



**Africa
power and
politics**

**Peri-urban governance
and the delivery of
public goods in Malawi,
2009-11**

Diana Cammack

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Peri-urban governance and the delivery of public goods in Malawi, 2009-11

Diana Cammack*

The Local Governance and Leadership stream of the Africa Power and Politics Programme has investigated governance surrounding the delivery of four public goods at local levels in seven sub-Saharan African countries. This report presents new findings from participant observation and key informant interviews carried out between May 2010 and February 2011 in Ndirande, a peri-urban township within Blantyre city, and several other sites, in Malawi. This builds on information gathered throughout Malawi in 2008-09 on public goods delivery and town chiefs.

The research focused on four public goods:

- *safe birthing (low rates of maternal mortality),*
- *security and public order,*
- *markets and enterprise environment, and*
- *water and sanitation.*

The report presents information on the delivery of these four public goods gathered during two stages of research: 17 weeks in 2009-10 and ten months in 2010-11.

- *In the water-sanitation sector, the team returned in 2010-11 to the Nasolo River in an attempt to understand why city and national government, the local chiefs and the population are unable to clean it up. A second focus was the public water supply, delivered by the Blantyre Water Board through kiosks. This has been insufficient and influenced negatively by political factors for some years. The recent imposition by government – working with water boards and NGO partners – of Water Users Associations (WUA) is meant to address water management problems. The report traces two attempts to start associations in Ndirande, and the impact that governance, especially party politics and relationships among local leaderships, has had on their success. Clientelism, bureaucratic dysfunction and popular attitudes have also affected the success of the WUAs.*
- *Regarding the provision of markets and a sound enterprise environment, we returned to Ndirande market, burnt down in late 2008 and still not rebuilt completely. We focused on market management – by vendors’ market committees and Blantyre City – and the resulting chaotic and unsanitary conditions. More data are provided on incoherent policies and poor bureaucratic coordination in this market and others, on various forms of leadership, and on the problems faced by officials tasked with keeping public areas clean and safe.*

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- *The discussion on public order and security focuses on neighbourhood watches and on chiefs' bwalo courts. The evidence suggests that Ndirande is becoming safer, and this seems in part to do with the relationship between neighbourhood watches and the police, politicians, chiefs and community activists. Bwalo courts also appear to function to the satisfaction of residents, as they are well attended and litigants follow their rulings. The recently proposed 'Local Courts' may be meant to replace them, but that is unlikely due to translocals' familiarity with the way the chiefs and bwalo courts operate. Witchcraft cases are sent to bwalo courts because the formal judicial system and law do not treat suspected witches the way the public (and officialdom) demand.*

- *Regarding maternal mortality, we looked closely at two controversial topics: abortion and the use of Traditional Birth Attendants (TBA). Even health workers are uncertain whether to encourage or to bar TBAs due to government's policy-making-on-the-hoof, and this has resulted in confusion at the grassroots. Using TBAs also suits the social requirements of many Malawian women, who resist the poorly enforced TBA ban. Abortion, which is illegal, is easily obtained in Ndirande through various outlets, and is prevalent because of the high number of youthful pregnancies, public disregard for the law, and its weak enforcement by the state. Cultural practices and beliefs continue to play a role in how and where women choose to deliver babies.*

The report identifies eight factors that affect the (non)delivery of these four public goods in peri-urban Malawi. These include:

- i) Priority setting, which is influenced by politics and policy incoherence, and impacts on the quality and quantity of human and financial resources made available, and the up-take of new ideas targeted at underdevelopment.*
- ii) The bureaucracy at city and district levels, which is dysfunctional in many regards for a number of historical, socio-political and economic reasons.*
- iii) A pattern of non-compliance with rules and regulations.*
- iv) National political logics, which influence local-level actors and residents to create networks, reaching from national to grassroots levels, in an attempt to control scarce resources and goods. Civil servants are incentivised to defer to committees managed by members of the ruling party and this undermines policy and the quality of service delivery.*
- v) In peri-urban Ndirande and elsewhere, the way town chiefs fill gaps left by the state. The leadership provided by town chiefs is deemed legitimate for historical reasons, and because it continues to provide a service to the public; yet they have limited jurisdictions and few resources at their disposal.*
- vi) Demands made on chiefs by residents, although citizens' 'voice' insisting state bureaucrats and political representatives deliver services is weak because they are mostly absent and little is expected of them.*
- vii) The role of social divisions as well as lack of organisational skills and capacity in inhibiting people from forming self-help groups. Few such groups are found in Ndirande. Collective action in limited areas by small groups centred on chiefs or political party leaders is more common.*
- viii) The way cultures ('shared meanings') influence people's behaviour and their perception of legitimate leaders. Residents share a view about what constitutes proper behaviour and this influences leaders, public (in)action, and demands on the state.*

These factors are then grouped under five broader headings where, it is argued, they account for much of the variation in the general quality of public goods delivery in Malawi: 1) the level of waste caused by politically driven mis-prioritisation; 2) the extent

of policy coherence/incoherence and cross-agency collaboration; 3) the intrusion of unhelpful national politics logics into the local governance of service delivery; 4) the role of different forms of local leadership; and 5) the capacity of residents to work collectively for their own benefit.

The conclusion of the paper outlines lessons learned from the research that may be of interest to the state and to donors hoping to improve the delivery of services and aid to peri-urban areas. It is argued that research at local levels is vital during programme design in order for providers of resources to become informed about local contextual details.

Note on the research

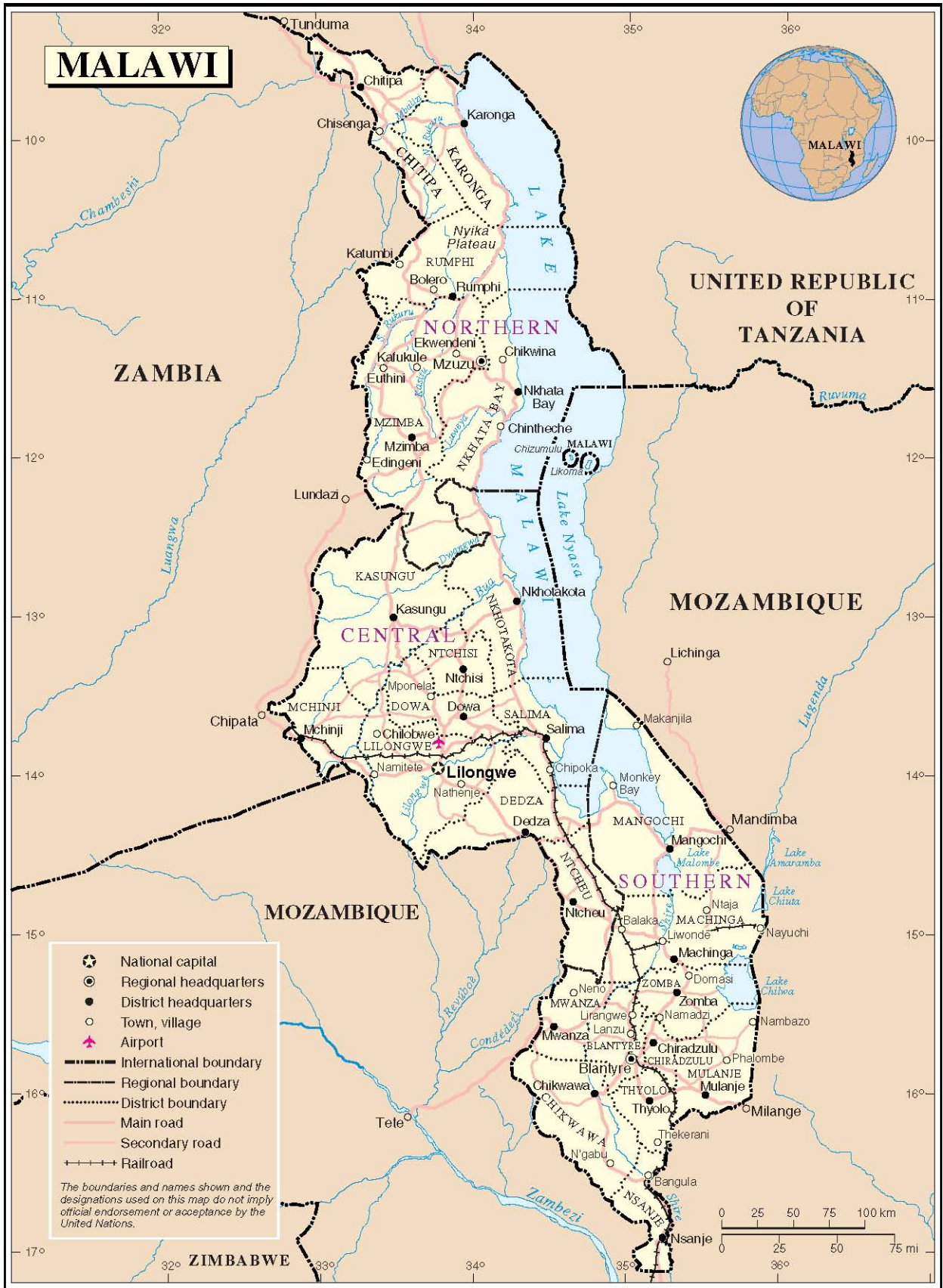
APPP research in Malawi began in 2008 with a survey of town chiefs in more than a dozen locations spread from Karonga in the north to Chikhwawa in the south. In 2009-10 seventeen weeks' participatory observation by five local researchers was undertaken in three peri-urban sites in Blantyre, Kasungu and Rumphu. Key informant interviews by this team and two senior researchers augmented findings from the field. Reports of those findings are found at the APPP website. From May 2010 to February 2011, three local field researchers lived in Ndirande, Blantyre, where they carried out participant observation and key informant interviews. They and the two senior researchers working with local research assistants also did key informant interviews and undertook comparative field studies in Kachere (in Blantyre), Zomba, Lilongwe and Chiradzulu. Daily reports were filed with the senior researchers and data were rechecked by the field researchers as needed. Most sources have been made anonymous to protect the identity of residents and informants.

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Glossary/acronyms

APPP	Africa Power and Politics Programme
AEHO	Area Environmental Health Officer
BCA	Blantyre City Assembly (Council)
BWB	Blantyre Water Board
CBO	Community-based Organisation
CCODE	Centre for Community Organisation and Development
CD	Compact Disc (music)
CDC	Community Development Committee
CDF	Constituency Development Fund
CEO	Chief Executive Officer (City)
DHO	District Health Office
DPP	Democratic Peoples Party
FIMTAP	The Financial Management, Transparency, and Accountability Project
GVH	Group Village Headman
HSA	Health Surveillance Assistant
K	Malawi Kwacha (\$1 = K150 approx.)
LEBCO	Contracting company rebuilding Ndirande market
MASAF	Malawi Social Action Fund
MBC	Malawi Broadcasting Company (state radio)
MCP	Malawi Congress Party
MDG	Millennium Development Goals
MMR	Maternal Mortality Rate
MOU	Memorandum of Understanding
MP	Member of the National Assembly
NGO	Non-governmental Organisation
NW	Neighbourhood Watch
ODI	Overseas Development Institute, London
OIC	Officer-in-Charge (police)
PS	Principal Secretary (senior civil servant in a ministry)
QECH	Queen Elizabeth Central Hospital, Blantyre
SEHO	Senior Environmental Health Officer
SSA	Sub-Saharan Africa
STD	Sexually Transmitted Disease
TA	Traditional Authority (a type of senior chief)
TB	Tuberculosis
TBA	Traditional Birth Attendants (' <i>azamba</i> ')
UDF	United Democratic Front
UNICEF	United Nations Children's Fund
VDC	Village Development Committee
VH	Village Headman
WUA	Water Users Association



1 Introduction

1.1 The context

Peri-urban Malawi is a site of grinding poverty, unnatural hazards, and poor public goods delivery. Nonetheless, between 1994 and mid-July 2011 residents of the informal settlements have put up with poor living conditions and have behaved relatively peacefully. In large part this is because, as a group, impoverished ‘translocals’¹ living in urban squatter settlements are disempowered and unable to organise to protest against inadequate services and deplorable conditions. What it took in mid-2011 to hear their voices and to taste their anger was the rise of a middle class, led by NGO activists, whose concerns focused on their own economic and political interests but who also mobilised residents from the peri-urban areas to march (Cammack, 2011).² The remarkable passivity of Malawians is often noted (e.g., *African Insider*, 2011) so it came as a shock to many that the July 2011 demonstrations turned violent. On the other hand, outsiders who spend time in the peri-urban areas are often amazed that their residents do not more frequently rise up in anger and frustration. Life in settlements like Ndirande, Mbayani or Kachere in Blantyre or Kauma and Chinsapo in Lilongwe is not easy for the *nzika* (indigenous residents). It is even harder for those newly arrived from the countryside.

Take the case of a family recently migrated to, say, Ndirande from a rural community. Factories in Blantyre began to close down during the Muluzi period (1994-2004) when the macro-economy took a dive and investment dried up, so if the father finds formal employment he will be lucky. He might get a job as a watchman or shop assistant in Limbe or Blantyre, but it is more likely he will have to start his own small business, buying and selling goods on the street, or work as a tradesman, making and marketing small items locally. The women in the household are likely to sell home-made scones or vegetables in one of the small markets dotted around the township. They will spend a lot of time trying to find water (photo). If they are related to someone at the City offices one of them might get a job on the local government payroll, collecting market fees or sweeping rubbish, but these jobs are scarce and poorly paid in any event.



The house they will rent is likely to be substandard but relatively expensive, as dwellings close to the city centre are in short supply. It will probably be constructed of mud bricks, will be small and dark, poorly furnished, and with leaky and unhygienic toilet and bath facilities, or in some cases, none at all. The neighbours' houses will be only a few feet away and the narrow uneven lanes between them will be crowded and noisy, with blaring CD shops, video arcades and rowdy children. Rubbish will be piled up next to the road or thrown in a nearby stream. Relatively costly water will be drawn from a dirty well or a Water-Board tap that

¹ People with livelihood strategies that involve regular movement between villages and towns (Englund, 2002).

² On 20-21 July 2011 citizens led by civil society activists marched in several towns. In some cities these demonstrations turned violent when the police tried to halt them. Looting took place in some places, while a few offices and shops owned by foreigners and financiers of the ruling DPP party were destroyed.

frequently runs dry. The sounds of the township's many bars will fill the evening air, along with the neighbourhood watch patrolling the lanes and warning people to close and lock their doors and windows. People having to be out at night – e.g., escorting someone to the clinic to give birth, visiting the ill or elderly, or attending church meetings – will scurry along the dirt paths quickly. Weekends especially, but also some weekdays, are filled with the up-swelling of parishioners' voices from Ndirande's ubiquitous Pentecostal and mainline churches and mosques. On the weekends the men in the family are likely to hike to football matches at nearby Kamuzu stadium while the womenfolk often prefer the titillation that comes from attending a witchcraft case at a chief's *bwalo* court.

The children in the newly arrived family will be eligible for school, but they will have to pay for uniforms and materials even in the 'free' primary grades. Once enrolled, they will find the classrooms crowded, the teachers in short supply, desks and books scarce, and the learning environment poor. They are likely to be asked by their parents to earn their own school fees by finding work, say sweeping stalls in the market or selling small items (e.g., fruit, cell phone air-time, etc.) to passers-by. The pressure to give up school is high, especially as jobs for graduates are nearly non-existent, the need for cash is immediate, and social mores give little value to education, especially for girls. Teenage girls soon learn that dressing up to city standards requires additional income, and some will find that trading sex for presents is not

unusual among their peers. It is for this reason that many also require abortions, some more than once before they finally settle down. Though illegal, these are not difficult to arrange – for a fee at local private clinics, from traditional doctors who provide herbal solutions, or by taking all at once a handful of unlabelled pills sold by the local market vendor (photo).³ A young woman will consider herself lucky if instead, she marries the father of her child, attends the local maternity clinic (where supplies often run short), is tested free of HIV, and settles down to raise the baby.



Older boys are likely to find small jobs to make a few hundred kwacha a day. Some young men will take what they think of as guard work with the local neighbourhood watch only to find the job is nominally 'voluntary' and the work very badly remunerated by the few contributing residents. The same may be said for health committees and other voluntary groups, which are formed and funded by NGOs but largely dormant when donors are not around. Some will sell goods on the street and try to rent a stall in the market. A few of the jobless may turn to crime. Overwhelmingly, though, youth remain idle but eager to earn. Underemployed family members are therefore ripe for recruitment by politicians with a few hundred kwacha to give out to anyone who attends a party rally, is willing to harass opponents on demand, dances for dignitaries, or votes against opposition party members at local meetings. Periodically, members of the family will return to their home village and come back to Ndirande with maize and other produce from their farm.

1.2 Report outline

This report discusses the delivery of four public goods to peri-urban residents like these. It focuses on the provision of safe birthing (intended to reduce rates of maternal mortality);

³ A pharmacist in Lilongwe later tried to identify the cocktail of tablets sold to our researcher in Zambia Market, Ndirande. He said they appeared to be multiple doses of ampicillin, doxycycline, clarithromycin, pain killers and tuberculosis medicines.

markets and a sound enterprise environment; sanitation and potable water; and public security and order. As became clear in earlier research and publications (Cammack and Kanyongolo, 2010), town and city governments in Malawi are incapable of providing these public goods well or consistently. People must rely on other forms of local leadership, especially 'town chiefs' (Cammack et al., 2009), NGOs, churches, political parties, and to some extent, on self-help, to obtain them. That these goods and others are still in short supply explains the poor conditions in which the residents of informal settlements live.

The report starts by briefly presenting basic background information on the provision of these four goods in Ndirande. Findings from 2010-11 fieldwork are added. Comparisons are made with other peri-urban sites when relevant, drawing on evidence from periodic visits by the team to these sites in 2010-11 and before. After the update is completed, an analysis is presented of the reasons for the failure and successes of various forms of local governance in providing public goods. These variables are concerned with:

- priority setting affecting the quality and quantity of available resources;
- incoherent policies, conflicting jurisdictions and poor coordination;
- non-compliance with regulations;
- national political logics affecting local actors and events;
- resource scarcity, clientelism and network formation;
- leadership forms and legitimacy;
- initiative-taking and collective action; and
- cultural influences.

Some examples of how these affect public goods delivery are presented, drawing on the findings laid out earlier. The report closes by making suggestions about how government and donors might use this research to improve their delivery of public goods at local levels.

2 The delivery of public goods in Ndirande, 2009-11

This discussion of the delivery of four public goods is based on field work undertaken in Ndirande and Kachere (in Blantyre), Zomba, Lilongwe and Chiradzulu in 2010-11, but builds on 17 weeks of research done in Kasungu, Ndirande and Rumphu in 2009-10 and on scoping missions in towns from Karonga in the far north to Chikhwawa in the south, which were carried out in 2008-09. Previous key findings are reiterated here, but reading our previous reports is recommended for a more detailed discussion of that information.

2.1 Water and sanitation

Urban Malawi is generally ill-equipped to deliver clean water to its residents, partly because the rate of urbanisation has been very high since the democratic transition (1994), the infrastructure is old and dilapidated, and town planning and resource allocation have not kept pace with growing needs. This is the case throughout the Blantyre-Limbe conurbation, which has water outages regularly, but it is especially true of peri-urban settlements like Kachere and Ndirande, where problems finding affordable potable water exist on a daily basis.

During the H. Kamuzu Banda period (1964-94) there were fewer citizens and less urban migration to contend with, and there were stronger state-party institutions and structures in place to deal with township populations and their social needs, such as markets, clean water, and sewage disposal. In Ndirande in 1970, for instance, the main market was sited, built and managed by government and had a market committee consisting of all vendors, which was headed by representatives of Banda's Malawi Congress Party (MCP). A relatively steady supply of water to the market (for free)⁴ and to township residents (for payment) was provided from the late 1970s by Blantyre Water Board (BWB), which hired its own water sellers.⁵ Residents also used water in the streams into the 1980s, to bath and clean the house, and at times, even to cook with and drink. Waste was regularly collected, and there were regularly cleaned public toilets dotted around the township and in the market. Rules about sanitation and waste were enforced by chiefs and party officials.⁶

⁴ A Blantyre City official stated that that water in the market used to be free, until about 2005, but the City found it was being 'abused': people were 'even selling it', 'washing their cassava' etc. So the City began charging for it. It took some time for people to adapt to paying for water and initially there was some trouble (Edge Kanyongolo and Diana Cammack interview with a public sector accountant, Blantyre, 25 March 2011).

⁵ Chililo Gondwe discussion with Mrs K., a resident, 24 Aug 2010, Ndirande. She said that in 1979 the 'Blantyre Water Board built kiosks and people started fetching drinking and cooking water from these. The BWB had their own water sellers, who came from different areas to sell at those kiosks'. According to her, 'locals were not involved in building BWB kiosks. The Malawi Congress Party Youth League were coming to the kiosks each day to check who had a party card. Those who did not were not allowed to fetch water. Such people just waited until midday for Youth Leaguers' mercy; some would allow those who did not have party cards to fetch water after twelve o'clock. Such people were fetching at this hour because the Youth Leagues were going for lunch. However, some water users were fetching water from the streams. This happened when water users were rushing and needed water. It also happened when water users who did not have a party card were denied permission to fetch kiosk water. Most people depended on stream water even though BWB had introduced kiosks. Those people who had money were allowed to buy a party card at the kiosks'.

