



Local governance and public goods in Malawi

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Preface

This paper is one of a series of outputs from the Local Governance and Leadership research stream of the APPP, which is undertaking research in seven African countries: Malawi, Niger, Rwanda, Senegal, Sierra Leone, Tanzania and Uganda. It reports the findings of preliminary fieldwork undertaken in 2009 on the basis of which further country work is now being carried out, with final reports due in 2011. The overall aim of the research is to identify patterns of governance and leadership which are better for the provision of essential public goods at the local level than those currently prevailing in much of sub-Saharan Africa. We are particularly interested in establishing whether there are institutional patterns that are or have been better for development outcomes because they are more rooted in local societies.

The 2009 fieldwork produced an initial mapping of the key bottlenecks affecting the provision of public goods in the fields of safe birthing, water and sanitation, facilitation of enterprise and markets, and public order and security (or in some cases, a subset of these). We explored how state and other local actors are contributing to the provision of public goods and how well they are succeeding in overcoming the blockages and addressing major deficiencies. We then attempted to identify some regularities and salient features among the numerous, sometimes highly context-specific, factors influencing whether key bottlenecks in provision are successfully addressed or not. We have begun synthesising our preliminary findings in this regard, placing them in the context of what is known from other research and analysis. Another paper in the series discusses the results.

This is the first stage in a process which we expect to generate a new body of mid-range propositions, with demonstrable validity across a number of local and country cases, about the institutional causes of worse and better performance in public goods' provision in Africa.

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Acronyms

ADMARC	Agricultural Development and Marketing Corporation
AFORD	Alliance for Democracy
BWB	Blantyre Water Board
CEO	Chief Executive Officer (of a City/Town Assembly Secretariat)
DC	District Commissioner
DPP	Democratic Progressive Party
ESCOM	Electricity Supply Corporation of Malawi
GVH	Group village headman
HSA	Health Surveillance Assistant
K	Malawi Kwacha (approx. £1 = K240; €1 = K215; \$1 = K143)
LC	Local Councillors (members of district/town/city assemblies)
LL	Local Leadership and Governance team, APPP
MASAF	Malawi Social Action Fund
MCP	Malawi Congress Party
MGHP	Malawi-German health project
MHC	Malawi Housing Corporation
MMR	Maternal mortality rate
MOF	Ministry of Finance
MOH	Ministry of Health
MYP	Malawi Young Pioneers
NICE	National Institute for Civil Education
NW	Neighbourhood watch
PG	Public good
PS	Permanent Secretary
QECH	Queen Elizabeth Central Hospital, Blantyre District
RA	Research assistant
TBA	Traditional Birth Attendant
UDF	United Democratic Front
VH	Village Headman
WB	Water board

Guide to internal citations

Name of researcher + date:

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Local governance and public goods in Malawi

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In Malawi, as in most of sub-Saharan Africa, the under-provision of basic public goods is a key factor in the persistence of widespread poverty, while public goods' provision is strongly related to patterns of local governance. But exactly which local governance institutions are associated with better or worse provision? This paper explores that question, drawing on fieldwork carried out in 2009 and the authors' previous studies on political and social change in Malawi. It draws on evidence from three contrasting urban research sites concerning public goods' provision in four particular fields, and assembles an account of changes in the proximate determinants of the adequacy of provision over three major periods of Malawi's political history. The proximate variables identified are: the strength of the 'sanctions regime'; the presence or absence of cohesive communities capable of sustaining collective action; and the extent to which the relevant actors and agencies coordinate their activities.

1 Introduction

1.1 *Researching local governance and leadership*

The Local Governance and Leadership stream of APPP research centres on the question: under what institutional conditions do local leaderships act in ways that are relatively less predatory and relatively more developmental? Specifically, we are asking, which local institutional arrangements, modes of governance, hybrid political orders, and forms of authority, legitimacy and accountability are more (and less) conducive to leaders' acting to correct the under-provision of vital public goods in their jurisdictions? Alternatively, under what conditions do you get synergy between government action at local level and effective community self-help? In other words, when does it happen that the actions of the state (or of actors within the state) facilitate the ability of local people to cooperate and to control barriers to collective action such as free-riding, and to obtain from the state those public goods, including regulation of private action, which only the state can provide? (Booth, 2009: 22, following Evans, 1996).

In April 2009 the research stream decided to carry out a phase of fieldwork to explore in a preliminary way, first, the extent to which *four* key public goods are being provided, or have been provided in the past, and in what ways; and, second, which combination of actors and 'modes of governance' or institutional arrangements seem to have improved the provision. The four public goods selected were those contributing to:

- reduced rates of maternal mortality (safe birthing)
- improved sanitation and availability of clean water

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- public order and security
- facilitation of enterprise and markets (Workshop, 2009).

The Malawi team sought specifically to determine how the various state and civil actors combine to solve the collective action problems that undermine the production and delivery of these four types of public goods, and what processes appear to produce good outcomes at the local level? We were concerned to establish what level and kind of explanatory variables seem to ‘work’ to explain the satisfactory production of public goods? Which institutional arrangements, norms and rules are being crafted, adopted or adapted locally to guide the work and interaction of leaders, officials and communities when producing these goods?

1.2 *Methodology and site selection in Malawi*

Relevant research previously undertaken by the Malawi team included studies of local government and decentralisation (Cammack et al., 2007), political economy (Booth et al., 2005; Cammack, 2009), justice institutions and the rule of law (Kanyongolo, 2006), courts (Gloppen and Kanyongolo, 2007), politics (Cammack, 2007), and town chiefs (Cammack et al., 2009). The Malawian research assistants (RAs) had done previous work on *inter alia*, national and local party-politics, chieftaincy and witchcraft. Thus the team had a good understanding of many of the issues that were important in selecting fieldwork sites. These included the weakness of local government and its causes;¹ differences in levels of regional economic development and social indicators; the nature of urbanisation in Malawi;² the various institutions and modes of governance to be found in towns and cities; and the national political-economy trends that influence the delivery of public goods at local level.

Urban rather than rural sites were selected, because urbanisation is important to Africa’s future, because little governance research has been done in urban Malawi, and because each town offers different solutions to collective action problems. Three sites were selected: one in each region and each a different size:

- Ndirande, the oldest and largest informal settlement in the country is in the south, inside the Blantyre city boundary.³ Ndirande is renowned for being impoverished, criminalised, politicised and polluted.

¹ Under the post-independence presidency of Dr Banda there were local councils, but these were subordinated to the ruling party – the Malawi Congress Party (MCP). Donor-inspired democratic decentralisation was put on the government’s agenda after the 1994 transition. But local councillors (LC) were not elected until 2000; they sat only five years and LC elections have not been held since. Devolution of power and funding to local level has also been partial.

² Malawi has been slow to urbanise, partly as a consequence of Dr Banda’s socio-economic policies. Now it is urbanising at a rapid rate, but urban planning has not kept pace and slums have sprung up in and near towns. These ‘informal settlements’ are poorly served in terms of water, sanitation, roads, lighting, etc and are affected by overlapping jurisdictions, as chiefs retain some powers, as do other bodies (Malawi Housing Corporation, ADMARC, the national railway, etc), and they compete with city/town authorities.

³ Today about one-quarter of Blantyre’s nearly one-million residents reportedly live in the 6 sq miles that make up Ndirande (Knapen and Vossen, 2009). It is 3 km from the centre of town and consists of what were six villages with chieftaincies that are still recognised locally and by government.

- Kasungu is a relatively prosperous market town in the central region, and home to Malawi's first president, Dr Banda. Ethnically, it is a quintessentially Chewa area, though it draws migrant labour (for tobacco estates) from all over the country.⁴
- Rumphi, a small district capital in the north, has the highest development indicators in the country. It is the home of the Tumbuka, with their Paramount chief living just a few miles outside the town at Bolero; he stays abreast of Rumphi town affairs.⁵

Besides their different sizes, locations, development indicators, and ethnic makeup, these urban sites were chosen because they exemplify in different ways the complexity of modes of local governance in Malawi: each has chiefs present and each has an active secretariat attached to the town/city/district 'assembly'.⁶ These are stronger or weaker and they work together differently in each site.

The RAs worked and lived in Ndirande for six weeks, then moved to Kasungu (six weeks) and then to smaller Rumphi (five weeks). Protocol visits (to city officials, chiefs, police and hospital superintendents, market masters, and so on) were undertaken by Drs. Cammack and Kanyongolo at each site before the team started work. At each of these meetings the purpose of the project was explained and contacts for key actors were obtained. The team also had formal discussions with key officials, NGO leaders, and chiefs in the field sites. State officials have also been kept abreast of APPP's work.

1.3 The Malawi research findings in overview

The aim of the Malawi fieldwork in 2009 was to collect sufficient data to begin to identify some 'causal variables' that might explain why in four specific fields public goods have been produced in some areas and time periods and not in others. Tim Kelsall put it in the following way:

- Where public goods are provided or not, is there a mechanism or choice-theoretic model that explains the outcome?
- What are the features of the environment (the variables) that appear to affect the pay-offs in the model and they way it functions?
- If there are many such variables, what are the most important, and can these be aggregated as particular sub-types of more generic variables? (Kelsall, 2009)

⁴ The town has a total area of 35.5 sq km, and had a population in 1998 of nearly 28,000 people but by 2008 it had an adult population of over 42,000. There are two traditional authorities (TAs), Senior Chief Kaomba and Chief Mwase (Kasungu, n.d.; NSO, 2008).

⁵ The adult (+18 yr) population of Rumphi town was over 17,000 in 2008 (NSO, 2008).

⁶ There were district, town and city Assemblies in 2000-05, when there were elected local councillors. People still refer to 'assemblies' by which they mean the extant Chief Executive Officers/District Commissioners (CEOs/DCs) and central- and local-government civil servants – who once formed the secretariats that served the real Assemblies. Now secretariats led by these DCs/CEOs manage town/city/district affairs much as DCs did in previous decades, responding to the directives of the Ministry of Local Government and the Office of the President. Assembly elections were still indefinitely postponed when this research was done, which was a highly charged political issue.

We argue below that three *proximate causal variables* and associated social mechanisms have emerged organically from the Malawi fieldwork as key factors affecting the production and delivery of public goods. These are:

- the strength of the ‘sanctions regime’,
- the presence or absence of a cohesive community, and
- the extent that the responsible agencies coordinate their activities.

Certainly, there are other important factors affecting outcomes (skills within, and funding available to, local government, for instance) as well as contextual features (e.g., Malawi’s particular resource constraints) and where due, these are given weight in our analysis. However, we focus particularly on delineating these three causal variables and the associated mechanisms, and on the evidence of their impact on public goods’ provision.

After presentation to a Local Governance and Leadership country coordinators’ meeting in February 2010, our propositions have been debated within the wider team.⁷ The comments received have helped structure the more in-depth ethnographic fieldwork now being undertaken in Malawi.

1.4 Outline of the paper

The three proposed proximate causal variables are briefly introduced in Section 2. Mention is made here of some of the historical-contextual factors which are, in turn, responsible for changes in these variables. We hesitate to draw these observations together as fully fledged causal generalisations at this stage of the research, though some speculation about how and why the variables function as they do is provided as the report proceeds.

Each of the three variables is then presented separately in Sections 3 to 5. Some of the evidence collected about the four fields of provision in the three urban sites is presented with other contextual and historical data, to support our contention that these causal mechanisms go some way toward explaining why performance differs. Where needed, in-depth explanations of particularly complex issues are provided in order to show how we arrived at our conclusions. The three questions posed by Kelsall are briefly addressed again in the Conclusion which forms Section 6.

⁷ E.g., while all agree the three variables are ‘plausible’ and resonate with some findings in their own countries of study, Local Governance team commentators have variously suggested that they are not sufficiently grounded in ethnography (local observation); that they are not all equally valid – some being too aggregated, muddled or self-fulfilling; that the periodisation of local affairs overly emphasises national-level history and events; and that further ‘exploration of the relation between these mechanisms (our dependent variable) and underlying institutional types/configurations (our independent variable)’ is required.

2 A brief survey of the three causal variables

2.1 *The sanctions regime*

Our data suggest that *when rules, norms, and regulations are clearly delineated and enforced, whether by state officials,⁸ community leaders or traditional authorities,⁹ public goods are more likely to be satisfactorily provided.*

In other words, norms and rules will be crafted, enforced and obeyed where there is forceful leadership, and where implementers are selected on the basis of competence and are responsive to the leadership within a structure that fosters vertical coordination and discipline. This applies not only to staff within vertical hierarchies such as ministries, NGOs, or companies, but also to leading ‘subjects’ of chiefs within their areas, to lay(wo)men who provide leadership within spiritual communities, etc. Other things being equal, these circumstances will be favourable to public goods’ provision. Rules that are critical to the effective provision of public goods will not only tend to be enforced but will also tend to be deemed beneficial – associated with good outcomes – by the bulk of the community, including by those meant to adhere to them.

In Malawi, where national politics intimately affects the way people behave, the nature of the national regime is one of several important factors affecting the local landscape of public goods’ provision. A particularly salient aspect of the national political regime is how it defines itself in relation to the past. Building on historical – even pre-colonial – (real or imagined) norms lends credibility to modern regulations and enforcement measures. Conversely, major breaks with the past, or the disempowerment of a former elite, tend to destroy enforcement systems, and well-rooted behaviours, which have continuing relevance. The implications for public goods’ provision can be significant.

In Malawi the colonial and Banda governments subjugated chiefs, who had their own (localised) ways of ensuring discipline, while utilizing some of their ‘customary’ institutions to instil order. In the 1960s some colonial institutions (e.g., agricultural rules) were set aside for political reasons by Dr Banda, but generally, commentators remark upon the continuity between his regime and the colonial one, especially between British economic planning and Banda’s development strategy. Dr Banda also rooted innovations in (a somewhat ‘imagined’) tradition, while manipulating historical (cultural) organisations and chieftaincy to underpin and strengthen his regime. Mostly, enforcement of his rules relied upon the creation of a strong party machine (legitimized by its successful anti-colonial struggle) that was interlinked with a relatively efficient state bureaucracy. State and Malawi Congress Party (MCP) enforcers reached right

⁸ Malawi was subject to democratic decentralisation, beginning after the transition from single-party rule. There were local councils under Dr Banda, but they were subordinated to the ruling MCP and the President. They were abolished by Mr Muluzi after the transition, and (political-party affiliated) elections for new local Assemblies were held in 2000. Local councillors sat for the five-year term, and Assembly elections (due in 2005) were postponed (local council elections are now scheduled for Nov 2010). Meanwhile, the district/town/city secretariats (meant to serve the Assemblies) continued to function after a fashion, and have tried to manage local government. Some central government (ministry) personnel are posted at local-government level too (see Cammack et al., 2007 for details.)

⁹ Traditional Authority, or TA, has two meanings in Malawi – TAs are senior chiefs (above Group Village Headmen and below Paramount Chiefs), but also chiefs are generally referred to as traditional authorities (as opposed to government officials).

down to the local and individual level, and no one – especially in towns – was unaffected by the regime that Banda sought to impose.

The democratic transition (1994) undermined principles, institutions and structures that had for thirty years encouraged people to obey Dr Banda's rigid rules. A weak sanctions regime rather quickly replaced these. Infractions of the law and corrupt acts went largely unpunished, the civil service was de-professionalised, and multiparty-politics created competition for support that undermined rule making and enforcement. Democratic-decentralisation policy created alternative institutions, but did not empower them (Cammack et al., 2007). Other factors (e.g., fiscal ill-discipline) contributed to the chaos of the Muluzi presidencies. Between 2005 and 2009 the trend was to some extent reversed. President Mutharika began to create a new centralised, rules-based regime reminiscent of Dr Banda's. At the same time, Dr Mutharika's reinvigoration of chieftaincy, tribalism and cultural organisations has helped give his regime legitimacy. Contextual constraints (e.g., lack of capacity and resources) continue to hamper enforcement but before the 2009 elections Malawians, by and large, praised the resulting 'seriousness' of 'little Banda' (Mutharika) and his civil service and their improved delivery of public goods. (On the other hand, local democrats – especially governance NGOs – have been worried about the regime's similarities to Dr Banda's).¹⁰

2.2 *Community cohesion*

Secondly, our findings indicate that *the presence of a cohesive community, however rooted, facilitates – but does not guarantee – the voluntary collective action which is critical to the provision of some public goods.*

The relevant community cohesiveness may be organic or contrived, emerging historically or deliberately created. Sometimes it will be rooted in shared imaginings. Close-knit communities in Africa are often based on shared ethnicity or sense of origin (village or region), where people grow up nearby one another and with similar belief systems, leadership structures, and norms. Understanding how others will behave in most circumstances – which norms or rules they will follow – fosters trust, which is an essential ingredient of voluntary cooperative behaviour. Also, being able to sanction those who do not behave as expected is facilitated by a common understanding of rules and by being able to bring the weight of a community (sometimes through its leaders) to bear on offenders (e.g., through exclusion, or ruined reputation).

