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Sholto Cross* and Milton Kutengule⁺

Summary

As a central plank in its strategy to combat poverty, Malawi has established the legal framework for a comprehensive decentralisation of government functions. This paper argues that while in principle decentralisation is desirable, the prerequisites for making this work are absent. These include a genuine internal commitment to such a transformation, an informed and involved citizenry, effective representation and accountability, and financially empowered local government. Malawi is characterised as a neo-patrimonial state, namely a clientelist political system operating within the guise of a legal rational bureaucratic framework. The roots of this system are deep, and the political attitudes and administrative ethos engendered by the 30 years of party-state hegemony have not fundamentally altered, despite the new constitutionalism. The further wave of reforms required to implement decentralisation will strike directly at the interests of the official class, and consequently there is a submerged resistance to it. Superficial implementation runs the further danger of replicating neo-patrimonial behaviour at the local level. Yet there is some room for manoeuvre, through a parallel process of community-based activity as exemplified by a number of development programmes such as the Malawi Social Action Fund, and various NGO-managed projects. This may be enhanced through further institutional reform particularly in the area of land tenure. More effective community demand may then serve to increase the political space, and act as a building block in the slow process of reconstructing local government.

Introduction

This paper sets out to examine decentralization in Malawi from the point of view of its possible beneficial contributions towards efforts to enhance the livelihoods of the rural poor. Currently much attention is being devoted to institutional reform of the public sector, and the installation of local government which lies at the centre of such efforts. Detailed plans and schedules have been announced, planning handbooks devised, organograms constructed and meetings and conferences held. Local elections have taken place. Donor funding and advice promoting this cause has been generous. Yet after some seven years of gestation it is time to raise the question: why has so little of practical consequence emerged?

The argument here is that much of the activity of reform is apparent rather than real. The pursuit of decentralization by Malawi's political leaders, on the evidence of what has in practice been

* Senior Fellow of the Overseas Development Group, University of East Anglia, Norwich, NR4 7TJ. He is currently a visiting Senior Lecturer at the Department of Political Studies, University of Cape Town, South Africa. Email address: sholtoc@mweb.co.za

⁺ Deputy Chief Economist, National Economic Council, Malawi Government, PO Box 30136, Lilongwe 3, Malawi. Email address: mkutengule@hotmail.com

achieved, has been at best half-hearted. There are a variety of reasons for this. A primary difficulty is that the building of political and administrative decentralization has been an externally induced rather than an organically generated process, and as such it faces inherent contradictions. The inducements for continued efforts are largely provided by donors who control the pipeline supplying aid and all the associated perquisites, rather than by popular pressure for political accountability, or local demands for further subsidiarity in administration.

More fundamentally, the prescriptions of decentralization offer solutions to the perceived inadequacy of the public sector to deliver economic and social development goods which are implicitly based on the model of a Western type of polity. The Malawian state is far from being such. Political parties do not operate from the bottom up, agglomerating and channelling demands, but rather from the top down. The administrative structure is that of the weak state, with scant capacity; it is deferential and hierarchical, not consultative and interactive with civil society. Key elements for successful decentralization, namely the effective articulation of demand at the local level, and a strong, impartial administrative ethos supported by several levels of capabilities, do not exist. Therefore the main current strategies for decentralization which are largely based on devolved sectoral planning, conceived as a complex techno-rational process, and the establishment of district assemblies, envisioned as local forums for the collection and allocation of resources, are highly unlikely to work. More training courses and more handbooks are not a sufficient response.

The application of the development paradigm which elevates popular participation and people-centred development as the *summum bonum* of development practice, which seemingly meshes easily with the language of decentralization, also requires detailed examination within the Malawian context. It is not obvious that the existing associational structures and value systems of civil society will automatically create the fertile field for local-level initiatives, provided the space is provided through public sector reform.

Nor is it simply a matter of finding the right pressure points to squeeze 'corruption' out of the system. In the face of the slow pace of reform and submerged resistance, the proponents of decentralization have dressed their programmes in the strong language of good governance. An Anti-Corruption Bureau has been established, and the habits of luxury consumption by the elite circumscribed by donor action and aid conditionalities. While this may be appropriate action at one level, it is not directly targeted on the source of the problem.

This paper presents the view that decentralization, as currently undertaken, is unlikely to succeed because it is misconceived - or, at best, that it has been misphased. Current policies seek to 'reform' public sector institutions and behavioural norms based on a notion that the African state is failing because of a reversion to a lingering 'traditionalism', and that the political class has been insufficiently diligent in pursuing their often proclaimed goals of the effective construction of a Western type of multi-party democracy (Chabal, 1997). It is proposed that a more fruitful angle of approach is to see the Malawian polity as a neo-patrimonial state, engaged in a crisis of modernity (where modernisation does not imply becoming increasingly Western, any more so than it does for many Asian countries which have moved out of poverty), rather than as a failing neo-liberal state. Neo-patrimonialism denotes the dominance of patrimonial practices within an officially legal rational bureaucratic framework. This perspective has the advantage that it does

not require the recommendation of yet more improbable levels of reformism. It may also help to explore what room to manoeuvre plausibly exists at the local level.

