district level. Elected councillors are supposed to exercise decision-making powers on behalf of the people while the day-to-day work of the assemblies is carried out by a group of professional appointed officials headed by a chief executive.²

Decentralisation is intended to promote participatory planning at sub-district level and representative democracy at the district level through the election of councillors to the district assemblies. The theory on which this was based is that democratic decentralisation leads to improved service delivery. Democratic decentralisation is also seen as a way of achieving governance in conformity with pillar four of the government's Poverty Reduction Strategy Paper (PSRP) of 2000-2005. Functionally, the policy and the 1998 Local Government Act explicitly assign assemblies to be the overall district authorities with responsibility for governance, development planning and provision of a wide range of district services including health, education, water, public amenities, environmental services, agriculture, community development and community police. The central government is required to devolve powers, functions, responsibilities and resources to enable the assemblies to perform their roles but is also expected to continue to be responsible for national projects, policy guidance and monitoring and inspection of the local government activities (Government of Malawi 1998). The expectation was that this would improve the delivery of goods and services at all levels as part of the government's poverty reduction strategy.

To translate these ideals into reality, the government adopted an incremental, phased approach to decentralisation through a ten-year national decentralisation programme divided into two phases. The first phase was for a period of four years (2000-2004) and focused on seven components: legal reforms, institutional development and capacity building, building a democratic culture, fiscal decentralisation, accounting and financial management, sector devolution and local development planning and financing mechanisms. How have these initiatives been implemented so as to enhance efficient delivery of public services and accountability of the local government system? This question is addressed in the following section by focusing on the implementation performance of some of the key areas of the reform. The data used here is largely drawn from reviews and evaluations that have been undertaken at the request of the government in conjunction with its development partners since 2001.³

i) Institutional reforms and capacity building

This process was initiated in 1999 when the former district administration offices of the central government, previously headed by district commissioners, were integrated with district councils to form district assemblies, at least in the rural

areas. Geographically, the local government authorities remained the same but were renamed assemblies, a change symbolising their new status and importance. By 2004, forty assemblies had been created with twenty-eight being predominantly rural and termed district assemblies. A further three were urban (one municipal and eight town assemblies).

However, despite this new local-government structure, the internal structure of the assemblies has not transformed them into an object of effective service delivery because the departments from the line ministries have not been fully integrated into the assembly secretariats. The absence of a unified management structure is a major stumbling block to integration and absorption of devolved sector functions. It is understood that the functional review of 2004 made recommendations regarding the structure of assemblies that have since been approved by government, but these recommendations have yet to be implemented by the treasury through issuance of an establishment warrant. The absence of an establishment warrant has also created a situation where there is considerable duplication and overlap in the provision of support services.

As things stand, there is no framework for properly integrating and absorbing functions devolved by the sectors to the district assembly. In the absence of a unified management structure, the current devolution is likely to create a number of practical management problems for district commissioners, especially with regard to personnel management matters, since staff belong to different service commissions. Some staff are recruited by the Local Government Service Commission (LGSCOM), including those recruited by the local authorities' appointments and disciplinary committees on behalf of LGSCOM. Other staff are recruited by respective sector commissions (education, health, etc.), while the Civil Service Commission recruits others. These multiple recruitment processes pose challenges regarding staff reporting and career progression, and call for the development of local government structures with harmonised human-resource management procedures. Complicating matters further is the absence of a unitary salary structure for assembly staff, which is leading to a loss of motivation and team spirit among assembly staff.

Decentralisation shifts the structure of local accountability from central government to local constituents, but the effectiveness of this shift depends on the strength of structures in place at local level. Currently, the local government act is silent on the administrative structures of central government as well as the legal structures below the district assemblies. Consequently, sectoral ministries are creating their own parallel structures, some of which are clearly in conflict with the spirit of decentralisation. This problem is compounded by ambiguity in the definition of the geographical planning unit at the district level. Is it the extension planning area, constituency, health delivery point or ward that is the recognised

functional planning unit? This ambiguity makes it difficult for key district development processes to coordinate their development activities at various levels. The debate as to which institutional planning structure below the assembly should be officially recognised remains unresolved; the issue is whether it should ward or area development committee.