The extent of group cohesiveness depends on the ability to communicate. Historically communications have been face-to-face based on residence, whereas today 'social networks' create groupings with shared interests, mores, and views among people who are not necessarily neighbours. Communities may be created by those who partake in similar activities (e.g., football associations, community-based organisations, party activities, prayer meetings, theatre

¹⁰ This popularity led in May 2009 to land-slide victory at the polls for Mutharika's and his Democratic Progressive Party (DPP). Since then disillusionment with some DPP policies, on-going corruption within the civil service, and the economic downturn seem to have made the President and DPP less popular.

companies).¹¹ Those who work, play or pray together come to share common ethics, as well as rules, opinions, habits, etc.

In pre-colonial Malawi, ethnic groups were largely cut off from each other, except for trade and warfare (including slave raids). Colonialism slowly and painfully brought them together into a single state, though the colonialists' preference for enterprises located in the southern region (linked to South Africa, the Rhodesias and Mozambique) and the paucity of transport, communications infrastructure and education left a legacy of regionalism. Later, spatial mobility was discouraged by Dr Banda through wage policies, so people generally remained at home (except for external emigrant workers). Urbanisation did not really take off until the transition in 1994.

Currently Malawi is one of the fastest urbanising countries in Africa, but the government's capacity to plan and fund urban settlement lags far behind population growth. Most urban Malawians remain 'translocal' – with livelihood strategies that incorporate regular movement between villages and towns (Englund, 2002). Thus, one's village of origin, tribal affiliation, language and regional affinity remain strong behavioural determinants even in cities. Because party-politics has had a regional basis (Muluzi's United Democratic Front is a southern party, MCP is from the centre, etc), there is some reinforcement of loyalty between region, religion, party and tribe.

Today in urban Malawi, people are found organising activities with those who share their ethnic, linguistic, regional or district origins. Everywhere there are small groups that come together to save/loan money or to bury their dead. Their members have a common origin, e.g., they are from Thyolo or Chitipa, or from Mangochi district. There are also guild-like associations – based on common occupations or economic needs, e.g., importation of materials and sale of goods – as well as religious congregations acting as economic cooperatives; and party-affiliated groups undertaking shared tasks. Thus, cooperative behaviour based on socio-economic and political identities is also evident. While 'bonding' within these small groups exists, our efforts to identify 'bridging' groups¹² – those that link one to another to undertake larger-scale collective action – were nearly fruitless.

The only mechanism found to unite Malawians nationwide was the MCP during the one-party dictatorship (large religious denominations bring Malawians together nationally, but more in

¹¹ E.g., John Lwanda (2006) traces Muluzi's political cohort back to a shared membership of a southern football club.

¹² Societies that are cohesive create 'networks' that 'bridge' (across social divides) or 'bond' (build ties within groups) and thus promote a sense of shared identity, a 'connectedness' and common purpose as well as trust and common 'moral codes' (Uslander, 1999). In our view, APPP should focus on how movement from bonding to bridging is initiated and sequenced, especially in light of the fact that 'the strength of institutions [that foster collaboration] ... may be, in part, determined by social cohesion' (Easterly et al., 2006). According to Woolcock (2000), economic development is fostered by individuals and groups which can initially draw on the benefits of close community membership, while acquiring the skills and 'action resources' to participate in wider networks beyond community level at a later date. In other words, bonding can be a defensive mechanism to reduce risk and uncertainty and to provide protection within a group, where bridging generates linkages that offer new opportunities. For a recent discussion of the strengths and limitations of social capital as an explanatory concept, see Serra (2009).

spirit than in fact.) The MCP had a widespread active membership (and a larger passive one): its reputation was honed by the independence struggle, it professed a credo, built on (imagined) tradition, imposed a sanctions regime and was prepared to use coercive methods to enforce it. It gained further legitimacy through the provision of public goods (and promulgated the belief that Malawians were better-off than any of their neighbours in this respect). Since the introduction of multipartyism in 1994, politics has been fractious and its socio-economic outputs less reliable. Voluntary collective action takes place despite and not because of politics and the formal structures of the state.

2.3 Coordination among actors and agencies

The third causal variable emerging from our preliminary research is that *the ability of actors or agencies, of whatever sort, to coordinate activities horizontally across jurisdictions is necessary to the delivery of public goods.*

In 2008, Dr Wiseman Chirwa, an eminent Malawian historian, pointed out to us how debilitating the multiple jurisdictions in Malawi can be: over the years, ministries have divided up the country differently, so that environmental planning areas, health departments, and educational districts, typically do not coincide with each other. Any villager wishing to interact with government must be aware of an overlapping jigsaw-puzzle of government agencies. Administrators wishing to coordinate their operations with those of other agencies must wrestle with the complicated consequences of non-coinciding jurisdictions.

The challenges to 'horizontal' coordination go well beyond the affairs of central government, however. Some of the most difficult issues have to do with relations among and between traditional authorities and the state, national and local.

There was relatively little coordination of activities across chieftaincies in the pre-colonial era, while the main task of the colonisers was to establish structures and systems that integrated Nyasaland into manageable units. Dr Banda inherited these, and strengthened and centralised control of them. For many years he kept white administrators (because they were skilled and without local political constituencies) at the head of ministries. He used the MCP apparatus in league with government officials to manage affairs and this was relatively effective.

At the transition in 1994, the loyalty of Permanent Secretaries and other senior civil servants was questioned by the new regime, and many left the service or were replaced by 'personal assistants' to the ministers, who were relatively under-skilled but loyal. Multipartyism gave rise to a multiplication of ministries, more patronage appointments, and less professionalism and more corruption in the civil service. Lack of funds (caused by the regime's fiscal irresponsibility) and ineffective public service reform reduced capacity further. The police force, for instance, had too few vehicles and officers to function, and was undermined by politicians as well as by HIV/AIDS. Even the Ministry of Health – reputed to be one of the best in Africa after significant restructuring¹³ – delivered some of the worst health indicators on the continent. Decentralisation, promoted by donors and local reformers in the 1990s as a good-governance measure, was adopted by government slowly and half-heartedly. This has

¹³ This was the assessment given to ODI by a senior technical advisor in the MOH in 2006 (Cammack et al., 2007).

contributed to a diffusion of power (as intended by designers) but without centralised control being replaced by integrated, competent and forceful local authorities.

Thus, horizontal coordination is poor in most places, but especially in those where there are multiple overlapping jurisdictions and no single authority capable of imposing on the rest. This is the situation in Ndirande, where parastatals, politicians, chiefs, and the city are all vying for control of land/people/funds/planning. Where, as in Ndirande, jurisdictions, mandates, and responsibilities are unclear, gaps exist and people's needs go unmet. Where, in contrast, there is a strong centralising authority – as the CEO's office in Kasungu – there is cooperation between agencies and a better public goods' performance in spite of jurisdictional issues. In Rumphi in 2009, the DC's office was weak and coordination outside (and management within) his department was poor. On the other hand, in Rumphi there is a strong, centralised chieftaincy structure, and this was able to coordinate the delivery of public goods with other agencies. As these examples illustrate, the formal jurisdictional conflicts do not by themselves cause failures of public goods' provision. What is decisive is whether there is some authority which is able to mitigate the conflicts in practice, the serious problem being that very often there is none.

2.4 *The argument*

We believe that the data collected in our field sites show that, all things considered, the strength or weakness of the sanctions regime, the extent of community cohesion and the feasibility of inter-agency coordination locally, together explain a good deal about why public goods are produced in some areas and periods and not others. More material was collected about how public goods in the four fields are being produced (or not), but it is not presented here. Instead, we focus on how institutions influenced public goods' production during the five regimes (tribal, colonial, Banda, Muluzi and Mutharika) and draw upon our case studies to provide examples. Each of the three variables is now discussed in more detail, drawing upon field data to indicate their particular explanatory power.

3 **Importance of the sanctions regime**

When rules, norms, and regulations are clearly delineated and enforced, whether by state officials, community leaders or traditional authorities, public goods are more likely to be created and distributed.

3.1 *The early years*

A lack of sanctions – where commands and rules are not backed by credible threats and punishments – permits individuals and groups to behave in ways that are not socially responsible. In such cases, both rulers and ruled may break the law and flout norms with impunity, and therefore will be inclined to do so.

Chiefs' rule

In the pre-colonial period, tribal rules set limitations on anti-social behaviour, which were enforced to varying degrees by chiefs and their *indunas* (advisors). Today, this is sometimes recalled as a rigorous and effective system. According to Tumbuka Paramount Chief

Chikulamayembe, for example, in years past the Khamanga (Tumbuka) Kingdom was centralised and had a strong legal system that punished offenders (e.g., adulterers). Ways of ensuring compliance extended at times to burning people alive, and included ordeals: people were given medicines to see if they were guilty (which was proven if they died). Ordeals were later banned and so the chicken or dog belonging to the accused would be given a drug, and if it died the person was deemed guilty. Chiefs commanded men who served as their police force, and their *indunas*' job was not simply administrative; they and village headmen were responsible for security as well (C & K, 1-10-09). Similarly, suspected witches faced ordeals – they were given a drug made from a crocodile's pancreas, though later a witch's chicken was given the concoction – and only the innocent survived (C & K with Chief Jayeka, 30-9-09).

Colonial rule

Initially the transition to colonialism saw 'the authority of traditional rulers ... undermined in most areas without anything having been put in its place' (Williams, 1978). Because there were only a few, poorly qualified colonial officials and even fewer resources (Nyasaland was never a rich colony), the British had to rely upon local support from indigenous rulers to manage the population, enforce laws and collect taxes. From 1912 onward various traditional rulers were created or handed back power 'on a piecemeal basis' to manage local affairs. District Commissioners (DCs) held real power and headmen came to depend on the colonial administration for their positions, which reduced the legitimacy of traditional chieftaincy in the eyes of subjects. So even while indirect rule reputedly upheld 'traditional' rule, the changes wrought by the colonialists to land ownership patterns, legal systems, livelihoods, and the allocation of political and economic power chipped away at the historically rooted political economy.¹⁴

The colonial administration officially recognised most 'customary' laws and permitted chiefs to apply them. However, the colonial administration prohibited the application of customary laws that were considered to be repugnant to the English sense of justice and morality and that gave jurisdiction in criminal cases to chiefs. For instance, the Witchcraft Act of 1911 gave the courts power to handle accusations of witchcraft. The power to adjudicate local crime and other anti-social infractions was largely taken up by DCs. The administration also set up official 'traditional/local' courts¹⁵ which became the official interpreters and arbiters of customary norms, effectively usurping powers that had previously been exercised by chiefs. Current law maintains the formal exclusion of chiefs from judicial authority, but allocates to them a range of administrative functions and powers. Many maintain a '*bwalo*' court where the chief and/or *indunas* hear local, non-criminal cases (Kanyongolo, 2006; Gloppen and Kanyongolo, 2008; Cammack et al., 2008).

¹⁴ Educated Africans opposed indirect rule because it ignored them and recognised traditional authority instead. When indirect rule was formally introduced in the 1930s, urbanised Malawians were further incensed. However, their interests only came to the fore much later, when Dr Banda, the MCP and the anti-Federation and Nyasaland-independence movements won the day. These modern men and women had little real sympathy for 'traditional' forms of authority and like the colonialists, either eliminated it, or used it as a convenient tool with which to govern.

¹⁵ Consisting of a combination of chiefs, professional magistrates and political appointees, official traditional/local courts used their power to fashion, adopt and adapt norms which were officially recognised as customary law.

3.2 Rule enforcement, 1964-94

After independence, Dr Banda created and maintained a relatively strong sanctions regime, one that became abusive of people's civil and economic rights. Because his regime touched the everyday lives of people – what they read, wore, said, and did – people today regularly acknowledge those 30 years as being very different than what followed.

Conformity was fostered by strict censorship laws, the courts, local councillors, MPs, party officials, members of the Young Pioneers, Youth and Women's Leaguers, and multiple state security forces. Neighbours reported on one another and informants were everywhere. Banda's government is remembered for its bullying tactics but people also acknowledge the relative order, peace, security and stability of the period, and the services that his regime delivered, especially compared to later. Ideologies, both modern and historical, were also cultivated by the elite to promote order. For instance, the *Nyau* (or *Gule waMkulu*) cultural organisation – which was fostered by Banda and the MCP but deeply rooted in the culture of the central region – ensured that Chewa children were inducted into polite society by teaching them to obey customary norms. One Kasungu resident recalled that

the area had *Nyau* and all the boys were advised to join *Nyau* in order to learn Chewa customs. And children who were misbehaving, their parents were reporting [them] to *Nyau* leaders, who had the responsibility of teaching children good manners. When a child was failing to change the *Nyau* leaders were calling a meeting, which usually the venue was the graveyard, and those children with bad manners were whipped. They changed afterwards (W, 21-9-09).

Dr Banda also encouraged Malawians to adopt his four 'cornerstones' – Unity, Loyalty, Obedience and Discipline – which became the party's 'credo', summarising what was deemed necessary for the citizenry to attain the knowledge, tools and resolve to develop the country. These ideals apparently grew out of Banda's own personal code of behaviour adopted while a medical student in Edinburgh,¹⁶ but they became widely known. Today the four cornerstones are still remembered by older Malawians, who cite them as useful ideals.¹⁷

Taken together, Banda's moral order, use of cultural traditions and his state-cum-party apparatus ensured that rules emerging from the top were both heard and obeyed. The civil service functioned relatively well (Anders, 2006; and see forthcoming Business & Politics report on Malawi by Cammack and Kelsall). There is a good deal of recall testimony suggesting that rules about markets, health facilities, sanitation and public order at local level were generally enforced (see below).

¹⁶ Unity of purpose – at first, to learn, but later translated to 'national unity under the party's banner'. Loyalty – to the attainment of Malawians' self-sufficiency, independence and freedom (later during the independence struggle, loyalty to 'the cause'). Obedience to authorities of various types (later, to the MCP leadership). Discipline – in terms of personal behaviour, use of time and in interpersonal dealings (Brody, n.d.: 44-45, 50).

¹⁷ For instance, one elderly resident of Ndirande said that he started business in 1978 after retiring from the civil service. 'People think that during colonial rule everything was bad, but it's not like that. We learned discipline and when Kamuzu came, he encouraged us to be disciplined as well. So, that's the secret' (Discussion, W, 3-8-09).

3.3 *'Too much freedom': the Muluzi decade, 1994-2004*

True to Dr Banda's prediction during the 1993-94 campaign – that multiparty electioneering would bring political chaos and conflict to Malawi – winning elections after 1994 has required hard campaigning,¹⁸ followed by coalition building (though coalitions have been shaky and short-lived); clientelist politics; politically inspired constitutional amendments;¹⁹ illegalities at the highest levels,²⁰ and corruption (misuse of state resources²¹).

The collapse of rule enforcement

President Muluzi oversaw a form of democracy that has come to be identified locally as 'too much freedom' – the freedom to do what one wants without restraint and with impunity.²² A neighbourhood watch (NW) chairman explained to us that under Muluzi,

we had freedom of everything. People thought if one is caught [stealing, the thief] shall not be arrested. So theft was at an alarming rate in Ndirande. The police were in democracy [too] and were not thinking of the welfare of the people. One [man] can be locked up ... for armed robbery or house breaking, and you [would] see him after three days on bail. He is at Chinsewu drinking beer, saying '*Mumati mutani ife tatuluka*' (I am out of custody, what can you do)?' (A, 21-7-09).²³

In Kasungu another NW chair elaborated on the same theme:

During Dr Banda's time, security was tight and good people were afraid of the MYP and MCP Youth League. They were strong people, and there was loyalty, discipline, unity and obedience so people were organised. But during the 1994 to 2004, oh the four cornerstones ... were broken by violence. Our chiefs were beaten up ... The Kasungu TA was beaten up ... by the UDF Young Democrats, and the police was weak. Chiefs were not respected during the UDF reign and UDF did not fear the police (A, 24-8-09).

¹⁸ This has been based on regional, tribal, religious and linguistic divisions within the country, but also on personalities and where politicians stood vis-à-vis Banda in years past.

¹⁹ E.g., adding a second vice president to facilitate an AFORD-UDF alliance, abolition of the senate, and removal of the provision allowing constituents' recall of MPs.

²⁰ Postponing of local council elections, misuse of the state media during elections, removal of the electoral commission in 1999, etc.

²¹ Scandals include theft of education funds for UDF campaigning in 1999, sale of the grain store (provoking famine) to benefit politicians in 2002, awarding of business licenses and public land to key politicians and their friends, sale of state assets to party members and leaders under the name of privatization, etc.

²² One Malawian commentator explained the change in attitudes this way: 'There is no[t] much zeal to work ... because people have taken democracy as a break from the pressure they were having [from Banda] previously. They were work[ing] for fear, but with the coming of democracy they say "yeah let us now relax; this is the time we have been looking for"' (AfDevInfo, n.d.).