The Patrimonial State

Nothing is not my business in this country: everything is my business, everything. The state of education, the state of our economy, the state of our agriculture, the state of our transport, everything is my business.

This declaration by Dr Hastings Banda (cited in Alan, 1999), prime minister and then life president of Malawi 1964-1993, may be taken as an exemplification of African patrimonialism. He might have added that a significant part of this country - particularly newly privatised land and retail and agricultural marketing services - was indeed his business, in a strictly personal sense. It is fashionable to dismiss this figure as a self-regarding and self-rewarding tyrant, yet it is hard to overestimate the impact of his rule. The single party regime which he fashioned was a classic example of the neo-patrimonial African state, made more distinctive by the absence of military coups and threats and an ultimate peaceful transition to what has been described as the era of 'multi-partyism and democratisation', by way of referendum. During his period of rule any irredentist leanings there may have been (the Tonga north, the Yao south-east) were firmly contained, the Chewa language was universalised, and a strong sense of Malawian national identity established. The socially conservative values and traditional elements of leadership of a largely rural society were preserved.

The inadequacies, from the point of view of socio-economic development, were also notable, the most particular outcome being not so much the degree of immiseration of the populace as the inherently weak state which eventuated from his rule. (Historically, patrimonial regimes were usually replaced by similar forms of power-holders, following political upheavals where rival centres succeeded in emerging and displacing them). It is this contemporary Malawian state which may be depicted as a case of a failing or transitional neo-patrimonial state, rather than as an incipient parliamentary democracy (Bratton & Van De Walle, 1994). The classic hallmarks which indicate this may be seen in the norms and expectations of officialdom, the mode of operation of political parties, and the state of civil society, reviewed in later sections.

The application of the Weberian model (Weber, 1978) to the understanding of the African state is well established. The remarkable similarities between certain elements of African personalist rule in the postcolonial period and Weber's depiction of sultanism and oriental rule (Jackson & Rosberg, 1982) led to further explorations of the political and economic nature of African patrimonialism. One question raised in this analysis was the extent to which authoritarian rule, presidentialist one-party systems, and successive military regimes did or did not enjoy a degree of internal legitimacy. This is an important debate, because it goes to the heart of arguments over whether such regimes simply constituted kleptocratic elites utilising brute force to repress opposition, or whether there was a more subtle interplay of factionalism, marked by the declining political accountability of key leaders - a decline which had both an internal and external dimension (Mamdani *et al.*, 1988; Harbeson *et al.*, 1994) - and the displacement of civil society. Banda, it may be argued, enjoyed both a high degree of internal and external legitimacy. It is

improbable that the international shift in political climate following the watershed years of 1989-1994 (with their major changes throughout Southern Africa caused by the South African transition) which saw his style of elite patrimonialism as no longer acceptable would lead to a withering away of this. The successor regime has and is changing the formal machinery of administration, but the dynamics of the system remain clearly rooted in the past.

From the perspective of those development policies which rely on public sector channels for their implementation, it is perhaps the economic rather than the administrative aspects of neo-patrimonialism which are the most significant. The key point is that the end point of economic policy within this system is to retain the power to control the patrimony. This may involve 'development', but that is not its fundamental purpose, which is why sustainability is rare. It may even result in 'rural development' - that is, the application of funds to individuals and communities which are locationally specific to a particular community or potential resource - the purpose of which is not popular mobilisation for self-help (the terminology in fact used in the Banda era), but rather the reverse - hand outs as reward for a loyalty best expressed through passive acquiescence.

In this system, formal distinctions between public and private wealth are constantly undermined by the need for patrons to maintain their client networks through due reward: indeed, democracy and regional development within the patrimonial system are essentially constituted by ensuring that national, regional and local networks are properly taken into account when the cake is shared out. Investment is inherently low, because the demands for consumption by clients is so high. The canalisation of funds to private ends also has the self-reinforcing effects of weakening the currency, capital flight and the consequent shortage of funds for what local investment there is, most notably public infrastructure (Sandbrook, 1985). The indebtedness which ensues weakens the state yet further, and intensifies the struggle to maintain the networks of loyalties which sustain power. In resource rich countries, this may lead either to the complete collapse of the formal state into a number of warring entities, where disorder becomes a functional political instrument (Chabal, 1998) or even to the emergence of what has been termed 'the felonious state' (Bayart *et al.*: 1999), where the inter-penetration of organised crime with the organs of state is more or less complete.

In resource-poor countries, the more common outcome has been what Chabal (1997) has described as being as 'inevitable as it was predictable', namely the development of the patrimonial state through the Africanisation of the colonial legacy. A key mechanism for this is the propensity for individuals to seek public office - as civil servants, party officials, politicians - primarily in order to acquire personal wealth and status. Even where a salary is receivable, this is not enough: public office grants access to a number of sources of rents and petty corruption, which are viewed as an entitlement of office. The effort in accumulating these resources should not of course be dissipated on the fulfilment of tasks and implementation of projects which are meaningless, in the sense that no clear loyalty network is thereby being maintained (Bayart, 1993). The world of donor aid fell ready prey to these propensities, indeed encouraging them, and it might be argued displaying some of the same characteristics. This was particularly notable in the case of Malawi, where donors scrambled to establish their programmes in the early 1990s with the onset of political respectability in one of Africa's poorest countries. Competition for access to key cadres through their incorporation into the world of daily subsistence allowances,

study abroad, and the endless conference round validated neo-patrimonial practices, buffered as they were within the lofty rhetoric of democracy and development.