⁶ Chililo Gondwe discussion with Mr S, a resident of Ndirande since 1947, at Chikana village, Ndirande, 18 Aug 2010. He said that 'when Dr. Banda come with his MCP government he found people already practicing hygiene, even though the colonial masters had used force to make sure that people followed orders. People feared the fine that a person had to pay for not following orders so people got used to practicing hygiene. It became part of people's habits and the MCP did not have many problems in implementing sanitation rules. People followed what the colonial government was saying because it was a good idea to have a toilet. But the problem with the MCP was that chiefs did not have as many powers as

Things began to change after the 1994 democratic transition. Where Banda had discouraged urban migration, Muluzi welcomed it: 'where there is no house, let there be a house; where there is no road, let there be a road', he said. People took his advice to heart and spread into vacant lands near towns.⁷ With a directive such as this coming directly from the President and enforced by the UDF's pugnacious Young Democrats, civil servants tasked with town planning and chiefs found it impossible to halt or even regulate the inflow of settlers.⁸ This period saw the *nzika* and chiefs in Ndirande selling off their lands to new arrivals at an increasing rate. It was also when some of those people who had been relocated earlier by Banda's government – such as from Ndirande to Machinjiri in Blantyre or from Lilongwe to Mchinji – moved back into the townships. Areas like Matope and Makata in Ndirande and Kauma and Chinsapo in Lilongwe, which had been villages with traditional chiefs, were inundated. This gave rise to peri-urban squatter settlements and 'town chiefs'.

Town chiefs reside within the city limits and have subjects living in both formally demarcated planning areas (like Newlines and Goliyo in Ndirande) and informal settlements (e.g., Zambia and Safarawo). Many are paid an honorarium by central government.⁹ Block leaders are not hereditary chiefs but are generally called *mfumu* (chief) by residents and treated with respect. These peri-urban leaders behave in many ways like rural chiefs and perform some of the tasks that might otherwise be handled by local and central government bureaucrats.

Multiparty politics and liberal reforms from 1994 also had an impact on water supply in Ndirande. Where before the Blantyre Water Board managed the infrastructure and sale of water, after Bakili Muluzi came to power the task of selling water was handed over to development committees. These were meant to form part of the larger decentralisation structure then being created with the encouragement of donors (Cammack et al., 2007). Soon, though, these committees came to be dominated by supporters of the ruling United Democratic Party (UDF). The local UDF leadership used jobs (selling water) to reward loyalists and used funds earned from the sale of water to augment their party and personal coffers.¹⁰

they did during the colonial government'. According to him, 'during MCP the area chairpersons, Malawi Young Pioneers and party Youth Leaguers had more powers than the chiefs. These area chairpersons had powers to an extent that you could not build a burnt-brick house without informing them.' Mr M. told Moir Walita Mkandawire that more than six public toilets were built during the Banda years in Blantyre (discussion at Ndirande Market, 14 July 2010). Mr S., an early market-fee collector, told Moir Walita Mkandawire it opened on 1 December 1970 (interview, Ndirande, 16 Sept 2010).

⁷ Diana Cammack and Kondwane Zimba interview with chief and block leader at Kauma village, Lilongwe, 30 July 2010.

⁸ Diana Cammack and Edge Kanyongolo interview with senior bureaucrat in the Department of Physical Planning, Ministry of Lands, Lilongwe, 22 March 2011.

⁹ The Ministry of Local Government and Rural Development pay chiefs a range of honoraria, from K5000/mo. to village headmen to K50,000 for Paramount chiefs. There are some 21,000 chiefs of various ranks on the ministry's books, but many other chiefs have been created by senior chiefs in recent years, some of whom are living within cities and most of whom are not paid by government. Diana Cammack and Edge Kanyongolo interview with bureaucrat at the Ministry of Local Government and Rural Development, 9 March 2009.

¹⁰ Chililo Gondwe discussion with a former UDF water kiosk chairman in Ndirande, 11 Jan 2011. He said the community development committee (CDC) was responsible for making sure that individual kiosks committee members were paying water bills and damaged kiosks were being maintained. He also remembered that individual kiosk's committees had the responsibility of paying water bills, but this changed during the second term (1999-2004) of the UDF government. The first CDC was established by BWB and the Blantyre City Assembly as a means of making sure that kiosks were being maintained and water bills were being paid. Locals from different political parties took part in the formation of that CDC. However things changed because UDF supporters dominated positions in the CDC and other people from different political party left because UDF people were saying bad words to them – e.g., 'UDF supporters are the ones who are suppose to be selling water on these kiosks because they are the ones who voted

With population growth there came a demand for more water outlets, and new public water kiosks were constructed in Ndirande by UNICEF, MASAF and other agencies in the 1990s. In keeping with the decentralisation agenda, they sought to make locals responsible for water management.¹¹ Some kiosks were deliberately sited by community leaders on plots belonging to UDF loyalists, who consequently became the chair(wo)men of the kiosk-water committees. Funds collected for water were meant to go the water board, but when they did not and were kept by chairmen instead, the Water Board often felt unable to press for payment due to the fact that the committees were linked to the ruling party.¹² This meant a running up of arrears to the BWB, and eventually the closure of many taps (photo).



In mid-2004 Bingu wa Mutharika ran for president on the UDF ticket. This came after Muluzi had tried and failed to change the Constitution to enable him to run for a third term. He appointed the relatively unknown Mutharika as his successor, an act that split the UDF leadership and party.

After winning the election Mutharika proved difficult for Muluzi to handle, and in 2005 the President broke from the UDF and started his own Democratic Progressive Party (DPP) party. He recruited a number of MPs who (illegally) 'crossed the floor' in parliament and caused political turmoil until 2009, when the DPP won in a landslide election.

The emergence of the new ruling party from 2005 had a significant impact on water provision at kiosks in Ndirande, which were being managed by UDF stalwarts. First, there was an attempt to get arrears paid and to reopen closed kiosks. This was slow going though. In 2009 some K19m was due to the water board for Ndirande water (Cammack and Kanyongolo, 2010: 31) and still in mid-2010 the BWB was due some K38m citywide, of which K10m was owed by the Makata (Malabada) area's 76 kiosks for bills dating back to 2007 (*The Nation*, 17 June 2010).

the UDF into government'. According to him, 'this was just a way for its members who wanted to eat kiosks' collections'. In other words, the second CDC committee was formed by UDF people who were active in the party. This was one way that UDF built the party in Ndirande. The UDF party was putting its supporters in these kiosks so that 'supporters should not leave the party'.

¹¹ According to Mrs K in Ndirande, UNICEF 'said that its kiosks would be managed by locals, who will be responsible in paying water bills. So there was no need for BWB to be selling water when kiosks were a way to develop community using the profits generated from water sales.... However, people in this community argued that the children (orphans) were young such that they could not manage these kiosks. The UNICEF idea was that these kiosks should be managed by children [sic] but community adults managed these kiosks on behalf of the children. According to her, those committees that were managing these kiosks were responsible for paying water bills to BWB and made sure that kiosks were maintained when damaged. Children (orphans) did not benefit because the money was mostly used to pay water bills and some was shared among the committee members who were managing that kiosk. None from the government asked about the money that was intended to help orphans' (Chililo Gondwe discussion with Mrs K., resident, in Chakana village, Ndirande, 24 Aug 2010).

¹² A senior official at the Blantyre Water Board, on 23 March 2011 explained to us about this period: 'When you let politicians take the lead they mislead people'. Kiosks were built by BWB, MASAF, etc. and communities took over management of them, but did not pay their bills, so the BWB disconnected them. The politicians then complained about disconnections, so BWB reconnected and politicians took over management of the water system. But they still didn't pay for water.

Second, when sufficiently strong at local level, the DPP in Ndirande took over the management of the kiosks. UDF members resisted, telling DPP members to have their own president build new kiosks as the old ones belonged to the UDF, under whose administration they had been constructed. But the DPP persisted and eventually the police were called in to take away the keys to the taps and to haul off to jail the UDF water sellers who resisted. In the end charges were not filed and they were released, but by then DPP members were in control of water infrastructure and management.¹³ Not long afterward, people realised that the DPP



was acting much as UDF members before them, so that some water bills went unpaid, kiosks remained closed, and fees paid by residents for water were being drained away to support party activities and members.

This was the situation as APPP researchers found it in Ndirande in 2009. Many Water Board kiosks were closed because of arrears and broken pipes, a few private boreholes

(owned by faith groups, CBOs and residents) were pumping and selling water, a few old and dirty wells were supplying water, and the filthy Nasolo River was being used to wash clothes and food stuffs sold in the market, and for household needs (photo).

The Nasolo River is a dangerous eyesore, and one that the City knows needs to be cleaned up. It reported that it had plans to do so in 2009-10, but found its financial and human resources diverted to collecting city rates from businesses instead. Periodic attempts are made by environmental health workers to halt residents along the Nasolo from letting their latrines drain into the river (photo) but any improvement in this regard, and in stopping residents from dumping rubbish – including bagged faeces



brought from houses with no toilet facilities – into the river, seems unsustainable due to the absence of alternatives for waste disposal and the slack enforcement of sanitary regulations. Both are a result of weak City government and the incapacity of other local leaders, like town

¹³ Chililo Gondwe discussion with Mrs K., Chakana village, Ndirande, 24 Aug 2010. She said that in 2005 DPP people argued that it was their time to manage kiosk because the UDF time was over. They said that these kiosks were brought by Muluzi and the UDF so DPP and Bingu should bring their own. 'Many UDF people who were selling on these kiosks were arrested with the influence of DPP people'. According to her, 'the DPP MP for Ndirande-Matope constituency from 2004 to 2008 paid the police to arrest those UDF people who were resisting to hand over kiosks. DPP people then started selling in most kiosks after UDF people were arrested. This happened in 2007 and since then her kiosk has not been opened as she refused to let DPP manage it'.

chiefs, to solve such long-term, multi-jurisdictional, technically complex, and capital-absorbing problems.

In early 2010 there was talk of creating new structures called Water Users Associations (WUA), which form part of central government's policy to tackle various national water problems.¹⁴ The first WUA in Blantyre had opened in Kachere and was having some success at repaying arrears, fixing infrastructure, expanding the public water network, and selling water to residents. Ndirande was to be next in establishing WUA.

In 2010 two WUAs were to open in Ndirande. One was to be in and around Chief Makata's village, which is part of Minister of Internal Affairs and Security Aaron Sangala's (DPP-MP) Malabada constituency. The other would be in Chief Matope's area, which forms a portion of Independent MP Eunice Makangala's constituency. The political affiliations of the MPs and their relationships with their chiefs were important determinants of the subsequent history of WUA formation and management. This is because of the tensions that exist everywhere in Malawi between three powerful local actors – chiefs, MPs, and senior government officials – and how these work themselves out in each locality (Cammack et al., 2007).

Water politics in the Matope area

Group village headman Matope has been in power since 1976. Off and on he has had a tense relationship with the Blantyre District Commissioner's office (which suspended him temporarily, reportedly on orders of the MP) and with various parties and politicians (MCP Youth Leaguers beat him badly for not following orders in 1984).¹⁵ He professes support for the current DPP leadership¹⁶ but appears to work well with his MP Eunice Makangala, an independent elected in Aug 2009, who has refused to cross the floor and join the DPP¹⁷. The WUA in Matope's area was formed in early 2010 by the City, the Blantyre Water Board and an NGO called Water for People.¹⁸ As with other urban WUAs, its promoters began by getting the chief and MP engaged, holding a public meeting with residents and electing a committee of representatives from various community groups. In turn it elected an executive board and it, with a small secretariat and some water sellers and plumbers, has run the association

¹⁴ Government launched a Peri-Urban Water and Sanitation Project in Blantyre on 26 Aug 2010. It is meant to help Malawi reach the MDGs by rehabilitating sanitation and water infrastructure in Blantyre and Lilongwe. Some €30m in grants and loans were given by the European Union and Investment Bank to improve infrastructure, capacity and local participation (Chililo Gondwe notes from launch, Ndirande, 26 Aug 2010).

¹⁵ He is Group village headman for 7 villages, Mlanga, Makata, Mtambalika, Chakana, Matope, Che-jinny and George, and he is chief of Matope village. Interview with team, 22 Feb 2011. He was a sub-TA before but was demoted by the MCP. This dispute with the MCP was started by a conflict over land (Moir Walita Mkandawire interview with GVH Matope, Ndirande, 21 June 2010).

¹⁶ He was removed from the local government payroll until Mutharika intervened in 2005 after he professed his loyalty to DPP and not the UDF (Moir Walita Mkandawire interview with GVH Matope, Ndirande, 21 June 2010).

¹⁷ She appears to have won the 2010 by-election because she lives locally and campaigned on local issues – especially the provision of water and of transport for the clinic – and because her major opponent had little support since he'd been imposed on the electorate by the national DPP party leadership. She also has smart people around her (e.g., Mr Willy, an *nduna* in Goliyo) who understand local issues and how to deal with people. Finally, she seems to have retained her constituents' support because she remains living in Ndirande and is active in the community (e.g., using her Constituency Development Fund to build a local Police Unit; championing road maintenance; sitting on the WUA board) – which is unlike many MPs about whom residents complain they have not visited their constituencies since the 2009 elections. She donated an ambulance during the campaign, which broke down after the election, but she provided one permanently in Aug 2011 (*The Nation*, 10 Aug 2011). She had worked for the Blantyre water board and was keen to see WUA established.

¹⁸ Chililo Gondwe interview with senior BWB official, 21 June 2010; Edge Kanyongolo and Diana Cammack interview with Water for People official, Blantyre, 24 March 2011.

since. While water user associations were designed to get politics out of water delivery, Mr Mlotha, brother to the DPP constituency governor for Sangala's Malabada constituency, became the WUA chairman.¹⁹ He is also the owner of private water kiosks, yet to be closed or absorbed into the association, and has expressed aspirations to become the DPP local council candidate whenever local elections are held.

According to its partner organisations,²⁰ the WUA in the Matope area functions less well than the one in Kachere – which has extended its water network, has seen off an attempt by DPP officials to dominate its management, has handled a fraudulent employee swiftly, and is funding its own expansion. While the WUA in Matope's area generally manages its water network to the extent that the infrastructure permits²¹ and is planting new kiosks, as an organisation it shows some of the weaknesses found in Malawian groups generally. For instance, the priority of leaders (including hangers-on) at meetings appears to be the generation of personal allowances for its over-sized board rather than the management of the association. Second, when fraud was suspected it was covered up rather than confronted directly and the perpetrator (one of the water user association's senior officials) disciplined. It has on-going labour disputes as it does not pay its water sellers what was promised them when they were taken on. Fourth, its board is dominated by the local MP, though she is only an ex-officio member without voting powers. It has trouble paying arrears to the BWB as originally planned. Finally, it has poor relations with the City and BWB, whose representatives are frequently not informed about meetings or decisions being made.²² That said, it manages to supply water during a portion of most days²³ to the kiosks at a relatively low rate (K3 for 20 litres)²⁴ compared to water prices in nearby Makata village.

Water politics in Makata village

Events around the formation of a WUA in Makata in 2010-11 are illustrative of the problems that multiparty politics cause for local service delivery. DPP MP/Minister Aaron Sangala apparently approved the formation of a WUA in his constituency at the same time other Blantyre-based MPs did. But his local party people were reluctant to comply and have managed to hold up its establishment ever since. Local DPP activists – led by the DPP constituency governor, Yona Mlotha – managed in May 2010 to get the City and BWB to

¹⁹ Chililo Gondwe discussion with Mr Mlotha, Ndirande, 22 Nov 2010. On the other hand, a senior district official in the DPP denied there being any involvement of the party in the Matope area WUA and stated that Mr Mlotha was chosen in elections overseen by the City because he has experience of kiosks (Team discussion with District DPP official, 22 July 2010, Blantyre).

²⁰ Chililo Gondwe interviews with BWB official, 21 June and 24 Nov 2010; Chililo Gondwe interview with WUA secretariat staff, 14 Oct 2010. The most contentious issue seemed to be allowances for WUA board members, which WUA's partners were reluctant to pay.

²¹ Importantly, the BWB water storage facilities and pumps in Ndirande are not sufficient to generate enough water pressure to keep the pipes full of water throughout the day. Our researcher Chililo Gondwe, living in Newlines not far from Matope, diarised on 14 Jan 2011, 'Today is the third day without having water but previously (e.g. from September to December 2010 and some days of January 2011) water was coming at odd hours e.g. 2 or 3 am. ... Most of the houses in Ndirande Newlines... use cars to travel to BWB offices to fetch water. I have also observed that most people (men, women, young and middle-aged) from Safarawo area under Group Village Headman Matope are poor and walk to BWB offices with their gallons on their heads to fetch water. Most men use wheelbarrows but women carry their gallons on their heads'.

²² Diana Cammack and Edge Kanyongolo interview with senior Blantyre City official, Blantyre City offices, 7 Dec 2010.

²³ Pumping of water is a problem due both to electricity outages and to having too little water to fill the system of pipes. Water tends to flow after midnight till dawn, and to be unavailable in the day. This means sellers have to be available during the night, though it is dangerous for them to move around Ndirande and many live far from their kiosks because WUA policy sometimes prohibits sellers to service their own communities for fear they will favour their neighbours or families.

²⁴ In early 2011 BWB was selling its water to WUA at K0.59/10 litres (K1.18 for 20 litres) (Chililo Gondwe interview with BWB official, BWB, 14 Jan 2011).

agree that they could form an 'interim' committee to manage the kiosks until July.²⁵ A public meeting was held at Nyambadwe school in mid-June to inform local residents about the association and seemingly to elect an organising committee. That day, however, many UDF stalwarts attended and the organisers, led by the DPP, refused to hold elections (and later claimed none were scheduled). Thereafter the DPP management avoided attending any meeting where a WUA committee might be elected.

Complicating matters are political rivalries between the local chief and the DPP MP. For a half century the Makata family has been active in politics, with rich and influential senior members serving as MPs during Banda's and Muluzi's administrations. The DPP in the area now believe that Chief Makata is keen to help his older brother, Golden Makata, to run for parliament in 2014, and that putting the UDF in control of the WUA in the constituency is part of the Makata family's plan. They blame the chief for the arrival of UDF at the Nyambadwe pre-WUA meeting in June 2010 for instance.²⁶ The chief appears to be unable to help establish the WUA as a result.

Into 2011 the local DPP leadership continued to control the kiosks. Water bills were sometimes not paid, it was not repaying arrears,²⁷ and the cost of water sold to residents was relatively high (K5 for 20 litres). Though the DPP constituency chairman and head of the water committee, Yona Mlotha (brother to the WUA chairman at Matope) collected money from the DPP sellers on a daily basis, water accounts were not shared with City or BWB partners.²⁸ Observation by the research team suggests that the party, its members and clients,²⁹ were benefiting from some of the income.

As time passed, the BWB and City argued that the DPP's interim arrangement had lapsed and it was past time for starting a WUA, but the local DPP said that this not the case. Not only did they dispute the fact that the agreement had ended, but more importantly for them, they claimed that it was all wrong that the partners – the City, Water for People, and BWB – were taking credit for starting WUA. Instead, they argued, it should be the DPP that receives recognition for establishing WUA as that will impress voters in 2014.³⁰

²⁵ Chililo Gondwe report of meeting 14 June 2010, and his interviews with a BWB official at BWB, 24 Nov 2010, and with senior DPP local official, Ndirande, 6 Aug 2010. The BWB official supported a view we heard from others: the difference between Ndirande-Matope and Ndirande-Malabada constituency is that in Ndirande-Matope constituency, they have an independent member of parliament who is Mrs Makangala and in this Makata constituency, they have a member of parliament who belongs to a political party (DPP) (Sangala, Minister of Internal Affairs and Security). That is why it is becoming so difficult to manage things without the involvement of the party. A party has powers to control this constituency. For example, they are playing tricks in attending meetings because they know that it would be difficult for Blantyre Water Board and City Assembly to force them to comply since they are the government.

²⁶ Chililo Gondwe discussion with a local chief, Ndirande, 5 July 2010.

²⁷ K12m in arrears would have been taken over by WUA in early 2011 (Diana Cammack and Edge Kanyangolo interview with Water for People official, Blantyre, 24 March 2011).

²⁸ Edge Kanyangolo and Diana Cammack interview with senior City official, City of Blantyre, 23 Feb 2011; Chililo Gondwe interviews with BWB official, Blantyre, 24 Nov 2010 and 14 Jan 2011, and with senior DPP local official in Malabada, Ndirande, 14 July 2010.

²⁹ On two occasions, our researchers were given an unsolicited K500 notes by a senior DPP local official from a pile of water earnings after they had come to his home to chat with him.

³⁰ A senior DPP local official said that the 'DPP did this [stopped the formation of WUA earlier] because it wants to protect the party and its MP (Mr Sangala) so that the party should have something to tell voters during 2014 general election (e.g. that it is DPP and Mr Sangala MP who brought WUA in this constituency and not partners). According to him, Mrs E. Makangala MP for Ndirande central constituency and Mr John Banda, MP for Kachere, will in 2014 comfortably tell voters that they introduced WUA during their terms of office and this is what DPP in Makata wants to do in 2014 general elections' (Chililo Gondwe interview, Ndirande, 2 Dec 2010).

In early 2011 the situation had deteriorated to the point where other senior DPP and government officials were called in from outside to impress upon the MP and local party activists that the situation had to be rectified. It was then agreed that the two representatives of the City and Water Board, whom the local DPP leadership distrusted and disliked, would be removed and that a new effort to start an association would take place.³¹ Meanwhile, Water for People had written a 'plan of action' that it was hoping to begin implementing in April 2011.³² But checking back at year end the team learned that no progress on establishing the association had been made.³³

Water is a public good but, when it is scarce, rents can be collected by providing it: fees paid by users can be siphoned off; wages can be earned by selling it; a higher price can be demanded; allowances can be received for managing it; kiosks can be sited on one's property, which may not confer control but certainly access; and respect (votes) can be earned by being seen to deliver it.³⁴ Politicians and their clients organised in party-political networks, are keen to control it for these reasons. Naturally they come into conflict with others, such as bureaucrats, chiefs, other politicians' networks, water boards, and NGOs.