²³ In this period, inexpensive small arms circulated freely too, and were used by criminal gangs. The granting of bail to suspects resulted in the demoralisation of Neighbourhood Watch committees and citizens and the rise of 'Inkatha' vigilante groups who took policing into their own hands, including the torching of suspected criminals. When crime was bad people hid in their homes at night, and if they had grain or small animals, these were brought into houses too.

Talking about the regulatory environment an elderly businessman in Ndirande provided a different angle on the same story:

During Dr Kamuzu Banda there was very good administration²⁴ and that contributed to [the] cleanliness [of Ndirande], but things changed during Muluzi. I think that's why Dr Banda warned us that multiparty is war ... One of the things that was going on very well was the system of collecting taxes. We knew the exact amount we were supposed to pay to the government, but during Muluzi. Oh, it was terrible. It could take more months before you are told this is the amount, and the amount kept on changing without proper explanation²⁵ (W, 3-8-09).

Residents in the three sites provided stories about how rules and enforcement procedures were relaxed after the transition, e.g., the lifting of a ban on the sale of auto (spare) parts in open markets – forbidden by Dr Banda (as an anti-theft measure);²⁶ and the relaxation of the requirement for dipping cattle and inspecting animals for sale as the state's veterinary services weakened. Talking about payment of business license fees, a Blantyre city official explained that since 1994 many regulations, including bylaws requiring the payment of fees for business licenses, have not been enforced. 'People', he said, have done 'things the way they want since multiparty', so they wonder why the city, asking for payment now, is being so 'hard' on them (C., 31-10-09).

Similarly, the owner of a private health clinic in Kasungu explained that under Dr Banda, the only private clinics allowed by law were those run by the churches. But with Mr Muluzi, private hospitals opened up throughout Malawi, the reason being that 'the government was not strict on how many years a clinician has practiced before opening his own hospital'. Any certificate holder could qualify where under Dr Banda you needed ten years in practice. 'During 1994-2004 it just required to rent a big house ... [and] modify rooms ... Regulations might have been there [about] what one needs to [open] a new clinic ... but [they were] not adhered to ... During this time there were also clinics which operated illegally without licenses' (K, 24-9-09).²⁷

Democratic politics and rule enforcement

Rule enforcement was lax in part because mini-empires created by local 'big men' with the backing of ill-disciplined, national-level UDF patrons were allowed to exist above the law.²⁸ For example, notorious in Kasungu was Mr Zimba, a political activist who commanded a group of young thugs – part of the UDF's 'Young Democrats' – and who had direct connections and

²⁴ The Tumbuka Paramount chief agreed: 'Banda was a very good administrator. A disciplined one' ... Women dressed well (according to a dress code) then; 'they dressed to kill'. But Banda 'wanted people to do as he wanted them to do ... When he aged other people took over' (C & K, 1-10-09).

²⁵ He added that city tax administration remained poor under Dr Mutharika, but 'I have hope that this man can change things, because he is trying to apply [the] theories of Dr Banda'.

²⁶ A person selling a second-hand car battery was arrested and imprisoned under Dr Banda, for instance (W, 7-8-09).

²⁷ He went on to say that many of these were closed by the new government and that 'inspection has been intensivied and names of private hospitals closed were put in the newspaper to alert patients'. The Medical Council is now as 'strict in awarding licenses just as [in the] Banda time'.

²⁸ Further discussions are needed to determine how exempt from the law or presidential discipline local MCP officials were previously, compared to UDF personnel later.

financial support from the UDF leadership.²⁹ One resident of Kasungu explained that ‘during Dr Muluzi,³⁰ [I] will not forget because people at the market who were UDF led by Zimba were just using the [privatised] toilet without paying. And ... one day [my] boss, Mr Matabwa, [who owned the toilet concession] was shouted [at] by Mr Zimba, who [justified his action by saying] he was the Young Democrats leader’. The Chitete market chairman also recalled that ‘during Dr. Banda things were in the right direction in terms of security, through people were oppressed. [During] Dr. Muluzi ... the Young Democrats are the people to remember since even the chairman of the market had no powers [over them. The] Young Democrats were even snatching business places [plots for vendor stalls] in the name of the party and no one was opposing them’ (W, 26-8-09). At the main market the chair of the restaurant section told of his experience with same group. During

Dr Banda there was a lot of problems in terms of [party] cards but at the market things were going on very well, [with] no theft. [As] for Dr Muluzi, [I] ... will not forget the Young Democrats who ... in 2004, before Muluzi stepped down [from the presidency], they came to [my] ... restaurant. There were 10 of them, some in UDF T-shirts, [and] they ordered 10 plates of *nsima* [maize porridge] but refused to pay. Up to now I will never forget the Young Democrats.

Not only did Mr Zimba and the Young Democrats bully residents, but they were able to intimidate government officials.³¹ Explaining why the pay toilet near the Chibuku bar has no running water now, the overseer said the current toilet concession holder is

failing to pay this outstanding [water] bill since it was made by the late Mr. Zimba, the former UDF Regional Young Democrat Chairperson. Mr. Zimba once operated this business at the same building using water supplied by the Water Board. The Water Board failed to disconnect water when he was still alive [he died in 2004 from injuries sustained in a car accident] due to his political status and influence. The Water Board disconnected water for this building soon after Mr. Zimba’s death. This is the reason why there is no running water. [A nearby beer seller agreed]: it’s unaffordable to pay this bill now (W, 25-9-09, 13-9-09).

²⁹ Mr Zimba’s most notorious act is described by Khembo (2004). On August 17, 2000, main opposition MCP President, Gwanda Chakuamba and party Treasurer General, Dr. Hetherwick Ntaba, ‘escaped a night of shooting as they drove from a rally at Chulu in Kasungu in preparation for a by-election. Youths led by UDF Young Democrats leader, Sam Zimba, trailed the Chakuamba/Ntaba vehicle to Kasungu police station’ and ‘Zimba attacked a policeman who tried to block the intimidators from intruding into a cell and laying their hands on Chakuamba’. What is more, ‘after failing to get at their target, the youth smashed the windows of the car in which Chakuamba and Ntaba had arrived at the police station’. Although some arrests were made after some time and pressure on the police, the case has made no progress through courts up to now. In fact, Zimba himself was never arrested. As if this was not enough, on July 30, 2002 Kasungu South East MP, Kizito Ngwembe (MCP), ‘was beaten up by over 30 youths at Kasungu Police Station’ and was left for dead in full view of police officers. No arrests were made and the police are still investigating the matter.’

³⁰ Mr Muluzi, who is relatively poorly educated, was awarded an honorary PhD and he uses the title, undoubtedly giving his presidency more legitimacy. Dr Banda was a medical doctor, and Dr Mutharika is said to have a PhD in development economics.

³¹ Kasungu voted for MCP MPs throughout the Muluzi years, until 2009 when they voted in DPP candidates.

In a similar vein the market master reported that ‘during Dr. Banda there was a lot of oppression, revenue was collected at the gate before start of selling, but there was security. During Dr Muluzi there was total freedom [with] people doing what they wanted’. For instance, he said, ‘the police were shouted [at] by Young Democrats, and ... road signs were removed in the name of democracy’ (W, 27-9-09).

The Malawi team had suspected that in neopatrimonial states senior politicians are linked to subordinate party members in ‘dyads’, but it had not had the opportunity to record how these people operated at local level. However, the case of Mr Zimba in Kasungu provides evidence that when a client is linked to and funded by a patron close to the President, he can use his influence to create his own, local empire. This is not surprising for in small towns in Malawi, where national politics reaches to the grassroots level (see below), there are few independent authorities to halt an abuse of law by well-connected individuals. Even the chiefs in Kasungu were threatened (one was beaten) by the Young Democrats.

As noted before, political institutions laid down by the MCP affected the daily existence of people because party officials were involved in most Malawians’ lives, including organising many of their social activities. This has left an indelible imprint on Malawian political culture. Since 1994, ruling parties have shown a marked tendency to want to initiate and run local activities, rather than to make them apolitical; in a multiparty environment this has led to competition and conflict, and often, poorer service delivery (see below). It has also contributed to what has been termed a ‘hand out’ culture, where people expect others (especially superiors) to do things for them. This puts pressure on politicians to find ways to accumulate money to dole out.

The politicisation of services, the passivity of the citizenry, corruption, and local clientelist politics are recurring themes affecting public goods’ provision in Malawi, but we know other factors contributed to the lax enforcement of rules during the Muluzi years. The de-professionalization of the state bureaucracy, fiscal problems, population growth and rapid urbanisation also made it more difficult for the state to implement policies well. In Blantyre, the privatisation of companies generated high rates of unemployment in townships such as Ndirande. The disbanding of the Malawi Young Pioneers in 1993 (as part of the transition) and the influx of small arms from Mozambique resulted in higher crime rates.

New local order and justice institutions

Police reform (reforming attitudes, systems and structures), community policing and neighbourhood watch committees were adopted by donors as the answer to rising crime rates. Chiefs nationwide told us that NW committees were meant to be elected groups of (10-12) residents of an area, who were known to one another, were given equipment (torches, whistles etc.) by the police, and were to walk the streets of towns at night to protect their properties. Financial contributions from residents were requested, but not mandatory.

Within no more than a year of these being formed many disintegrated. Their failure appears to be related to the ideologically driven design of the programme.³² Also, criminals were armed and dangerous. The NW were not given weapons; nor in most cases did they have armed police escorting them. Men chosen to be watchmen (in places like Ndirande at least) were seldom long-time residents known to the community. Instead, they were incomers (or living outside their patrol areas) who took up the guard posts expecting to be paid. But voluntary contributions were scant – and chiefs had not the power to demand payment – and when divided amongst the guards, wages were very small. As a result, some watchmen turned to theft, making it even harder for chiefs to collect money from their communities. Other guards simply quit. Further, the fact that suspects who were caught by NWs were released on bail (in accordance with new law reforms) frustrated residents and watchmen. As NW committees floundered, street crime, rape and break-ins increased. People stopped going out at night and vigilantism periodically erupted. This appears to be the case in Kasungu neighbourhoods where the same NW model was adopted.

After Dr Mutharika came to power, the police and chiefs in Ndirande, Kasungu and Rumphi once again tried to restart the floundering NW committees, but these remain weak in Ndirande and most of Kasungu for the same reasons as before: lack of community contributions (as payment remains voluntary) means men who see these as guard jobs are poorly remunerated and liable to quit. One recent and positive change has been the formation of Rapid Response police units, which are able to reach watchmen when they are chasing a suspect.

In Rumphi the situation differed somewhat: there some NW committees have worked more or less continuously since the 1990s. At least two reasons were identified by locals to explain this: first, neighbourhood watchmen are widely known to be *volunteers* with no hope of remuneration; these are not paid guard jobs. Secondly, an armed policeman accompanies each NW group as it patrols an area at night, giving guards protection and a sense of being part of a shared community endeavour. This is the same in the very centre of Kasungu town, where the NW patrols with a policeman and where businessmen recognise and acknowledge that they are protecting their *own* property.

Another aspect of law-and-order reforms in the 1990s was the extension of ‘primary justice’. Amongst other initiatives, this resulted in donors supporting the strengthening of chiefs’ *bwalo* courts. While these *bwalo* never disappeared, they were allowed in the Banda years only to handle local disputes, family matters and minor infractions. But with a new emphasis on local justice systems from the mid-1990s, chiefs were encouraged to hold court and to begin keeping a written record of their cases and judgements (though many did this already so they could take cases to a higher chief’s court if called). This was one early step in the empowerment of chieftaincy, and the de-professionalising of the law at local level, the consequences of which we are seeing now.

³² UK ‘support to the police [in the 1990s] was linked more explicitly to the achievement of good government goals. Themes such as effectiveness, openness, accountability were stressed, with a stronger emphasis on community policing and the need for attitude change amongst the police ... Freedom from crime, safety and security, safeguarding of human rights and access to justice are seen as essential ingredients of a pro-poor approach to economic growth and sustainable development. Connected with this is the increased emphasis on the necessity for thorough stakeholder analysis in project design and the incorporation of stakeholder [including the poor’s] participation in all stages of the project cycle’. (Biddle et al., 1999)

Overall, residents in the three sites speak poorly of how public goods were delivered, and state bureaucracies operated during the Muluzi years. Social indicators³³ and security worsened.

3.4 'Little Banda': the Mutharika regime, 2004-09

It took President Mutharika (2004-present) some time to sort himself out politically,³⁴ though changes in the way things are done were noticed by community members quite soon after he came to power. First, the President was fortunate to have benefited from HIPC debt relief, which increased government spending and thus the recruitment of more staff (training of doctors and nurses, hiring of more Health Surveillance Assistants (HSAs) and policemen; the purchase of equipment, etc.).

That said, the building of new infrastructure and the coordination of government inputs do not seem to have kept pace with the policy reforms. A combination of new rules and inability to implement them means that while some changes have been made, they are not enough to guarantee better service delivery. The example of efforts to reduce the maternal mortality is provided here.

The reasons given for high rates of maternal mortality (984/100,000³⁵) in Malawi are similar to those given elsewhere in Africa: doctors at Queen Elizabeth Central Hospital in Blantyre listed these as 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

³³ Malawi's GDP per capita hovered around US\$160 after the mid-1990s, national economic growth vacillated wildly (annual GDP growth stood at +5% in 1997 and -4% in 2001) and its Human Development Index stagnated. While there were improvements in the education and literacy – as schools were built and primary education became free – 'several health indicators ... worsened over the ... decade. Among others, the number of physicians per population [dropped] ... by half, and life expectancy [fell] ... from 46 years in 1987 to 37 years in 2005, largely due to the HIV and AIDS epidemic. Childhood immunization ... decreased from 82 percent in 1992 to 64 percent in 2004. Maternal mortality rates ... increased from 620 in 1992 to 960 in 2004.... Child malnutrition ... remained virtually unchanged since 1992, and almost half of children under five years of age in Malawi are stunted, and 22 percent are severely stunted' (Government of Malawi, 2006; also see IMF, 1998 and 2003).

³⁴ After parliamentarians twice rejected the constitutional change allowing Mr Muluzi to run for another term, the President chose as the UDF candidate a technocrat with little political following, Dr Bingu wa Mutharika. An economist, he had been working outside the country for some years, though he had helped form the UDF in the early 1990s. His appointment as successor to Mr Muluzi caused deep splits within the party. Though he was elected in 2004 with the help of the UDF apparatus, Mutharika wanted to be his own man. To become so, he had to abandon the UDF, and in 2005 he formed his own party (DPP). For four years, little work was done in the National Assembly as MPs concentrated on party politics and sought to frustrate the President's agenda, including his 'zero tolerance' of corruption. Nonetheless, fiscal reforms and agricultural productivity were prioritised and proved successful. Only after Mutharika's and the DPP's landslide victory in 2009, has the President had the political space to carry out the rest of his agenda.

³⁵ Figures range from 807/100,000 to 1120/100,000, depending on source. We are using a number given us by a health professional in Rumphi (A, 16-10-09). The goal for MDG 5 is 155/100,000 live births and is unlikely to be met (*The Daily Times*, 12 May 2010).

(resulting ‘in women giving birth on their own, and in some cases babies may fall from their beds leading to death’); incorrect drug treatment; youthful childbearing; HIV/AIDS complications; lack of blood supply; and delivery by traditional birth attendants (TBAs) and other untrained and ill-equipped persons (M, 4-8-09 and 5-8-09 and A, 16-10-09). The fact that women are in danger during pregnancy and childbirth has entered the language as a proverb: *Ali ndi pakati*, meaning pregnant women are at a crossroads between life and death (M, 3-8-09).

Traditional Birth Attendants

For years, Malawi tried to train and register its TBAs, as they were front-line providers of maternity care and represented an improvement on delivery by unskilled female relatives in areas under-served by doctors and midwives. In keeping with international guidelines, in 2009 the government changed its policy and banned the use of TBAs, and the state radio broadcast this edict far and wide (*NyasaTimes*, 17-6-09 and 19-6-09).³⁶ Now TBAs are being encouraged by hospital staff to send women to clinics to deliver, though their ‘retraining’ has not been implemented everywhere. Even where it has been, TBAs have not stopped practising. Active TBAs were found in all three urban sites.³⁷

But the decree does mean that more women are coming to (already overburdened) clinics than before, and that TBAs, who once received equipment from health centres, are no longer provided with such things as gloves, buckets, cloth, etc. Thus TBAs now operating outside the health system are often using bare hands to deliver babies or to turn breech babies around (M, 4-8-09; M, 10-8-09 and M, 11-8-09).

Why do women use TBAs when a health centre is nearby?³⁸ In Ndirande many of the roads are narrow, stony pathways and impassable to vehicles. Thus, an ambulance (if there were any³⁹) or a car/minibus would not be able to reach women in these squatter areas. In Kasungu and Rumphi, where each district hospital has an ambulance, distances are greater and often women start labour and do not reach the hospitals before delivering. But there are other more socially rooted reasons why women choose to deliver at home, despite government’s instructions otherwise.