The cases of Malawi and Kenya are fairly similar from this perspective as transitional neo-patrimonial states, rather than as incipient parliamentary democracies. The operation of political parties is an important indicator of the extent to which they are caught in this former model. The arguments by Kanyinga (1998) are persuasive here. He concludes that the opposition parties which have emerged in Kenya have a limited potential to challenge the authoritarian habits and patrimonial economic systems of the ruling elite because they themselves have been “constructed from above in line with elite interests”, and consequently have very limited political space to promote genuine forms of popular development. He further notes that opposition politicians are contesting decentralization as a system, because “it is aimed at coopting all segments of the population so as to easily control political space and thereby contain the growth of opposition politics”. From the neo-patrimonialist perspective, decentralization may indeed prove to be little more than “bringing repression closer to the people”. The appositeness of this analysis to the case of Malawi is further discussed below.

An assessment of the prospects of a beneficial relationship between decentralization and local level development in Malawi therefore requires the examination of a number of elements. These are (1) an understanding of the case for decentralised government, which takes into account not only the principles on which this is based, but also the systemic context within which it is being implemented; (2) the background of local government in Malawi and the persistence of ‘traditionalism’; (3) administrative developments during the one-party era; and (4) an understanding of the dynamics of the reform era.

The Case for Decentralised Government

The case for decentralization is primarily a political one. The worldwide wave of democratisation of the early 1990s - which saw over 90 states adopting decentralization policies - was driven by the demand for political participation. One response to this was via administrative re-engineering, which entailed the devolution of the powers of central government to regional and local levels. The reaction against centralised planning and authoritarian rule was also strengthened by the triumph of ‘bottom-up’ theories of development (Chambers, 1983), and seen to be particularly apposite for African states, characterised as they were by multi-ethnic societies and sharp regional disparities (Conyers, 1983; Mawhood, 1983). The promotion of decentralization also had the virtue that it allowed its external proponents to appear as non-political, concerned with good governance but not interfering in the internal politics. It is unsurprising therefore that the major developmental agencies should have adopted the promotion of decentralization as a central plank in the political reforms which they wished to see pursued in developing countries. The general success of such policies in Latin America (Burki *et al.*, 1999)¹ gave added confidence. The Governance and Civil Service Reform Programme adopted by the

¹ The author does not share the conspiratorial view exemplified by such as Hoogvelt (1997) who argue that democratisation via decentralization in Latin America following structural adjustment was a shrewdly engineered conspiracy by the “gulag of the World Bank and the IMF” to legitimise new forms of hegemony. Cf. especially pp 229-233.

World Bank in the early 1990s explicitly saw decentralization as a primary means of tackling those public bureaucracies “which are by and large ‘patrimonialised’ by ruling elites” (World Bank, 1994); Malawi was included as a pilot country case study as part of the institutional assessment for this programme.

Other arguments advanced in favour of decentralization are that it promotes better service delivery and more efficient government; promotes political stability; and assists in inter-jurisdictional and other forms of equity. In theory, yes. But the prerequisites are that local government is both more capable and more constrained in its patrimonial instincts than central government; that the promotion of local political party bases is not viewed as a threat by the centre; and that imbalances at both the meso- (rich districts subsidising poorer ones) and micro-levels (affirmative action for women) are genuinely addressed. These pose major difficulties. As was concluded in a major recent study on public administration in Africa (Adamolekun, 1999), “although local governments are covered under the public administration reform efforts in most sub-Saharan African countries, there are no real success stories as far as improved development performance at the local level is concerned”. There appear to be two generally important reasons for this, based on the experience of most sub-Saharan African countries.

The first is that of sequencing: administrative reforms have been pursued hand-in-hand with attempts to promote political participation, yet in terms of the neo-patrimonial perspective, these are inherently inimical. Political participation requires prioritisation. It is enfranchisement and empowerment at the grassroots which has to drive the reform of state machinery, not the reverse process. Oluwu goes so far as to argue that “the magnitude of the change this transformation requires calls for a virtual reinvention of African governmental systems - a completely different paradigm of political and administrative systems” (Oluwu, 2000).

The second is that of effective fiscal decentralization. This has been characterised in Africa with generally very low levels of local revenue raising (on average less than 40%, although Zimbabwe in the mid 1990s proved something of an exception with 50-75% in rural areas). Partly this reflects the low administrative capacity at local levels, and partly the absence of information and management systems to ensure that the taxable base has been brought within the fiscal net. More generally, however, it reflects again the essential nature of the patrimonial elite: the aim is precisely to canalise and centralise public revenue flows, rather than to allow these to fertilise potential rival centres of power. One might expect externally-driven reforms to promote significant levels of deconcentration of administrative functions, and even the devolution of some political authority, but to make positive inter-governmental revenue transfers from the centre to the district, or to allow direct revenue-raising functions, or to permit aid flows to move directly to local communities untaxed would strike directly at the interests of the official class. Without other forms of countervailing intervention, the likely outcome is that of taking rent-seeking behaviour to a more intimate interface with the people - decentralization as “bringing repression closer”.