The Nasolo: 'a river that no one owns'³⁵

The 2010-11 rainy season passed without any cases of cholera in Blantyre, which is a huge improvement over previous years when people have been ill and died.³⁶ This was put down to relatively light rains, the formation of a Cholera Task Force,³⁷ and its distribution of chlorine bleach for purifying water, which was given to families by Health Surveillance Assistants (HSAs) and local health committee members.³⁸ Using the authority of the Task Force, a survey of toilets running into the Nasolo River (photo overleaf) was undertaken by HSAs in late December 2010. Even after gaining the knowledge the survey provided, getting anybody to do anything about the toilets and the filthy state of the Nasolo River was nearly impossible.³⁹ The river remains polluted for reasons that have to do with poor coordination across jurisdictions, weak discipline, insufficient resources and the community's not 'owning' the problem. Let us consider these dimensions in turn.

³¹ Edge Kanyongolo and Diana Cammack interview with a senior City official, Blantyre City, 23 Feb 2011. Another senior City official confirmed (interview by Kanyongolo and Cammack, 22 Feb 2011) that two weeks before there was a meeting of Ministry of Water, BWB, the City, and an MP where it was agreed that [1] outstanding bills were to be paid by the water management group (Mlotha etc.) and [2] the City will change its desk officer who manages WUA. He was hopeful that this would solve the problem and a WUA can be started in Makata area. 'There is an Emergency meeting tomorrow at BWB', he said, 'because there is a need to get WUA started and to get new pipes in for the expansion of water services'. A senior BWB official (Diana Cammack and Edge Kanyangolo interview, 23 March 2011) confirmed later that 'four weeks or so ago, there was a meeting of top people – the MP and the Minister of Water and other Ministers and BWB officials about whether to proceed or not'.

³² Diana Cammack and Edge Kanyangolo interview with Water for People official, Blantyre, 24 March 2011.

³³ Diana Cammack and Moir Walita Mkandawire interview with local chief, Ndirande, 20 June 2011, and phone interview by Moir Walita Mkandawire with chief, 4 Jan 2012.

³⁴ Parallels may be seen in Ghana, as reported by Ayee and Crook (2003).

³⁵ As clear a restatement of the 'tragedy of the commons' as we heard: the river is communally owned and that is the reason people dump in it, according to a City sanitation worker (interview by Chililo Gondwe at Blantyre City offices, 3 Aug 2010).

³⁶ Diana Cammack and Chililo Gondwe interview with an Environmental Health Officer, Blantyre District Health Office, 18 Feb 2011. He noted that in 2009-10 they had 135 cases including 8 deaths in Blantyre.

³⁷ Comprised by representatives of the media, MPs, the City, the District Health Office, and several NGOs. The MOU of Blantyre Cholera Task Force Committee presented on 8th December 2010 was collected from the DHO by Chililo Gondwe on 19 Feb 2011.

³⁸ Reports by Gondwe accompanying HSAs, Makata village, 11 and 12 Jan 2011; Chililo Gondwe interview with a Blantyre District Health Office's Environmental Affairs Officer, 10 Feb 2011.

³⁹ Chililo Gondwe interview with two Environmental Health Officers, 13 March 2011 and 10 Feb 2011.



In the first place, collaboration among those responsible for community outreach and identifying hazards is weak. Relations between the health surveillance assistants from the Ministry of Health and those from the City (sometimes referred to as BCA – Blantyre City Assembly)⁴⁰ have deteriorated as their terms and conditions have diverged and their educational backgrounds and their trainings are different.

According to grassroots staff,

... even though these HSAs (both BCA and government

HSAs) work together, they report to different institutions. BCA HSAs reports to BCA officials whereas government HSAs reports to government officials (e.g. from DHO). This encouraged the habits of not wanting to share reports and of seeing each other as not part of their team since they report to different people.⁴¹

Poor coordination and weak collaboration goes beyond HSAs though. Speaking about the Nasolo River, a senior environmental health officer in the Blantyre District Health Office (DHO) outlined the sorts of problems officials face that affect services. He complained that:

... two months ago, BCA was informed that the DHO had planned to conduct toilet inspections but BCA did not coordinate. Instead BCA provided a small pickup [that was] ... not suitable for the exercise because of poor roads and the [large] number of people (both from DHO and BCA, including some HSAs who really know the toilets) [needed] to do the exercise. The toilet exercise ... was suppose to be conducted in October 2010, but they failed due to some problems (for instance, transport for SEHOs [Senior Environmental Health Officers] from the DHO's office to locations such as the Ndirande Health Clinic). Instead, they conducted it on 22 December 2010.

Generally, he continued,

... there is no coordination between DHO and BCA despite the fact that they are all interested in sanitation. [The City conducts] licensing without involving DHO SEHOs, whose duties include inspecting different places such as factories, hospitals, bars, rest-houses. [This is because] mostly BCA Environmental Officers are more interested in collecting money (licensing fees) but they are not interested in inspecting the places (such as bottle stores). BCA just issues licenses without checking or physically inspecting the premises. BCA is more interested in collecting money than making sure that places are clean. In 2010 some BCA Environmental Officers were fired because they were issuing fake licenses and using license collections for their personal use.

As a result of poor coordination and ill discipline, overlapping jurisdictions arose:

⁴⁰ This is a misnomer because the Assembly is now called a Council and more importantly, there has been no Council/Assembly since 2005 when nationwide elections for local councillors were postponed.

⁴¹ Chililo Gondwe discussion with Blantyre City HSAs, Ndirande, 30 Sept 2010.

The DHO has the power to do what they feel is necessary about sanitation because BCA is not doing anything to stop people from building toilets that empty into the rivers. This is the reason why DHO Environmental Officers conducted toilet inspections and gave out warning letters to plot owners whose toilets are opened into the river after BCA had failed to coordinate or to take part in the exercise ...

Having assumed the primary role of sanitation inspectors within the area, the district's Environmental Health Officers (EHOs) proved unable to complete the task either:

The DHO is supposed to be conducting cholera [surveys] through toilet inspection surveys just like what they did on 22 December 2010. However, the problem is lack of resources for transport. Because of lack of transport, senior Environmental Officers are failing to continue inspections of toilets in Ndirande. This is one of the clear examples of why DHO is failing to do toilet inspection now and again. Since starting working at DHO environmental officers have never done the exercise of testing water. The Nasolo water is hazardous and there is no need to test the water [to prove it] since some toilets are emptying into Nasolo, making Nasolo water unfit for household use.

Concluding on coordination between the City and district health office, this official indicated that:

... on paper or theoretically there is good coordination between DHO and BCA but practically there is no coordination and that starts with those people holding higher offices for BCA and DHO. No coordination among top office bearers is also affecting the HSAs at the lower level since these HSAs are the ones who first deal with sanitation issues before reporting to their authorities. But when HSAs report to their authorities they do not act on the issues.⁴²

The second reason that the river stays polluted is that Ndirande residents and their leaders do not have the capacity themselves to address large and persistent sanitation problems. Partly, this is due to the highly technical and resource-heavy nature of cleaning up a river and keeping it clean, but it also has to do with the limitations of local leadership. Clearly chiefs cannot effect changes outside their individual areas, but even within their villages their powers seem limited. For instance, one resident since 1979 and a Village Development Committee (VDC) member in Chi-jenny's village, explained that 'people are building toilets next to the river because chiefs are not powerful'. 'The other thing', she continued, 'is that there is no coordination between VDCs from neighbouring villages, especially those villages whose boundary is the river (including Makata, Matope, Che-jinny and Chakana). The VDC are not coordinating to tell people ... to stop building toilets along rivers'.⁴³

An HSA provided an example. She told our team that in 2009 she reported some people to Chief Che-jinny. They

... were unearthing and removing stools from a [full] toilet [pit latrine] and dumping them in the Nasolo River. ... [She and the Chief] managed to stop those people.... The Chief told those people to dig a pit in their compound and dump the stools [there] instead of dumping them in the Nasolo River. Those people did just like what the Chief had told them. [But] due to the freedom that people have and the fact that many people have bought the land... many people try as much as they can to maximise the land by building many houses with only one shared toilet and a bathroom [so that] little or no space is left to build a [new] toilet when the current toilet gets full. Many land owners who have such

⁴² Chililo Gondwe discussion with senior Environmental Health Officer, Blantyre, 23 March 2011.

⁴³ Chililo Gondwe discussion with resident of Ndirande, 30 Sept 2010.

plots have built toilets along the Nasolo River and these toilets are opened during the rainy season to empty the waste. In this way, the plot owners do not have to bother digging a new toilet. Chiefs are aware of such toilets but they are quiet ...[and] reluctant to talk to the land owners because they [the chiefs] got money when selling the land to plot owners. It is this mind-set that is contributing to the unhygienic conditions of the Ndirande community.⁴⁴

Her views confirm the conclusions drawn by the team generally about Ndirande's chiefs' inability to ensure cleanliness in their villages. Though they receive a fee from plot-holders whenever they transfer ownership of lands in their areas – thus recognising their authority over the land – they do not generally interfere in what happens on the plots.⁴⁵ Elsewhere in Malawi where settlements are less cramped, chiefs do claim control over hygiene on private plots and public lands within their jurisdictions.⁴⁶ But in Ndirande there is severe overcrowding, which limits possibilities for dumping waste, and there are multiple, non-cooperating jurisdictions. The task of cleaning the heavily polluted river requires more authority, technical expertise, and resources than a single leader possesses.

Thirdly, residents' attitudes about sanitation also play a role in the river's pollution. An HSA complained that the 'majority of residents ... are dumping in the river and making toilets in plastic paper bags ... The unhygienic manner [*chikhalidwe chopanga za umve*] of people in Ndirande is the cause ... Unhygienic manners are happening in Ndirande due to people's ignorance, carelessness or lack of *ubuntu*'.⁴⁷ More to the point it seems, people have little choice, she continued:

... many people are still dumping waste in the river because their compound does not have enough space to dig a waste pit ... For those that do not have land, they [the HSAs] tell them to put waste in sacks and dump it in the skips. However, many people do not follow this because they argue that waste is too heavy to carry from their house to the skip. The other thing is that skips are placed far from some houses.⁴⁸

Fourthly, the inadequacy of human and financial resources is an on-going problem for local government everywhere in Malawi⁴⁹ and this factor also plays a role in poor sanitation. But poor public goods provision also arises from the belief among government employees that they need not service areas where rates are not paid, and should prioritise neighbourhoods where they are (Cammack and Kanyongolo, 2010: 22). Specifically, officials have ambivalent feelings about informal settlements, knowing the City's legal obligation is to service them since they fall within formal planning areas, but refusing to accept responsibility. For instance, a senior town planner explained that while the area inside the City of Blantyre is technically a planning area – meaning the state has formal responsibilities:

⁴⁴ Chililo Gondwe discussion with woman HSA, Ndirande, 30 Sept 2010.

⁴⁵ Eveness Gondwe discussion with female local leader, Ndirande, 19 July 2010; Moir Walita Mkandawire, discussion with an *nduna* in Makata village, Ndirande, 4 Feb 2011.

⁴⁶ E.g., team interview with a chief in Ndirande, 21 Feb 2011; Diana Cammack and Kondwane Zimba interviews with a chief in Kauma village, and with village headmen in Chinsapo I, both in Lilongwe, 16 Dec 2010. Traditionally chiefs have had this authority too: Diana Cammack and Moir Walita Mkandawire interview with local expert on chieftaincy, former Vice President Justin Malewezi, Lilongwe, 1 March 2011.

⁴⁷ Ubuntu is defined as 'our interconnectedness, our common humanity and the responsibility to each other that deeply flows from our deeply felt connection' (Nussbaum 2003: 2).

⁴⁸ Chililo Gondwe discussion with a woman HSA, Ndirande, 30 Sept 2010. The lack of skips goes back to over-building and the lanes not being wide enough for lorries to pass.

⁴⁹ High vacancy rates in local government have been confirmed in interviews with officials at local levels in Chikhwawa district (Diana Cammack interview with District Commissioner, 16 June 2011), Blantyre District (Edge Kanyongolo and Diana Cammack interview with director-level officials, Blantyre District Offices, 25 March 2011) and in Blantyre City (Edge Kanyongolo and Diana Cammack interview with Accountancy officer, 25 March 2011).

... within those city boundaries there may be areas that are unplanned (such as parts of Ndirande). These squatter areas have developed without the control of the City Council. In these areas, people are responsible legally for their own services, and the city would consider that the area is vacant, that the people are not there. The Town and Country Planning Act gives the government a theoretical legal obligation on public land to oversee the development process (where planning areas are proclaimed, as within Blantyre City). Thus people on these planning areas must follow those rules. Squatters on the other hand, have no mandate to be there on lands and the state has no obligation to them. Its though they are not there.⁵⁰

This complex parsing of responsibilities suits government staff, who are incapable of doing their duty because the problems they face outweigh the human, financial and administrative resources they have to tackle them. While the City of Blantyre formally accepts responsibility for keeping public areas – e.g., the market and rivers – clean,⁵¹ in Ndirande its skips overflow and are un-emptied for days if not weeks, roads are rarely swept and are full of potholes, and pollution is not addressed. At the grassroots people understand the constraints acting on the City:

... about 4 years ago [a toilet survey was done] but nothing was done afterwards. The reason might be that BCA does not have the materials or the resources to compensate those people who might be told to demolish their toilets. BCA was quiet ...[and is] quiet about stopping people from building toilets along Nasolo River because the whole area is a squatter area (villages) and BCA does not collect city rates.⁵²

Similarly, toilet surveys in late 2010 found 14 latrines emptying into the Mpemba river and another nine along its tributaries in Ndirande. Add to that a further 25 along the Nasolo and its tributaries, and it is clear the situation was unhealthy.⁵³ But those surveys – and the seven warning letters given to residents fouling the river, in which the authorities threatened to demolish the toilets – also resulted in no action by government officials,⁵⁴ which must further reduce citizens' expectations of the City's performance.

Finally, the failure to implement sanitation policies also has to do with poor discipline within the public service. For instance, asking about the hygiene in the clinic and market area⁵⁵ that borders the Nasolo River, we learned that 'most Area Environmental Health Officers [AEHOs] are not based at the clinics where they are supposed to be working and this has resulted in poor HSA supervision and sanitation'. The team was told that the AEHO assigned to Ndirande clinic was absent because he refused to visit his station: after going for training

⁵⁰ Diana Cammack and Edge Kanyongolo interview with senior official in Department of Physical Planning, Ministry of Lands, Lilongwe, 22 March 2011.

⁵¹ Edge Kanyongolo and Diana Cammack interview with senior City office, Blantyre City offices, 23 Feb 2011.

⁵² Chililo Gondwe discussion with a woman HSA, 30 Sept 2010.

⁵³ Chililo Gondwe discussion with a woman HSA, 30 Sept 2010.

⁵⁴ A Senior Environmental Affairs Officer at the District Health Office explained that 'they did the survey and approached the owners, served them with notices, giving them two weeks to halt dumping of waste'. This was done in December 2010. HSAs say that 'some have stopped dumping since then while others have not. It is neighbours of offenders who tip the HSAs about the problem'. Asked if the officials have gone back, he said 'we plan to visit them but cannot due to the fuel shortage' (Diana Cammack and Chililo Gondwe interview, Blantyre, 18 Feb 2011).

⁵⁵ Here hygiene was poor, due again in part to a lack of coordination between the DHO and BCA (Chililo Gondwe discussion with an Ndirande clinic official, 22 Dec 2010). He said, 'it is true that BCA has the jurisdiction to clean in BCA land but still there is a need for coordination between DHO and BCA. The DHO HSA – whose catchment area is Mtambalika village where the clinic is located – is not doing much to coordinate with BCA HSAs. On the other hand BCA is not taking a responsibility to clean or stop people from dumping outside the clinic'.

some years before, many AEHO returned to their District Health Offices instead of to their posts. In 2010 the District Environmental Health Office 'wrote to all AEHO who are still operating from DHO to go to their respective clinics but some are still at the DHO offices'. Asked why they are still there, he said that 'it is because some clinics are in the remote areas and that when these AEHO who were at DHO were finding life comfortable due to computers and access to town'.⁵⁶

Addressing water and sanitation problems in Ndirande is difficult because they result from a complex web of coordination and resource problems, compounded by non-compliance by citizens and civil servants because the regulatory environment is weak. These are linked to ineffectual leaderships and a reluctance to take responsibility even by those who are paid to manage service delivery. Politics plays a central role in kiosk management because water is a valuable resource worth capturing. Town chiefs, who are capable of providing other public goods as shown below, have limited impact in this sector unless working with others who possess more resources and skills and broader authority.

2.2 Markets

In October 2008, just a few months before the 2009 parliamentary and presidential elections, the Ndirande market burnt down. Since Ndirande is a hotbed of politics and vendors are often bought by parties to fight their battles, it is not surprising that the UDF leader and former president, Bakili Muluzi, promised to rebuild it. Other politicians and their supporters followed suit, including President Mutharika. Seemingly donations were to be put through Blantyre City government. When the large amounts promised to vendors did not materialise, they went to the City's offices to demand their funds. When they were not forthcoming, the vendors marched back to Ndirande and set alight the City's and ruling party's offices (*The Nation*, 3 Nov 2008). This action further delayed the funds meant for vendors.

Meanwhile the City government had decided to rebuild the market, which proved to be a painfully slow process. As a result, some vendors moved outside the market's walls and nearly blocked the street with their jerry-rigged shops and wares (photo). Many inside the market refused to pay the daily market fee (K50) because the City's services – cleaning and maintaining water supplies and toilets – were far from adequate. In fact, it was in this period that the City's market master had to chastise petty-



restauranters for using Nasolo River water to wash their plates, cutlery and vegetables. But washing in the river seemed reasonable to restauranters for the water board had decided to charge for tap water, arguing that free water was being wasted by vendors and the public, and all but one of the market's taps had been closed for non-payment. But issues such as the market's slow reconstruction, the costliness of water, and the lack of toilets were not being systematically raised by vendors with the City authorities. This was because of the way national party politics was being played out at the market.

⁵⁶ Chililo Gondwe interview with a senior Environmental Health Officer, Blantyre, 23 March 2011.

Ndirande market had two market committees in 2009-10, one elected by vendors and another formed by ruling party (DPP) supporters. The first was led by a fish vendor, who saw himself as representative of the market sellers and sought to attend meetings at the City's offices as such.⁵⁷ But he found that instead of recognising him, the City administration endorsed a former vendor, who was a local DPP leader, as representative of the market traders. When asked why City officials interfered with the market committee in this way, one admitted that it was easier for them to work with ruling party-led committees than with any other (Cammack and Kanyongolo, 2010: 34). This state of affairs meant the vendors' committee was not unified or fully representative, and had relatively little power to press for changes in say, the speed at which the market was being rebuilt. The division in vendors' representation also confused the interaction between the vendors and the market master, for he was unsure which committee to meet to make arrangements. Finally, it meant that vendors had no clear mechanism for handling disputes and allocating space to set up stalls, which are two of the main roles of any market committee.

Ndirande has a number of other smaller markets, a couple (Safarawo and Makata) administratively linked to the main market and under City authority, and several that are independent and self-managed. In some, services – especially the provision of cleaners, water and toilets – were once provided by the City but as it failed to fulfil its duties, vendors stopped paying their daily market fees and the City withdrew their services all together. In one case at Zion market, the chief intervened and told market traders not to pay fees when a child died after eating from a waste skip that had not been emptied.⁵⁸ In a few markets the chiefs, on whose lands the vendors do business, play some role – e.g., handling disputes and collecting funeral contributions – and in some they may take goods from vendors' stalls as though entitled.

Market leadership and reconstruction since 2010

As a quick visit to central Ndirande will attest, the main market is far from complete. By early 2011 the first phase of reconstruction – which included building some new sheds and renovating a toilet – was undertaken, but this changed its general appearance little and left many vendors selling outside the market because the stalls inside were incomplete. When asked why the delay, one City official explained that it has to do with the contractors: the City decided to use their 'own engineers', which reportedly officials now feel slowed the project more than if the City had hired a different contractor. The builder, on the other hand, claimed that delays were caused by the failure of the City government to pay him.⁵⁹

An additional problem for vendors was created when the builder ran up a huge water bill – because he connected to the pipes in the market – which the City was slow to pay. As a

⁵⁷ Elected earlier by vendors, many of whom were UDF supporters, his committee was sometimes called 'the UDF market committee'. Formal links between the committees and the political parties seem tenuous at best. For instance, team discussion with senior district UDF official, Blantyre, 22 July 2010.

⁵⁸ A market trader said that before the death of the child, market people together with the market chairperson complained to the chief about poor waste management and the uncleanliness of the market toilets. She said that at the funeral Chief Chakana instructed the market people not to pay the daily market fee until the City had cleaned the market (Chililo Gondwe discussion with vendor at Zion market, Ndirande, 8 June 2010).