³⁶ Reasons given include TBAs’ inability to halt the transmission of HIV from mother to child, to stop haemorrhaging, to deliver breech babies or do caesarean sections.

³⁷ In Ndirande about two postnatal cases per month reportedly reach the clinic (M, 29-7-09). We were told by the Blantyre District Health Officer that there are 104 TBAs in the district, and that 77 had so far been retrained for their new roles (essentially, directing women to go to health centres for delivery) (M, 14-08-09)

³⁸ Some women also avoid antenatal clinic in the months before delivery. Women in Kasungu hospital’s guardian shelter told us that the HIV/AIDS test is ‘compulsory’ and that ‘scares some mothers to shun antenatal clinics. Some mothers would commit suicide if they are told of their HIV+ status’. One HSA admitted to us in Ndirande that the health committee there deliberately does not tell women before hand about HIV testing at the antenatal clinic, so not to deter their attending (N, 11-9-09). Legally HIV testing is not compulsory in Malawi.

³⁹ The city has not had an ambulance since 2002 and the District health office has four for the whole district, only one of which serves the city (which includes Ndirande) (M, 28-7-09; 14-8-09).

Avoidance of hospitals

Kasungu hospital appears well managed and relatively clean, though even here there are cases of women in the maternity ward sleeping on the floor under the beds of other women. Overcrowding is reportedly due to the ban on TBAs and the encouragement to come to hospital, which is given by the media and HSAs to pregnant women, who might previously have delivered nearer home. The Kasungu district hospital's maternity ward's facilities are the same as before the ban, and incapable of receiving the additional intake. Therefore, those awaiting labour – including women sent to the hospital weeks ahead of delivery because problems are foreseen or because due-dates are uncertain – often stay in the 'guardian shelter', which is also inadequate.⁴⁰

At Ndirande clinic there is no guardian shelter, and women who need special care are referred to QECH, though they do not always end up there because coordination between the two facilities is not sufficient to ensure mothers follow clinicians' orders.

Though encouraged to deliver in a clinic or hospital and knowing that home-deliveries are more dangerous, many women prefer to stay away. In discussions with 'guardians' and patients a number of reasons were given for the preference for home deliveries, including

- The nursing staff – especially trainees and younger female nurses (as opposed to older, more experienced nurses and male nurses⁴¹) – are said to be 'rude' and 'arrogant', to give preference to their friends and richer women, and to chastise women for not following rules and demanding too much of them.⁴² 'A patient's dignity is stripped off and they become objects of abuse and laughter' (N, 13-9-09).⁴³
- Some nurses reportedly ignore women's needs to the point of their putting women and babies in danger. Women and a doctor told us of cases where babies were born without assistance at the hospital, falling onto the floor without anyone to catch them, because nurses were not available to help. Others claim that some medicines are withheld from them and given to preferred patients. (None of these claims was substantiated.)

⁴⁰ When our team member visited on 13-9-09 he found it swept, but litter in the bins was not emptied (reportedly for several days), for which the guardians were responsible, and there were flies circling. The guardians 'urinate all over the corners of the shelter surrounding. They cook in an open space ... This is not a kitchen built by government; luggages were all over the shelter. The women also mentioned that there is a blocked toilet. This is in the labour ward and meant for the use of women after delivery, and it had been blocked some time back'.

⁴¹ E.g., 'TBAs are caring and show love to pregnant women, giving a lot of hope to women in pain during labour. These TBAs were compared to male nurses, who [also] show empathy to women in labour pains' (N, 13-9-09).

⁴² For instance, a woman at Kasungu hospital's guardian shelter said 'female nurses torture [us]: "we were not there when you were doing coitus with your husband, so just keep quiet, don't cry to us". Instead of giving care and comfort to us pregnant women during labour we meet these arrogant nurses' (N, 11-9-09). We heard many, and worse stories about nurses, though none was confirmed.

⁴³ The Deputy Minister of Health acknowledged nurses' rudeness and blamed it on their long hours and having to confront unpleasant situations. No monitoring is done by government, but it relies of patients to complain to government or the Nurses and Midwives Council of Malawi. *Weekend Nation*, 8 May 2010.

- Women are afraid their pregnancies will be ‘stolen’ if they go to hospital to wait to deliver. That is, they fear that women using magical means will remove their babies from the womb, so that they never deliver.
- Women want to avoid caesarean sections and they fear that a delay during delivery at the hospital will result in the operation being performed. They feel that TBAs will be more patient with slow deliveries and allow women to deliver normally.
- Women who have extra-marital sex while pregnant, or who have husbands who have multiple partners (inside a polygamous marriage or outside their single marriage) will have their pregnancies ‘tied’. That is, the birth canal will close and they will not be able to deliver normally. To counteract this they must take herbs given by a traditional herbalist, and this practice is not allowed in the hospital. Instead, tied pregnancies are treated by caesarean section, so women who know or suspect infidelity and expect this problem will want to deliver elsewhere.⁴⁴
- Strangers are found in hospitals and these may steal newborns.
- Women are also scared of using family planning as they have heard that ‘there is no safe method’. ‘Mothers therefore shun the hospital [as they] fear that they will be persuaded to take one of the contraceptive methods’ (N, 11-9-09 and 13-9-09).

In spite of the new government regulations on TBAs, additional funds provided to the MOH, and new infrastructure and staff within the health service, many women who could access maternity wards prefer to deliver at home. The state lacks the capacity to enforce its rules against TBAs and in favour of hospital deliveries.⁴⁵ Where education rates are higher, as in Rumphu, maternal mortality rates are significantly lower (382/100,000: A, 16-10-09), which suggests a likely element in the long-term solution.

Delivering ‘safe birthing’ is not simply a matter of providing better services but of changing beliefs, educating a generation, and establishing mechanisms for enforcing new rules. In the meantime pragmatists adapt: some nurses are still, informally, giving equipment (such as gloves) to TBAs and the pretence is maintained by some chiefs that women are only giving birth with TBAs when they do not have time to reach a hospital.

Generally, then, with regard to regulations, Malawians find the current regime similar to Banda’s though less ‘oppressive’. Civil servants also recognise the difference between the current and former presidents: for instance, one senior policeman told us Dr Mutharika is ‘serious’ and has set a new tone within the police service (C & K, 17-8-09).⁴⁶ In fact, we found people in the north calling Dr Mutharika ‘little Banda’ and joking that they were ‘voting for the

⁴⁴ *Mapinga* is the belief that if one of the spouses has extra-marital relations, the pregnancy will be ‘tied’. *Chiyenda mitala* is the belief that a polygamous husband can, by sleeping with another wife, cause a ‘tied’ pregnancy. Breaking of sticks and giving herbs during a ritual ensures a ‘woman delivers immediately’, but these treatments are forbidden within hospitals. ‘This belief is strong and makes most women go for TBAs or deliver on their own’ (N, 11-09-09).

⁴⁵ One of our team did attend what might be called an inquest held after the death of a woman and baby during childbirth at home in peri-urban Kasungu. Attending the community meeting to explain why the woman died and to emphasize the need for women to go to the hospital to deliver were the chief, an HSA supervisor, and the widower (M, 24-8-09).

⁴⁶ Others are less sanguine about some police behaviour: the Tumbuka Paramount, amongst others, mentioned that ‘we see on a daily basis how the police are stealing from people at roadblocks’ (K & C, 1-10-09).

MCP' in 2009 when they actually meant the DPP. The return to relative order is welcomed by many members of the public after ten years of deteriorating services and insecurity.

Police, curfew and bail

Characteristic of the current regime's emphasis on reviving old rules is the Kasungu Police Listening Unit, a joint effort of the police, the town 'assembly' and the market committee. The initiative was formally launched by the town's CEO, the deputy police superintendent and the market master in mid-September 2009. In his remarks to the inaugural meeting, the CEO stated that the Town Assembly has bylaws from 1998 when local government was formed, one of which is about security:

We want now to tighten the security here at the Kasungu bus depot and market premises. We want to secure visitors here who travel from different places. I want Kasungu to have a clean record on security at the depot and market. I want Kasungu town to be attractive and disciplined. I want the police to get rid of all robbers and thieves who steal things from people travelling to various places. Let me warn you – those who steal people's assets – in this depot, I am ordering the deputy police superintendent that 'if you catch a thief here, please do not grant bail'. I repeat this, 'do not grant bail. I want Kasungu boma to be free from theft. What you should know is that Kasungu boma is the home of former President Dr H. Kamuzu Banda. So we must be exemplary. To him peace and order always [were important] ... I urge you to tip the Kasungu police on suspects so that we get rid of all criminals ... In 1994 to 2006 we had a lot of criminal cases, so now we want to get rid of these crimes. If you are caught, no bail shall be given. I am not threatening you, but the assembly shall not accept bail (A, 16-9-09).

The Deputy Superintendent of Police added that 'we had a lot of challenges as far as security is concerned' at the market and depot, but,

since 2005 we have been trying to confront these problems and as Kasungu police, we promise to work hand-in-hand with Kasungu Town Assembly, to combat crime ... Peace and order will be good from now. Let me repeat what the Chief Executive has said. He has ordered that once you are caught, no bail shall be granted. So be careful, keep away from theft. ... We must work hand in hand with the vendors and if you know some of the suspects, tip the police. [Slightly less effusive was the market master, who thanked] the authorities for using market revenues well and for being accountable. [At the same time, though, he urged the police] not just to pick anybody anyhow. You need to arrest those [acting] against the law; criminals must be arrested.

Finally he added, 'I agree that police, please, once a criminal is caught, do not grant bail' (A, 16-9-09).

Another regulation that seems to have community support is the night curfew. In all three communities our team found that a curfew had been imposed so that pedestrians are not allowed on the roads after 10 pm. This is not a law, though the clerk at Machinjiri magistrate court noted

that vagabondage is against the law and is punishable by the police and courts.⁴⁷ It seems curfew is a rule formulated by NW committees and chiefs, to reduce the movement of thieves at night. Concomitantly attempts are being made in the three towns to close bars early in the evening, for it is widely held that ‘thieves hide in bars up to midnight then start stealing’ (A, 5-9-09). But enforcing these laws is not easy, especially against barkeepers, who, it is intimated, pay bribes to assemblies to get licenses that permit late-closing. ‘If the police was given power to control these bars’, one Kasungu resident noted, ‘it would have been better’. An Ndirande resident concurred: ‘at Chinsewu and Goliyo bars, people enjoy [drinking] up to 2 am ... If police can patrol in bars I think the crime can also end ... If they can be closing at 22.00 hr, we can be on the safer side’ (A, 5-8-09).

Sanitation

It is in the area of sanitation that regulations are least enforced, especially but not only⁴⁸ in Ndirande. In Blantyre’s informal settlements this is in part due to the paucity of city cleaners (C, 29-10-09) and to HSAs’ and sweepers’ complaints to supervisors (about intransigent residents’ and vendors’ waste) not being answered. Also important is what many consider to be the local authorities’ disregard for informal settlements generally.⁴⁹ Officialdom (e.g., a Ministry of Lands official, K & C, 21-8-09) confirms the view that sanitation rules in poor settlements are enforced the least.

The way the cleansing officer in Blantyre explained it was that the city’s programme of cleaning roads/pathways and placing bins would happen in Ndirande later rather than sooner. This is because it is an ‘unplanned area’ and the people there ‘contribute less’. There would be an outcry from those who contribute more to the city’s coffers, he said, if the city focused its resources there. So naturally the ‘assembly concentrates on areas where more money is collected ... We still are doing something, but the city can’t do as much as we want’. The city expects that NGOs will come in and help, but lamentably, ‘NGOs don’t do urban poor’ but focus on rural areas instead (C & K, 29-10-09).

One day, when discussing the dirtiness of an area around a well in Ndirande the issue arose of why rules about hygiene are not followed. Our team observed residents snub the HSA delivering sanitation messages and heard their complaints that the pollution was caused not by them, but by others dumping rubbish and allowing waste-water to flow from their properties. They explained that whether a water point is kept clean is none of their business because they are ‘mere tenants’ and it’s up to their landlords to keep their area clean. One local denied she could do anything about the problem because she had ‘not even stayed long enough in the area to have that mandate to caution others on sanitation’. Another noted that it’s difficult to tell

⁴⁷ He said that if a person is walking on the streets after, say, 10 pm, he may be picked up by police. They must explain why they are there, and if they cannot, they will be charged with ‘rogue and vagabond’ and if guilty, must pay a fine (C & K, 27-7-09).

⁴⁸ But not only in high-density suburbs. Mr Manda, an urban planner, noted that three-quarters of the urban population is reported to have clean water and one-half, improved sanitation facilities but these figures are too high (C, 20-8-09).

⁴⁹ City officials have an ‘implicit policy’ of not providing facilities in informal settlements such as Ndirande as they fear they will only attract more squatters (C, 20-8-09; K & C, 21-8-09).

others what to do for fear they might retaliate by using witchcraft⁵⁰ (also see Annex 1). Finally, when our team asked if the chief could do something about the situation, one replied ‘maybe, if you were the chief herself [visiting this site] it would help, but I’ve never seen her here to give such orders’ (B, 24-7-09, 28-7-09).⁵¹ In other words, neither the chief⁵² nor residents in the immediate vicinity were incentivised or sufficiently interested in having a clean environment to organise themselves to clean it, to confront neighbours or to defy the norms that disempower recent immigrants.

Although, as we have argued, President Mutharika is widely felt to have set higher standards within government generally, problems remain with implementing regulations at all levels. For instance, vendors are selling outside the market and at night in Ndirande, which is against the law. Polluted wells and illegally constructed boreholes continue to operate (and sell water) in Ndirande. TBAs are everywhere delivering babies; medical drugs are sold in markets by unqualified vendors; and pornographic films are being shown at video arcades that are open to children in blatant contravention of the law. Sometimes rules are not enforced to avoid conflict: e.g., in 2009 many vendors in the Ndirande market were not paying daily market fees and the city mostly ignored it. In Kasungu recently market vendors refused to pay fees for a day with impunity, to demonstrate their displeasure with local government’s actions.

Box 1: An example of lax rule enforcement: ‘sharps’ in an open waste pit at Ndirande clinic, 31 July 2009



In general, the causes of weak rule enforcement are attributed to a lack of ‘capacity’, including funding and staffing, to ensure compliance. However, the more specific reasons given for particular enforcement failures are often more illuminating.

Most curious is the case reported by Blantyre city officials: some city bylaws are difficult to enforce because the locally based national police force demands special payment for undertaking some law enforcement functions. This practice reportedly

started in the mid-1990s, and while (according to city officials) the Inspector General of Police says that the police need not be paid for performing such duties, we were told that ‘at the level

⁵⁰ ‘We are afraid of being bewitched for pinpointing one another for such matters [sanitation]. There is a lot of witchcraft in this place. We are afraid of being victims of witchcraft’ (B, 28-7-09).

⁵¹ The city’s Cleansing Officer also told us he has worked through chiefs to get areas in Ndirande cleaned up (C & K, 29-10-09).

⁵² Chiefs claim to have the power to address such problems. For instance, GVH Matope in Ndirande said he can ‘vacate’ (expel) any of his subjects who refuses to clean any area he designates – such as the new road ‘the President has built’ into the township (C & K, 31-10-09). Also, Ndirande chiefs get away with taking food from vendors’ stalls without paying, demanding ‘market gate fees’ be paid to them by vendors, and overturning market-committee election results (W, 20-07-09). Chiefs, residents and officialdom state that chiefs are rule makers and enforcers. Why they do not enforce cleaning in Ndirande but do in Rumphi remains an unanswered question.

of operations, here in Blantyre, we must pay them to do the job. They give us a quote to do a job, and say “we want our money first”. For instance, there were vendors outside the main market in Blantyre and the city wanted them moved back inside, which they refused to do. So, they were forced by police to move in order to clear a road, for which the police were paid K300,000. Similarly, ‘if they are needed to direct traffic after 5 pm, the city must pay them as well’ (K & C, 30-10-09 and 31-10-09).

3.5 Conclusion, variable 1

Rule-making became easier from colonial times (with its written laws) though historical norms retained influence throughout. Enforcement is a different matter, as tribal kingdoms were unable to extend their control beyond their borders and as domination of Nyasaland by the colonialists was not absolute. Inadequate communication and transport infrastructure, funding, and staffing undermined the capacity of the colonial state to force compliance. Dr Banda used party officials, old and new ideologies, and a relatively strong and centralised state-security apparatus to try to ensure obedience. While rules were undoubtedly broken in the Banda years, an effort to comply with those emanating from above had to be made to avoid punishment. The sanctions regime was weakened by the transition, and only from 2005 has a stricter regulatory environment – once again underpinned by reference to ‘culture’ and by a more centralised state – been re-imposed. People value the outputs this delivers, especially security and basic social services.

4 How community cohesion matters

The presence of a cohesive community, however rooted, facilitates – but does not guarantee⁵³ – the voluntary collective action which is critical to the provision of some public goods.