These considerations suggest that at one level there is undoubtedly a good case to be made for decentralization in Malawi. Apart from the positive experience of an earlier administrative period which saw the formation of local government, the political case is a strong one. Yet driving this through the public sector alone is fraught with contradictions. Without effective

sequencing of changes, and organisational development at sub-district level which has its own independent dynamic, little real change is likely. The office of the district commissioner may grow into a local satrapy, or power centre, perhaps with some added prebendary functions whereby a share of the local take is retained. Yet such sequencing, effective institutional interventions at community and sub-district level, and the creation of linkages between these and the activities of formal local government are certainly conceivable. As may be seen from a review (below) of the operation of Social Action funds in Malawi, and the history of community-based initiatives, there is considerable scope for the mobilisation of civil society actors. Other forms of political participation might also be provided with incentives. To fashion these effectively however requires an understanding of how the informal rules of patrimonialism have determined the manner in which the formal levels of administration interact with community interests.

The Evolution of Decentralization Policy

It would be a mistake to regard the adoption of decentralization in Malawi as simply a recent development. The move towards decentralization in Malawi is part of an unfolding process in that country that goes to the heart of its political economy. A comprehension of its many twists and turns, and likely future trajectory, requires the identification and tracing of a number of strands, and the investigation of some major areas of conflict and disagreement. This is primarily a political and administrative study, but the issue of decentralization is not only about the power relationship between the individual and the state. In Malawi, one of the poorest countries in Africa (despite the absence of civil wars or struggles with neighbours) where 85% of the population is rural, and immiseration deepening², it also concerns the capacity of communities to organise themselves effectively to maximise their chances of survival, in despite - as it were - of the formal operations of the public sector. This involves an understanding of the cultural rules of engagement with the natural resource base (forestry, fishing and agriculture) as well as the adventitious impact of disease and natural disasters. It also requires an understanding of how traditional institutions have survived and been adapted over the past 100 years or more; how colonial absolutism merged into that of the party-state; and how the operation of contemporary forces of development aid and democratisation have blended into the modern form of the patrimonial state.

It is beyond the scope of this paper to provide the full history of the installation of central power in Malawi, and there is no intention to revisit the 'evolutionist debates' of African nationalist historiography; but the competing - sometimes complementary yet often contradictory - goals of the implementation of national development programmes on the one hand, and the rise of the localised state on the other, do require at least an outline of this background. The contention here is that the sub-stratum of patrimonialist values which underlies the system of government remains remarkably solid. Partly this may be explained by one of the most striking social characteristics of contemporary Malawi, namely the low level of urbanisation. The bulk of the population are villagers, dependent on subsistence agriculture, living in communities where the writ of customary law remains pervasive. The entrenchment of this status during the colonial

² Growth rates have averaged under 3% for the period 1980-2000. To hold current poverty levels stable would require 6% p.a. growth (World Bank, 2000).

period had the effect of encapsulating people within the patrimonial system (Mamdani, 1996). The assessment of village-level political and administrative structures should therefore commence with the role of chiefs.

The Chewa kingdoms which gradually incorporated much of what is now western and central Malawi in the pre-colonial period shared the common tendency of central African kingdoms towards entropy, as Langworthy (1972) has argued:

Until the nineteenth century most Chewa kings had been generally successful in maintaining their authority, particularly their monopoly over trade, in the face of the decentralising tendencies within their kingdoms. It was only [then] that external factors encouraged decentralization....

These factors included new opportunities opened up by the incursion of the Portuguese up the Zambezi, and a series of weak successors enabling rival centres of power to emerge. However, the colonial model of indirect rule shored up those chiefs in office at the time of its imposition. The administrative system established by Harry Johnston after the declaration of Nyasaland as a British protectorate in 1891 was one which maintained the power of traditional authority, even while subordinating it to the colonial bureaucracy. This was not fully fledged indirect rule, but rather a local accommodation which reflected the general acceptance of chiefly authority in the territory at the time, and the limits of colonial administration (Baker, 1972). The colonial state built by Johnston and his successors brought in not only a top-down, commandist structure but also much of the patrimonialism and elitism associated first of all with the BSA Company (which sustained Johnston prior to the formal declaration of protectorate status) and subsequently with the class of missionaries, settlers and expatriate administrators, who lived in but were not of the country. This patrimonialism was balanced by that of the existing system, with which it had interesting interplays. Johnston received many unsolicited tributary gifts from powerful local chiefs during his first tours of the country - he was seen as *primus inter pares* rather than as wholly exotic. Chiefs had a role in collecting hut tax from the first, and were firmly established as part of the local administrative structure by the 1912 Native Authority Ordinance. Rather than the decline in power of traditional authorities which typically accompanied the growth of the colonial state, the circumstances of Nyasaland allowed otherwise. Their position was considerably extended in 1933 when their role as raisers of revenue for the purposes of development was extended beyond poll taxes, fees and fines to include land rents (25% on lease fees in Native Authority Areas), ivory sales, and small grants-in-aid.