To make matters worse, the district assemblies have not been able to retain staff in key areas such as finance and administration. Consequently, significant gaps exist in the numbers and quality of personnel at assembly level. These gaps are especially acute in the Finance Directorate, given the need for accountability for the huge amounts of money being channelled through the district assemblies. Despite these gaps, the assemblies have not been able to recruit for some years, partly because of budgetary restrictions as a result of the expenditure-control mechanisms government has been employing under some adjustment programmes. At the same time, capacity-building efforts to support decentralisation have tended to favour individuals, particularly at the national level, many of whom then leave, rather than build lasting capacity. For example, an analysis of expenditures under the Malawi Decentralised Governance Programme supported by UNDP and UNCDF, who have been the key players of the national decentralisation programme, revealed that 75 per cent of total funding for the programme went to capacity building and 74 per cent of these funds went to national capacity-building programmes (ECIAfrica 2007). A key lesson here is that capacity building that focuses on national institutions can end up having very limited impact on service delivery to meet the needs of the poor at local level.

ii) Sector devolution

Sector devolution is a process of integrating all other departments and line ministry offices represented at the district level into the assembly and transferring relevant functions as a prerequisite for deepening and consolidating decentralisation. In Malawi, this process was delayed, and when it did finally happen, it was not properly managed, resulting in challenges of management control and direction by the DC over devolved staff in terms of discipline, recruitment, promotion, performance and reporting. The national decentralisation policy approved in October 1998 detailed service-delivery obligations for the central and local governments. The central government, through the line ministries, was entrusted with responsibility for overall policy formulation, guidance and enforcement, provision of guidelines and standards, quality control, efficient use of resources, inspection and technical assistance – as well as implementation of services of a national character. To implement the division of tasks for service delivery between sector ministries and local authorities, the Ministry of Local Government and Rural Development released guidelines for sector devolution in July 2001. Each sector ministry was required to prepare a detailed list of functions to be

devolved and to produce a sector devolution plan, but, by the end of 2003, nothing had yet materialised. The 2004 review of decentralisation noted that there was entrenched reluctance amongst key sectoral ministries to devolve their functions and resources to the local assemblies; yet this is what is at the centre of the whole process of decentralisation. This reluctance is attributed to fear among politicians and government officials of losing control over resources, along with lack of popular awareness and understanding of decentralisation (Kutengule et al. 2004).

In order to correct this situation, the Office of the President and the cabinet issued a circular ordering line ministries to transfer their functions by 1 January, 2004, but this move did not prove effective; only four out of the twenty-eight ministries developed guidelines for doing so. Compounding this state of affairs is poor orientation of ministry staff to the devolution process, since the Ministry of Local Government had not yet developed a comprehensive strategy to guide the devolution process. By 2007, only seven sectors had devolved their functions to the assemblies, and, even though the decentralisation policy devolves the service delivery planning, budgeting and management responsibilities of some sectors such as education, agriculture, health and environment to the district assemblies, recent assessments reveal that only limited devolution of these responsibilities has occurred (Nordic Consulting Group 2007). The assessment reveals that only the recurrent budgets are fully devolved, while sector development budgets are still centralised. It also shows that various ministries such as education, health and environment still maintain their own parallel district implementation plans developed through parallel processes geared towards meeting the sector standards and targets. This resulted in limited cross-sectoral analysis of issues in the local authorities, and opportunities for sector synergies were not maximised. In addition, sector staff are faced with dual reporting constraints to the DC (mainly for ORT issues) and the respective sector ministries for substantive matters (recruitment, inspection, promotions, discipline, etc.). Moreover, sectors still operate their own parallel administrative and service delivery structures, and, at the sub-district level, there are numerous committees that are not well-coordinated, leading to a lot of overlaps in activity implementation. Overall, therefore, sector devolution has not fully taken root, and most sectors exhibit more elements of deconcentration than devolution. This has made local development coordination more, rather than less, difficult for the district assemblies, with negative effects on service delivery.