4.1 Ethnicity, culture and social cohesion

Malawians are still 80% rural, and most of those that are urban based are ‘translocal’. This means most still identify strongly with their villages and districts, and their tribal and language groups (where ethnicity overlaps with religious and party loyalties, identity is reinforced). Chieftaincy – which represents land, culture and traditions – tends to strengthen people’s sense of belonging to a community, while the power and persistence of chieftaincy means that people who are born and raised in villages have a template of chiefly rule in their heads when they move to town. This makes it more likely they will re-create chieftaincies in town and respect the chiefs found in urban areas, whether they are elected, appointed or hereditary (‘royal’). Where they are deemed authentic they can sanction defiant individuals and interact with other governance modes. In towns we find they may facilitate the formation of cohesive groups and a sense of community from heterogeneous populations. Our previous study of town chiefs (Cammack et al., 2009) tends to indicate that chiefs and subjects need not share tribal identities to make these chieftaincies viable.

⁵³ A group of people, such as a neighbourhood, may be cohesive, but it still needs the will to make change and this depends on its weighing up the value of the output and the benefits of taking action compared to the cost and effort to do so.

Chiefs in our three urban sites undertake a number of tasks that tend to promote a sense of community and shared responsibility. For instance, they collect funds from residents for local orphans (Ndirande and Kasungu); they organise security for women collecting water at midnight (Kasungu, as taps are dry during the day); they hear cases against alleged witches who threaten social peace and stability (everywhere); they hold inquests when required (Kasungu); they organise and oversee funerals (everywhere); and they initiate and oversee NW, water and health/sanitation communities (everywhere). Understanding the importance of chieftaincy in fostering community cohesion and collective action requires more study, especially because chiefs' status and roles are likely to differ from place to place⁵⁴, and because overall, chieftaincy and ethnic identity may be being eroded by education and migration while being strengthened by national politics.

Our evidence suggests that shared (cultural) beliefs still play some role in fostering group conformity. For instance, a young woman in Rumphu explained that when still at school, she accidentally became pregnant. The Form 2 student who was the father was removed from school, and the girl sent to live with his family. Meanwhile she was formally initiated by her 'aunts and mother's sisters'. She explained that they 'came in my house to advise me as far as our Tumbuka [culture] is concerned. There was a big mat; I sat in the middle then all the women sat around me. They started advising me on the issues which the women [considered important]', such as going to ante-natal clinic, not attending funerals after seven months' pregnancy, only doing light house work and getting medical care when sick. 'I was advised not to eat ... hot nsima, rice and hot tea – this is our traditional belief to avoid the baby [having] ... some complications in the body' while sweet potatoes and bananas were said to block a baby's nose so it would be stillborn (A, 28-10-09).

But members of cultural groups often lament a weakening of old institutions in recent times. For instance, two Chewa explained how the church⁵⁵ and democracy – again meaning here, 'too much freedom' – had undermined *Nyau* cohesion and power. A female resident told us that

people used to respect cultural values, such as when girls reach puberty. Previously girls were kept in a house for one week in a ceremony called *kubindikira*, but these days girls are just let to move around without giving them proper advice. [The male added that] the coming of democracy ... diluted the Chewa custom ... Today graveyards ... don't have trees while previously the graveyard was a prohibited place and *Nyau* groups were able to conduct their ceremonies. But not today; all the trees have been cut and all the graveyards are on open grounds. [The woman concluded] no one can respect the elders due to democracy (W, 21-9-09).

Old beliefs, customs and identities are changing but in all three towns we found evidence of groups forming around shared identity – e.g., being Yao, Muslim or female, or from a particular town or district. For example, the market chairman in Rumphu explained that 'Chitipa people' living in Rumphu 'have an association and every time when one has a funeral, they contribute money to support the family'. One man, he complained, pretended to have a funeral in order to

⁵⁴ Hierarchical ethnic groups, like the Tumbuka and Ngoni, are likely to be different than, say, the Tonga, who are relatively 'flat' organisationally.

⁵⁵ They were referring to a church's refusal to hold ceremonies (e.g., marriages) in graveyards where the *Nyau* congregate.

get K150 from each of the members and concluded, 'he is very foolish' (W, 7-10-09). Indeed, since reputation and functioning as part of the group is linked to accountability and trust (Habyarimana et al., 2007), the miscreant undoubtedly harmed his future prospects.

A businesswoman took up the tale, saying she belongs to the Chitipa Women's group, which has about 60 members and was formed in 2005 after she learned about a similar group in Mzuzu and introduced this one to Rumphi. It focuses on 'supporting each other during funerals and sickness'. Each member contributes K100 a month and the fund now stands at K54,000. Everyone contributes another K20, and K300 is taken from the group's account when someone must attend a funeral. The group, she added, may also approach the district 'assembly' and ask for a car and fuel as its contribution to funeral expenses. Money is also lent to members – paying interest of K200 a month for every K1000 borrowed. As for its membership, she explained that the Mzuzu club 'have men but in Rumphi when [we] started having men in our group, the women discovered men were confusing. Men were quarrelling [with] each other and are unable to contribute. Then we chased them' (W, 14-10-09).

Ethnic- or origin-based groups are probably common⁵⁶ and further research is needed to determine how they form, operate and dissolve, especially as tribal affiliation is, under Dr Mutharika, becoming a politicised issue again.⁵⁷

Heterogeneity, on the other hand, is Malawi's future as urbanisation accelerates. But intermixing is still relatively new and strangers are often regarded with suspicion. Indeed, xenophobia likely stands at the root of Malawi's urban witchcraft-accusation craze, as people express fear of strangers in this idiom. Even in towns where migration is common, newcomers are thought to underpin crime⁵⁸ and anti-social behaviour.⁵⁹ Also, being an outsider is used to explain odd behaviour – in Kasungu market for instance, we found one section (tailors) who are predominantly from Mangochi and Machinga (Mr Muluzi's home area) and renowned for not paying their market fees (W, 27-8-09). Their chairman explained that 'the relationship [with the 'assembly'] is not all that good [as] ... it is failing to provide water and toilets'. Though this is a

⁵⁶ For instance, benevolent societies based on common origin (Welsh, Devonian, Irish etc) were ubiquitous in the British empire. In Malawi our team also found a group of Rwandans had created their own self-help organisation (W, 30-10-09).

⁵⁷ While increasing ethnic consciousness has been extolled as an expression of cultural development, it is considered by others to be a means by which an elaborate network of patronage is built. However, there has been public debate of the desirability of ethnic-based associations, such as that of the Lomwe ethnic group, of which the President is the patron. Currently, the extent to which ethnicity plays a part in public appointments is unclear, but some commentators have noted with interest the fact that the President is from Thyolo, as are the Chief Justice, the Chief Immigration Officer the Director of Anti-corruption Bureau, the Chairperson of the Electoral Commission, the Inspector General of Police, the CEOs of ADMARC, ESCOM, MASAF, Auction Holdings, TV Malawi and the Minister of Justice. It has also been alleged that companies doing business with government, with especially large contracts, have directors from the same ethnic extraction (*NyasaTimes*, 30-6-09).

⁵⁸ For example, the sister of a Ndirande's chief reported that 'there is a high population, which contributes to [a] high [number of] cases of theft because lots of different tribes of people of different character meet, so they end up stealing, house breaking, ambushing people, doing all sorts of bad behaviours' (A, 4-8-09).

⁵⁹ Some pregnant women fear that 'at the hospital there are so many people from all over Malawi [waiting to deliver], who might not be glad [are jealous] to see a newcomer deliver and go [home], so they deliberately hold other [women from delivering]' (N, 13-11-09).

good reason not to pay fees, he blamed their refusal on their foreignness: the ‘section is comprised of a different tribal group, the Yao, who ... are dominating [outnumbering] Tumbuka and Chewa, and are always in conflicts and [so] it’s difficult for them to cooperate with the assembly’ (W, 8-9-09). Further research is needed to understand how disgruntlement resulting from non-delivery of services gets mixed up with identity politics.

4.2 *Successful cases of collective action*

During the 17 weeks of field study we found a number of small groups that prioritise their collective interests and work together – at least for a short period of time. The following examples may be given:

- Irrigation clubs using the Rumphu river for commercial and subsistence farming. The ‘One Heart Irrigation Club’ is overseen by the Principal Village Headman, was started in 2003 with 9 members and now has 135 members (of whom 79 are women) and an elected chairman and committee; it works with the Ministry of Agriculture. Each member pays K500 annually and if landless, another K1000 to rent a quarter-acre of land. Members of it and the Sumbwanga Irrigation Club (operating on the other bank of the river) contribute a tin of maize seed each season to the Mlongoti Horticulture Cooperative Society’s store (W, 16-10-09).⁶⁰
- In Kasungu a break-away Seventh Day group, calling itself Seventh Day Apostolics, help one another by providing new capital (‘a gift, not a loan’) to members to start businesses, by selling their wares (e.g., furniture) together, and by educating their children collectively (outside the state school system).⁶¹
- Savings clubs are ubiquitous. Generally, a few people – vendors in a small market for instance, or a few women in a neighbourhood – pool small regular sums of cash in a common fund, which is held by a treasurer. Various amounts are then lent, or distributed rotationally, to members of the group. This permits individuals who find banking rules too rigid to accumulate capital to build up small businesses, attend to emergencies, and buy luxuries. Some of these groups act as benevolent societies, providing funds to members to bury family members. One club contributed funds to its members if they suffered catastrophic, unexpected losses, much as an insurer would.
- There are groups called ‘*Chisecret*’ which are formed by women using ‘money from relish’ (i.e., ‘housekeeping money’), which they contribute to buy things for one another on a rotational basis. One woman vendor claimed she had ‘benefited 20 clothes [*chitenge* wraps] and ten pots, [and] 15 plates’ before the club folded with the death of its leader: ‘now I don’t have a problem with kitchen tools’ (W, 30-7-09). One elderly

⁶⁰ A donation of 28 bags of fertiliser by the Deputy Minister of Agriculture directly to the club led the chiefs and police to confiscate it until the club ‘apologised to the traditional leaders’ who shared out the fertiliser to farmers.

⁶¹ One member noted they didn’t buy party cards during the Banda era but never were persecuted like the Jehovah’s Witnesses. But they had come to the attention of the city authorities recently, for refusing to send their children to government schools and not allowing their member to go to clinics. They said the case has been referred to the Constitutional court (W, 5-9-09 and 16-9-09).

man said that the name of such groups is '*Chipereganyu*' – 'a system whereby people of the same locality were contributing money and supporting each other'. Mostly women are involved; 'I didn't even know my wife was in the system until some months. Women do this in secret, but I [learned] of it through some gifts she was receiving from her friends' (W, 3-8-09). Our Malawian team members say that this collective-assistance scheme resonates with historical practices where farmers would collectively help one another prepare fields and harvest crops.

- There is a National Traditional Healers and Vimbuza Dancers Association, whose president is a chief/herbalist (and retired teacher) in Rumphu town. 'There are four types of members', he told us: 'those who are dancers with spiritual psychic powers, those who are dancers and traditional healers, those who are not dancers but are traditional healers, and those who are simply dancers for entertainment'. Those with psychic powers may be witch-finders. The group holds an annual Vimbuza dance festival (C, K & W, 30-9-09). Some people selling herbs outside the Kasungu hospital are members of the Association though report seeing few benefits (e.g., training opportunities: N, 21-9-09).
- There are various sorts of business associations, but none of shop owners were found in any of the three towns. Rather these associations consist of people working in the same sector, more like guilds – e.g., bicycle-taxi drivers, called *Kabaza* in Kasungu and 'Sacramento' in Rumphu. Each has rules and elected leaders. *Kabaza* operators carry ID cards, are licensed and taxed (K200/mo) by the Kasungu city authorities, and regulated by the local police (e.g., a 6pm curfew on taxis with a K2000 fine). The police presided over their Association elections. *Kabaza* drivers report earning around K1500/day, which is a decent wage in Malawi. Sacramento operators have been given license numbers by the traffic police, though they pay no tax. The committee also resolves disputes between Sacramento group members, but its efforts to create a collective fund failed when members accused the committee of misusing the money (W, 23-8-09; 9-10-09).
- In Kasungu there is a Pig Traders committee that coordinates with the veterinary department at the city 'assembly' (W, 25-8-09) to ensure that pork is not diseased.⁶²
- There is a newly formed Kasungu Radio Repairers Association which acts much as a guild. Its aim is 'to reduce problems faced by customers and radio repairers, and to unite radio repairers and to support each other during problems'. The chair of the association explained to us that it was formed because 'radio repairers' image was dirtied [by] some people who pretended to be repairers but were thieves' (they were removing parts from people's radios and then returning them, saying they could not be fixed). Each member of the association is to contribute K500 to join and K100/month, and a funeral fund is being established. It hoped to be allocated a place in the market to sit together and work, and to buy spare parts cooperatively (W, 2-9-09)

⁶² The veterinary officer said that the rules had not changed over the years but that 'people have just changed their behaviour ... due to democracy' (W, 25-8-09).

What these groups have in common is their size – they are relatively small – and members know one another. They are ‘bonding’ groups and do not seem to ‘bridge’ to others to undertake common activities. Their size and intimacy undoubtedly fosters trust, or at least the capacity to predict another member’s behaviour (we heard on two occasions that when a person does not ‘approach’ another correctly it causes tension). Members share interests and thus incentives to perform collectively. Further, they all seem to value the output(s) associated with their particular club and this undoubtedly makes people more willing to conform to the group’s rules.

Spontaneous community action was found periodically by our team – e.g., neighbours contributing funds to hire a witch-finder, or the formation of a clean-up committee of neighbours living around a well (but only when the HSA threatened to close it). But these initiatives were generally short-lived and single-purpose.

Quite different was the ‘Hygiene Week’ in Rumphi. There the ‘Residents’ Association’ coordinated with chiefs, the Young Politicians (a national organisation) and officials from NICE (a European Commission-sponsored governance NGO with offices in district centres). In other words, several groups (and modes of governance) engaged in ‘bridging’ to achieve a common goal. In the absence of local government, chiefs and civic leaders held a meeting at the NICE office at which two of the chiefs (of the dozen attending) and the chair of the Residents’ Association addressed the crowd. They then placed 15 rubbish baskets in key positions around Rumphi centre and market, and lectured people about keeping their areas clean. (Vendors begged for baskets to be given to them, but there weren’t enough and seven were left there.) Participants also collected rubbish from the streets for more than an hour. The group promised to move on to other nearby areas (e.g., Bolero, where the Tumbuka Paramount Chief is based). As they circulated through town, a man with a megaphone announced that ‘those who will be found dumping waste anyhow will be arrested, and those urinating against trees and walls too’. He also said the ‘baskets should be taken care of because the District Assembly, which is supposed to supply rubbish bins, has failed’. (W, 26-10-09).

The sustainability of this initiative, or any small-scale community-inspired activity, is an issue. Institutionalising such activities so that they continue beyond the interest/life of a leader or instigator is key to long-term public goods’ provision. For instance, in this case, neither the DC’s office nor the police was involved in Hygiene Week. The following month, the chiefs and public still retained a watchful posture, with ‘the public questioning’ anyone throwing waste. Rubbish was being disposed of by people because the ‘assembly is failing to empty bins’. Further, our team found that ‘GVH Chikalamba took to task a Mr Mfuno (living some 90 km distant) after he found him urinating against the market wall. Chief Chikalamba ordered Mfuno to pay K500 but he pleaded with him, and was forgiven after almost two hours of discussion’ (W, 21-11-09).

Six months later (as this report is being finalised) the baskets have deteriorated and have not been replaced. The DC’s office (with a new DC) has been asked to help supply metal bins, and a donor has been approached (by a locally based European) to fund the project. The grassroots nature of the initiative seems to be transmuting into a more formalised structure, partly it is suspected, because self-help is costly in terms of time and personal resources and because rules are hard to enforce when continuous authority and clear oversight are lacking. The Malawi team will continue to study this initiative as an example of local groups ‘bridging’ to produce a public good.

Hygiene Week also raises an issue addressed by Tim Kelsall (2008): does the absence of the state facilitate the formation of alternative governance modes and communal activities? Certainly, the Rumphu movement tends to indicate so, but it is not yet clear how sustainable it will be without formal support. Further, it is probably no accident that this happened in Rumphu, where the Paramount Chief is engaged, NGOs are proactive, and public education levels are the highest in the country. In Ndirande, where the chiefs are weak, residents are poor and itinerate, and waste is a major issue, no similar civic action or initiatives were found despite the city government being nearly absent (as in Rumphu).

On the other hand, we have found that clubs and group formations have been *facilitated* by the presence of local officialdom (e.g., bicycle taxis, market committees) in some places. Therefore, what may be a better question to ask than whether the state's absence facilitates communal actions under different authorities, is whether uncomplicated and clear lines of authority (of a chief, an official, a priest, a boss, an NGO leader, etc) facilitate collective action because contestation for control and direction is reduced.