In sharp distinction to neighbouring Mozambique, where chiefs were absorbed into a highly commandist system of local prefectures, or the western neighbours where large-scale settler farming, mining development and urbanisation along the line-of-rail predominated and displaced chiefly authority in favour of municipalities or centralised control, chiefs and headmen in Malawi continued to enjoy a high degree of legitimate authority. Partly this may be explained by the paucity of any other form of development other than agricultural, but the more progressive colonial thinking of the post-war period also underpinned it. Chiefs were included as members in six District Councils first established in 1953 by the District Councils Act. Over the subsequent years more DCs were established, providing a comprehensive coverage of 24 districts, with elected councillors gradually introduced. Their power was to some extent diluted during the

1960s when local government came more fully into its own; the District Commissioner was displaced from the chair of the District Council in favour of an elected ward councillor, and many of the powers enjoyed by chiefs were transferred to the Council. However, these changes took place together with a substantial rise in the spending power of Councils, and self-financing arrangements for Education, Forestry, Veterinary and Postal Services. Both chiefs and Councils were popular with local communities as they were seen to be delivering a wide range of services - graded roads, local produce markets, bridges, schools, boreholes - with a supportive central ministry (Local Government & Rural Development, MLGRUD) (Graham-Jolly, 1995).

Much of this success derived from the fact that at their height in the late 1960s, the councils had a diversified revenue base, with income exceeding expenditure. There were three main sources of revenue: self-financing services such as education, forestry, veterinary and postal services; direct government grants; and income from poll taxes, fees, rates, licences and land rentals. They were able to retain the services of able civil servants, with training and support through MLGRUD. There was no difficulty in recruiting voluntary labour for self-help projects (for which they provided 60% of costs).

The incorporation of the chiefs into the colonial local administrative system, and the introduction of the participatory principle through the elected councillors, thus provided a remarkable boost to the longevity of traditional authority. It is a notable feature of contemporary rural Malawi that chiefs still retain considerable authority, and continue to exercise important functions concerning the allocation of land under customary tenure, and the validation of the place of the individual within the community. However in terms of their sense of political identity and capacity for concerted political action, it remains notable - particularly for rural Malawians - that they have been constructed as subjects rather than as citizens. Local government, while it came to be both effective and popular towards the end of the colonial period, was not subjected to or engaged in a democratic dialogue with its populace. The growth of such an engagement might well have been pursued with decolonisation, but the aims and intentions of the first generation of 'liberation' leaders proved to be of an entirely different order.

The Era of Party-State Hegemony

The accession to power of Dr Banda, and the installation of the one-party state under the Malawi Congress Party, sounded the deathknell for participatory local government. It is instructive to examine the reasons for this. Many aspirant politicians had indeed commenced their careers in the local councils, and it was the training grounds for the first generation of civil servants. The district stations also by definition were local centres for incipient regionalism - the pursuit of local interests against domination by the centre. The north was somewhat egregious in that the concentration of missionaries on the lakeshore had provided a headstart in education (particularly with the institution of Livingstone's notion of 'the industrial mission') for the Tonga and Tumbuka groups. But Malawi lacked a sufficient divergence of language and ethnic culture - or pre-colonial history of wars and conquests - which might at this stage have supported any real

threat of irredentism³. It was rather the inherent dynamic of the one party system which required the dismantling of local government.

This was based on the centralisation of power in the office and person of the president; the encadrement of all public officials in a commandist structure; and the canalisation of revenue flows into a single stream. The jealous displacement of councils commenced in 1967 with the establishment of District Development Committees (DDCs), coordinated through the Office of the President, by administrative fiat, with a similar mandate to that of the councils. The DDCs were linked in a hierarchical relationship with Area and Village Development Committees (ADCs, VDCs) all staffed by party cadres, with no community involvement in decision-making. The aim was to ensure party control over all institutions from village level to the centre of government.

In terms of resources, this was easily accomplished. The lion's share of government resources and all donor funding was channelled away from the councils to the DDCs, which were staffed exclusively by party functionaries. The attitude of DDC personnel to the councils and their assets was one of plunder (Apthorpe *et al.*, 1995):

Party officials slept in Council rest houses free, and used Council vehicles as and when they wanted without paying for them. Party officials refused to pay rates and fees, for either party functions or personal use. Since the Party was supreme and no one could challenge its functionaries, Council resources were plundered.

MLGRUD systematically sidelined the councils, reduced their autonomy and fund-raising powers, and removed their control over the appointment and management of human resources. There was a consequent massive exodus of skilled personnel. The collection of local taxes was centralised, and most development functions with their attendant revenue streams were transferred to centralised sectoral ministries. By the early 1970s, the golden age of local government was at an end.

Popular participation was also forcibly moulded into the role prescribed for it by the party state. The young pioneers - the youth wing of the Malawi Congress Party (MCP) - were the main tool for this. Election to council seats was subjected to party pre-selection; chiefs were removed as *ex officio* members; and 'self-help' projects became increasingly involuntary through enforced mobilisation by party cadres (these largely collapsed when the state failed to provide matching grants for community projects).