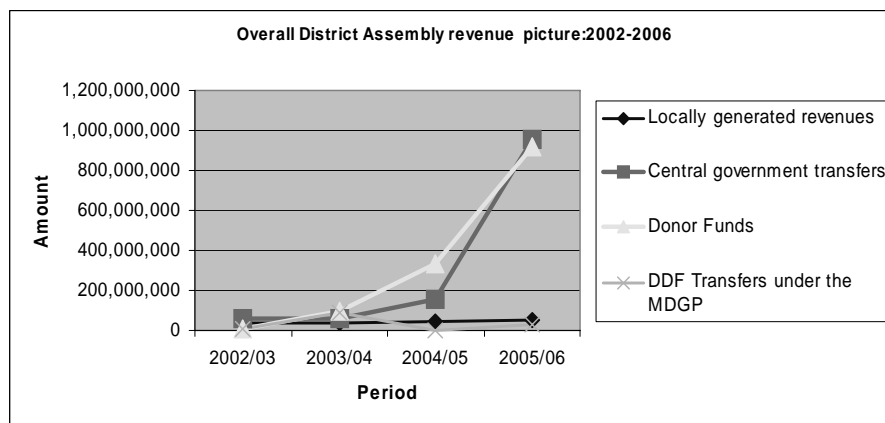
iii) Fiscal decentralisation

Fiscal decentralisation has been pursued through the establishment of a local-government financing system, the strengthening of revenue collection by assemblies, training of accounting personnel and fiscal reforms, including the development

and implementation, in a phased manner, of a system for inter-governmental transfer. The sources of local authority revenues in Malawi include locally generated revenue from property rates, ground rates, fees, licences, business-related activities and service charges; funds transferred by central government, including the General Resource Fund (GRF), ORT, sector funds and ceded revenues; resources provided by donors and NGOs; and loans and overdrafts from within Malawi.

Chart 2.1 below uses statistics from the twelve districts under the Malawi Decentralised Governance Programme to show that, six years after decentralisation started in 2000, the share of locally generated revenues within the total basket of assembly revenues is still very minimal. On the other hand, locally generated revenues are of critical importance for local accountability and ownership as well as the sustainability and viability of the entire system of decentralisation (Ssewankambo, Chiweza and Nyondo 2004). Local revenues are also usually applied to operational activities and only rarely apportioned towards development activities. As a result, the development budget is over 90 per cent donor-driven. In addition, there is no consideration of the recurrent cost implications of development activities. Various reviews of decentralisation have revealed very little evidence of maintenance of development projects being done. The problem is most severe with water projects, where more than 55 per cent of water facilities in the districts are not operational due to maintenance problems (ECIAfrica 2007).

Chart 2.1: Overall district assembly revenues



Source: ECI Africa 2007

Chart 2.1 also illustrates the rapidly growing relative share of central government and donor shares in revenues that reach the districts. Most of the government funds relate to sector transfers provided under sector-wide approaches to support deconcentrated sector development driven by the sector ministries, rather than decentralised development accountable to the assemblies. These trends significantly reduce the autonomy and downward accountability of the assemblies. With respect to donor support it is worth pointing out that initially only UNDP/ UNDCF, the Norwegian Embassy and USAID were committed to supporting the programme, but these were later joined by GTZ and ADB. However, there have been various changes in funding. UNDCF promised to contribute US\$6 million, but then cut back its allocation to US\$1.5 million. The Norwegian Embassy suspended its funding, citing lack of commitment by government to local democratic processes. These cutbacks had serious negative impacts in districts that were heavily supported by UNCDF and the Norwegian Embassy, where there was virtually no funding to cater for development projects and other related activities. In short, a sustainable financial base for the assemblies has not been developed, which calls into question the overall sustainability of Malawi decentralisation initiatives in promoting efficient and effective service delivery.