4.3 *Politics and the limits of collective action*

We have seen that in Malawi, group cohesion and social capital of the 'bonding' sort are being undermined by the social alienation and enhanced fear of witchcraft accompanying rural-urban migration. At the same time, the sort of local collective action that depends on 'bridging' social capital is limited by the frequent absence of the sort of local leadership that is possible when lines of authority are clear and uncomplicated. A third major influence on the possibilities for local collective action takes us back to one of the themes of Section 3, the politicisation of local service-delivery activities. A couple examples from Ndirande demonstrate how politicisation of activities influences group cohesiveness and collective action.

The politics of water in Ndirande

Accessing cheap, potable water is a real challenge in Ndirande. There is a pumping station and a network of pipes belonging to the Blantyre Water Board (BWB), but these are in poor condition and water does not reach everywhere. There are frequent breaks which leave Ndirande and other parts of the city without water for days (e.g., *NyasaTimes*, 16-6-09; *Nation*, 2-11-09).⁶³ Only the wealthier residents of Ndirande can afford private taps, and most of these live in planned areas. The network of pipes has been extended, especially in the 1990s by NGOs, the UN and MASAF (a World Bank-funded infrastructural development programme) to serve the poor. These agencies constructed communal water points – known as kiosks (Box 2) – which were meant to be managed by elected committees that were responsible for keeping the kiosks clean, collecting funds from residents, and paying these over to the water board.⁶⁴

⁶³ One resident in Group Village Headman Matope's area told us about a leaky Water Board pipe in front of her house. 'It has been leaking for a while and this place is damp and dirty, but they [the water board] would not come fix it. All we need to do is dig it up and if more water is coming out, the water board will come to fix it up immediately ... These people only respond when the situation goes from bad to worse' (B, 12-8-09).

⁶⁴ The BWB Kiosk manager says that K28m is due the Board from 'low income areas' (C & K, 29-10-09) whereas the BWB told the press that some K1.1bn is outstanding across Blantyre city. It wants to install prepaid meters on private taps (*Daily Times*, 30-10-09).

Box 2: Ndirande water kiosk, 31 July 2009



In the 1990s Ndirande came to be known as the ‘political bedroom’ of the UDF, which was in power from 1994 until 2005. In these years, projects run by MASAF and other agencies often came to be known as UDF-owned, or Muluzi-inspired initiatives.⁶⁵ As noted earlier, these water kiosks fit this pattern in that the committees created in the 1990s to manage them were UDF-affiliated, and key party members benefited.

When Dr Mutharika left the UDF and formed the DPP in 2005, members of the old water committees were relieved of their duties, and new committees were formed. Reportedly, some of the old UDF committees did not turn over the water money paid by residents that was due to the Water Board, leaving significant arrears. An Ndirande Group Village Headman reported that in his area some K4m in arrears was inherited by the DPP committees from the UDF (C & K, 31-10-09) and the CEO of Blantyre told us that now the ‘new committees owe the Water Board some K19m from Ndirande alone’ (C & K, 30-10-09). As a result, the BWB turned off the taps until the new committees were able to pay the monies due. Nowadays, many are not working and of those that are, ‘almost all ... are managed by the ruling party’, a senior BWB staff member told us (C & K, 29-10-09).⁶⁶

The upshot of the politicisation of water is that, today, few kiosks are operational. For instance, in MP Makanga’s constituency in Ndirande (the township has two MPs) there are 29 water points, 18 of which are not working. Six of those are in disrepair while the other 12 can be reconnected once arrears are paid (C & K, 29-10-09). On the ground, our team found women sitting nearby kiosks, collecting money. They generally deny any political affiliation, and state that a new committee is to be elected soon. Neighbours sometimes complained to researchers that the kiosk keeper abuses (overuses) the water supply herself and keeps the money (B, 14-7-09, 18-7-09, 23-7-09).

Because taps do not work because of breaks in the pipes, water-pump problems, non-payment of bills, and the disrepair of kiosks, many residents use unsafe water sources, e.g., wells (several were dug by the government during the Banda years), boreholes (illegally drilled), private taps, or the Nasolo river. Potability of water from these sources differs – one privately dug borehole at a school is sited below a set of latrines and reportedly its cleanliness concerns the BWB,

⁶⁵ Earlier infrastructure built during the Banda years was identified as MCP-owned, and was destroyed (e.g., street lamps were cut down) at the transition by MCP followers who said the UDF could not use it.

⁶⁶ A senior city official explained that it may not be the MPs themselves who benefit from water points, but local and district DPP committees and officials, who will use the funds to manage party affairs, buy coffins for members, etc (C & K, 30-10-09).

though neither it nor the city has shut it down (B, 5-8-09); the river is highly polluted and in mid-2009 the market master had to warn ‘chips’ sellers and ‘restaurant’ owners not to wash dishes and vegetables in it (W, 15-7-09; B, 20-7-09); one well provides water that sometimes has maggots in it (B, 24-7-09)⁶⁷ but it is still used, etc. During the rainy season the HSAs supply chlorine tablets to those relying on polluted water sources – as cholera is endemic at that time of the year – but not everyone uses them as directed. The clinic has an empty ward ready for cholera season.

Water is also very expensive. People pay as much as K10 for 20 litres, which compares unfavourably with international water prices (Table 1).

Table 1: International and Ndirande water prices

<i>Location</i>	<i>Price given</i> ⁶⁸	<i>Equivalent for 1000</i>	<i>Equivalent for 1000</i>
		<i>litres</i>	<i>litres</i>
		Malawi K	GBP
Ndirande – kiosk	K10/20 litres	500	2.08
UK – tap water	2 pence/20 litres	240	1.00
USA – tap water	\$2 per 1,000 US gallons	76	0.32
NY city – tap water	\$5.99 per 100 cubic feet	303	1.26

Rates of exchange used: GBP1 = K240; US\$1 = K143.

In September 2007, the BWB, the City of Blantyre and Water For People (an international agency) signed an Memorandum of Understanding where they agreed to introduce ‘Water Users’ Associations’ in areas where communal kiosks are now operating. A pilot phase is under way at Kachere (another high-density area in Blantyre) where in 2009 the local MP and other political and community stakeholders supported the effort.⁶⁹ The plan is to bring the same system of water management to Ndirande, where the newly elected Independent MP (an ex-water board engineer) has agreed. On the other hand, the DPP MP opposes the plan being extended to his constituency in Ndirande – though the candidate who opposed the MP in the DPP primary elections supports the reform. In other words, the establishment of the programme

⁶⁷ ‘One of the boys said this is the water we use although we do find some maggots and worms in the water sometimes. Another woman agreed that they do sometimes find maggots, which “we are just removing with our hands and continue using the water” (B, 24-7-09).

⁶⁸ Sources for foreign water prices:

<http://www.ccwater.org.uk/server.php?show=ConWebDoc.2135> Consumer Council for Water, 10 Aug 2009; ‘\$5.99 per 100 cubic feet, eight ounces of New York water cost five one-hundredths of one cent’, <http://www.leakbird.com/water-industry/cheap-new-york-tap-water-8-oz-costs-5-100ths-of-1-cent-00005-michael-pollak-newyorktimes>; Yahoo put average US water price at 2 cents per 1000 gallons, <http://answers.yahoo.com/question/index?qid=20090716115326AAbVRS7>

⁶⁹ The Kachere association inherited K1.8m in arrears and managed to pay it off in three months and has K2m in the bank. It started with 27 kiosks and by late 2009 it was managing 36. It has over 20 people in the Association – chiefs, MP, representatives of all political parties, churches and NGOs. There is a secretariat managing operations, and it hires water sellers (at K3500/mo). In 2010 there were reports of attempts to politicise the Kachere WUA and the Malawi team is investigating.

is already politicised. The GVH favours the plan and he (and the BWB and city) is pressuring the DPP MP to adopt it (C & K, 29-10-09, 30-10-09, and 31-10-09).

Politicised market committees in Ndirande

A second case where politics plays a primary role in undermining collective action is at the Ndirande market. It burnt to the ground in October 2008, which, importantly, was seven months before the national presidential and parliamentary elections. This was one of a handful of market fires across the country but the only one that resulted in a highly politicised reconstruction effort.⁷⁰ This is because, as noted above, Ndirande was a strong base of support for the UDF – a southern party led by Mr Muluzi, a Yao (when many vendors are also Yao) and a Blantyre businessman. When the UDF was in power, this meant the market committee, elected by the vendors themselves, was UDF-affiliated.

Now each section in the market (dried fish, fresh fish, bananas, hardware etc) has its own section leader and he/she sits on the larger market committee. Their role is to handle disputes between vendors within their sections, to represent their vendors at market meetings, to relay information from the market master to vendors, and to discipline vendors who break section-level and market rules.

A second market committee has existed in recent times. Its formation was explained by the elected market chair:

Last year (2008) in the month of February I was elected [as chair] and all the people respect me as their leader ... [Later] there was a time when the President wanted to meet all chairmen of the markets. I got the message and I informed my fellow Executive Committee members about the issue. Unfortunately, the DPP party decided to pick those who had positions in their party and they went to see the President. A few days later I heard that there was to be a meeting at the Civic Centre and when I went there with the whole committee, we were surprised to hear that there was an order from above that all the markets in Blantyre should be led by people who are in the DPP party and that the committee was replaced by those who went to see the President. But see, then, people [vendors] are still recognising me as their chair (W, 22-7-09).

Mr Chiwaya, one of the deputy chairs of the DPP-affiliated market committee – for there are two deputies, whom different members/authorities recognise⁷¹ – explained the formation of this second (DPP-affiliated market) committee differently:

[I was] elected into this position at the time Dr Bingu wa Mutharika was forming his party [2005] and those who elected me were members of the DPP, who are also traders in the market. The former committee doesn't operate and they are not involved anywhere since

⁷⁰ E.g., in early 2009 reconstruction of the market was under way in the far northern town of Karonga. Shop owners were being directed by the market manager to ensure that bricks were used, rather than wood.

⁷¹ The deputy chair of the DPP market committee, whom the city recognises, apparently spoke at a rally where Mr Muluzi (UDF) was a guest, thus upsetting some politicians; he was replaced and is no longer recognised by the chair. Nonetheless, he still plays a prominent role on the ground.

their party [UDF] lost power. They have also accepted that their powers are gone (W, 28-7-09).

Crucially, the DPP market committee has the backing of the city ‘assembly’ – Blantyre officials admitted to us that they prefer working with committees affiliated to the ruling party.⁷² On the other hand, evidence gathered in the market suggests that most vendors prefer to work with the old committee, not because it was (or is) UDF but because it was elected by them. The new committee is seen by them as imposed from above. The chair of the old committee is wise though, and reports any issues that come to him from vendors or from outside the market to the chair of the DPP-affiliated committee.

The end result of the politicisation of the market committee is that the market master – a city employee – has a fine line to walk between what the city ‘assembly’ perceives to be the legitimate committee and what the vendors feel is representative of their interests. Also, while section leaders and committees are able to handle disputes and problems amongst their own vendors, a strong market-wide committee is needed to deal with wider issues – such as rebuilding the market, or the paucity of market sanitation facilities. Having two committees, with the city listening to the one that is deemed less representative locally, diminishes the vendors’ voice and undermines problem solving.⁷³ It is not surprising, then, that the market committees in both Rumphi and Kasungu⁷⁴ are happy to report that they are apolitical.

What made the current situation in Ndirande market so conflictive is that after the fire Mr Muluzi, then running for president, donated K2m to the vendors and the leader of a second political party gave K3m. Each of the vendors (whose wares had been destroyed in the fire) apparently received between K1000-2500 as a result. Asian businessmen also pledged over ten million kwacha and Dr Mutharika promised K3m to rebuild the market. Reportedly, a city committee was responsible for gathering and spending these funds. In November 2008 vendors were called to the city offices to receive money but were ‘told that their money was only K3.5m and that K800,000 had been borrowed by their boss, who was in Ghana for official duties at the time. This did not go [down] well, and people started protesting’. They marched back to Ndirande and set fire to the DPP office near the clinic. ‘So the President said, “no more money from the government side”’. After that the other pledges failed to materialise too. But the

⁷² The market clerk at the city told our team: the vendors ‘don’t have any committee that belongs to politics, but a neutral one’. Then the city’s security official corrected him, ‘the city assembly is comfortable to work with committees that are pro-ruling party. Let us not beat around the bush, it’s important to have committees that belong to the ruling party since they are respected even here at the assembly and they don’t bring unnecessary problems at the market’ (W, 29-7-09). Relations between the Water Board and DPP also seem strong. *NyasaTimes*, 16 June 2009 reports “the only good thing that BWB has done for the past five years has been providing vehicles to ruling DPP for the youths by the deputy regional governor of the south Macdonald Solomon and other functionaries; otherwise management at BWB stopped performing long time ago,” lamented Alfred Banda a member of the DPP youth wing whose business has also suffered because of shortage of water’.

⁷³ Vendors’ complaints include the fact there is only one (paying) toilet in the market and one (expensive) water tap, and traders (avoiding paying market fees) are operating outside the market and at night, which undercuts their business. Vendors who lost goods in the fire and looting are also suing the city for reimbursement.

⁷⁴ Since writing this, things have changed in Kasungu market and the Malawi team will investigate what is being reported as the politicisation of the committee there.

Minister of Local Government had promised publicly that government would rebuild the market, requiring some K160m, and at year-end 2009, the first phase was nearing completion (W, 25-7-09; K & C, 31-10-09).

4.4 Conclusion, Variable 2

Though Ndirande is an extreme case, the fact that a DPP politicians can delay the roll-out of a new water association says a lot about the role that partisan politics plays there. This trend is not unrelated to what is widely recognised as Malawi's 'weak civil society', which is in part a heritage of chieftaincy and strong colonial rule, of the Banda years when the MCP oversaw local initiatives, and of the Muluzi period when the UDF accepted that it was to initiate and take responsibility for community activities. President Mutharika and the DPP have continued this trend, as is apparent with both the market- and water-committees in Ndirande. The fact that the city prefers to work with DPP-affiliated committees, and that other agencies have good relationships with the ruling party, strengthens this institution. Thus, Malawians tend to expect political leaders to provide goods; this has been transformed into behaviour, condemned by observers as a 'hand-out culture',⁷⁵ where individuals are reluctant to volunteer and refuse to take part in activities – even those meant to help them – without payment. Donors have facilitated this by paying hefty allowances to workers and volunteers.

Finally, the issue of witchcraft deserves a study of its own, as we have found it plays a significant role throughout Malawi in determining the behaviour of people and thus, their capacity and will to work together (Annex 1). Briefly, town chiefs and others tell us that accusations of witchcraft in urban areas have risen in recent years. This appears to be due in part to the failure of the police to enforce the 1911 Witchcraft Act, the increased power that *bwalo* trials of accused-witches give chiefs, and the popularisation of witchcraft through the media. Chiefs' *bwalo* courts are now used to hear these cases, which are meant to reduce the social conflict and tension that arise when accusations are made, though hearings frequently result in the abuse (beatings, destruction of property, expulsion) of the accused. In such an environment, trust in the motives and goodness of neighbours suffers.

To summarise: urban Malawians form bonded groups based on primary identities (e.g., village of origin, tribal affinity) and common interests (e.g., employment); these perform short-term and specific functions. Organisations of a wider nature – where several groups bridge together, for a longer time and with larger goals – are less easy to find. Factors undermining group cohesion include divisive issues like multiparty politics and witchcraft, as well as poor communications, organisational-capacity weaknesses and resource constraints. The role of

⁷⁵ Al Osman, a local journalist who was Mr Muluzi's press officer, says Mr Muluzi deliberately handed out goods and funds to people (especially at rallies) to differentiate himself from Dr Banda, who was given goods by (sometimes coerced) residents whenever he visited an area or held a rally (C, 17-1-10). Interestingly, President Mutharika recently spoke against people expecting MPs to handout goods to constituents at an MP by-election rally in Ndirande. This did little to help the DPP candidate, who lost! His opponent, an Independent, promised residents water and ambulance services, both of which they need. Later in Rumphu a member of our team reported hearing the DPP District Governor tell people not to expect the DPP MP (who is also a minister) to deliver goods to constituents, but suggested they approach him for those things instead. This is relevant to the Parliamentarians stream of APPP research, and confirms that relations between MPs and other political actors is an important topic.

leaders and of the state in facilitating or undermining the independent action of civic actors requires further study, and the issue of multiple lines of authority is clearly a candidate for further consideration.

5 The challenge of horizontal coordination

The ability of officialdom, of whatever sort, to coordinate activities horizontally across jurisdictions is necessary to the delivery of public goods.

The delivery of public goods is, in part, dependent on the horizontal collaboration in an efficient and sustained manner, of various key administrators, leaders and agencies, especially where there are jurisdictional overlaps or gaps. To do effective development work, various actors need to integrate their policies, divide the work, coordinate their activities, combine funds, share information, assess results in common, etc. Problems arise when they do not, when agencies operate in the same arena without coordination, or when there are gaps between their jurisdictions and people living in these are unattended.