⁵⁹ Diana Cammack and Edge Kanyongolo interview with Accountancy officer, City of Blantyre offices, 25 March 2011. Discussion between Moir Walita Mkandawire and LEBCO official, 18 Jan 2011: He said that by January 2011 the contractor had received K44m and was waiting for funds – K19m – to start phase II, but that money had been held up by the death in September 2010 of the City's CEO, Dr Bandawe. The acting CEO had paid nothing more and the contractor was hopeful that the recent arrival of a new CEO would see a release of funds.

result, the BWB cut off water to the market and vendors went without for several months.⁶⁰ It was then that holes were dug by vendors in various sections of the market to reach underground water. This untreated water they distributed to their own section members free and sold to others from in and outside the market.⁶¹

While reconstruction lagged, changes in Ndirande market leadership occurred. First, in addition to the two previous market committees, Independent MP Mrs Makangala's followers reportedly 'formed their own committee [after she had won the by-election] to command the market since the MP belongs to their camp'.⁶² Ignoring the three politically affiliated market committees when he could, the market master chose to liaise on market business with a man he considered more representative and neutral: Mr Moyo, a hardware dealer.⁶³

For vendors, the confusion between legitimately elected leaders persisted. One said in mid-2010 that 'Mr Bernard, being the DPP Party member, is more respected at this time, while on the side of Mr Zimuka, the respect has gone down due to 2009 [national] elections where DPP was voted by the majority'. He said that he knows is that Mr Zimuka is the rightful market committee chairman 'but, you know, the ruling party wants everything to be under them'. Asked if, as a business man at the market, he is interested in the arrangement of making ruling-party members leaders of the market, he said 'it's not important because some of the party members imposed in leadership roles are not capable of leading people' and gave the example of Mr Bernard.⁶⁴

Comparing market leadership in 2010 to the pre-transition period, he continued:

... in the previous years [before 1994] a market chairman position was attracting a lot of respect from both traders and buyers. Whenever they had problems they could approach the chairman, but not now. At this time every person wants to enjoy his or her rights, even the right to shout, and there is no one to stop them. ... [During the MCP days] the chairman was more powerful than the [City's] market master ... and through the powers of the market chair, all problems at the market were solved in good time.⁶⁵

By the second half of 2010, the leaders of the DPP and UDF committees, Mr Bernard and Mr Zimuka, had established a truce. Before that Zimuka pragmatically deferred to Bernard, sending issues to him to handle and adjudicate. But in mid-year the two men started a

⁶⁰ One vendor said people were selling water at K20/5 litres in the market after the tap had been off for 3 or 4 months. Furthermore, vendors did not know why the water had been cut off (Chililo Gondwe discussion with a vegetable seller, Ndirande market, 28 Oct 2010).

⁶¹ E.g., Chililo Gondwe discussion with a ticket seller, Ndirande Market, 21 June 2010.

⁶² Moir Walita Mkandawire discussion with senior market official, 31 May 2010. The MP denied knowledge of any market committee run in her name (team interview with MP Makangala, Ndirande, 15 July 2010).

⁶³ Moyo was the leader of the market first pointed out to us by vendors upon our team's arrival in 2009. According to the market master, in 2005 there was Zimuka's UDF committee. Mr Bernard – head of the police-community forum – claimed to be the market chairmen after President Mutharika broke away from the UDF and formed the DPP. Reportedly, 'during a section [leaders'] committee meeting is when Mr Moyo was elected and Mr Bernard was elected as the secretary, but he was not happy with the secretary position. Then Mr Bernard went to the City Assembly and asked authority for him to form a DPP committee at the market'. He then 'came up with his own committee' though he no longer is a vendor in the market. Subsequently an election was to be held to create a 'neutral committee', but the elections 'failed to take place because police officers were not invited to offer security during the election and Mr Bernard was shouting before the start of the elections after noticing that he had little support'. After that the City 'conducted a meeting with all market section committees and asked them to vote for the chairman of the market and that's when Mr Moyo [deputy chair of the police-community forum] was put in the position'. It was him the market master worked with. Moir Walita Mkandawire discussion with Ndirande market official, repeating a story told him by his predecessor, Ndirande market, 31 May 2010.

⁶⁴ Moir Walita Mkandawire discussion with a vendor, 20 May 2010.

⁶⁵ Moir Walita Mkandawire discussion with a vendor, 20 May 2010.

chipereganyu scheme⁶⁶ and were seen to be handling market problems together. Reduced enthusiasm for the DPP by market leaders may have played a role as well. One said that local support for the DPP had flagged, citing the independent MP's by-election victory, and complained that the DPP was only 'cheating the people of Ndirande'.⁶⁷ He said it 'was in the plan of the City to have all market chairs from the ruling party'. This was because 'the City believes [that that makes it] easy to have communication' with the committees. It was also reported that in the last half of 2010 the market was relatively dispute-free,⁶⁸ which may have both reflected and further induced a reduction in partisan tensions.

Secondly, this period saw the removal of the market master on charges of fraud.⁶⁹ Little information leaked about his dismissal, which reflects the non-transparent way the City runs the markets. Similarly, the market master had not explained earlier to the vendors why water had been cut off by the BWB or why reconstruction had stalled.

Part of the reason for the general sense of chaos and administrative confusion within the market and nearby public spaces is the different lines of reporting and the poor coordination that follows from that. For instance, market and toilet fees – collected by ticket sellers working under the market master – and city rates end up in the City's finance department while license fees collected by HSAs from shops, restaurants, hairdressers and the like go to the City's health and sanitation department. Market cleaners and their supplies come from the health department budget, while repairs to market infrastructure are the responsibility of the engineering department. Security guards are privately employed though paid with City funds. As one City official noted, 'this is not a good arrangement' as many staff do not report directly to the market master, but to different offices at the City's offices. This slows responses and it takes a long time to get some things done. It may be too, that combining all markets' funds

⁶⁶ Messrs Zimuka and Bernard started the scheme in June 2010 and by October it had 34 members from 'the hardware section, vegetables section, timber section, fish section, tailoring section and glycerine section' of the market. Each contributed K300 per day to the scheme and every day a single member was paid K10,200. Some members held two or three shares so would be paid 2 or 3 days in a row. They had no committee and had thus far had no meetings. 'Since we started we have never had a meeting because meetings can spoil our group', one informant explained, 'and no one has left the group'. A special meeting was about to be called to discuss the formation of a lending mechanism. He said that 'they have planned to start saving money at the bank once in a week.... [and] by the end of the month the group will have K40,800 and the money will help the members whenever they are facing problems like funerals'. He gave an example of a vendor who had lost his child 5 days before, and he had not contributed to the scheme for 5 days. 'The bank money can be used to pay for his daily account and he could pay back to the bank account later' (Moir Walita Mkandawire discussion with *chipereganyu* members, Ndirande Market, 6 Oct 2010).

⁶⁷ A leader and his friend agreed that Mutharika had disappointed vendors and residents. The leader elaborated: 'the President promised to build the market but up to now, it's not done. He promised to give K4 million as a condolence for losses to vendors, but not up to now and they don't know who has eaten the money. The people of Ndirande can be very happy if they can learn who has eaten the money. ... The third thing the President has cheated people of Ndirande is the improvement of the vendors' welfare. The vendors don't have clean toilets at the market' (Moir Walita Mkandawire discussion with market leader and vendor, Ndirande Market, 14 July 2010).

⁶⁸ Moir Walita Mkandawire discussion with vendor at Ndirande Market, 14 Feb 2011.

⁶⁹ Moir Walita Mkandawire discussion with vendor and senior market official, Ndirande Market, 14 Feb 2011. The City's human resource practices had a negative effect on staff morale. When the new market master took the post, he reportedly did not receive a formal letter of appointment because that would mean his salary would have to go from that of a ticket seller (his previous job) to market master. One informant said 'almost all the market masters in the city of Blantyre are getting the salary of a ticket sellers and it's just the position that they are given but not the entitlements ... Similarly, market cleaners were also promoted from the position of a cleaner to ticket seller but they still get the salary of a cleaner'. Upon arrival to what is known as 'a difficult market in a difficult township', the new market master found the market in a poor state: 'it has one tap, one toilet which is not in good condition and does not have running water'.

into a one City bank account⁷⁰ makes it harder for a single market management structure to feel responsibility for its revenues and development.

Market sanitation and water

Waste is poorly dealt with in and near the main and smaller markets in Ndirande,⁷¹ partly because of weak civic engagement, poor coordination, and inadequate resources. One might think that the City (acting with the District Environmental Health Office) would encourage coordination of waste removal and cleaning at the market and the clinic since both are City facilities separated by a narrow lane. This does not happen though. In complaining about local residents and vendors, who 'do not have manners (*nkhalidwe*) [and] just dump litter anywhere', a senior official in the market explained the administrative complexities:

A shortage of market cleaners is one of the reasons that is making this market dirty most of the times. Ndirande market is big but only has nine cleaners and one of these goes on holiday each day. It becomes difficult for eight cleaners to manage this big market. ... Market traders also contribute to this problem because they dump litter everywhere, thinking that BCA cleaners will clean it. These vendors do not take responsibility to use the bins that are available and sometimes vendors do not carry their waste to the skip. The reason is that... they think that BCA cleaners should clean and not themselves. ... Changing of market section leaders is the other contributing factor. BCA and Ndirande market do conduct trainings of the market's section and committee leaders about their role in managing this market [because] ... they are in a good position to stop people when they are urinating or dumping on the ground ... Such training [has been] conducted once since I started working [early 2009] in this market. The problem then comes when there is a change in leadership ... [Also] this market has [only] two wheelbarrows (which are shared with street cleaners) and this is another thing that is hindering the cleaning of this market. ... Finally, whenever we put bins in the market kids steal them. ... And a few people from the Banana section borrowed a wheelbarrow from our office but it got lost ...

With regard to coordination, he added that:

... these street cleaners do not clean in the market. However, both street and market cleaners are under Department of Health at BCA and they are supervised by a supervisor from BCA.⁷²

Regarding the HSAs promoting environmental health at the nearby clinic, who told our team they'd been 'chased' from the market, he said that 'since he started working in this market, HSA's have never come to talk to him about cleaning this market'. Nor did he believe they'd

⁷⁰ Diana Cammack and Edge Kanyongolo interview with Accountancy officer, City of Blantyre offices, 25 March 2011. Similarly, when complaining about a guard who'd been beaten by vendors for stealing, a senior market official said 'the poor leadership at the market [is] a contributing factor because vendors do what they want because they don't have a strong leader'. And he blamed his seniors at the City Assembly, who changed the security company without consulting him. 'If they had consulted him, he would not have allowed the new security company'. Moir Walita Mkandawire discussion with senior market official, Ndirande, 2 Sept 2010.

⁷¹ In 2009-11 we found the market toilets unclean and overflowing; un-emptied skips; public urination; market cleaners pouring wheelbarrows of waste into the Nasolo river; and the use of unsafe water from many different sources.

⁷² Moir Walita Mkandawire and Eveness Zuze conversation with senior market official, Ndirande market, 8 Sept 2010. A ticket seller earlier made the link between multiple market committees and poor sanitation: 'there are no stable section committees that might help the market officials punish those people caught writing and even urinating on the walls. There is a need for the market section committees to elect a stable and strong committee that will not allow people to urinate anywhere apart from the toilets' (Chililo Gondwe discussion, Ndirande Market, 21 June 2010).

ever been run out of the market. On the other hand, he had never approached the HSAs or the nearby clinic about their 'cleaning this market or training market members about sanitation'. He added that he and HSA have 'not worked together since he started working under this market'. In general, he concluded, 'coordination between HSAs and Ndirande market is not good. HSAs think that it is not their duty to work in Ndirande market and so he has never thought of working with HSAs'. He added that 'even in the meetings that BCA conduct with all the market masters from Blantyre, BCA does not talk about HSAs working together with markets. No one in these meetings raises issues of HSAs working together with markets'.⁷³



The upshot of these factors is that markets in Ndirande are poorly maintained, dirty and chaotic (photo). Elsewhere (e.g., Kasungu, Kachere, Rumphu) improvements to services (latrines, water, stalls, etc.) have been linked to cooperation and coordination between leaders and staff of several organisations (e.g., city authorities, NGOs, market committees, chiefs) (Cammack and Kanyongolo, 2010). Ndirande market's inability to make similar progress is undermined by a weak unity of purpose among vendors,

which is exacerbated by political parties' meddling in market management and the City's encouragement of that. Making matters worse are human and financial resource constraints which permit the weak enforcement of health and safety regulations.

2.3 Public order and security

Under President Banda, law and order were delivered swiftly and harshly, if not even-handedly, by the state apparatus working in concert with the ruling party. Until the army disarmed them in 1993, the Malawi Young Pioneers along with MCP Youth League and party members operated as administrators, spies and paramilitaries in villages and towns. After the transition, the regular police force was more stretched and unable to patrol areas successfully. A rise in criminal activities both in towns and villages, abetted by cheap guns imported from Mozambique, characterised life from the mid-1990s. This sparked a wave of vigilantism in Ndirande led by a group calling itself 'Inkatha'. At the same time human rights discourse was high on the national agenda and many of the rules and regulations governing public life that were established by the Banda regime broke down (Cammack and Kanyongolo, 2010; Cammack, 2001). Thus this period is remembered by older residents as having 'too much freedom' and 'rights without responsibilities'.

As part of democratic reform a more modern and effective police force – with a new ideology, techniques and infrastructure – was introduced from the late 1990s. Central was the notion of 'community policing' which among other things, saw the creation of volunteer 'neighbour watch committees' (NW). These were meant to be representative of communities; recruited

⁷³ Information shared with Moir Walita Mkandawire and Eveness Zuze by senior market official, Ndirande market, 8 Sept 2010.

by local leaders such as chiefs, who formed an oversight group (e.g., crime prevention committees⁷⁴) to liaise with the police; and to help the national police force patrol areas.

The Neighbourhood Watch Committees

In 2009-10 we found neighbourhood watches operating in most peri-urban areas we visited. Their membership was probably not as envisioned by donors, for in many places the guards were not volunteers or community members as such, but young itinerants who needed work and who took these guard jobs expecting wages. That the wages were poor – because householders are generally poor and only contribute funds if they want – created a number of problems, including a high turnover of NW members, guards becoming thieves, and the dissolution of the NW committees on a regular basis.

A second public-order institution that seemed to operate relatively well was identified: the chiefs' *bwalo* courts. Up and down the country these deliver very basic justice at a relatively cheap cost to litigants (and of no cost to the state). They are rooted in local cultures and operate according to rules that people appear to know and accept. They handle a wide variety of non-criminal cases, are presided over by a chief and/or his/her *nduna* (advisors), and dispense a form of justice that aims to reconcile rather than punish people. Chiefs cannot handle certain types of cases – e.g., 'where blood flows' or divorce where litigants are formally married – and these are sent on to the formal Magistrates' or High Courts and to the police. Cases where judgments are disputed may be referred upward to higher chiefs' *bwalo* courts.

Disturbingly, the team found these *bwalo* courts handling most of the increasing number of witchcraft cases. The Witchcraft Act (1911) makes it illegal to 'pretend to be a witch', accuse another of witchcraft, or possess the implements of a witch. Thus, unless someone is found using witchcraft instruments or confesses to being a witch, (s)he cannot be formally prosecuted. This frustrates many Malawians who believe witches exist and operate destructively on a daily basis in their lives. Thus chiefs' *bwalo* courts are thought by most people to be more fit-for-purpose than formal courts and parchment law to handle complaints about witchcraft. That such cases draw hundreds of people to a chief's court and bring the chief notoriety and boost his/her following, are not without importance for explaining the strengthening of this institution. Our findings in 2009-11 support the view that the proceedings and rules of evidence in witchcraft cases are lax, and injustices are done to the accused whose reputations are tainted permanently and who may be ordered by chiefs to move away from their homes to stay safe.

Evidence from 2010 suggests that compared with the mid-1990s Ndirande has been getting safer.⁷⁵ This is undoubtedly the result of the cumulative effect of the formal police presence combined with community policing, crime prevention committees, and neighbourhood watch patrols.⁷⁶ While no NW committee seems to last for long – each exists for a period ranging

⁷⁴ Moir Walita Mkandawire and Kondwane Zimba interview with a Police-Community Coordination Officer, Chiradzulu, 31 Jan 2011.

⁷⁵ The Officer-in-Charge at Nyambadwe police station provided annual figures and statistics for December (the highest-crime month) in his area, which includes Ndirande (Moir Walita Mkandawire notes, 11 Jan 2011):

2008 December crime rate 408 Annual crime rate 4305

2009 December crime rate 361 Annual crime rate 3570

2010 December crime rate 250 Annual crime rate 2920

⁷⁶ A spokesperson at the Ministry of Internal Affairs and Security said there was about one police officer per 2000 citizens, the lowest ratio in SADC, and that government wants to get it down to 1:1000. He added that the NW programme grew out of decentralisation plan. Each ministry was to devise a scheme that

from a few months to a couple of years – over the long term they have contributed to the reduced crime rate as they bring a modicum of order to Ndirande's streets.

Typically a NW committee of 10 or so young men will patrol an area from late evening to near dawn. They ensure all residents' doors and windows are closed and locked, interrogate anyone found on the street after curfew,⁷⁷ escort people who have to be out at night, roust out criminals in the act, and haul off offenders to the police station. Police will visit bars and bottle stores to ensure their closure by midnight.⁷⁸ NW patrolmen are also asked to testify when cases end up in the magistrates or high courts.

In the last year or so the Ndirande police have added another weapon to their armoury: two rapid response vehicles which answer citizens' calls.⁷⁹ Unfortunately, the vehicles are often slow in responding because one or the other is off the road for repair or there is only a single driver on duty.⁸⁰ Also helpful will be two new Police Units (sub-stations) being constructed and paid for in part by the MPs' Constituency Development Funds – one on Ndirande Mountain and the other near the central market. When these are complete they will ensure a formal police presence in the community rather than being based some miles away at Nyambadwe.⁸¹

Bwalo courts and local justice

The chiefs' courts reduce tension within the community by handling civil complaints and family disputes. In 2010-11 the team visited chief Makata's *bwalo* regularly and other chiefs' courts periodically. The team took note of who adjudicated the cases – often male and female *nduna* but in special cases, a chief her/himself – and the costs incurred by litigants, which could

would promote civic engagement, and NW committees fit within that agenda (Diana Cammack interview, 15 July 2010).

⁷⁷ Curfews have been (informally) set by urban communities and police at 10 or 11 o'clock, and anyone found outside after that will be stopped and questioned. Government says that people are not often detained, but sometimes beaten if out late. They can be charged for vagabondage or 'aimlessness'. (Diana Cammack interview with spokesperson at Ministry of Internal Affairs and Security, 15 July 2010). The Officer-in-Charge at Nyambadwe station (team interview, 16 Feb 2011) said that 'the police conduct curfew through "rogue and vagabond" and that they don't just arrest people but only those who are found moving during the night without a proper reason. He mentioned that sometimes they escort people to their houses if they explain properly where they are coming from, but those who fail to explain are picked by the police for questioning'. The Attorney General defended the practice, saying it is up to the state as duty holder to ensure person's rights are protected. Leaders in a community such as chiefs have that role (as representatives of the state) so a community and chief can set its own standards. 'It can make its own rules' such as curfew (Diana Cammack and Edge Kanyongolo interview with Attorney General Jane Ansah, 22 March 2011).

⁷⁸ Moir Walita Mkandawire: report of attachment to night patrol, Chakana village, 22 Nov 2010; interview with the chairman of an Ndirande village crime prevention committee, 5 Oct 2010; and attendance at Ndirande Bars Association formative meeting, 29 Nov 2010 in preparation for the 'Christmas crime wave'.

⁷⁹ Moir Walita Mkandawire interview with the Officer-in-Charge at Nyambadwe station, 11 Jan 2011. He said there were two police cars in Ndirande, a '990 and another normal car'. A '990 is a car found within and closer to the community at a specific village and time'. Ndirande did not have its own '997' car, which is kept in Limbe and Blantyre, though can be called by the community through the 997 phone number.

⁸⁰ The Officer-in-Charge at Nyambadwe said on 29 Nov 2010 that 'the Ndirande police has a 990 vehicle that can be called at anytime. The car was given to the community by Police Inspector General Mukhito. The car has gone through difficulties: soon after it arrived in Ndirande, the windscreen was damaged during the Nachipanti incident and it was repaired but the following month it was involved in an accident at Machinjiri ... [He added] that during the Safarawo incident, where some people threw themselves on a fire, the car windscreen was damaged by a telephone wire and it was maintained. And last week the driver reported that the car developed some faults and now it is at a garage for service'.

⁸¹ Team interview with MP Eunice Makangala, 19 July 2010, where she said 'she will use the K3m to build a new police unit at the top of her area. This has been approved by police who will staff it. It should be done by June 2011.'

include the *chibwalo* or filing fee of K500 each, any travelling costs that the court incurred during the case, fines, and payments awarded by the court to the claimant(s). Residents take all sorts of cases to a chief. For instance, two women in a *chipereganyu* club took another member to court for accepting a share of the club's savings but not putting in her daily contribution afterwards. People who have lent money to one another end up in court when the debtor is unable to repay the loan. Land disputes are brought to the chief and pregnant girls come to court to get the fathers of their babies to acknowledge paternity and support them. Cases of neighbours fighting are brought to court unless one is wounded. Then the case is sent to the police and the formal court. Minor theft might be reported to the chief's court, but major cases are handled by state authorities.

Without standardisation of *bwalo* procedures or communities' laws, *bwalo* processes and justice vary. Nonetheless, these seem to satisfy litigants and neighbours who gather to watch (and sometimes participate in) the proceedings. Interestingly, cases can bounce between the formal courts and the *bwalo*.⁸² Generally, at the court – which will be held outside or in a sheltered place (photo: Matope *bwalo*) – a complainant will make a statement to



the arbiters. Then the accused will present his/her side of the story, elaborating the facts, explaining any extenuating circumstances, and correcting what they claim are falsehoods. Sometimes a person from the audience will raise a hand to be heard, and after the chairman of the court recognises the person his/her testimony will be taken. No one is sworn in, all are expected to tell the truth, and when a litigant makes a statement that seems untrue, the audience will react with groans. People will also laugh at absurd claims. In some cases a foolish statement may be followed by advice from one of the members of the court – the *nduna* or chief. For instance, a young man's ignorance (real or claimed) about the causes of a pregnancy can be met with ridicule and a lecture on sex. Squabbling girls might be told to shape up or they will scare away prospective husbands.