iv) Building a democratic culture

Activities in this component have mainly focused on civic education to raise public awareness of decentralisation. Since the adoption of the National Decentralisation Policy in 1998, and the passing of the Local Government Act, a number of initiatives have been taken in order to popularise the strategy of transferring power, responsibilities and financial resources from central to local government – and, in particular, to explain the district and sub-district structures and processes that have been established in order to plan and implement development projects in a participatory manner. However, there is still limited understanding of decentralisation and participation by the general population. Although community members do know about decentralisation – particularly through the intensive radio campaigns that have been conducted – they have generally interpreted the ‘Power to the People’ slogan and the concept of participation as simply the power to identify development needs and ask for assistance (Nordic Consulting Group 2007). There is certainly a lot of participation taking place in Malawian communities, but it consists mainly of contributions of sand, water and unpaid labour to development projects rather than emphasising the individual and collective agency of communities to influence and make demands for better service delivery.

This limited view of participation can be attributed to several factors: (1) the concept of participation implicit in the many donor-driven models supporting decentralisation that emphasise community contributions as a precondition for

assembly support, and (2) an over-concentration of central-level and assembly-level officials in capacity-building efforts at the expense of grassroots structures. The question, then, is what sort of participation would lead to empowerment of communities beyond the blueprints provided by various donor programmes? This is an issue that deserves some reflection in Malawi.

The achievement of a democratic culture has further been constrained by the continual postponement of local elections. Since 2005, when the term of office for councillors elected in 2000 expired, there have been no elected councillors in the assemblies. The functions of the assemblies are now being performed by district consultative committees, also known as district development committees in some places. They are composed of people supposed to be ex-officio members of the assemblies (MPs, TAs, NGOs), with final decisions being made by the assembly secretariat after recourse to the centre in a number of cases. This reflects a return to the 1960s style of district development committees and has a number of troubling implications. First, it means there is limited accountability and democratisation at the local level. A key goal of public-sector reforms was to raise the accountability of local government authorities. Accountability implies a measure of “answerability” for actions taken, and an obligation for public officials and representatives to inform and explain – to enter, on equal terms, into communication with their constituents. However, in Malawi, a situation of limited accountability persists; there are few formal consultations with citizens, limited feedback to the communities and little downward accountability. The result is a lack of democratisation and a lack of formal links between the community and district staff. Yet it has been argued that political decentralisation, when accompanied by a strong legal framework, can create local accountability and thereby foster officials’ legitimacy, bolstering citizen involvement and interest in politics and deepening the democratic nature of institutions (Blair 2000; Crook and Manor 1998).

Second, many of the decisions made in the local authorities are not legally binding, including the approval of plans and budgets and setting of fees to be levied by the local authorities. In addition, the local authorities cannot pass by-laws necessary to regulate operations in the local authorities. Moreover, there are limited checks and balances. The district executive committees (DECs) are now mixing the decision-making (political) and implementation (technical) functions, limiting checks and balances. This is especially the case because civil-society organisations, especially in local authorities, are not equipped to perform the “watch-dog” function effectively. Practically speaking, the local authorities are performing as deconcentrated units of central government – reporting to the central government organs rather than to the respective assemblies.

v) Coordination of the reform programme

The political and economic crisis of 1994 presented a unique opportunity for reform, and a small and highly effective policy group within government, supported by some development partners, were able to sustain a momentum for change that culminated in the passing of the decentralisation policy and Local Government Act of 1999. However, because of a number of changes on the political front and within government itself, the political will and technical commitment needed to complete the preparation and successful implementation of devolution has not been sustained. This has resulted in numerous coordination problems that have stalled sector devolution. Without a solid political base of support, decentralisation cannot be successfully implemented. In this regard, the various reviews of decentralisation have highlighted the noticeable absence of a body at the national level with sufficient authority to effectively drive the process of decentralisation at either the political or technical level. Although the ministry has established a decentralisation unit to coordinate the decentralisation process countrywide, the unit lacks adequate technical capacity, as the majority of technical posts are vacant. Even when these are filled, it is not likely that staff will be able to perform their work effectively without significant further capacity building.