5.1 Jurisdictional complexities in Malawi

The problem of multiple jurisdictions has long historical roots in Malawi. Today, Malawi is divided into three regions, 28 districts and 193 parliamentary constituencies. Central-government ministries' jurisdictions are defined on a variety of lines. For example, the Ministry of Agriculture has Environmental Zones, while the Ministries of Education, Health and Justice each have their own school, clinic, and court catchment areas. These and other ministry demarcations are superimposed on historical (many pre-colonial) Traditional Authorities' areas, which are sub-divided into hierarchical divisions presided over by Paramount Chiefs, TAs, and thousands of Group Village Headmen, Village Headmen, etc. Each of these has a court and jurisdiction over the use of land and other natural resources.

Urbanisation has complicated the situation further. Citing from an earlier report (Cammack et al., 2009):

Urban areas in Malawi fall into three legal categories. The first consists of land that is formally declared to be a city or municipality. The power to make such declaration is discretionary and is vested in the President by the Town and Country Planning Act. In 2004 about three-quarters of Malawi's urban population were residing in the three cities of Blantyre, Lilongwe and Mzuzu and the municipality of Zomba (*Daily Times*, 2 Oct 2008; Phiri, 2004). The second category of urban areas consists of areas that are formally declared to be towns by the Minister of Local Government and Rural Development in exercise of powers under the Act. There are eight such towns: Lunzu, Balaka, Kasungu, Karonga, Luchenza, Liwonde, Mangochi and Salima. The third category consists of areas that have not been formally declared to be cities, municipalities or towns but display urban characteristics such as the application of plans that lay out land-use zones and outline future infrastructural developments. Some of these are 'growth centres' under 'integrated rural development' planning ... [Between 2000-05] Malawi [had] 4 City Assemblies (Blantyre, Lilongwe, Mzuzu and Zomba), and 8 Town Assemblies (Balaka, Dedza, Karonga, Kasungu, Liwonde, Luchenza, Mangochi and Salima), in addition to 27 District

Assemblies, making a total of 39 Assemblies. [Formal assemblies disappeared with the postponement of local councillor elections in 2005].

Since 2005 cities and towns have been managed in an *ad hoc* manner by CEOs and DCs working for central government, and with executive committees comprising local public officials and representatives of central-government ministries posted locally. Sometimes, town authorities also consult resident stakeholders (who may or may not attend city meetings). Importantly, chiefs – both traditional and (s)elected – have *de jure* and/or *de facto* power to make decisions concerning a variety of issues (e.g., civil disputes, land use, political gatherings, etc.) throughout the rural areas and in some parts of urban areas.

Limiting local government's management of lands and infrastructure further, some areas within urban boundaries belong to central government's Ministry of Lands, or to ADMARC, the railways, etc. Of course, MPs – managing Constituency Development Funds (and from late 2009, acquiring the right to participate formally in local government) want to have a say in local affairs, especially how public goods are dispensed. Add to this mix various local and donor projects, NGOs, CBOs, faith-based groups, companies, and other organisations. It is this jumble of agencies and actors that must be consulted and coordinated to deliver public goods.

5.2 *Multiplicity of actors*

During our studies the following actors were found to be involved either directly or indirectly in the delivery of public goods in Ndirande, Kasungu and Rumphi: city/town and district 'assemblies' and secretariats; CEOs and DCs; MPs and party officials; central government ministries' staff at all levels; various traditional and town chiefs; professional organisations such as the Herbalists Association of Malawi; guilds; market managers and traders; cultural societies, such as the *Nyau*; NGOs and CBOs; water boards; police and the judiciary; parastatals such as the Malawi Housing Corporation; religious organisations and their employees, and businessmen/women. Working with them were a variety of collectives, such as market, development, health and sanitation committees; political-party groupings; savings clubs; and prayer groups, as well as individuals, such as TBAs, witch-finders, *indunas*, etc.

Actors such as these demonstrate their authority in different arenas, e.g., at town/city meetings, and in public at various fora, including public-service centres, community gatherings, courts, etc. How well each plays his/her role in facilitating the delivery of public goods may be measured not simply in terms of their own efficacy and intra-agency management skills, but also how well they coordinate their activities with other actors and agencies, especially where there are overlapping or concurrent jurisdictions. In urban areas for instance, the regulation of water requires the collaboration of a water board, land owners, chiefs, town officials, and sometimes donors such as the UN, and NGOs.

The Banda Years: centralisation and coordination

The country was less populous when Banda governed – the population was ten million in 1994 and less than half of that in the 1960s. The authoritarian, centralised system headed by Dr Banda established a very rigid vertical structure of power, at the apex of which were the President and the MCP party (Chinsinga, 2007). Coordination of institutions within the vertical structure of government and the party was secured by Dr Banda's incentive system underpinned

by strict enforcement of rules and sanctions. The Office of the President and Cabinet (OPC) was the ‘central coordinating office’ for central government (Government of Malawi, n.d.) – which included DCs and their staffs in the districts; it also enforced vertical coordination among ministries and departments. Ministries worked relatively well due to the quality of staff and rule enforcement (Anders, 2006). With fewer ministries (less than one-third the number) than subsequent regimes, Dr Banda’s government required less management; the fact that President headed several ministries himself streamlined coordination even further. There were also fewer NGOs and private sector players in Malawi then (e.g., the trade unions and churches were disciplined by the MCP and NGOs and donors emerged as key players only in the 1980s).

Because Dr Banda felt the need to maintain control of daily life at the grassroots, coordination required an extensive security apparatus and system of oversight. Overseers included party and state officials, as well as chiefs. Dr Banda also had at his disposal several thousand MYP and Youth Leaguers – the Ngwazi’s ‘ears and eyes’. They, ministers, party officials at all levels, and the MCP’s women’s group facilitated the communication necessary for coordination of local and national activities⁷⁶ as they each had a network of functionaries living in rural and urban communities. They mobilised and organised communities, who were roused to attend meetings and participate in community projects together (e.g., building bus shelters, closing businesses to attend funerals, etc). Compulsion was used when necessary to enforce compliance. Compared with what happened later, this network contributed to the relative efficiency and effectiveness of coordination within communities and between communities and public service deliverers.

For instance, in the case of crime prevention (which was understood to include the use of criminal law against political dissenters) the MYP served as an armed auxiliary police force with the powers of arrest. They worked hand-in-hand with the state paramilitaries and police. But cooperation did not stop with public order. Other regulations governing various services were also better implemented, e.g., the dipping of cattle and the disposal of infected meat were better enforced, as were laws concerning the opening and management of private hospitals. Chiefs’ *bwalo* courts were discouraged from hearing witchcraft cases, which were passed over to Banda’s so-called ‘traditional courts’. Vendors say that markets were cleaner and better provided with water and sanitation facilities and that the prohibition on the sale of illicit goods was better enforced.

This is not to say, though, that social indicators were good during that period, for they were not. Malawi in the later Twentieth Century was poorly resourced, with little infrastructure and skills, and development policy was skewed to promoting national export growth and not social safety nets. But the population was smaller and so nationally, maternal mortality rates were probably no worse than they are now, and water and sanitation were not much less developed (United Nations, 1993).⁷⁷ Security and market management were tighter. Thus, with less migration, lower demand and more coordination, services in the 1960s-80s may well have been better than in later years, which is what urban residents typically claim.

⁷⁶ The team’s discussions with elderly residents in Ndirande confirmed membership of MCP groups, e.g., one said he travelled the country annually, organising independence day celebrations.

⁷⁷ The MMR was estimated at 600/100,000 births in 12 hospitals in 1989 (United Nations, 1993:161). Perhaps half of Malawians had access to safe water (*The Nation*, 17 June 1994 citing the 1994 UN *Human Development Report*.)

Muluzi: pluralism, liberalisation and a weak state

The 1994 transition introduced reforms that significantly affected the capacity of state agencies to coordinate the delivery of public goods. Those that directly affected coordination included multipartism, incomplete decentralisation, downsizing of the public service, and market liberalisation; together these resulted in important changes to the structure and institutions of state, and political and social organisations. Specifically, political pluralism increased competition and the number of politicians and parties involved in the local politics of service delivery and created conditions for the emergence of new NGOs and CBOs. Decentralisation created a new set of party-politicised local councillors and empowered local assemblies and mayors (2000-05), reduced the power of DCs and chiefs, and empowered a hierarchy of development committees. Not only did the cast of characters become bigger, but power shifted (more in theory than in practice as it turned out) from the centre, and the relationship between actors changed. Market liberalisation increased the number of private-sector actors in public-goods delivery, including the emergence of independent trade unions, private healthcare providers, and companies outside the framework of Banda's holding company, Press Corporation. Finally, functional reviews and down-sizing of the civil service sought to rationalise systems, though the spread of corruption, nepotism, and lax enforcement of rules probably weakened the service's capacity to coordinate its work more.

Service delivery deteriorated in the Muluzi era for these reasons, but also owing to other factors, such as on-going population increase and concomitant natural-resource degradation, the HIV/AIDS epidemic, the persistent and complicated demands of donors, the debt burden, and the already-mentioned overriding sense of 'freedom' from old-fashioned restrictions. At the same time the increase in the number of agencies involved in service delivery made coordination more complex and challenging. Neoliberal reforms that deliberately weakened the state and its control of the economy also played a role in weakening management capacity. Also, there was no longer a single political framework with loyal staff (such as MYP or Women's League members) dotted throughout the country to ensure compliance with regulations or decrees from above.

Together, the reforms eliminated old systems and created new institutions. But importantly, in many cases there were not sufficient resources to implement the new systems or to enforce the principles and rules needed to resolve jurisdictional overlaps and disputes that resulted. Though it was meant to enhance district-level coordination, decentralisation contributed to the confusion, as the programme took years to initiate because it was resisted at the top (as it sought to disperse power). It was unevenly implemented (across districts and ministries) and when assemblies and mayors were finally elected they were party-politicised and fractious. Reportedly, the technical capacity of local councillors was generally poor.

The dysfunctional nature of the increasingly complex state structure was compounded by the arrival of new men and women in cabinet, who lacked management capacity and, in some cases, the motivation to lead or facilitate coordination (or contribute to public service provision at all⁷⁸). Few senior UDF ministers had the skills or training to run government departments (see forthcoming Business & Politics report on Malawi by Cammack and Kelsall). Also, the disorder was enhanced by short-term party alliances (e.g., between UDF-AFORD, and UDF-MCP)

⁷⁸ A different logic dominated in many cases – 'to eat' while in office and to ensure re-election.

which saw an increase in the number of ministries (to reward loyalists) and senior appointments doled out on political grounds, some lasting only a few months. This undermined continuity of policy planning and implementation, and when donors tried to fill gaps they failed too (Booth et al., 2006).

Take, for example, the police reform programme, which introduced community-police structures designed to undertake law enforcement tasks similar to those that were entrusted to the police, paramilitaries, party officials, Youth Leaguers and the MYP previously. Whereas before these were coordinated by the state-cum-ruling party, discussions with residents suggest that from the mid-1990s a relatively small, under-resourced and ill-equipped police force floundered as it was buffeted by multiparty politics and donor impulses, sporadic vigilantism, an influx of small arms, and HIV-AIDS. Poorly managed NW committees and private security companies operating outside the state system were expected to take up the slack. The operation of the state's security services was also affected by constitutional reforms in the justice sector, and by the new institutions and demands that they introduced (e.g., *habeas corpus* and bail). Sweeping away the old order and replacing it with incomplete and poorly implemented reforms resulted in a deterioration of security.

The impact of democratisation varied in different local areas. For instance, hierarchies of power were less well-defined and could become contentious in places. In Kasungu for instance, MCP candidates continued to win national assembly elections until 2009, which meant the ruling UDF was unable, except by force (see the Young Democrats and Mr Zimba, above), to ensure compliance with ruling-party demands (e.g., barring opposition candidates' meetings). The UDF had less interest, too, in delivering goods to people who did not vote for it. Political contestation also meant that DCs and CEOs were subject to tests of loyalty and those deemed to have suspicious political leanings were relocated, especially at election time. On the other hand, where the ruling party won elections, as in Ndirande, it controlled committees while siphoning off resources. We see for instance, MASAF, NGOs, the UN, chiefs, the city authorities, the Blantyre Water Board and UDF politicians working together to improve the public water supply. (Thus, details of inter-agency coordination of water-kiosk construction in parts of Ndirande in the late 1990s warrant further study.)

Mutharika: pluralism, liberalisation and strong state

President Mutharika inherited a pluralistic and liberalised political economy from Mr Muluzi but he seems to have set out to emulate Dr Banda's tight, centralised control of policymaking and to impose an ethic of order, discipline and integrity in the public service. But Mutharika's and Banda's regimes have operated in different environments: politics has become more pluralistic, the state apparatus is larger and more complex, the population has increased and urbanised and there is more pressure on services, donor demands have changed, and the economy is more liberalised. These limit the degree of control that the executive can now exercise over bureaucracies and non-state actors compared to 20 or 30 years ago. Moreover, Dr Banda could rely on MCP stalwarts to supervise operations and the UDF under Muluzi had the ability in strongholds to facilitate organisation. But Dr Mutharika had (at least until 2009) a weak party apparatus and had to rely on state officials to manage the delivery of public goods. This de-politicisation of services has had positive results, leading to residents' praise of improved policies and better (more 'serious') civil service performance.

Liberalisation has meant there are now private companies working with the state. For instance, the security company G4 was contracted a few years ago to protect Ndirande market and clinic, which has apparently resulted in a reduction of thefts. Independent agencies are also running private clinics in Kasungu, with a well-organised system of referrals of pregnant women to government district hospitals. Individuals owning boreholes are also filling the large gap in water provision on an *ad hoc* basis in some areas, including Ndirande. On the other hand, contracting out the reconstruction of Ndirande market seems to have slowed the rebuilding process, though overall direction is better maintained.

As argued in Section 3, compared to Mr Muluzi's regime, Dr Mutharika's government appears to have increased vertical coordination within the state agencies involved in service delivery. His 'seriousness' and the tightening-up of regulations were attested to by public servants working in the police force, hospitals, and markets. The impact of this on the quality of coordination varies from place to place depending on other factors, such as the strength or weakness of local government structures. Where city officialdom is weak, it undermines positive action. In Rumphi, for example, the town administration in 2009 was emasculated by a leadership which, among other things, was distracted by internal problems at the expense of engaging with other actors to address the delivery of public goods (like good markets and sanitation).

In contrast, the local government administration in Kasungu was more proactive, open and responsive. Consequently, there appeared to be better coordination and cooperation in Kasungu as was evident in the productive working relationship between the market committee, on the one hand, and town officials (including the market master), on the other. The opening of the new Police Listening Unit at the bus depot/market is a case in point, where community, market, police, and town officials collaborated successfully. Management of the bicycle-taxi businesses in Rumphi and Kasungu differs, partly, we feel, as a result of the relative strength-weakness of the town administrations. Specifically, in Kasungu the city licenses, taxes and regulates the movement of bicycle taxis where in Rumphi the DC's office does not manage these as successfully. Where coordination between different levels of government and between citizens and the state is producing public goods more reliably, citizens consistently praise the Mutharika regime and their local 'assembly'. In such cases, the regime is compared in a favourable way with Banda's way of managing public affairs.⁷⁹

In some places where the local government administration withdraws and effectively ignores an area, coordination may fail and service provision suffers. Ndirande is a case in point; there the city 'assembly' delivers minimal services, and appears to play little role in coordinating other public goods' providers. This is evidenced by its failure to implement its Sanitation Week in September 2009, which was meant to bring together various stakeholders and community members to clean up the heavily polluted Nasolo river (Box 3) and contiguous areas.

⁷⁹ When asked to rank regimes, people inevitably put Mutharika's first and then Banda's, and lastly, Muluzi's. They generally praise Banda for rule enforcement (security, markets etc) but condemn his abuses (especially forcing people to buy party cards).

Box 3: Nasolo River, 31 October 2009



In the 1980s the Nasolo was apparently still clean enough to bathe in. With the increasing population, building of latrines and bathhouses on its banks, and the filling in of space that might otherwise be used as rubbish dumps, the river has become polluted (Alma, 2006; Njamwea, 2003). When asked in August 2009 what the assembly intended to do about it, city officials said that a special Sanitation Week was planned for late September

when the river would be cleaned (B, 29-7-09). A transect of the river in late October 2009 determined that it was dirtier than ever, and when asked whether it had been cleaned in September as planned, the Blantyre city Cleansing officer stated that it had not. He was short-staffed generally, he explained, but especially at the moment as his people were helping collect business revenues (K & C, 29-10-09).