Justice based on local common sense or moral concepts tends to prevail, with debtors instructed to pay back money according to a schedule that is overseen by the court, young men ordered to support their children, and pugnacious neighbours told to desist and pay for any loss or damage. Often the proceedings become instructional, with mores arising from the circumstances elucidated by the chairman. For instance, during a hearing over a phone lost

⁸² E.g., a problem that began in the Blantyre magistrate's court as a deceased estate case where a widow, rather than relatives, was awarded her late husband's land. This case was later in the *bwalo* court because the land had been sold by the relatives to the widow's neighbour. He had been told by the chief not to build on it, for any house would belong to the widow, and that he could buy the land from her for K120,000 in two instalments. He had gone ahead with construction without paying her, and the chief instructed him to make payment or lose the house. Moir Walita Mkandawire notes of *bwalo* court case, 2 June 2010.

during a fight between two young women known to be sneaking out of their houses at night and quarrelling over the attention of a man, the chief told the audience that young people ought to respect their elders and that:

... in Mlanga village there was a beautiful girl who used to change men like clothes but she died last year. He asked, 'what was the name of that girl who was staying opposite Goliyo shops?' and a woman who sat on a wooden bench responded 'Linda'. The Chief said, 'oh yes, Linda', and went on that at the time he heard about Linda's death he was concerned about men who Linda used to sleep with and from that time he knew for sure that AIDS kills despite the beauty of a person'. He also instructed the girls to apologise in the 'traditional way' by sending representatives to talk, and not to try to make amends at the court.⁸³

In other words, besides promoting reconciliation between aggrieved parties, court cases extend and deepen values and norms within the wider community.

Early in 2011 a Local Courts Act was passed by government which gave rise to some concern that it would see the return of Banda's 'traditional courts', which were used before the transition to prosecute political opponents. It was not immediately clear where these new courts are to sit within Malawi's existing judicial structure, but some chiefs were made to believe that they would replace *bwalo* courts and that chiefs would become the judges.⁸⁴ Even the Attorney General was unsure who would run them, but thought some senior chiefs might be eligible.⁸⁵ More informed was the Law Commission, which said the law was not meant to regularise the existing *bwalo* courts; nor would these new courts mean 'that they [the chiefs] are back in the game' of arbitrating justice.⁸⁶ It is more likely the new local courts are to be under 'lay persons in a locality, who are conversant with customs' of that area. Even 'an ordinary member of the community' can head the court: they only have to be local, literate and trainable. It is assumed these courts will deal with customary matters and 'minor common-law offences', with 'very, very minor matters' while taking into account 'the spirit and context of the Constitution'. It is envisioned that they 'will dispense quality justice', which is a 'training issue'. Those heading the courts should have training similar to Level 4 Magistrates (for a year, after a Form 4 education) and in the 'context of customary law. These people can understand custom on the ground'. Any appeal would be heard by a magistrate's court.⁸⁷

The emergence of these courts is not meant to replace *bwalo* courts, which legal practitioners feel will continue, though in towns legal experts presume the new local courts and the Magistrates Courts will be more popular than the chiefs' courts. Our findings suggest that this is likely to be the case only if they are cheap, accessible, swift, use laws and procedures

⁸³ Moir Walita Mkandawire report of Mlanga court, 21 Oct 2010.

⁸⁴ Edge Kanyongolo and Diana Cammack interview with a senior chief, 22 Feb 2011. He said that at a meeting with VHs, GVHs and the TA recently there was a discussion of the new Local Council Act. The District Commissioner's official told them that the issue of deceased estates will move from Administration Generals office to VH and GVH courts. If they can't deal with it, the issue will go to TA (not to the DC). Secondly, they said land cases will be dealt with by VH, GVH and TA and from there to courts. Now, with new courts 'the chiefs' powers are to be restored'. Chiefs will be advisers to the new courts. With all the promotion of chieftaincy by President Mutharika, including the appointment of Paramounts, they should be able to influence the appointment of chiefs, rather than public servants, to the courts. The chiefly hierarchy is to be the basis of the new court system, he concluded.

⁸⁵ Diana Cammack and Edge Kanyongolo interview with Attorney General Jane Ansah, Capital Hill, Lilongwe, 22 March 2011.

⁸⁶ Diana Cammack and Edge Kanyongolo interview with staff of Law Commission, 23 March 2011. Apparently the act emerged from a review of traditional courts that was promoted by DFID's Primary Justice Programme.

⁸⁷ Diana Cammack and Edge Kanyongolo interview with a Justice of the Supreme Court, Blantyre, 24 March 2011. He led the commission studying traditional courts some years ago.

understood by residents, and promote a form of justice that fits within society's conception of fair-mindedness. Finally, it is not clear that residents will accept one of their peers judging their cases rather than a chief, whose authority rests on traditions which they understand and value.⁸⁸

Witchcraft cases

Witchcraft cases continue apace in Ndirande, with chiefs holding hearings on a regular basis. Most chiefs agree that there are more cases now than years before. There seems to be various reasons for this, from the popularisation, even among children, of Nigerian movies (through video arcades and on TV) in which supernatural themes are common, to the spread of Pentecostal churches, which preach about Satanism. A high number of deaths⁸⁹ and illnesses for reasons unknown to family members tends to stoke beliefs in witchcraft too. Witch trials have also become a form of village entertainment, for they are better attended than other cases and especially seem to draw a large number of young, underemployed women.

Important is the way the cases are dealt with by the authorities because it demonstrates how informal and formal norms and processes may not always combine in ways that are wholly positive. As noted earlier, witchcraft *per se* is not recognised in formal law. It appears the law was by written by the British in a way to reduce social tensions and to protect potential victims. Nowadays, though, starting right at the top, the belief in witchcraft that pervades Malawian society has undermined how cases are seen and handled. As such there is an effort underway to rewrite the law to bring it into conformity with common Malawian, as opposed to colonial, perceptions of witchcraft.⁹⁰

When asked about the Witchcraft Act and its revision, Attorney General Ansah, a devote Christian, explained to the team that she prays with any friend whose children are bewitched and recommends that they be sent to Bishop Kambalazaza, a charismatic preacher (and former Catholic priest) with a large following in Ndirande. Mrs Ansah believes that the government needs to change the law 'to recognise witchcraft'. This is what the Law Commission is working on now, she said: the state must protect society from harm and 'chiefs are part of a community and they understand witchcraft, so they should be in charge of such cases'. 'This is something African that works', she concluded. In fact, it is reported that the 'push' to change the law has come from the Office of the President and Cabinet. That said, the Law Commission's review is coming up against problems of how to legislate belief, of deciding what sorts of evidence are admissible, and who has the specialist knowledge and authority to try such cases.⁹¹

The ambivalence at the top of government about the existing law contributes to the fact that little is done to follow the old colonial law and protect those accused of witchcraft on the ground. The Officer-in-Charge at Nyambadwe Police station sets the standard of policing in Ndirande: he explained that officers do not interfere in witchcraft cases unless someone is

⁸⁸ Furthermore, after the July 2011 demonstrations the Local Courts Act became one of several recent laws listed by civil society as unpopular and in need of review.

⁸⁹ In Makata, about 40 deaths a week reported to the chief each week. In mid-2010 it was estimated that the population of this village might 'reach 100,000' since there were about 47,000 electors in 2009 (interviews with a chief in Ndirande by Moir Walita Mkandawire, 2 June 2010 and by Chililo Gondwe, 19 July 2010).

⁹⁰ This issue was earlier raised at the 28-31 March 2006 constitutional review. See Law Commission 'Summary of the Proceedings of the First National Conference on the Review of the Constitution', April 2006. http://www.lawcom.mw/docs/summary_proceedings.pdf.

⁹¹ Diana Cammack and Edge Kanyongolo interviews with Law Reform officers, Law Commission, Lilongwe, 23 March 2011; Attorney General Jane Ansah, Capital Hill, Lilongwe, 22 March 2011; and with a Supreme Court Justice, Blantyre Supreme Court, 24 March 2011.

about to be hurt, or unless a person who is accused of being a witch files a complaint.⁹² That the latter is an erroneous and self-serving interpretation of the law's enforcement seems clear, for in fact no complaint is necessary for the police to arrest accusers.⁹³ In practice it is more likely that people threatened by the community are picked up to protect them from harm, but otherwise the police pass witchcraft cases to chiefs 'who know how to handle these cases'.⁹⁴

Residents – mostly small children –⁹⁵ regularly accuse (mostly elderly) neighbours or relatives of witchcraft, and these cases – in which no evidence is given – are heard by chiefs, who may claim to have a special ability to recognise a witch. Miscarriages of justice are renowned. Our team followed one case where Mr Nkolokosa, an elderly resident of Ndirande, was accused by his children and grandchildren of being a witch, a charge he repeatedly denied (including to us).⁹⁶ In the end a grandson, Chimwemwe, an AIDS orphan,⁹⁷

... went to police and complained that he was not sleeping because his grandfather was taking him to graveyards each and every night and that he was threatening to kill him and to pay to someone who he owed human meat to. Then the Police invited Lena [Mr Nkolokosa's daughter, to the station] on instruction that she should come with Mr Nkolokosa. Lena took him with her to the police and Chimwemwe testified against Mr Nkolokosa, saying that he was abusing him by teaching him witchcraft. The police arrested Mr Nkolokosa after Mr Nkolokosa told the police that it was Mr Chewaya [a neighbour] who was forcing him to fly during the night through witchcraft.⁹⁸

This was enough for the police, even though Mr Nkolokosa recanted his 'confession' in the Magistrate's Court later. He was found guilty by the magistrate, sent to prison,⁹⁹ and before a review of his case could be heard by the High Court, he died.¹⁰⁰

⁹² Team interview with the Officer-in-Charge, Nyambadwe police station, 16 Feb 2011.

⁹³ A Commissioner of Police explained that, no, 'you don't need a complaint'. It is a criminal act and no complainant is needed. On the other hand, he explained, police are not 'hunting' for accusers, they don't go out to find them. They intervene only when it's drawn to their attention, e.g., by the convergence of a large crowd. Diana Cammack and Edge Kanyongolo interview, Police Headquarters, Lilongwe, 23 March 2011.

⁹⁴ Moir Walita Mkandawire interview with a station officer at Nyambadwe police station, 16 June 2010. Ignorance of the law among the police is evident: she explained, for instance, 'there are so many cases of witchcraft but we are not recording these cases because up to now there is no section about witchcraft.... She is expecting the government to put in place a witchcraft law so that witchcraft issue can be handled through a legal process'.

⁹⁵ The Officer-in-Charge at Nyambadwe police station, 16 Feb 2011 said 'In all the cases' he's seen, 'no single adult has accused' another of being a witch. It is always a child, and they haven't evidence. Often they tell these stories at the behest of an adult or parent, he concluded.

⁹⁶ 'He repeated that he is not a witch and that he suspects Mr Chewaya as the one teaching children witchcraft' (Moir Walita Mkandawire discussion with Mr Nkolokosa, Ndirande, 18 June 2010).

⁹⁷ Moir Walita Mkandawire report of discussions with Mr Nkolokosa and Chimwemwe, Ndirande, 18 June 2010.

⁹⁸ Moir Walita Mkandawire discussion with Nkolokosa family member, Ndirande, 23 Aug 2010.

⁹⁹ In early 2011 the Association of Secular Humanism said at least 45 people were imprisoned for witchcraft (IRIN, 2011).

¹⁰⁰ Moir Walita Mkandawire had discussions with Mr Nkolokosa twice and both times he denied being a witch. The Officer-in-Charge at Nyambadwe reported that in front of his granddaughters and policemen at the station he admitted to being a witch, and they testified to this in court, where the old man again denied being a witch. The police had no evidence of his being a witch, just his own statement and his family's testimony (team interview with Office-in-Charge, Nyambadwe police station, 16 Feb 2011). Currently the Association for Secular Humanism is paying fines of people in prison for witchcraft and lawyers' fees for High court reviews, bringing in police to stop witchcraft hunts, and helping released prisoners by buying them basic household equipment upon their return to their villages.

Equally as worrying is the use of 'breach of the peace' regulations to arrest and hold those accused of witchcraft. For instance, a 'sheik' in Ndirande accused of using 'charms' against a neighbour was taken to court and there found guilty of 'breach of the peace' and given a suspended sentence (though his being out again did not sit well with his neighbours or accusers).¹⁰¹ The Officer-in-Charge explained that this happens 'because of the way the Penal Code [Witchcraft Act] is written'. The law says that people assumed to be witches 'can be let to go free' when there is no evidence of witchcraft (as these are hard to prove). So the charge is changed to breach of peace'.¹⁰² A Police Commissioner at Headquarters observed that breach of the peace 'is a lazy charge, as anything can be fit into it'. On the other hand, he said, the charge fits with the 'Malawian mentality' regarding these cases and is a 'pragmatic solution'.¹⁰³ That is, people, including many police and politicians, believe in witchcraft and want it prosecuted and stopped, especially from harming their children, and the law against a breach of the peace allows them to do it in formal courts.

Since witchcraft is seen as commonplace there seems to be a view that witches might be



allowed to live among communities as long as they cause no trouble. But they must be stopped when they start teaching other families' children – instead of just their own children – to fly, eat human meat and kill their families, or when they imperil a community (through animal or human deaths/disease, unnatural weather, etc.). In such cases witch-hunts are undertaken by witch-finders, who for a fee round up suspected witches, who are publicly

threatened and made to undergo ordeals and cleansing (photo above).¹⁰⁴ After cleansing a witch can return to a village and live among people, though it must be said they are likely to be accused again later when a new misfortune strikes the community.

Compared to other times and places, Malawi's peri-urban areas – even Ndirande – are relatively safe. Not 'good governance' reforms but a set of hybrid institutions drawing on formal and informal norms and structures underpin these improved conditions. Chiefs' *bwalo* courts and neighbourhood watch committees, which mix public and private policing, replace weak formal, state systems. These are more acceptable to communities because they draw in

¹⁰¹ Moir Walita Mkandawire notes, Machinjire magistrates court proceedings, 29 Oct 2010.

¹⁰² Team interview, Nyambadwe police station, 16 Feb 2011. The head of the Association for Secular Humanism, George Thindwa claims the 'number of people could be in the hundreds, but witchcraft cases were difficult to track because the individuals were usually charged with other offences, such as a breach of the peace. Justin Dzonzi, a local lawyer, explains that "police are being clever with charges - the offence may not be there in our statutes, but they can still find excuses"' (IRIN, 2011).

¹⁰³ Diana Cammack and Edge Kanyongolo interview, Lilongwe Police Headquarters, 23 March 2011.

¹⁰⁴ 'Kwajere the witch', photo taken by George Thindwa, Association of Secular Humanism, during witch-hunt at Chinoko village near Lilongwe, 1 June 2011. 'The witch finder went to the house of an old lady by the name of Kwajere, Ms Mukhalepo Chinsapo (80) ... At the house the old lady was very disturbed and confused. She was smeared with flour on her face and asked to stand in the middle of a circle so that the witch finder could search her house for charms' (email to Cammack from Thindwa, 3 June 2011).

part, upon traditional ways of handling social conflict and crime. Due to their relative success and on-going public resource constraints they are not likely to be replaced soon by modern courts (even Local Courts) or by scaled-up, formal policing.

2.4 Maternal mortality

After climbing for several years, Malawi's rate of maternal mortality is once again falling.¹⁰⁵ Nonetheless it is high when compared to international or even SADC standards.¹⁰⁶ The team was told by medical specialists that the country's high rates are largely due to a lack of appropriate care when heavy bleeding accompanies delivery; eclampsia and hypertension; prolonged labour and a ruptured uterus; septic abortions and peritonitis; being left alone during labour; a lack of transport to health facilities; a shortage of staff on labour wards (resulting in women giving birth on their own, in some cases babies falling from their beds and dying); incorrect drug treatment; youthful childbearing; HIV/AIDS complications; lack of blood supply; and delivery by traditional birth attendants (TBA) and other untrained and ill-equipped persons (Cammack and Kanyongolo, 2010: 17-18).

Maternal mortality rates (MMRs) differ across Malawi's regions and relate to literacy and education levels. Cultural beliefs also play a part in how women approach pregnancy and delivery, and how they feel about attending clinics and hospitals. In turn, overstretched staff in maternity wards have little patience with what they consider their patients' ignorance. Meanwhile the state has been trying to improve MMRs further by training additional nurses and midwives, ensuring drug supplies, banning TBA, building more health facilities, providing more reliable transport to clinics, and increasing community involvement in public health matters. These, though, have run up against problems of insufficient resources and of confused policies and poor implementation.

Policy implementation

As with sanitation the delivery of safe birthing by the state is undermined by lack of coordination of district and community health workers, resource shortages, weak rule enforcement, and policy contradictions. The clearest example of the latter has been the about-face done by the President regarding TBAs. After a trip to the UN to talk about the MDGs in October 2010, President Mutharika returned and announced that it was wrong to ban TBAs from delivering babies, though this had been a cornerstone of the MMR programme since 2007¹⁰⁷ and credited with helping to reduce death rates.¹⁰⁸ Of course, his directive threw maternal-health workers into confusion, leaving them uncertain whether to ignore, help or hinder TBAs thereafter.

This confusion has continued. The Ministry of Health gives off mixed signals by interpreting Mutharika's directive as meaning, on the one hand, that health professionals should work with

¹⁰⁵ In 2010 figures ranged from 807/100,000 to 1120/100,000 depending on source. The goal for MDG 5 is 155/100,000 live births and is unlikely to be met (Government of Malawi, Ministry of Development Planning and Cooperation, 2010). According to the *Guardian* (UK) Datablog, 13 April 2010, the figure stood at 743/100,000 in 1990 and 1140 in 2008. In 2011 a lower MMR figure was estimated at 675/100,000. The reduction is linked, it is thought, to the higher number of women delivering in clinics, which has risen from 57% in 2004 to 73% of deliveries: 'Women should deliver at health facilities', *The Weekend Nation*, 27 Aug 2011.

¹⁰⁶ In 2008 Malawi stood 179th (of 181) in the world in MMR rankings while Tanzania was 148th, Mozambique 159th, Zambia 161st and Zimbabwe 164th (*Guardian* (UK) Datablog, 13 April 2010).

¹⁰⁷ It is agreed by health professionals that banning TBAs only drove them underground. Government now recognises about 5000 TBAs nationwide but that number is probably low. *The Weekend Nation*, 27 Aug 2011, 'Women should deliver at health facilities'; *The Nation*, 6 Oct 2010, 'Nurses' association hails TBAs' return'.

¹⁰⁸ *Malawi Voice*, 11 Oct 2010, 'Bingu lifts ban on traditional birth attendants'.

TBAs in 'new roles and not necessarily on delivering babies', but on the other, not providing them with the support they need to fill the gap left by having insufficient facilities or midwives.¹⁰⁹ In 2010-11 the Ndirande clinic appeared not to have overturned its policy of no longer helping TBAs with materials, though the critical shortage of medicines and other items it faced may have also been a factor in its decision. Nonetheless, a few TBAs – formal and informal –¹¹⁰ are still known by HSAs to be working in the clinic's catchment area, and helping women deliver.¹¹¹

One resident explained that in the past some women preferred to visit a TBA rather than go to Ndirande clinic – and on to Queen Elizabeth Central Hospital (QECH), where complicated deliveries end up. This is because:

TBAs were living within the communities. So when time for delivering was due, they found them closer than going to Queens. They felt Queens was far away for them to travel when the same thing can be done by a nearby TBA. Second, many women used to feel ashamed of the fact that they had to be seen naked by many people (*kukana kuwaonela*) who were young, and also some who were male. You find that when you are at the clinic there are a lot of workers in the room. These include nursing students. Many women find that extremely embarrassing. So during the past, the people had *Azamba* [plur: *Uzamba*] and would opt for them. [The TBA would also see them naked] but ... that was only one person, a woman as well as a grown-up one.

Continuing, she said there were other reasons for visiting a TBA:

Third, there is no torture at the TBAs as there is at Queens (*Zitonzokwa Azamba kuliye kusiyana ndi ku chipatala*). You see, when delivery time is near *Azamba amachengetatu* (TBAs handle you with so much care). When they see a woman is weak, they make sure that they provide porridge that should provide strength to her throughout the whole process. They may give the woman a bath to ensure that her body is refreshed and she does not feel too weak. A TBA is always there watching over you when she knows that anything can happen at any time. Even when the woman is likely to deliver at night, a TBA will sleep with her in the same house and is alert for anything that will happen to the woman. In clinics that does not happen. Nurses are not with you when delivery time is due. You have to call them if they have to attend to you. Even after delivery, they give the woman a bath, food, and bathe the child for her. The TBA can take the child for some time to allow the woman to have some rest after delivering.¹¹²

Compare this treatment with stories of angry young nurses who shout at women during delivery, overcrowding in the wards, and negligence to the point that babies and mothers die from accidents, and it is easy to see why mothers might prefer to visit TBAs, even when there is a clinic and a central hospital nearby.