The Inter-Ministerial Technical Steering Committee (IMTSC) that was supposed to provide the coordination mechanism and a platform for cross-sector discussion of issues is not functional and hardly ever meets. This has affected the pace of coordination both within the sectors and between government and development partners. As a result, strategic partnerships have not been established with all the key stakeholders, including sector ministries as well as donors supporting service delivery by district assemblies. For example, while UNDP was espousing decentralisation with a district development fund, its sister institution, the World Bank, chose to implement its own Malawi Social Action Fund through independent structures. Meanwhile, the European Union continues to implement its micro-projects outside government structures. Lack of coordination has also led to different donors funding particular portions of the reform and particular districts. This has resulted in an uncoordinated implementation of development projects, fuelled funding disparities among districts and leading to varied designs and specifications being used for similar projects depending on the donor.

Similarly, some national programmes and NGOs operating at district level have tended to undermine the objectives of decentralisation by operating outside decentralised structures, a practice that poses challenges for the coordination and sustainability of the programmes. A development worth reflecting on here is the creation of the constituency fund for development projects in parliamentary constituencies. Under this initiative, the government allocates development funds quarterly to all constituencies. The funds are at the discretion of the local member of parliament. This effectively sidelines the district development fund, which is the

recognised local authority development-funding structure and undermines the role of local government in local development decision-making. Likewise, the ineffectiveness of the Cabinet Committee on Decentralisation, which is responsible for providing policy guidance, has created a vacuum. There is no political champion for the implementation of the decentralisation policy and issues arising from the implementation of the decentralisation process are not being resolved, which has led to a loss of momentum. As a result, the National Decentralisation Programme II adopted by parliament in 2004 to guide the implementation of the decentralisation policy for the period 2005-2009 has still not been officially launched, let alone implemented.

The fragmented efforts towards consensus building and commitment to the devolution of functions from line ministries to assemblies in Malawi can also be traced to the weak design of the whole public sector reform programme. With no clear definition of the authorities responsible for implementation, monitoring and evaluation, ministries have tended to act autonomously. The tripartite review of the public sector reform process in Malawi that was carried out in 2005 revealed a number of weaknesses including limited government ownership, a continued absence of a dedicated central unit responsible for providing leadership and coordination of public sector reforms, a coordinating ministry that did not necessarily drive most of the activities implemented and lack of synergies and coordination with and between the implementing points. In relation to the last point, Duverall (2001) highlights the omission of decentralisation in the functional reviews as a typical problem of coordination and weak synergies between decentralisation and other reforms under the PSRP that rendered the reviews irrelevant. Yet the functional reviews that government ministries were supposed to undertake are vital; they aid definition of mission statements and organisational structures, clarify issues of responsibility and accountability and eliminate duplication of functions.

Concluding Reflections and Lessons

Even though great progress has been made in decentralisation policy formulation, local government in Malawi remains largely an extension of the central government, despite the fact that community participation has frequently been cited as the underlying principle of decentralisation. Central government is still playing a key role in service delivery, as the functions are not fully devolved to local authorities.

While the theoretical foundations of the kind of decentralisation Malawi adopted emphasised institutional reform to enhance participation of the poor in decision-making and to make public managers more responsive, the programme has largely focused on implementing a one-size-fits-all approach based on UNCDF's best practices. Thus, even though assemblies have been created as new

institutions of decentralisation at the district level, the model did not entail significant transformation of previous institutional frameworks governing sub-district decentralisation. Instead, a lot of attention was given to improving the technical aspects of decentralisation such as development of systems, training manuals and implementation of development projects with an emphasis on the use of capital grants, while paying little attention to the preferences and incentives of different actors such as communities, sector ministry staff, local government staff and political actors. Inadequate attention has also been paid to the question of promoting accountability, particularly with respect to the appropriateness and characteristics of institutional structures and mechanisms that should be put forward to ensure that people are able to demand accountability from their leaders and take control of their destinies.