It is hard to generalise too freely about the consequences for the position of the chiefs of this restructuring during the one-party era. Where chiefs opposed party decrees they were summarily dismissed, but in most areas it would appear that while the chiefs were incorporated into the top-

³ The level of immiseration in Malawi today is however forcing competition increasingly along lines of potential ethnic cleavage. The south - stronghold of the ruling UDF party - is the poorest area, with the heaviest concentration of population. It is also home to major commercial estates; land invasions promoted by local politicians have met little response from central government. The north, where the major opposition party Aford derives most of its support, complains bitterly of the neglect of its infrastructure.

down structure of governance, nevertheless, as Maliro (2001) has argued, they managed to negotiate sufficient space to retain their legitimacy with the people.

From the chiefs/sub-chiefs level to the households there is a diffuse and horizontal structure that emphasizes a strong network of local cohesion and feedback mechanisms....This suggests that, despite the vertical relationship to the OPC, the Traditional Authority structure has inbuilt mechanisms for voicing and channelling local demands and needs based on strict traditional royalty and socio-cultural affinities and defined roles of the subjects.

The patrimonial authority of chiefs was essentially incorporated within the new hegemonic form of party power, yet these appear to have retained for the most part their legitimacy within the community. Chiefs came to occupy an intermediary role: their hereditary mode of appointment (which in terms of the Chiefs Act did require the formal assent of the President) and incorporation with a top-down chain of command fitted well with the new ethos of elite control of the political process. Yet they also had to maintain a certain distance in order to maintain credibility and legitimacy. Their continuing economic role in controlling land allocations, and role in ritual offices such as burial proved to be resilient. The response at village level to these developments was not surprisingly one of increasing apathy and withdrawal from involvement in local activities.

The destruction of democratic local structures of governance was accompanied by the installation of new forms of exaction from rural communities by the party state. These were essentially concerned with the processes of accumulation by party officials, bureaucrats and politicians whereby Dr Banda sought to underpin his regime. Agricultural workers on land held by customary tenure were forbidden to grow the main cash crop available to them, namely burley tobacco, which became the prerogative of commercial growers and tenant farmers. The MCP regime encouraged its senior members to engage, with the connivance of chiefs, in the transfer of land from customary to private tenure, for cash-cropping purposes. These *obwera* or *akudza* (Chewa: interlopers, strangers) as they are known, are widely resented, and provide one of the important issues in the debate on land reform (Ahene, 2000). The control of the land vested in the president was also widely used to build Banda's client base: large amounts of state land were simply handed over to the private control of significant individuals, such as the leadership of the Women's League. The scale of this land alienation was considerable: in the early 1970s there were some 229 estates covering 255,800 Ha with an average size of some 1,000 Ha each, representing the historic pattern of commercial settlement in forestry, tea, sugar, coffee, maize and tobacco. By the end of the Banda period in 1993, this had risen to 23,000 estates occupying 1.2m Ha, with an average size of some 50 Ha, largely consisting of the new preferred clientelist class of tobacco growers (FAO, 1995). By way of contrast, the same period saw a decline in plot size of from over 2 Ha for 70% of subsistence producers (1969) to less than 15% having more than 1 Ha (1995).

The sharp increase in land hunger resulting from population growth on the one hand, and land accumulation by the new wave of agent 'settlers' on the other has also, it has been argued, had the effect of dramatically increasing the rate of deforestation (particularly in areas such as Dedza, where village reserve land no longer exists - although the impact of the influx of a million

refugees from Mozambique should not be discounted). Those holding land under customary tenure had two principle means of gaining greater security to their allocations, in the face of the propensity of chiefs to strike deals with politicians and functionaries, both of which involved tree management. The customary system accords tenure of new trees to the person who planted them, which constrains the potential land-use of their location, and the tree-planter often ends up as the usufructuary owner of the land as well. Knowledge of this may lead those with a potential interest in the allocation of the land to resist tree-planting. As regards indigenous woodland, land pressure has forced chiefs in certain areas to allocate this to individuals, changing it from communal to private access. But as long as the indigenous woodland is there, the community considers it fair game - so it is logical for the usufructuary holder to remove it for his private account first (FAO, 1995).

The centralisation of development functions into powerful sectoral ministries had other benefits for the MCP leadership. The 1970s and 1980s were the classic decades of bilateral aid funding tied to the pursuit of national self-interest by the donors. In the case of Malawi these were pre-eminently South Africa, seeking African allies for the defence of its embattled apartheid policies; and Israel and Taiwan, also cultivating third world allies. These donors were content for funding to flow through centralised, elite-controlled channels with many opportunities for confusion between the public and private end user. These resources helped to harden the moulding which over 30 years formed the attitudes and expectations of the new elite.

The Reform Wave: 1993 - 1998

There is a need...to change the terms of the political discourse which creates the expectation of material gain in return for political allegiances...Inappropriate incentive structures have been identified as the fundamental cause of low productivity and poor work ethic, particularly in the civil service....These include low salaries, poor monitoring, no punishment for poor performance, and opportunities for fraud and corruption. (Mathews Chikaonda, Minister of Finance, 2001)⁴.