¹⁰⁹ *The Weekend Nation*, 'Women should deliver at health facilities', 27 Aug 2011. Minister of Health, Dr Moses Chirombo (Diana Cammack interview, Lilongwe, 29 July 2010) said about TBAs: 'we have not gotten rid of TBAs but they have a new role – referral' unless a woman goes into labour and cannot reach a clinic. The problem with MMR, he said, is haemorrhaging and so we need to remove TBAs from delivery. It is best he concluded for women to come into clinics 1-2 weeks before delivery and deliver there with 'a trained attendant at every birth', which is the goal.

¹⁰⁹ E.g., Eveness Zuze visit with (anon.) HSA to Mbayani TBA, Blantyre, 26 Jan 2011.

¹¹⁰ Informal TBAs are those that help family members and friends to deliver because they feel they know how and have experience, while formal TBAs are those who have been trained in the past by the health service and provided with supplies like buckets and gloves.

¹¹¹ E.g., Eveness Zuze discussion with TBA in Mbayani, 26 Jan 2011.

¹¹² Eveness Zuze discussion with informal TBA, Ndirande, 11 Nov 2010.

Enforcement of the TBA ban and the President's directive reversing it is not on law officers' agendas. For instance, a senior bureaucrat in Internal Security was not overly interested: 'is the ban on TBAs a law? It's only an announcement by the Minister of Health'.¹¹³ Not surprisingly, then, the Officer-in-Charge of Ndirande's police had never heard of anyone being arrested for practicing as a TBA.¹¹⁴ The ambivalence shown by clinic staff regarding TBAs – HSAs know where to find them, know they are delivering babies, do not attempt to stop them, but do not help them with materials¹¹⁵ – also reflects policy confusion. In the absence of police involvement it should be HSAs, who know communities the best, who take the initiative and try to enforce the rules. As it is, the President's making of policy on the hoof, leading to a lack of policy clarity and to lax enforcement, leaves the Ministry with little other than public pronouncements to convince women to attend clinics and eschew TBAs.

The law on abortion is also poorly enforced. Abortion is illegal in Malawi (Penal Code: sections 149 and 150). It is not difficult for a girl to find help to rid herself of an unwanted pregnancy, and about one-third of maternal deaths are put down to abortions (Semu-Banda, 2009). A woman wanting one is likely to contact a traditional healer, attend a clinic, or go to the market and buy a cocktail of pills from a vendor. The price for each varies and is an important consideration for young women, including school girls.¹¹⁶

Traditional herbalists provide a range of services to the women of Ndirande. For instance, one woman offered a variety of medicines for different purposes. Our female researcher reported that the informant said about her work:

... she gives the medicine that I am looking for (for abortion), and she helps women who are losing husbands to other women by helping them to get the man back, and even men who are very stingy with their money, she provides medication that makes them to be giving easily ... She provides medication for all sorts of diseases like coughing, TB, STDs and everything one can talk about. For women who have never had children, she also helps. Maybe some women only have female children or vice versa, she can help them to get what they want. She provides medication even to women who always experience miscarriage.

She explained to our researcher that her abortion treatment consists of a concoction to be drunk:

She boils the medicine and a woman has to drink it two times a day. As soon as she does that she will begin menstruating. She said that there are some other women who may take a bit more time. It all depends on the kind of body they have, but the medicines work no matter what. Some may take a day while others it may take night to pass but that is the limit. She ... helps women during their second and third months. Going beyond that is more dangerous. This made me ask her if she has never helped any women beyond the mentioned months. She said she has once. A girl came at four

¹¹³ Diana Cammack interview, Ministry of Internal Affairs and Security, Capital Hill, Lilongwe, 15 July 2010.

¹¹⁴ Team meeting with Officer-in-Charge at Nyambadwe, 16 Feb 2011. Diana Cammack interview with the Minister of Health, Dr Moses Chirombo, Lilongwe, 29 July 2010.

¹¹⁵ E.g., Eveness Zuze visit with HSA to Mbayani TBA, Blantyre, 26 Jan 2011.

¹¹⁶ Eveness Zuze reported, 16 July 2010, about a discussion with a young woman in Ndirande who had first-hand experience of abortions: '[P] helped me differentiate the costs for the different places for abortion she had been mentioning to me. She told me that at Banja la Matsogolo people pay about K3000, at the traditional woman's place they pay K2000, at Goliyo private clinic they stopped discharging the abortion services, in the other private clinics it's around K1500, while at Bangwe it depends on the size of the pregnancy. At one month, it is K100, at two months it is K2000, and at three months it is K3000. The list goes like that depending on the size of the foetus'.

months and she helped her, she was successful in the operation but it has a fifty-fifty chance of working.¹¹⁷

Our researcher recorded her discussion with two young Ndirande women who said the process of having an abortion is easy. They told her:

It works out perfectly and does not take time ... There is a certain woman ... who provides that medicine. We know her personally because she has done that before ... Is [the pregnancy at] two or three [months]? That [at 2 months] is not difficult to get rid of. It becomes difficult when the pregnancy has begun touching (*kayamba kugunda*)' ... They explained that *kugunda* is when the pregnancy has begun to take shape. This is when the child can be felt by the mother that it has fully attached itself to the walls of the uterus. A woman is able to feel this growth, which usually begins by three months. To [these two women] at two months or before the child is just blood making a lump in the body ... Yes, I went there the first time. It was not difficult, [one explained]. What she does is to give you medicine to drink, and then you wait for some time. What is important is to have energy ... You need some food to give you energy when going because you get weak when you go there. When she is helping you, she either gives you Squash (Sobo) [a non-fizzy soft drink] as a small food to give you energy.

Regarding the process, the young woman continued:

Here is what happens; there are two ways of doing this. The first one is that you go there with the mind that you will get rid of it right there at her home. This requires that you eat in the morning and carry food as well, in this case the Sobo I am talking about. So, when you she operates on you, you become weak. If you have gone there in the morning, you will sleep and wake up by evening. That is when you can go home. The second option is that you go to the woman and tell her your problem. She may give you medicine that you can take home. She may prepare the medicines herself then give them to you. When you take them home you will just drink them as well as take some food. The pregnancy melts on its own after a day or two.¹¹⁸

Buying drugs to induce abortions is also easy. Our team member reported that at a market a vendor:

turned and picked them [pills] from somewhere on the shelves within the shop. He handed [them] over to me in a plastic paper. He told me they were the only ones he got. They are meant for abortion. They have to be taken at once. All the drugs in the packet are in two tablets. There were about five kinds of drugs. The girl can take one tablet for each type of drug and drink them together in the morning. She can then finish the rest of the tablets in the evening. If she begins in the evening she can finish them in the morning. All the drugs are taken together for abortion ... He told us that he bought them at K500 [from another vendor] and was selling them at K700.¹¹⁹

A different visit to the market provided a type of powder to be used for an abortion. Our researchers reported the conversation. The vendor pointed at some drugs on the box:

¹¹⁷ Eveness Zuze discussion with woman herbalist near Newlines, Ndirande, 16 July 2010.

¹¹⁸ Eveness Zuze reporting on her discussions with two Ndirande women, 8 July 2010.

¹¹⁹ Eveness Zuze and Kondwane Zimba, Zambia market, Ndirande, 3 Aug 2010.

'So which ones do you want, aunt?' he asked. 'I provide all sorts of drugs. When people want some for abortion I also provide. Do you see this? (He was showing me a packet of black drugs that looks like powder). This is *Zongendawo*. [photo] What we do is to remove the powder from these capsules then fill them with *Zongendawo*. A woman has to take two at in the morning, two in the afternoon and two in the evening for two days. As soon as she does that she begins to menstruate'. 'Is this the *Zongendawo* I know? The one given to chickens when sick (*Chitopa*) [Newcastle Disease]?' I asked. 'Yes, the same one you know. It works as far as abortion is concerned. Apart from that, we have these pills in these rolls. We tell woman to take this one whole roll (he was pointing at the roll of black tablets on a contraceptive pills layout). Women have to take all those drugs (they are about ten I think) at one time. After that they begin to menstruate'.¹²⁰



It is not difficult to find western medicines in the markets of Ndirande though it is illegal for vendors to sell them. It is widely assumed these reach the markets via illicit sales by government staff in clinics and hospitals.¹²¹ The police find it difficult to address this problem of illicit sales though. The Officer-in-Charge at Nyambadwe told us in February 2011 that they had had one case last month, and the person selling the drugs was fined. He went on to admit that 'if you are able to buy abortion drugs then it means the police are failing in their job'. As for abortion, he continued, 'it is illegal but it is also secret and so difficult to stop by police'.¹²² The result, then, is that clinicians and QECH end up battling to save the lives of many young women who abort.¹²³

Interestingly, government has taken a more proactive role in addressing the problem of religious groups that refuse to send their members, especially children, for medical treatment. There have been reports of children being forcibly vaccinated for measles, for instance (*Malawi News*, 28 Aug 2010), undoubtedly because communicable diseases are more worrying and a higher priority than individual crimes like abortion.

Nonetheless, some of these same religious groups promote unsafe birthing practices. In Ndirande there are a number of different churches whose followers refuse health care. Their philosophies are likely to encompass a belief in witchcraft. One young woman explained to us that her family had experienced a series of medical crises and deaths, but then the family

¹²⁰ Eveness Zuze report of meeting (also attended by Kondwane Zimba) with vendor in Zambia market, Ndirande, 25 June 2010. A Lilongwe pharmacist who later looked at these medicines thought *zongendawo* was potassium permanganate, a 'very caustic' anti-fungal agent used for treating a foot infection .

¹²¹ E.g., Eveness Zuze discussion with Ndirande clinic staff, 22 Oct 2010. '*Anthu akumedical stites akumaba mankhwala*' (workers at the Central Medical Stores are stealing the drugs).

¹²² Team interview of Officer-in-Charge, Nyambadwe police station, Blantyre, 16 Feb 2011.

¹²³ BLM staff were very nervous about discussing abortions and repeatedly referred us to their headquarters. In the end one staff member admitted to the organisation undertaking abortions. Eveness Gondwe and Moir Walita Mkandawire interview with anon. staff member, 29 Sept 2010. QECH has a post-abortion clinic and it is rumoured in Ndirande that women can also go there an get an abortion.

joined the Zion Church of the Star, where ‘the members [known]... as Prophets, revealed that the family had been under a witchcraft attack solely for the reason of their fortune [wealth]’.¹²⁴

In discussing pregnancy, one member explained that some women go to antenatal clinics and others, like her, do not. Our researcher reported her conversation:

The reason [she doesn’t attend antenatal clinics is because] she has seen a lot of evil things happening in her life, especially while she is pregnant. According to her, sometimes when bad people see you attending antenatal clinics they take advantage of that and do some bad things to you through witchcraft. She gave me an example of her second pregnancy when the nurses told her that her child was on the wrong side of the womb. The nurses had to put a lot of stuff on her stomach in order to get the baby inside straight. That was something that was not supposed to happen. In the Zion church, they pray for such problems in advance and they do not happen. I asked her how the members examine the pregnancies. Do they have special equipment for that? The spirit reveals the truth about the pregnancy, she said. To explain the point, she said that the spirit may reveal what is dangerous about the pregnancy. ... The spirit may reveal what is risky about it in advance – for example, if it may exceed days, require an operation, if the baby is too big and other conditions. The same spirit commands the members to do some things that will prevent such conditions. For example, it may command prayer alone or to buy milk and pray for it before drinking. Such things prevent the risky situations. Sometimes the spirit may ask us to spill holy water around the room where the delivery is taking place.

Asked if there was a special place to deliver babies, the informant

... explained that they have a certain house at Majiga area [in Ndirande] where women deliver babies. They call it a ‘Hema’. I asked her for the time when a woman gets ready for this house. Her answer was attributed to the spirit as well. She may go there when labour has begun or not. Because the women know when labour is starting they can afford to walk to Majiga to deliver their babies. In some other cases the spirit may command a woman to be prayed for on some days before delivery. On this point, she gave me an example of her own pregnancy when the spirit ordered her to pray for three days just because the devil plans on bringing [i.e., delivering] the child hand first. After praying for those three days, the spirit revealed that she lacked blood and needed another three days of prayer for that. In the end, everything was perfect. Her blood level was fine and the child was born normally.¹²⁵

If fortunate, women and babies who have difficulties end up at QECH, where they have a chance of being saved. Otherwise they contribute to Malawi’s high rates of maternal and infant mortality.

The confusion around TBA policy exemplifies the government’s inability to set its agenda in a rational way, to turn its own policy decisions into regulations, and to put them into effect. The police’s reluctance to enforce TBA rules or the anti-abortion law seems to be because they are over-stretched and dependent on civilian policing at the grassroots, but also because such practices are of relatively little concern compared to, say, theft and assault, or even outbreaks of measles. Even with government facilities nearby, religious and traditional beliefs continue to play a role in determining how women in peri-urban areas behave when it comes to delivering their babies. Further, those charged with enforcing the law – the police and senior politicians – seem to share many of the beliefs of average Malawians.

¹²⁴ Eveness Zuze discussion with female church member, Safawaro, Ndirande, 11 Jan 2010.

¹²⁵ Report by Eveness Zuze of discussion with female church member, Safawaro, Ndirande, 11 Jan 2010.

2.5 Summing-up on public goods delivery in Ndirande, 2009-11

The underlying logics affecting the delivery of the four public goods on which the research focused have not changed much over the whole period 2008-11. As reported above, we have found that the quality of provision depends on how the institutions governing the production and distribution of public goods are affected by, respectively, party politics, human and financial resource constraints, blurred jurisdictions, leaderships, disciplines, collaboration and coordination, belief systems, and social divisions.

Performance does vary across locations. It appears that better service delivery is found in Kasungu because the town population is a manageable size and the peri-urban areas are still relatively uncongested. Local government is physically closer to the people and appears less overwhelmed by problems like market management and insecurity at the bus depot. Chiefs retain power and are active managers in peri-urban areas. There, town officials collaborate more openly and systematically with community leaders such as the elected market committee, the police, and town chiefs. Attempts to party-politicise institutions have been handled more skilfully and have generally been averted by officialdom (Cammack and Kanyongolo, 2010).¹²⁶ The same may be said of the WUA at Kachere, where town chiefs and Blantyre city officials have managed to sidestep attempts by ruling party officials to dominate the organisation. The relative success there rests in part with the apolitical nature of the WUA committee and the fact that relations between chiefs, WUA management, the local MP, and officialdom are more open, respectful and collaborative. People there participate and feel their interests are paramount.¹²⁷ Other successes we identified include church groups cleaning up Ndirande market, HSAs and health committees distributing chlorine, *chipereganyu* clubs, and *nduna*- and politician-led¹²⁸ *bwalo* courts.

Problems like those identified in Ndirande will nonetheless spread to other peri-urban areas if urbanisation continues at the present rate (second fastest in Africa) and government does not prioritise town planning. Ndirande is Malawi's oldest township and its difficulties have been in the making for decades. But the situation deteriorated after the 1994 transition when the regulatory environment was undermined by policy and jurisdictional confusions and weaknesses,¹²⁹ some induced by a local interpretation of the neo-liberal democratic agenda,

¹²⁶ Checking back on Kasungu, the team found that officials held a market committee election, which at one point looked likely to be influenced by DPP and chiefs loyal to it, but in the end appears to have been depoliticised and fair. The police listening unit was still operating successfully as well (Moir Walita Mkandawire discussion with former market chairman, 28 June 2010; with a candidate for market chair, 30 June 2010; and with town official, 29 June 2010). The town official reported about the market election that 'the truth of the matter is that the former market chairman Mr Yabwalo is a brother to the DPP governor, Mr Yabwalo, and they are close relatives of Chief Kaomba and Hon Kandodo, MP, and the message they were giving to Hon Kandodo was that the [City] office wanted to politicise the market committee'. He added that Chief Kaomba held a meeting at the market 'as a way of trying to maintain peace but people told him that if he wants to back his relative he should encourage him to contest the coming elections, so that people should re-elect him or not'. He went on that 'there is a rumour that Hon Goodall Gondwe advised Hon Kandodo to move away from the market issue and that Hon Kandodo has allowed the elections to take place and the town council to work as per its mandate'.

¹²⁷ Chililo Gondwe interviews with WUA administration, 7 Jan 2011 and with community member, 24 June 2010; and with senior BWB official, 24 Nov 2010.

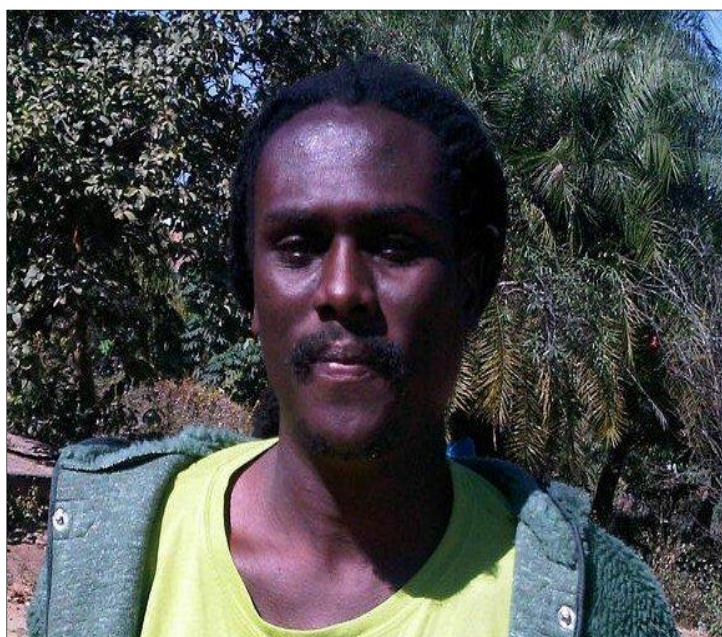
¹²⁸ In Blantyre we found a couple of local-level political-party leaders who hear minor cases. In Banda's era MCP officials did this frequently, and some UDF officials seem to have done so when Muluzi was President. One chief told us it was possible that a politician in his area could hear cases, but only if he approved. Another chief denied it could happen at all (Diana Cammack and Edge Kanyongolo meetings with chiefs in Ndirande, 21 and 22 Feb 2011).

¹²⁹ For instance, the cities are responsible for sanitation but a new law (enacted but not yet implemented) makes the water boards responsible. Currently there are various actors handling water affairs – the DHO, BWB, Blantyre City and the Ministry of Mines, Natural Resources and Environmental Affairs – but 'the links between them are weak' (Diana Cammack and Edge Kanyongolo interview with senior BWB official,

and by resource constraints and multiparty politics, which in turn led to unplanned, mass settlement. Now the under-resourced City administration largely focuses on addressing the needs of middle-class suburbanites who pay taxes, leaving donors concerned with the social safety net to fund major projects for improving water, sanitation, and health services for the urban poor.¹³⁰ A minimum of expenditure is disbursed locally by central ministries, and shortages of staff and equipment are common, affecting environmental health officers, police, clinicians, ambulances, drugs, and petrol among others.

Severe overcrowding in Ndirande makes it difficult to provide services like sanitation tips and ambulances, though minimal access by foot is guaranteed in some areas.¹³¹ Even with the will to intervene, it would now be impossible for local leaders like chiefs or NGOs to ensure that fresh latrines are dug on individual parcels because the plots are too small and crowded for new construction. To address problems on this scale requires technical skill, the power of the state, and large-scale funding. For instance, to build liquid sewage pipes through Ndirande – as initiated by Banda’s government but later stopped – would require the destruction of many houses and the relocation of large numbers of people. The same may be said of constructing roads that would allow ambulances and lorries to pass. Even if City government had the funds and will, this would not likely be done because the ruling party would deem the mass dislocation of people to be politically suicidal.

The sustainability of initiatives – from *chipereganyu* and craft guilds to the District Cholera Committee and the WUAs – is regularly in doubt. Institutionalisation of processes is weak because visions are not widely shared; programmes and procedures are not clear and routinised; inspired leaders come and go; funding is irregular; organisational skills are poor;



and incentives to motivate individuals’ involvement are unreliable. The Ndirande clinic’s Health Centre Committee is a case in point. Inspired by the District Health Office, there have been three committees since 1994, the first formed by political party representatives and the other two by people representing religious groups and chiefs. Committee members complain of not receiving adequate training and of having confused lines of reporting and uncertain roles and powers. Weak institutions placed committee

BWB, 23 March 2011; also Diana Cammack and Edge Kanyongolo interview with senior City official, City of Blantyre, 23 Feb 2011).

¹³⁰ Malawi is banking on the Millennium Cities process to address such problems, but this seems unlikely as it is aimed at attracting investment into cities, not urban renewal (Diana Cammack and Edge Kanyongolo interview with senior City official, City of Blantyre, 23 Feb 2011, and with senior bureaucrat at Department of Physical Planning, Ministry of Lands, Lilongwe, 22 March 2011).

¹³¹ Minimal access is enforced by chiefs, e.g., in Chakana village there is a concept called ‘*Njiraya Mfumu*’. It was ‘developed after the late chief (Wilfred Chakana) and his *nduna* realised that land was becoming scarce in his village’. It ‘deters locals from constructing buildings on pathways in this village’ (Chililo Gondwe discussion with an *nduna* at Chakana, Ndirande, 11 Oct 2010).

members in conflict with local health workers over issues such as the late opening of the clinic, rude treatment of patients, poor management of drugs/food/mosquito-nets, scams involving nurses' allowance, etc. Furthermore, because they were unpaid their numbers slowly dwindled. Eventually the committees were disbanded.¹³²

As immigration continues apace and in the absence of the state, Ndirande is managed on a day-to-day basis mostly by chiefs, even in formal planning areas like Newlines and Goliyo. In Ndirande there are seven chiefs, five of whom are 'traditional' – recognised by government and paid (photo above: Chief Makata).¹³³ The other two are not on the government payroll but manage their areas much as the others do. They all collect fees from locals for their services.¹³⁴ While their conduct regarding land varies,¹³⁵ they hear court cases, host visitors, bury the deceased, assist the police, encourage NGOs and donors to provide funds, help locate kiosks, identify relief recipients, facilitate electioneering by politicians, and so on. Chiefs do not have the resources, qualifications, or mandates to halt in-migration, to stop popular but harmful practices, to build sewage or water networks or to provision clinics. In this sense they cannot take the place of a fully resourced and technically proficient local government. But, in the absence of such a government, they manage to keep Ndirande from descending into chaos.