As Mohan and Stokke (2000) argue, decentralisation constitutes a fluid and flexible discourse that can be utilised by different ideological interests. In the Malawi case, two key interests are evident. On the one hand, donor interest in promoting decentralisation has been evident and varied, with some donors pushing for social funds and others pushing for capital development funds. On the other hand, government interest and commitment has not been stable from one political regime to the other, and the role of the president has been pivotal in influencing the direction of reforms. What is discernible throughout the various regimes is the overriding interest to employ decentralisation to further the interests of the ruling elite and to consolidate the state and enhance delivery of centrally designed programmes. This has had a direct bearing on how political championship has pushed certain reform initiatives forward. A good example is how each regime appears to dilly-dally on issues of local elections, a critical element of democratic decentralisation that provides a linkage between public service providers and the citizens. Much as public-sector reform has technical aspects, it is also a social and political phenomenon driven by human behaviour and other local circumstances. Thus, in the absence of sustained political and bureaucratic will to move forward with the reforms and improve the prospects for implementation, public-sector reforms cannot achieve their objectives simply by focusing on technocratic components such as functional reviews, installation of new systems, redesigning of organisational charts, training of staff, etc.

The Malawi experience also demonstrates the challenge of implementing programmes with a multiplicity of objectives. Decentralisation in Malawi has a number of objectives, related to development, governance and democratisation. However, the actual implementation of programmes has tended to focus on the development side, with very little emphasis on governance and democratisation. The Malawi experience also demonstrates the challenge of pursuing NPM-inspired reforms in the context of structural adjustment programmes that emphasise expenditure cuts, while governance objectives entail significant investment in

institutional development and capacity building. Public-expenditure controls in areas such as recruitment have had a significant impact on the staffing situation of most local authorities in Malawi, crippling their ability to deliver services effectively.

Finally, given Malawi's history of centralised rule and administration, the kind of reform adopted was an ambitious programme for service-delivery improvement, entailing fundamental transformation in the conduct of public affairs and relations between citizens and the state. The sequencing and prioritisation of the reforms needed to focus first on getting the basics right, such as issues of staffing and capacity of the assemblies, producing a shared sector-devolution strategy, rationalising sub-district participatory structures and developing community capacities, before embarking on the actual transfer of responsibilities. Instead limited government and donor funding, the suspension of local-government elections and NDP II have, in effect, stalled the decentralisation initiative. Along with sector devolution driven by a SWAP approach, these factors have, de facto, produced deconcentration rather than devolution in Malawi. This is a continuing thread in Malawi's history, and it calls into question the prospects for democratic decentralisation reforms. Putting Malawi back onto a path of sustainable decentralisation will require not only political will and championship from the highest levels of government, but also the mobilisation of widespread donor support to re-launch the national decentralisation programme.

Notes

1. Although established in 1965, the committees only became operational in September 1966 after the first training courses were introduced for members.
2. In the rural areas the chief executive is still known as a district commissioner. Government took this decision to avoid confusing the rural masses.
3. The following major reports in order of the most recent explain these observations in detail: ECIAfrica, 2007, *Malawi: Final Evaluation of the UNDP and UNCDF's Local Development*. Final Draft Evaluation Report submitted to UNCDF/UNDP; Nordic Consulting Group, 2007, *Aligning Central Government, Local Authorities and Communities for Better Service Delivery*. Evaluation report submitted to the World Bank; Ssewankambo, Chiweza and Nyondo, 2004, *Mid Term Review of the UNDP Decentralised Governance Programme* (November/December); Phiri and Chima, 2004, *A Review of the Planning system in Line with National Planning Policies and Frameworks*; Kutengule et al., 2004, *Joint Donor/Government Review of the National Decentralisation Programme of Malawi*; Chinsinga and Dzimidzi, 2001, *An Impact Assessment on the Process of Decentralisation in Malawi*.

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