The referendum of May 1993 which ushered in the era of democratisation and multi-partyism was a decisive defeat for Banda. Concepts of 'good governance' joined with the contemporary understanding of the importance of popular participation to provide a new impetus for the resuscitation of local government.

However many of the key actors - politicians and officials - continued in prominent positions. The expectation that public office was a reliable road ahead for acquisition of material wealth was heightened by the opening up of new opportunities, and the politics of patrimonialism were reinforced, rather than the reverse. The level of grand corruption was briefly revealed in 1997/98 by the exposure of a massive fraud at ministerial level, eventuating in a cabinet reshuffle and the sacking of three prominent politicians. There were some significant countervailing reforms. The Public Service Act of 1994 sought to affirm the nonpartisan, professional nature of the civil service. There was also a necessary slimming down of this corps (which had expanded from 10,000 at independence to 110,000 in 1995). It is also indicative that while civil service salaries

⁴ Budget Speech, 22 June 2001.

saw significant erosion and decreasing wage compression (salary ratios from 1:42 in 1982 to 1:20 in 1995) with little effective reform, political officers had huge increases in salaries and allowances in 1994 and 1997 (Adamolekun & Mvula, 1997). The process of restructuring the parastatal organisations was initiated, but proved slow and partial in implementation. While some 16 political parties sprang up, only 3 currently have representation in Parliament, and the habit of intimidation towards disaffected individuals remains hardy. Early amendments to the new constitution included the abolition of a proposed Senate, and the removal of a clause enabling constituents to recall their MP on the grounds of ineffectiveness.

The first changes of the administrative structure did little for the genuine reform of local government. The first measures towards decentralization followed a number of situational analyses on poverty undertaken in 1990/91 (culminating in the Poverty Alleviation Programme). Until the democratic election of 1994, the government preferred to continue its regionalist approach through the District Focus for Development Programme, enunciated in 1993. This was largely based on the Kenyan model: a district development fund was established under the control of the DC, and district planning systems set up with the aim of allowing districts to prepare and implement their own projects. It was established as a pilot in 6 local implementation areas (LIAs). There were two key weaknesses in this programme. It essentially continued the dual system of administration through favouring the DC and the DDC as the vehicles, with their history of favouring powerful sectoral ministries and the top-down approach, and involved little more than a certain amount of deconcentration of functions. This was the approach certainly favoured by such important ministries as the Ministry of Agriculture, which even though it had deconcentrated to regional level, was essentially a highly centralised operation with some 90% of its staff based in the main cities, whose cadres showed little appetite for deployment down to district level⁵.

This form of decentralization did not recommend itself to the donor agencies, with their specific agenda to promote political reform and underpin what they hoped was a move towards Western style democratisation under Malawi's new constitution and multi-party system. The lead role was taken by the UNDP under its director Terence Jones, the doyen of the aid community during the 1990s, and readily supported by other bilateral and multilateral funders. A key report was commissioned in 1995, undertaken by a team led by Professor Raymond Apthorpe (Apthorpe *et al.*, 1995), whose recommendations formed the essential base for the new policy on decentralization. This study was followed by a number of others, culminating in an approval in principle by cabinet in January 1996, the establishment of a Decentralization Secretariat within the Office of the President, and the passing of a comprehensive Local Government Act in 1998 (Malawi Government, 1998b). The centrepiece of this new policy is the establishment of the District Assembly (DA), with the object "to further the constitutional order based on democratic principles, accountability, transparency and participation of the people in decision-making and development processes"⁶.

⁵ An interesting insight into the dynamics of sectoral reluctance to face up to the logic of radical reorganisation and redirection is provided by an analysis of the agricultural sector, which sets out various scenarios: 'survival' being that of minimal change; 'new deal' a phased decentralization of function; and 'bottom-up' a radical shift to sub-district level extension support. Cf. NIBR & APA, 2000.

⁶ Local Government Act, Clause 3.

Membership of the DA consists of traditional authorities and MPs within the area as *ex officio* but non-voting members, 1 elected member for each ward, and 5 persons to be appointed by the elected members to cater for special interest groups. The executive functions are to be carried out by the District Executive Committee (DEC), which presides over a number of sectoral sub-committees. It has been decreed that the chairperson of the DEC will however not be elected by the DA as envisaged in the Act, but will be the DC. This has the effect of making the DEC potentially little different from the old DDC, which still continues as an interim arrangement in most districts. The aim is that over a transitional period - originally anticipated to run for 2 to 3 years, but increasingly being extended as the magnitude of the tasks becomes apparent - the DA will gradually take on its own staffing and employment functions, generate its own revenue, and operate as a fully fledged form of local government.