¹³² Eveness Zuze discussion with former members of the committee, Ndirande, 15 Dec 2010.

¹³³ Paid are Group village headman Matope, and village headmen Makata, Mtambalika, Chatika and George. Unpaid are village head(wo)men Chi-jenny and Mlanga (the latter of whom was paid till his area was formally demarcated as a Traditional Housing Authority). In part of the Makata area Chief Gamulani claims authority but she is unrecognised and unpaid by the state, though her claims draw the support of some residents and politicians (Moir Walita Mkandawire discussion with chief, Ndirande, 21 June 2010).

¹³⁴ One chief said he might earn K100,000/mo. from fees (court, land transfers, signing documents etc.), which he shares with his *nduna* (Cammack interview, 21 Feb 2011).

¹³⁵ In a Traditional Housing Authority (i.e., planned) areas like Goliyo the chief has little influence, but Chief Makata manages his village (an unplanned area) and allocates land, takes a fee when property changes hands, keeps a register of land acquisitions, hears land dispute cases, etc.

3 Variables explaining the (non)delivery of public goods in peri-urban Malawi

3.1 Background to APPP in Malawi

For members of the research team, the fieldwork in Ndirande was the culmination of more than a decade of research into national and local governance in Malawi. It followed on from, and then ran in parallel with, other studies by APPP's Malawi-based researchers concerning several aspects of politics, law, governance, economic development, aid and human rights. Thus, the analysis draws on a body of knowledge well beyond the empirical data presented in our APPP Working Papers. They also reflect various theoretical contributions by APPP colleagues, which have helped guide our research planning.

In 2008-09 the APPP programme was designed to explore which governance institutions are associated with better development outcomes in several countries of sub-Saharan Africa. APPP's work was based on the premises that:

- ❑ what worked for developing Western Europe and the USA in the 18th and 19th centuries cannot be assumed to work now in sub-Saharan Africa;
- ❑ 'good governance' and the Washington Consensus have proven problematic as guidelines on how to achieve economic growth and development in less-developed countries;
- ❑ many states in Africa adhere to neopatrimonial logics and are hosts to hybrid institutions that strongly influence the way development policies are made and implemented;
- ❑ successful development depends on 'getting the politics right';
- ❑ forms of leadership that are rooted in local institutions may produce better outcomes;
- ❑ a society's 'shared meanings' (culture) play a role in development outcomes; and
- ❑ development assistance will be more effective if it is able to build on a sound understanding of what is already working for development locally.

In exploring the relationship between hybrid institutions and development outcomes, the Local Governance and Leadership team decided to focus on four public goods – safe birthing, water/sanitation, markets/the enterprise environment, and public order/security. It has investigated the forms of leadership and governance providing these in seven African countries. In Malawi, we focused on peri-urban settlements. As explained in previous sections of this report, we surveyed chieftaincy in towns from Karonga to Chikhwawa, and studied the relationship between public goods and governance in Kasungu, Rumphi, Blantyre, Lilongwe, Zomba and Chiradzulu. With participant observation and key informant interviews in 2010-11, the team delved more deeply into this relationship in Ndirande township, Blantyre. As it turned out, in many respects Ndirande is a negative case, for few public goods are consistently delivered, governance is weak and leadership is generally fragmented and often non-developmental. Nonetheless, the Ndirande case has provided important additional insight into the causal variables that matter for local development in peri-urban Malawi.

3.2 Drawing the argument together

The events documented in 2008-11 support and extend our previous analysis (Cammack and Kanyongolo, 2010) of the factors that combine to explain why public goods are provided or not. The major factors fall under five headings.

First, we do not believe that resource scarcity *per se* is a primary cause of poor public goods delivery. It is rather a symptom of deeper problems with priority-setting (e.g., how to use state funds) which are related to political decision making. This is not to say that development resources – skills, numbers of staff, investment, capital, equipment, social and technical ingenuity, etc. – are not constrained or that these scarcities do not impact the delivery of public goods. But *scarcity of funding, the slow uptake of good ideas, insufficient capacity and the rest are in good measure a function of poor planning and policy incoherence, the prioritisation of alternative agendas – such as winning elections and appointing big cabinets – and of rent-seeking that diverts funds out of productive use, and into waste.*

Second, within the state bureaucracy, where staff are frequently demoralised, there is non-compliance, poor coordination, and non-meritorious hiring and advancement. These conditions, which impact sooner or later on the quality of public goods delivery, are in part a response to falling wages, nepotism,¹³⁶ and political string-pulling. But they also reflect a *particular kind of institutional weakness arising from the structure of the state.* Competing, uncoordinated and non-collaborative institutions have emerged from initiatives under different regimes without central government ever deliberately consolidating them into a coherent whole. Thus, Malawi displays pre-colonial, imperialist, authoritarian, and liberal-democratic structures, rules, and procedures. Some of them emerged historically and have eroded, leaving institutional fragments (e.g., authoritarian control of the state media) while other, new ways of doing things are not yet fully fabricated or integrated into the state system (e.g., decentralised administration). Some (particularly foreign-introduced) elements are inconsistent with Malawi's fundamental political logic and so their up-take is partial (e.g., democratic checks-and-balances). Incoherence is seen, then, not just in the policy sphere and in funding arrangements but in the institutional fabric of the state and the working relations that it induces.

Third, *the logics which drive politics at the national level permeate local governance* and strongly influence, therefore, the delivery of public goods. Networks and dyadic relationships following party lines are formed to attract party workers and win elections at local level. In return, a network's members are allowed to earn rents from services (e.g., water kiosks) and to control power (e.g., markets and health committees) at local levels. City governments, parastatals, civil servants and chiefs defer to ruling party organisations – a trend emerging from the single-party era and evident ever since. Some civil servants justify this by saying it is more effective to work with organisations run by ruling-party members, but others note only that it is safer for their own careers. In the single-party period there was no option, as the MCP dominated every aspect of public life. In that era, single-party rule may even have been a positive factor in national development since it was associated with protection of a technocratic elite and a relatively disciplined use of economic rents (Cammack and Kelsall, 2010). Today, however, in a multiparty environment the legacy of pro-ruling party bias is more often than not the enemy of technocratic solutions. It is economically and socially dysfunctional. It also causes local conflicts, wastes resources, and disempowers a part of the population – undermining capacities for collective action and reducing accountability, with harmful effects on developmental outcomes.

When public goods are scarce or unpredictably supplied people join networks that permit them easier and more regular access. Those networks linked to 'big men' with better access to state resources (e.g., a network linking to an MP, cabinet minister, a president or a favoured chief) are more likely to provide these goods so it is practical to join them. Reciprocal arrangements (in dyads) exist all along the length of these networks, e.g., between

¹³⁶ Since 2005 hiring of Lomwe (the President's ethnic group) to senior government positions has been commented on frequently.

a president and MP, the MP and his local constituency leader, between that leader and his party officials, and between them and their local party workers. Support and access to rents in various forms are traded for loyalty and work at each level. At the grassroots, what is observed is competition for control of goods between leaders and members of one network and those of another, the outcome of which is influenced by national politics, thuggery, and political processes like elections. The dominance of clientelist politics will end only when there is predictable delivery by the state of sufficient public goods for everyone. When people can begin to count on the state delivering services, they will also (using their citizen 'voice') begin to demand them from civil servants and national politicians, rather than from local big men.

A fourth key factor is *the nature and quality of local leadership*. Chiefs retain legitimacy locally because they continue to perform the duties expected of them. High status and privileges are conferred on them through reciprocal arrangements with followers: a leader's generosity to clients can earn him elite perquisites; sound rule-making and court judgements may win him respect and 'tokens' (fees); and performance of public duties can secure his decision-making powers. A 'template' is in the heads of 'translocal' Malawians that generally confirms the legitimacy of chieftaincy even in towns, though that is contested by democratic ideology (with its new set of rules about how authority is conferred) and by exposure to alien influences and urban life. City government is distant, aloof, and largely irrelevant to peri-urban residents in places like Ndirande (though less so in smaller towns). On the other hand, locals have absorbed politicians into their worldview: party leaders, councillors (2000-05), and MPs are expected to help access scarce public goods for residents of the constituency. The relationship is not unlike that between villagers and their chief in that regard.

One role of local leaders is to promote community self-help. A fifth variable is *the capacity of citizens to work together for their own benefit*. Historically in Malawi, self-help was spurred by either chiefs or the ruling party (and in the pre-democratic era taking the initiative outside MCP leadership was dangerous). Today some small groups (*chipereganyu*) form independently of chiefs, but they do not 'bridge' to other groups because poor communication, lack of trust (often caused by fear of strangers), and weak organisational skills and capacity, undermine wider interactions. Their sustainability is also threatened by similar deficiencies.

Volunteerism and citizens exercising 'voice' to demand national improvements are assumed by most donor agencies to exist everywhere. But historically Malawians have used their voices, have volunteered and been active citizens in smaller, local networks of social relations, e.g., clan, tribe, region, or perhaps religion. In these they have performed community labour, criticised bad chiefs, and demanded more of their 'father-mother' rulers (Booth and Golooba-Mutebi, 2010; Kelsall, 2008).¹³⁷ Volunteering to do duties for the wider community is foreign, unless led by a party or paid for – as during the Muluzi era, when a donor-funded 'allowance' culture emerged. Peri-urban migrants have old-fashioned expectations and norms of their local leaders; they hold their town chiefs to account for appropriately targeting the poor with relief, running a court, maintaining peace, etc. In this sense, town chieftaincy is part of a peri-urban community's 'cultural toolbox' (Swidler, 1986: 273). Urbanites still use their village voices to chastise chiefs who do not perform their tasks as expected. They will even abandon a chief who doesn't follow their cultural norms.¹³⁸ But

¹³⁷ Booth and Golooba-Mutebi state (2010: 3) that some commonalities across Africa 'centre on the association of power with paternity, and the duties and responsibilities of fatherhood. They also include compelling notions of accountability and moral obligation within primary groups and among those sharing wider, usually ethnic, identities. They are visible on the contemporary scene in, among other things, the way familial and paternal images are projected onto political affairs, notably in the metaphors applied popularly in distinguishing between good and bad political leadership'.

¹³⁸ In one of Lilongwe's urban areas a chief did not hold a funeral as per custom, and his subjects insisted that the senior chief appoint a new *mfumu* (chief). A local civil servant who was resident in the area was appointed. He labelled himself a 'block leader'.

since they hold little expectation of government, they rarely express themselves about the state's failures. Chieftaincy retains its meaning, then, because it continues to provide for townspeople, especially in the absence of a functioning, modern state system.

3.3 How the institutional variables affect public goods delivery

Drawing on the evidence collected and cited above, this section provides examples of how these institutional variables were seen by our team to drive good and bad development outcomes in Ndirande and other peri-urban settings.

Resource scarcity and ingenuity in the public service

The City of Blantyre and Blantyre District, like most of Malawi's state systems, are in the midst of a human resource crisis. This is the result of an informal freeze on civil service recruitment since 2005; low wages that induce good people to leave the service; and demoralisation of staff resulting from nepotism and the politicisation of hiring and from appointing staff members to more senior posts without giving them the appropriate wages or titles.¹³⁹ At local level this means too few HSAs, sanitation workers, water board technicians, market cleaners, police officers, etc. It takes time to build up a pool of skilled workers, and Malawi is attempting to fill gaps in various sectors, e.g., by training teachers, midwives, doctors, police, etc. The paucity of trained staff may, then, be blamed on past educational policies though the current school system is also having trouble turning out well-prepared graduates. Staff deficiencies contribute to failures to replace damaged water pipes, to rebuild the burned-out market, to undertake regular and comprehensive health surveys, to clean the roads and empty the skips, to safely manage the delivery of babies, to police areas and enforce laws, etc.

Peri-urban residents find it hard to hold bureaucrats to account for these failures because they are largely absent. They will have seen few in the villages they migrated from, and there are not many in Ndirande: a couple dozen HSAs and clinicians, a market master and a dozen cleaning staff, a few road sweepers and skip cleaners, and some mobile police, water board employees, and electricity-supply workers. Instead, residents see local chiefs and *nduna* doing many of the tasks done by rural chiefs at home and by bureaucrats in a modern state: e.g., signing letters attesting to residence for a bank or passport office, keeping a register of inhabitants, witnessing property transfers, hearing cases and settling disputes, taking note of property boundaries and land ownership, recording deaths and births, etc.

Between 1964 and 1994 grassroots MCP leaders stood in for officialdom, delivered some goods and monitored regulations, but these answered upward to Kamuzu Banda, not to the people. In the early 1990s people did take on board good-governance ideas from the multiparty movement, and they now expect their politicians to represent their interests. However, MPs are largely absent and little information flows between them and their constituents; effectively, they can only be held to account by people every five years at election time. Not surprisingly, perhaps only one-third are re-elected. This in turn fosters a short-term view held by some that they need not bother coming to constituencies or delivering constituency services to residents because they are unlikely to get re-elected anyway.¹⁴⁰ This completes the circle of the political 'representation gap' (Afrobarometer Briefing Paper No. 31, 2006).

¹³⁹ Diana Cammack and Edge Kanyongolo interviews with senior civil servants, Blantyre City and Blantyre District offices, 25 March 2011.

¹⁴⁰ 'He [a senior DPP official] added that Honourable Sangala told him that he doubted to win again because Blantyre City Constituencies don't vote their MPs for second term' (Moir Walita Mkandawire discussion with party official, Ndirande, 15 Nov 2010).

Capital investment also lags behind: crumbling and inadequate infrastructure further hinders service delivery. Daily nationwide electricity blackouts exemplify the problem. The whole Blantyre population also faces severe and regular water shortages. There the problem is being tackled by Dutch engineers, but theirs is a short-term solution, likely to last only till 2015 when Blantyre's population growth again catches up with the infrastructure.¹⁴¹ What is needed is a new water source¹⁴² and a refurbished citywide system to deliver it, but this takes money. It also takes funds to construct clinics, buy ambulances, build roads and sewage systems, establish police stations, make new and old markets, provide public housing, etc. The national budget, to which donors normally contribute about 40%, supports such initiatives, along with project funding. But the need in rural Malawi where 80% of the population (and the bulk of the poor) live is so great that most development funding is channelled there. This is in keeping with the government's 'Malawi Growth and Development Strategy', which focuses on agriculture and rural improvements and the development of national transport infrastructure.

Further, the innovative thinking (Homer-Dixon, 1995) needed to address local governance problems seems to be limited by civil servants' well-entrenched prejudices. Years of research and discussions with bureaucrats teach us that some liberal concepts¹⁴³ like democratic decentralisation and volunteerism¹⁴⁴ cannot be imposed locally because they are antagonistic to stronger logics and incentive systems. Yet that seems irrelevant to officials who continue to speak about both as though they are vibrant institutions. Similarly, officialdom largely discounts the fact that chiefs play key roles in town.¹⁴⁵ Such thinking keeps local government from considering how to harness town chiefs more systematically and better regulate their behaviour for the public's benefit, or how to depoliticise local councils and make them more technically proficient. Tackling other structural problems within the civil service – such as non-meritorious appointments, jurisdictional conflicts, a weak culture of compliance, politicisation of policies – requires new ideas too.

The value of collaboration across domains

Malawi has been the subject of interventions by colonialists and donors that have left an imprint on its institutions. Also, the three very different regimes of Banda, Muluzi and Mutharika superimposed ideological and behavioural tendencies on centuries-old institutions. Banda's promoted the 'four cornerstones' and the rigorous enforcement of policies using strong state-party mechanisms. Neo-liberalism in the Muluzi years resulted in a breakdown in the rule of law and a political-economic free-for-all. Mutharika's focus on economic growth initiated a return to order, discipline and growth, though these have been less apparent in his second term, which is marked by failed fiscal policy and rights abuse. Since the 1960s national development policy has lurched from estate-agriculture-led growth and import-substituting industrialisation to structural adjustment to poverty alleviation and now back to smallholder-agriculture-led growth. Over that time there has been little proactive effort to

¹⁴¹ Diana Cammack and Chililo Gondwe interview with senior staff member, Viten-Evides International, at BWB, 20 July 2010.

¹⁴² 'There are consultants now identifying a possible source. The Mombezi river is about 30 km beyond Chiradzulu out that dirt road, but building a pipeline from there would be very expensive' (Diana Cammack and Edge Kanyongolo interview with senior official, BWB, 23 March 2011).

¹⁴³ It may well be that Malawians are wedded to good governance notions because these drove the transition, and they are unwilling to question them for fear of being thought to be autocratic.

¹⁴⁴ Administrative and technical decentralisation are being implemented slowly and unevenly, but decentralisation of power (via local councils) has stalled. Volunteer health committees and various development committees, etc. exist on paper and re-emerge only when funds are made available to members. NW groups are meant to be volunteers, but will not patrol without wages.

¹⁴⁵ Typically, the CEO of one city claimed 'there is no chief but me', though his development officers gave us a list of town chiefs with whom they work (Diana Cammack interview with CEO at City offices, 16 July 2010).

create consistent and well-integrated strategies at national and sector level.¹⁴⁶ In the urban areas, policy inconsistency has meant that Banda limited and tried to manage migration where Muluzi actively promoted urbanisation but concomitantly relaxed town planning restrictions. New measures to guide growth have since been adopted but there are inadequate legal frameworks, resources and determination to implement them.

The result in towns of multiple un-reconciled policies is an overlay in any one area of competing jurisdictions and leaderships from various ministries, city authorities, parastatals, chiefs, and political constituencies. Because no single strategy or institutional framework guides these, significant coordination is needed to overcome the confusion. We have found that sometimes there is effective collaboration, e.g., between the police, magistrates and *bwalo* courts, or between neighbourhood watches from contiguous areas. Sometimes there is partial coordination – e.g., between the WUA, chiefs and the MP in Kachere; between town government, the hospital administration, and NGOs building guardian shelters in Chiradzulu; or between the police and neighbourhood watches in Chiradzulu.¹⁴⁷ But otherwise incoherence, even antagonism, is the order of the day. The prime example is Makata village, where political parties cannot work together.¹⁴⁸ UDF and DPP loyalists act as though they ought to benefit from selling water and collecting the proceeds, and the actual provision of water to the public is of secondary concern. There the DPP, BWB, City, chief, and the NGO Water for People cannot find common ground either.¹⁴⁹

Better is the relationship between Chief Matope and MP Makangala, who established the WUA together with the City, BWB, and NGO. Still resident in her constituency, independent MP Makangala's shared vision and interaction with the police and Ministry of Health, and her use of Constituency Development Funds, which are managed by the DC, have brought a new police unit and ambulance to Ndirande too. Her status as an independent MP may affect and reflect her developmental outlook as she cannot depend on party loyalty to earn her re-election.

Other evidence of successful coordination has been collected in Kasungu where the police, town officials and market committee have produced some good outcomes. Also beneficial are the many small savings clubs (*chipereganyu*) around Ndirande where locals pool their savings and sequentially pay out each other. Much like the market committee election in Kasungu run by town officials at the end of 2010, the recent DPP primary election held in Rumphu (photo overleaf) demonstrates how a shared purpose, public trust in the rules and process, and coordination by various leaders (in that case, drawn from the town, state and party) can have good results.

¹⁴⁶ For instance, rather than the software for the new government-wide (IFMIS) accounting system being standardised, different departments, ministries, and levels of government have insisted on using their own.

¹⁴⁷ In Chiradzulu the guardian shelter was only partially constructed due to misunderstandings between the three actors (Chililo Gondwe discussions with senior district official, Chiradzulu, 10 Aug 2010). There the police trained NW members, and some had stopped patrolling at night without the knowledge of the police. Similarly, at one point the NW decided to block the road (against criminals) without forewarning the police, who were very unhappy (Moir Walita discussions with Community-Police Coordinator, Chiradzulu, 31 Jan 2011 and with neighbourhood watch members, 31 Aug 2010).

¹⁴⁸ This is not unusual: similar politicisation of WUA was mentioned as a problem in Chinsapo and Kauma villages in Lilongwe (Diana Cammack and Konnie Zimba interviews with chief and senior WUA staff, Kauma, Lilongwe, 16 Dec 2010).

¹⁴⁹ In May 2011 the chief and MP met, and an agreement was reached to hold regularly monthly meetings, but this had not resulted in the establishment of WUA by June 2011 (Interview by Diana Cammack and Moir Walita Mkandawire with chief, Ndirande, 20 June 2011).



The effect of non-compliance

In Malawi, performance disciplines are inconsistently applied and weak. We have seen that this may result from a lack of resources – e.g., staff and petrol shortages mean that district environmental health officers are unable to check on the closure of toilet drains into the Nasolo River. But fragile rule enforcement is also rooted in cultural and social practices. Important is the belief in witchcraft, which is widespread. People sometimes are reluctant to offend others by criticising or disciplining

them for fear of retribution. (Indeed, some leaders – such as a president or chief – actually encourage people to think they have exceptional powers as a means of keeping them in line.) A reluctance to force compliance for fear of supernatural retaliation is found not only at local levels but also in ministry headquarters. It deserves more study.