Asking the Group Village Headman of the area if he could organise a work party to clean the Nasolo, he said he could. Asked why he had not, he said he had never thought of it (K & C, 31-10-09). Questioning women washing clothes in the river and drawing water from a spring along its bank, whether they had ever seen the city clean the river, gave rise to derisory laughter. 'The rain is our city. The rains clear the rubbish and wash it down the river' (K, 31-10-09). In other words, leaders responsible for civic welfare do not act to address what seems an obvious and dangerous⁸⁰ situation. And though residents openly complain about the state of the river, they do nothing either. Why this is the case is currently being explored further by the Malawi team.⁸¹

Similarly, vertical and horizontal coordination between the two sets of HSAs (from the city and MOH) and community health committees empowered by chiefs, has little effect on the enforcement of sanitation/health regulations. The inability of the officials to call on the police in Blantyre to enforce some city bylaws certainly undermines enforcement (see above). In addition other service providers in Ndirande, such as the water board,⁸² and chiefs,⁸³ have similar

⁸⁰ One of our team sat in on a meeting between the Ndirande market master and members of the restaurant and chip-makers sections at the market. He was warning them not to use the river water to wash dishes and vegetables (W, 15-7-09; B, 20-7-09). Cholera is a regular occurrence during the rainy season in Ndirande, where the clinic keeps a special ward waiting to receive patients.

⁸¹ Why does no one take responsibility for the Nasolo River? Does no one care enough about its filth and danger to spend scarce time and resources to clean it? Is jurisdiction over it so complex that it undermines efforts to clean it? Is it impossible to enforce rules about its cleanliness? Why don't neighbours organise themselves to clean it? Why do Health Surveillance Assistants or Sanitation officials do nothing?

⁸² Persistent failures of the Blantyre Water Board to provide an effective and efficient water service for the City of Blantyre as a whole led to the dismissal of the Board's Chief Executive Officer in

capacity limitations and appear to lack the organisational leverage to effect any significant coordination within or across jurisdictions. The cumulative result in Ndirande is environmental chaos. How the new (proposed) Water Users Association will function in such an environment – where party-politics is so pervasive, where the city is unable or unwilling to play an oversight role, where water-fee collectors are embedded in the community, and where chiefs have ill-defined powers and limited agendas – is worthy of further research.

Coordination among agencies and institutions which have overlapping mandates requires clear definition of the limits of jurisdiction and a mechanism for resolving jurisdictional conflicts. The absence of laws, regulations or informal rules for mediating and adjudicating the conflicts – let alone defining mandates – leaves problems to be resolved on a case-by-case basis by people, some of whom are motivated by personal and political agendas. This has implications for the delivery of public goods. The case of TBAs and the Ministry of Health hospitals and clinics illustrates the problem. Ndirande clinic and Kasungu and Rumphi district hospitals have clearly defined catchment areas in which they are mandated to deliver various services, including those related to maternal health. In the same areas, however, Traditional Birth Attendants and herbalists also provide maternal health services. In one area of Ndirande, for example, one TBA we met had lost her record of births but claimed to have delivered over one hundred babies. She says she continues to deliver though she has difficulty obtaining gloves and other paraphernalia. The ban against her and TBAs all over the country is not seriously enforced – not because there is no will within the ministry to stop them working (though some health staff recognise TBAs' usefulness still), but because the coordination and resources needed to implement the regulation and provide continuous and good formal care are beyond the capacity of local and national officials. Police are not enforcing the regulation apparently, and chiefs seem only to do so where there are alternative services (especially transport to hospitals).

For its part, the politicisation of service delivery in a democratic environment continues to account for contests at local level between various parties, which can undermine effective co-working arrangements. The situation in Ndirande market – with its two different party-affiliated market committees, discussed above, is a good example. This results in the failure to address the needs of the vendors (as expressed through their elected representatives) and requires the market master to walk a fine line between the committees and city to maintain his authority while keeping his job. The existence of two committees also limits the ability of traders and market users to coordinate among themselves to present a united front in making demands of the city, for better sanitation facilities for instance. How the election of an Independent MP in Ndirande (in mid-2009) will affect the politicisation of service committees and the stance taken by city officials vis-à-vis the ruling party remains to be seen.

Coordination among bonded groups is another matter worthy of further study. Specifically, the Hygiene Week (see above) spearheaded by different modes of governance in Rumphi – NGOs and the Paramount chief – and implemented by lesser chiefs and citizens, has required on-going coordination. The fact that the initiative was taken separately from local government may be

November 2009. See <http://malawidigest.blogspot.com/2009/11/escom-bwb-boses-sacked-in-clean-up.html>

⁸³ We were told that GVH Matope had been 'temporarily suspended' at one point by the city (though how this was done legally is unknown), and certainly his 'taxing' of vendors is unpopular; another chief is to be found drunk on the streets, etc.

significant in its success. The fact that a strong, legitimate and historically rooted (ethnic) leadership is involved is probably important too (for recent work on leadership, see <http://www.lpdlec.org/>). Whether the participation of local government and possibly donors would be good for sustainability and collective public action is also of interest. Similarly, we have to ask how the initiative to ensure public security by the police, town officials and market committee in Kasungu (see above), might be sustained and continue to operate effectively. Coordination across these various modes of governance seems likely to remain a persistent problem.

5.3 Conclusion, variable 3

The problem of coordination among agencies in urban public-service delivery has been transformed. During the Banda years the combination of a small population, fewer ministries, a professionalised civil service, oversight by ubiquitous MCP members, and close direction of everything by the President himself seems to have facilitated horizontal coordination as well as vertical disciplines. Things began to fall apart as Banda aged and new men with a different vision and less ability stepped in at the top, as the population increased and the economy collapsed, and as the quality of the civil service declined. Things seriously deteriorated under President Muluzi, when a different political-economic logic took hold. This was somewhat reversed between 2005 and the present, with additional government staff and funds, more rigorous enforcement of regulations, and a recentralisation of power in the executive. Still, however, funding and capacity weaknesses have not yet been overcome, and jurisdictional complexities among a wide variety of actors, along with the all-pervasive party politics and other divisive factors, undermine horizontal coordination at the local level. The small number of initiatives by strong local organisations that have succeeded in overriding this problem tend to confirm that in general horizontal dis-coordination is a major source of weakness in public goods' provision.

6 Conclusion

The Local Governance and Leadership country teams were asked to address three issues when presenting their 2009 research findings (see p. 3 above).

In answering the first – whether there are recurrent examples of mechanisms explaining whether public goods are provided or not – we have argued that there are three proximate causal variables and associated social mechanisms that go some way towards explaining why particular public goods have been provided in some places and times in Malawi and not in others. These are: [1] the strength of the 'sanctions regime', [2] the presence or absence of cohesive groups which are in a position to undertake collective action to address their needs, and [3] the effectiveness of coordination among agencies and actors across jurisdictional divides. How these variables manifest themselves, and with what precise effects, is context-specific, depending on both local particularities and larger structures and how these have been transformed historically. Nonetheless, comparative analysis across periods and locations does seem to support some generalisations. It seems likely, moreover, that the three variables we have identified are *not* Malawi-specific, and that they are relevant to other countries and periods.

Second, we were asked to identify the features of the wider institutional environment that affect the way our basic explanatory model functions. We have discussed features of the wider context that seem important in relation to each of the three causal variables identified. At this point, we are not ready to articulate everything we know about Malawi's wider institutional framework in terms of causal generalisations. However, we have shown that the following features seem relevant to each of the identified mechanisms, and these observations may provide some of the raw material needed for thinking about regularities at a more abstract level:

- The efficacy of the sanctions regime (rules and their enforcement) depends on strong and legitimate leadership, a clear understanding of the rules, enough consistency of the rules to ensure stability but enough flexibility to allow for change, a competent bureaucracy to enforce the rules, and some modicum of success in delivering outputs which gains the regime credibility. In the Malawi case, single-party, autocratic government provided the best environment for these to emerge, while the immediate transition years saw a breakdown in order, a weakening of state control and de-professionalising of the public service coupled with rapid urbanisation and a higher demand for public services, all of which resulted in less effective public goods delivery. Re-imposing centralised control, as Mutharika has attempted to do, solves some problems but not all. Decentralisation introduced in the late-1990s continues to be only partly implemented, and authority to govern at local level is not clearly defined. Capacity to enforce rules remain poor.
- The group cohesion which is a factor in the feasibility of collective action appears to depend on the ability of people to identify commonalities of some kind (e.g., an origin, or ways of thinking, speaking, behaving). The shared identities may be either primordial or contrived. While the formation of such groups does not guarantee collective action, it facilitates it.

Other factors that seem to help create and motivate collectives include the identification of a common goal, an agreed division of labour, a modicum of trust, the ability to sanction those who break trust, and strong leadership. These were probably more easily achieved in Malawi when there was less spatial mobility and clearer authority structures. Tensions between chiefs and politicians have existed for at least a century; how these were resolved in each area and time has affected the strengths and limitations of leaders, and therefore their authority and ability to inspire community action. Dr Banda centralised authority in his own hands, and the state-cum-party was relatively strong; chiefs' dependency on the state and public reluctance to initiate grew in that period. Since the transition, multiparty politicians have vied for chiefs' support (to win elections), which has strengthened the TAs' hand. Where there are weak state and party institutions, even in towns, strong chiefs are able to inspire and lead community action.

In urban settings, migrants also form groups around common origin and language, or shared skills and interests (guilds), and undertake limited tasks. Leadership in urban settings is contested by several modes of governance and the outcome varies by locality and through time. Town chiefs fill some gaps across the country, but so do charismatic spiritual and political leaders. We have found in Malawi few examples of large and

sustained ‘bonded’ groups outside government or parties that produce public goods, except faith-based organisations, NGOs and sub-contracted companies. Citizens tend to lack the organisational skills, resources, and infrastructure needed to build and maintain wide networks and ‘bridging’ social capital. Hence, they depend on others, especially the state and donors, to do this for them.

- Coordination across actors and agencies seems to depend on the ability and will of individual actors to understand the larger system in which they operate; to have clear lines of authority, sufficient skills and training and a strong legal framework to work within; and to identify problems that can be solved with others. It is more difficult to work together where competition to stay in power results in individuals and groups needing to take credit for outputs. When Malawi had fewer people and less political divisions, and ruling party stalwarts were present everywhere at the grassroots level, it was easier to coordinate activities from above. Multipartyism, decentralisation, resource constraints, and population growth complicated harmonization of actors and agencies, as did the proliferation of NGOs, parastatals and donor projects from the 1980s onward. Jurisdictional overlays were built up over a century, and now authority over people, areas and activities is oftentimes ambiguous. Also actors shed responsibility for undertaking required tasks pleading shortage of resources or lack of capacity, but also for reasons of political expediency. The results in some of Malawi’s urban areas are contesting, overlapping authorities and gaps in service delivery.

Third, we were asked to consider whether the identified variables ‘can be aggregated as particular sub-types of more generic variables?’ We take this to mean: what type of regime would be likely to manifest strong rules and enforcement, high levels of group cohesion and good cross-agency coordination? Malawi’s experience seems to suggest that a shared philosophy – such as Banda’s ‘four cornerstones’⁸⁴ – and a shared vision, articulated over a long period time by an elite which has ‘bought-into’ and benefits from the system, would be an essential part of such a regime. Especially helpful would be the use of such a philosophy and vision to ‘bridge’ disparate groups, making possible a widely shared, unified and long-lasting collective will. The open, sustainable and fair enforcement of a few key rules (e.g., for hiring/firing, determining socially acceptable behaviour, punishing crime) would increase trust in the system. Manipulation of historical norms (‘tradition’) to legitimise new rulers, systems and laws would be an advantage.

The character of leaders and the nature of leadership seem vital, which is why ‘agency’ remains important in addressing the core research question of the APPP. Where men and women with authority and vision have the will and resources to initiate action, organisations can be formed that bond individuals and bridge divisions. Where they create and enforce rules, collaborate with other leaders and share credit, positive outcomes are possible. There are some examples in Malawi of small groups that have come together to address their own problems, but further

⁸⁴ Creeds of a similar sort have emerged in other nations at times, e.g., during WWII in Britain a distinct ‘pull together’ attitude was engendered by conditions, whereas in the US historically the Horatio Alger myth (down-and-out people are able to achieve the American dream of wealth and success through hard work, courage, determination, and concern for others) motivated many. The ‘civilising mission’ of British colonialists, the *Lebensraum* of WWII Germans, the white supremacy of apartheid, the certainty of heavenly salvation, and a belief in ‘liberation’ have also served as inspiration.

research is needed to determine whether their formation was facilitated by leaders or whether the organisations coalesced without them. At the national level, certainly, it is hard to imagine the economic successes of the Banda regime without a Dr Banda.

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Annex 1: The democratisation of witchcraft in Malawi

Witchcraft and its relationship to development and collective action is a complicated issue, and one that deserves a study of its own. Briefly, though, according to people up and down Malawi, there has been a rise in the number of witchcraft cases being heard at *bwalo* courts. (We have collected data on approximately two dozen cases). In a survey done in Ndirande recently, witchcraft was cited as the number-one security concern (Knapen et al., 2009). We believe the increased prevalence of cases to be linked to:

- Primary justice reforms, sponsored by donors from the 1994 onward, which encouraged the re-emergence of *bwalo* – chiefs' courts – to handle non-criminal, community-level cases (also see Kanyangolo, 2006; Cammack et al., 2009).
- The strengthening and legitimisation of chieftaincy resulting from politicians' seeking their support since the introduction of multipartyism in 1994, and as a deliberate policy

of President Mutharika, concomitant with the re-emergence of tribal-based ‘cultural’ organisations. The appointment of Paramount Chiefs, even for tribes that have not had them historically, is another manifestation of this trend.

- The spread of non-traditional Christianity, in the form of Pentecostal and like-minded churches, which preach that evil is alive in this world, and which attract adherents by openly contesting witchcraft during their services.
- The opening up of the media after the transition. Newspapers and radio stations attract followers (and thus advertisers) by spreading sensationalist news about witch-related cases. The fact that these cases are treated seriously by different state authorities lends them credibility.
- The proliferation of Nigerian films and soap operas (via DSTV and video arcades) that often include magical themes.
- Tensions arising in settlements where people are living in close proximity to strangers. Living near strangers has increased since the transition as urbanisation and internal migration have accelerated. People claim ‘others’ are witches – those whose behaviours and beliefs they do not understand.
- The failure of the police to prosecute those breaking the Witchcraft Act (1911).

The old colonial Witchcraft Act outlaws ‘pretending to be a witch’, owning the paraphernalia of a witch, and accusing someone of being a witch. In the Banda years these cases were not heard by the chiefs, whose powers were significantly reduced, but by ‘traditional courts’ upon which sat specially appointed judges, some of whom were chiefs (C & K, 1-10-09). Presumably villagers then believed others were witches and took precautions against witchcraft, but these concerns were not spread by the media or openly discussed for fear of the law being enforced. *Bwalo* courts were only slowly empowered under Mr Muluzi – as part of the donor-inspired primary justice programme – so little change in how chiefs dealt with this issue was reported in that period. Now chiefs report that the number of cases of ‘children flying’ has increased markedly in recent years, and that where witches used to train their own children now they are also training other families’ children. Witch lore is now widely understood and believed, so tapping into communal fears is easy for witch-accusers to do.

The cases we found were mainly brought by children against the elderly, mostly older women. Children claim they are taken from their beds, dragged through walls, taught to fly to graveyards at night where they eat human flesh. They claim witches order them to kill siblings or parents, and so they accept blame when a relative dies or is incapacitated. The weakness of post-mortem forensic science in Malawi facilitates these claims. Magic is also suspected with an adult dies suddenly or when a person excels at business.⁸⁵ Cases where a person(s) is accused by another of being a witch come to *bwalo* courts, where *induna* or chiefs officiate. Often the police are aware that these trials are being held, and their primary concern seems to be to ensure no violence breaks out and that the accused is not harmed, though they seem rarely to intervene. They certainly don’t enforce the existing Witchcraft Act.

⁸⁵ In Ndirande we heard of a case where a man died suddenly and the police could not determine the cause. When his body was moved to Chikwawa for burial, relatives claimed an elderly aunt living there had bewitched him because she was jealous of his success. In another case, residents told us the success of a hardware store owner in Ndirande was due to his use of magical medicines (*muti*).

Often the case will end up with the chief or *induna* ordering the accused and the trainee-witches/child(ren) to visit a witch-finder or healer, who will perform rituals to cleanse them and ensure none practices witchcraft in the future. Alternatively, people are sent to specific preachers – such as Bishop Mark Kambalazaza of the Charismatic Renewal Ministry in Ndirande – who are thought to have healing powers. If these options do not work, the chief may expel the accused from the community, to ensure peace. Before leaving, though, the accused may be beaten by neighbours if they are not protected by the police or the chief, and may lose their property (or it may be destroyed) as well as their reputation. Being labelled a witch tends to follow a person if they settle nearby, while children caught up in these trials are sometimes withdrawn from school and/or feared and threatened by other children. Apparently there are organisations in Malawi’s cities which are caring for street children accused of being witches.