Second, many residents have reported that the transition to multipartyism in 1994 released citizens from the restrictions enforced by Banda's MCP functionaries. In their minds, freedom has been responsible for higher rates of crime and vandalism, corruption with impunity, a decline in standards (e.g., of household and market hygiene), sprawling squatter settlements that city governments have been unable to contain,¹⁵⁰ and social nuisances like vendors spreading across pavements.¹⁵¹

Third, some blame a breakdown in discipline (especially disobeying chiefs' rules) on a disrespect for chieftaincy dating from the Banda period,¹⁵² when party officials became preminent. That trend was compounded by post-transitional neo-liberalism, which deemphasised traditional forms of rule and extolled democratic forms of government, including councillors at local level (in 2000-05). In towns, increased urbanisation, education and exposure to alternative social norms (via TV for instance) have also played their part. The result is the presence in peri-urban settings of some people who are known to disregard the chiefs' dictates. More research is needed to quantify this phenomenon.

Finally, human resource problems have led to weak compliance throughout the civil service, which impacts public goods delivery. Explaining the origin of this in the Ministry of Health, one analyst observed that:

Vacancy levels are high across the civil service, particularly amongst middle management, and the capacity and discipline of the civil service has declined markedly since the early 1990s. A chronic lack of capacity in the Ministry of Health's human resources function, and the fragmentation of human resources responsibilities within the Ministry and across government, affected Malawi's ability to recognise and respond to

¹⁵⁰ Older residents in Ndirande state that during the MCP era party chairmen and youth actively managed new building, and households' sanitation and water facilities. Government officials (e.g., Diana Cammack and Edge Kanyongolo interview with senior official in Department of Physical Planning, Ministry of Lands, Lilongwe, 22 March 2011) note that in the early 1990s they were unable to speak against unregulated settlement because it was being encouraged by the ruling UDF party.

¹⁵¹ This tendency has been difficult for city officials to contain, and is generally seen at election time, but also recently after the July-August 2011 unrest, when vendors stated the President gave them permission to move outside markets in return for their not partaking in further demonstrations (*Maravipost*, 25 Aug 2011).

¹⁵² Diana Cammack and Moir Walita Mkandawire interview with senior politician, 1 March 2011.

the growing difficulties until long after they reached crisis proportions (Palmer, 2006: 36).¹⁵³

The fact that the public sector is more fragmented (Anders, n.d.), non-compliant and ineffective today than it was in the pre-transitional period has not escaped the notice of analysts. In fact, changes initiated by donors have been partly to blame (Durevall, 2001),¹⁵⁴ while at the same time reforms have not been owned by government officials either (e.g., Claussen et al., 2006).¹⁵⁵ Real wage reductions since the 1980s have also generated poor practices, so that 'more often than not ... employees attempt to supplement their incomes by "privatising" public property, such as official stamps, demanding a fee for them. Medicines are stolen from hospitals, while government vehicles are used for private businesses. Shirking is common while some individuals simply abscond from duty while continuing to draw salaries from the government' (Durevall, 2001:12; Wescott, 1999).

Donors and government have tackled such problems in Malawi by *inter alia*, introducing a performance management system¹⁵⁶



and improving financial transparency and accountability (e.g., FIMTAP (World Bank, n.d.)¹⁵⁷). That these have not generated the hoped-for discipline and commitment across the service has been made clear to us even during brief visits to central, district and local government offices.¹⁵⁸ In these offices, demoralisation of civil servants is expressed verbally, but also in poor work habits and the disrepair of infrastructure and furnishings (photo).¹⁵⁹ This, added to resource constraints and poor coordination, affects the delivery of public goods.

¹⁵³ Fragmentation within the civil service between 'bosses' and 'juniors' and between core and various ministries, was reportedly made worse by donors and human resource reform programmes.

¹⁵⁴ The reasons listed include human resource reforms during structural adjustment programmes, and later short-term, non-holistic and uncoordinated approaches to public sector reform by donors. Domestic coordination of public sector reforms has also been poor. And the notion of cutting the civil service by 20% or so in the face of inefficiencies caused by staff shortages seemed perverse.

¹⁵⁵ Claussen et al. (2006: 52) notes that 'It would be a considerable exaggeration to describe the reform process in Malawi as owned by the government and to characterise it as comprehensive, coherent and effective. Instead, the reform process has been piecemeal and patchy, with relatively low levels of political ownership. The lack of fiscal discipline is also consistent with a lack of political will, inertia and a system of administration dominated by patronage and a weak civil service'.

¹⁵⁶ Introduced in 2008-09 to improve performance of, and to foster behavioural change within, the civil service. As part of government's efforts to meet the MDGs, the Performance Management system focuses on personal and agency outputs in meeting individual and corporate goals (see Annexes 6 and 7 in Nachamba-Kuchande, 2008).

¹⁵⁷ 'Designed to provide a toolkit of solutions to poor fiscal discipline, transparency, accountability and operational inefficiency in the public service'.

¹⁵⁸ E.g., Diana Cammack and Edge Kanyongolo interviews with senior district staff, , Blantyre District Offices, 25 March 2011; and with senior Ministry official, , Ministry of Local Government, 22 March 2011; and Diana Cammack interview with senior Ministry official, , Ministry of Local Government, Lilongwe, 2 June 2011.

¹⁵⁹ Ministry of Health, Capital Hill, Lilongwe, July 2011.

The impact of politics on public goods delivery

At one time it was thought that Mutharika's authoritarian tendencies might drive a productive centralisation of rents, the harnessing of capital and entrepreneurs, and the promotion of national unity (Cammack and Kelsall, 2010). After his first term, though, the ostentatiousness of members of the ruling party elite, including the President (photo),¹⁶⁰ point to a diversion of state resources into private channels. The President's and the DPP's sense of entitlement since their landslide victory in 2009 has made them largely unaccountable to the general public, and has generated divisions and unrest. Second-term fiscal policies have undermined economic growth. And, as happened during Muluzi's second term, succession politics has increasingly driven government decision making since 2009.



The nature of Malawi's politics, including the different neopatrimonial logics of each of the three post-independence regimes, has been explored elsewhere (Cammack, 2010). Suffice it to say here that the logics of neopatrimonialism differ according to the type and amount of control that the 'big man' exerts and the nature and strength of civil society. But the Banda, Muluzi and Mutharika regimes have all displayed the basic characteristics of neopatrimonialism: centralisation of power in the hands of the president, informal networks that have more influence than formal structures like parliament, mixing of state and private finances, patronage networks (formed of dyads) that reach from the highest level into the local community, and the politics of survival. These logics influence the way governance at local level operates and the nature and extent of local leaders' authority and accountability, and therefore, public goods delivery.

As noted above, party membership remains important in peri-urban areas when it comes to determining the allocation of power and thus resources (e.g., state-sponsored jobs, relief and development supplies, appointments to positions that attract allowances, etc.). DPP members being given control of water sales in Makata village is a result of their MP/minister wanting to retain their support and enhance their ability to mobilise people at election time.¹⁶¹ Other recent examples of ruling party politicians influencing (or trying to change) local service delivery include DPP interference in Kachere WUA financial management, in Kasungu market committee elections, and in the distribution of fertiliser coupons in Makata village.¹⁶² In the

¹⁶⁰ Mutharika's newly built Ndata farmhouse, <http://www.faceofmalawi.com/2011/08/ndata-farm-pic-of-bingu-wa-mutharikas-home/>.

¹⁶¹ This relates to the argument made by Keefer (2005, 2008) that leaders in 'young democracies' cannot count on the delivery of public goods to win them votes, so they must deliver patronage goods to win followers who can then mobilise support.

¹⁶² Moir Walita Mkandawire discussions with *nduna*, 27 Sept 2010, and with 4 *nduna*, Ndirande, 4 Oct 2010. A leader of the DPP youth group in Ndirande had an agricultural extension officer change the names of those people who were to receive government fertiliser coupons on 30 September 2010 in one of the Ndirande villages. One *nduna* explained 'that most people when they are members of a ruling party they think that chiefs are below them'. Eventually the DPP constituency governor and the chief settled the matter of the list at the Blantyre district agricultural office.

Muluzi period UDF politicians did much the same in Kasungu and Ndirande, for instance.¹⁶³ Equally important, in post-transitional Malawi public authorities often defer to ruling party pressure, which also affects how public goods are produced and delivered.

As a result, handling politicians in the multiparty environment is one of civil servants' most difficult jobs. One senior official explained the problem: there are 'new faces' all over the place when government changes, and 'these changes affect us quite a lot'. There is a high turnover of staff when governments change. It is a 'very tricky business'. Whenever you do something, he explained, you must take into consideration politics. For instance, when siting a growth point in a rural area or a road, MPs complain that the growth point or road is not in their area, or it's in the area of the Opposition. And you 'meet heavyweights' who throw their weight around. 'This gets us into politics and whenever that happens we, as civil servants, lose'. We must 'dance to their tune'. Civil servants cannot say no to a politician, he continued, or they would lose their jobs. There is no route above them – e.g., to President – to complain about interference. If you 'question the decision you will be finished'. Some ministers, he concluded, are 'professional' and allow the civil servants and the planning department to do its work, but others are not and they and politics interfere.¹⁶⁴

A senior Water Board manager explained his strategy for minimising the damage that politicians can do: I always tell my staff to 'be careful when approaching politicians, as you can't expect a straight-forward relationship'. One thing, he said, that is helpful is chiefs, who can be used to 'counter-balance' the influence of politicians. 'Chiefs are very important and can demand respect [from politicians]'. For example, he reported that before the ministers met with BWB (to settle the WUA problem in Makata village) the BWB called TA Kapeni in and he and Ndirande chiefs had a meeting with BWB to talk about problems. Concluding, he explained that this is how you can use chiefs. Or sometimes you can make agreements in a private setting that could not be made in public, e.g., between antagonists, in order for everyone to save face.¹⁶⁵

Local-level officials face similar problems. One set pin-pointed the 2009 election, when 'something changed'. They agreed that prior to that, MPs were easier to deal with – maybe, they speculated, because the ruling party did not have a majority in parliament. There was a more-or-less acceptable division of labour, where politicians mobilised people for development and the District staff, who are technical people, managed it. But, they complained, after 2009 MPs wanted to restructure local committees (e.g., VDCs) because they feared they might be Opposition-led and might 'belong to the old regime' (i.e., the UDF). Also, after 2009 the MPs wanted to be seen to be delivering development. So for instance, it used to be that technical people helped plan projects and then after they were done, they would come in and do an evaluation. Now the MPs don't want them to come back because they want people to recognise the MPs as the deliverers of projects, not the district. The civil service, the officials said, tries to explain to the MPs the work they must do to follow the 'guidelines' laid down for various projects, such as the Local Development Fund. But there is 'resistance' to this, so civil servants just 'take the situation as it comes and keep cool and keep on explaining' the civil servants' role to the politicians.¹⁶⁶

¹⁶³ E.g., the UDF's Young Democrats wreaked havoc in Kasungu, while UDF members controlled health committees and water committees in Ndirande.

¹⁶⁴ Diana Cammack and Edge Kanyongolo interview with senior official, Dept. of Physical Planning, Ministry of Lands, 22 March 2011. A discussion with members of a department of government in October 2011 confirmed their view that there has been a reduction of 'political space' to perform 'technical duties' in recent years.

¹⁶⁵ Diana Cammack and Edge Kanyongolo interview with senior official, BWB, 23 March 2011.

¹⁶⁶ Diana Cammack and Edge Kanyongolo interview with senior local government officials, Blantyre District office, 25 March 2011.

Asked if the District Commissioner protects them from such pressure, they said, 'no, he is under the same pressure himself'. This, they said, is because in the past the Local Government Services Commission appointed DCs, but since the Local Government Amendment in 2010, the DCs are appointed by the Minister of Local Government. This has changed the nature of the job and the DC's appointment is now 'political'. It used to be, they said, that civil servants could aspire to become DCs. They could go up the ladder, but this is now blocked as the politicisation of appointments has halted upward advancement. From top to bottom, then, multiparty politics interferes with the way civil servants do their jobs and, hence, how services are delivered.¹⁶⁷

Developmental leadership and coalitions

Important to stability and growth is the ability of elites to reach a political settlement under which the distribution of benefits reflects the distribution of power in society and is sustainable over time.¹⁶⁸ The most recent political settlement was sealed when Malawi's growing middle class and agriculturalists, who had benefited from four years of growth, voted overwhelmingly for the DPP. This arrangement is now in the process of unravelling (Cammack, 2011), but the political settlement forged from 2005 set the stage at local level for how goods were provided during our research period. Specifically, certain actors and their methods of service delivery have gained importance as others have faded. Local councillors have disappeared for instance, while the influence of chiefs has increased. Committees established by Muluzi as part of decentralisation have withered while Constituency Development Funds used by MPs have become more important. Old political parties have disappeared as the DPP has strengthened at grassroots.

Second, our research confirms that at local level, as at national:

... successful and sustained development depends crucially on whether and how various leaders and elites within and across the public and private domains are able to form sufficiently inclusive 'developmental coalitions' (or growth coalitions), formal or informal, which: negotiate the fundamental political settlements which are essential for building the core institutions of effective states; establish, maintain and implement the locally appropriate, legitimate and feasible institutional arrangements which facilitate economic growth and (inclusive) social development; co-operate – locally, regionally, nationally, sub-nationally, sectorally or within and between organizations – to overcome major collective action problems and/or major political, economic and social problems (Leftwich, 2009: 10)

As noted above in the discussion on coordination, elite coalitions have formed around service delivery in several research sites. Examples include the Rumphi sanitation project, where initially NGO staff and chiefs organised to distribute bins in the market and town, an activity later taken up by town officials and the market leadership. In Chiradzulu, a combination of ministry and town officials, politicians, donors and chiefs organised the building of a guardians' shelter,¹⁶⁹ while in Kasungu collaboration between the police, town and market officials, and the elected market committee created a police unit that now operates beyond

¹⁶⁷ Meeting between Diana Cammack and senior bureaucrat at Local Government Services offices in Ministry of Local Government, Lilongwe, 2 June 2011, which confirmed that a DC is now appointed by the minister in conjunction with the Office of the President and Cabinet.

¹⁶⁸ 'A political settlement emerges when the distribution of benefits supported by its institutions is consistent with the distribution of power in society, and the economic and political outcomes of these institutions are sustainable over time' (Khan, 2010: 1).

¹⁶⁹ Team interview with District Health Officer, Chiradzulu hospital, 21 July 2010. For the Rumphi project, see Cammack and Kanyongolo (2010: 29).

the market/bus depot, invigilating exams for nearby schools for example.¹⁷⁰ Our evidence supports the need for developmental leaders, coalitions and working arrangements that are rooted locally and so will differ from site to site and as time passes. It also points to the problems that undermine these formations, such as party political competition and a paucity of organisational skills.

Culture and collective action

Seeing culture as 'systems of meaning' that can change over time (Chabal and Daloz, 2006) is a helpful way of making sense of 'traditional' behaviours and attitudes. Shared systems of belief and accepted ways of doing things fill the 'toolboxes' of residents in any fairly settled community (Swidler, 1986: 273). Shared beliefs are being reformulated as new people arrive, but migrants mostly conform to the norms they find in their new homes. Similarly, new town chiefs and 'block leaders' gain legitimacy – and deepen existing cultural beliefs – by integrating into existing power structures – by becoming an *nduna* of the existing senior chief, for instance.¹⁷¹ In this way cultures mould institutions, which in turn influence the delivery of public goods.

For example, residents have a template in their heads about what people should and should not do and how far norms can be changed. Though these templates differ, through dialogue and action individuals' normative ideals are crafted into a common perception. *Bwalo* court proceedings in peri-urban settings seem to be central to the establishment of shared cultural norms about justice and socially acceptable behaviour. Even chiefs can be brought into line and held to account: residents are seen to use their voice when chiefs overstep norms that are widely shared. For instance, GVH Matope upset the family and friends of a child who was meant to be buried according to widely accepted ceremonial standards. When the chief and his *nduna* were not available to perform their traditional functions, the funeral party attacked the gravedigger, marched to the chief's house and pelted it with stones and shouted insults for an hour as the chief and his family cowered. Afterwards, for a month or so, the chief intimidated one of the elderly women in the family, whom he blamed for instigating the attack. These events, which were the focus of gossip in the village for weeks, created a new normative equilibrium about roles and accountability between 'subjects' and chief.¹⁷²

Resources as well as social factors influence whether self-help and collective action flourish or not. In the former category we might include poor communication due to the high cost of transport, poor roads and expensive cell-phone systems, as well as the public's paucity of organisational skills, compounded by high rates of illiteracy and innumeracy. Notable among the social factors affecting whether people form groups to address their own problems are, first, the shared sense that some people (e.g., newcomers) are not entitled to complain about local issues and, second, a widely held fear of strangers (Cammack and Kanyongolo, 2010: 22-23). To these must be added a common understanding, existing since the Banda times, that it is the government's role (with the help of chiefs, the ruling party and MPs) to initiate and carry out community development and not the task of citizens. Such beliefs further undermine volunteerism and community self-organising.

Overcoming these cultural and resource constraints and forming self-help groups is not easy. Those organisations that exist (e.g., savings and burial groups, kitchen clubs,¹⁷³ tradesmen's

¹⁷⁰ Moir Walita Mkandawire discussion with Kasungu market vendor, 30 June 2010.

¹⁷¹ E.g., Diana Cammack and Kondwane Zimba interviews with chiefs in Kauma village, 29 and 30 July and 16 Dec 2010; and in Chinsapo I with chiefs on 29 July and 16 Dec 2010. Often chiefs appear to be mentoring younger members of their families, who sit in on meetings and learn how to handle visitors, cases, etc.

¹⁷² Moir Walita Mkandawire discussion with chief, Ndirande, 28 Sept 2010.

¹⁷³ Women join together and in rotation, give one of their number sets of kitchen equipment (utensils, pots etc.).

guilds) are small enough for people to know and trust one another, to communicate and formulate a common vision and to agree simple procedures to reach their collective goals. Not surprisingly, we found no self-help groups originating in Ndirande reaching beyond the very local level.¹⁷⁴

In any single locality and at any particular time, these causal variables will combine in different ways to impact the delivery of public goods. Some will be more important than others, depending on larger political patterns and trends, the national economic environment, and the strength of historical and cultural influences. The evidence presented above on how they have interacted and played out is particular to Ndirande in 2009-11.

¹⁷⁴ Churches are the exception where leaders and congregations sometime 'bridge' to others outside their immediate areas.

4 Conclusion: improving the delivery of aid to peri-urban areas

Drawing on APPP research, Booth has argued that:

... major bottlenecks in public goods provision are more likely to be addressed when the relevant governance arrangements are the product of local problem-solving which is realistic about specific conditions and constraints, and able to make use of existing institutional resources. Conversely, one of the reasons public goods deficits often remain intractable is that arrangements have been adopted which may represent international 'best practice' but are not realistic or properly adapted to the context (2011: 4).

Rather than rely on international best practice to design programmes, public servants and donor agencies might take note of such findings and the specific causal variables whose importance has been highlighted in this report. Specific lessons for the delivery of aid include:

- ❑ The western, good-governance notion of 'active citizenship' (volunteering and demanding state accountability to citizens) is a weak basis upon which to build local-level development at this time, especially where the state's presence is weak and other forms of leadership and norms retain power.
- ❑ It is better to work with existing leaders, recognising their limitations and the impact that aid might have on them, as well as the likelihood that they will mutate as time passes (as new, more formal, elements are added to their hybrid make-up). There may be good reasons to encourage them to follow new formal rules for which they can be formally held to account, but they should not be forced to change so fast that they shed their existing legitimacy and hence their capacity to deliver public goods. As other research confirms, human resource scarcity can be tackled by promoting forms of developmental leadership,¹⁷⁵ even in a neopatrimonial state (Kelsall, 2011).
- ❑ Existing forms of leadership should be used to help generate collective action and self-help, as people (in Malawi at least) expect leaders to take a prominent role rather than their doing it on their own. Programmes to teach community-organisational skills are needed to create associations in the longer-term but that requires research to understand the specific, local constraints to sustainability, volunteerism, 'bridging' (building wider networks), trust, capacity, etc.
- ❑ Politics (following the logics which govern national-level neopatrimonialism) affect the delivery of any local-level public good. These goods are scarce resources of high financial and political value and people/networks/dyads want to control them in order to collect rents, gain votes, reward loyalists, etc. Programmes should therefore be designed that explicitly take politics – and civil servants' compliance with party-politicisation of public goods – into account.
- ❑ There is a profound need for government to bring coherence to state policies, structures, systems, and norms. Donors might help if they do so 'intelligently' – with a deep understanding of the context (the history of national and local institutions). Neither government nor aid agencies should be wedded to the immediate imposition of 'good governance' norms. They should instead begin to think in terms of 'just enough governance' (Levy and Fukuyama, 2010). Goals should include policy coherence and improved coordination and collaboration across domains/jurisdictions

¹⁷⁵ See for instance, Leftwich (2001); Levy (2011); Cammack (2007).

(chiefs, politicians, civil servants, NGOs, etc.), between sectors, ministries, town-city-state agencies, projects and programmes, etc.

- There is also a need to ensure compliance within government by incentivising it. To do so needs an understanding of the various logics that undermine it. Historically rooted norms might be drawn upon to motivate compliance – as in Rwanda (Golooba-Mutebi et al, 2010: 9-10)¹⁷⁶ – but would require a better understanding of how discipline was instilled historically in Malawi.

¹⁷⁶ E.g., *imihigo*, a historical form of performance accountability.

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