There are a number of intrinsic difficulties in the way in which this is being implemented. These may be considered in terms of function, capacity, and structure. Such is the nature of the contemporary state that the key ministries are essentially setting their own pace. Some ministries are at the forefront of promoting decentralization, such as Environmental Affairs, which has developed a detailed working draft of how State of the Environment Reports (SOERs), District Environmental Action Plans (DEAPs) and District Socio-Economic Profiles (SEPs) may be instituted and micro-projects prepared (Malawi Government, 2001b). The Ministry of Health has also a well-defined programme and schedule (Malawi Government, 1999c); those of Transport and Public Works are less clear, and leave many open questions over phasing and the transfer of staff, while Agriculture and Irrigation, with perhaps the largest single sector responsibility, still lacks an effective strategy and schedule. Education, similarly placed to Health, faces major manpower constraints and it is difficult to see any possibility for rapid progress. The key consequence of this is that the decentralization process is being rolled out on a sector by sector basis, rather than district by district⁷. This poses major problems of function for the fledgling DAs: lacking control over the ministries and without their own specialist staff, the key development planning functions are likely to remain under the control of the remnant party-state structure, the DDC. To an extent which is as yet unknown, the implicit problem of poor coordination which this will lead to may be offset by the policy of “a sector-wide approach” (SWAp). SWAp is described as “a rallying point for collaboration between government and donors” which will entail “joint monitoring of sectoral performance against agreed milestones and targets”⁸.

The current picture, however, is one where massive problems of coordination and basic queries on capacity overshadow all⁹. By capacity is meant not only the managerial and technical skills of DA members, but also their attitudes and expectations, the formal and informal levels of authority which they may acquire, and the level and type of resources they may be able to deploy in fulfilling their functions of promoting people-centred development. A recent survey in Dedza

⁷ At the time of writing, research is being conducted by OXFAM in a number of districts on issues of sectoral coordination.

⁸ National Health Plan, 5.3.3.

⁹ It is apparent from a number of interviews with senior personnel in the Decentralization Secretariat that these are by no means unknown or underestimated.

district¹⁰ has highlighted these difficulties. Dedza is typical of rural Malawi, as the list of key development problems identified in the District Socio-Economic Profile (Malawi Government, 1999b) indicates:

- Inadequate services rendered by central and local government
- Low participation in the development process
- High population growth rate
- Environmental degradation
- Low household agricultural productivity and income levels
- Low exploitation of tourist potential
- Poor health, high illiteracy, poor quality educational services
- Weak transport and communication network
- Inadequate support for orphans and other vulnerable groups
- High crime and insecurity rate.

The point of initiation for decentralization in Dedza was the local government election of November 2000. Turnout was some 14%. This was attributed not so much to poor publicity as to cynicism and apathy. Despite the fact that Dedza was traditionally an MCP stronghold (John Tembo's¹¹ constituency is Dedza Central), most counsellors stood as UDF members, or joined the UDF soon after gaining office. The expectation that supporting the ruling party was the quickest way ahead was clear: one counsellor, a young recently married man with 2 children, had resigned his job with Promat Ltd to stand for the DA. He had been advised to stand by Chief Kachere, and now rather regrets his decision. The offices have not been designated, no proper allowances and stipend is forthcoming, and he is having to make ends meet by doubling up his counselling role by trading in maize, beans and tobacco. He was unaware that any formal meetings of the DA had been held, and had little grasp of the content of the training seminars he had attended. Other members of the DA had similar stories, although the chairman showed a significant appreciation of the need for popular interaction in order to get development projects moving. However, all persons interviewed expressed high levels of frustration with the absence of any real action: no resources had been transferred or facilities for the operation of the DA put in place. There was also the perception that the counsellors had little more than a cosmetic role to play, and would be easily out-manoeuvred by the *ex officio* members. Real power, it was argued, lay with MPs and chiefs, who between them had a greater ability to manipulate the levers of power.

Striking by its absence in discussions with DA members, however, was any reference to the nature and type of structures whereby participation in development activities could be taken to the sub-district level. While general concerns were expressed with growing poverty (and in particular with the worsening crime statistics), there was no sense of their role as mobilisers of village-level initiatives. In terms of function, the making of linkages through which to attain the objective of community participation in development is seen in the Local Government Act as a central *raison d'être* for the DA, but little attention in practice appears to have been given as to

¹⁰ Interviews were conducted with the District Commissioner, District Development Officer, the Chairman of the District Assembly, and two members of the DA (June 2001).

¹¹ Tembo, number two to Banda, was, until a recent – and disputed – court order, leader of the MCP, the official opposition party.

how this will be implemented. This is compounded by the general absence of sectoral ministries, notably Agriculture, operating at village level.

Yet there is a long, if complex, tradition of collective action in Malawian rural society, which is specifically related to the management of a sustainable relationship with the natural resource base and the provision of rural infrastructure, particularly evidenced by joint and exchanged voluntary labour. This has been subjected to powerfully distorting pressures but may be rescueable. *Thangata* labour in its original sense (White, 1988) described the coming together of a community to provide voluntary labour for local public works as directed by the chief, and had a strongly positive connotation. Where food production was involved, this would be followed by a communal party after the harvest (*Uthukoza*). This gave way to a more neutral sense to describe the exchange of labour by incoming migrants for access to cultivable land (men coming in to marry were exempted from *thangata*). The negative attitudes towards *thangata* - now seen as little more than forced labour - are rooted in the utilisation of this practice by commercial planters to acquire cheap estate labour from the incoming Mozambicans ('Anguru') displaced by the Portuguese corvée labour system (*chibaro*). *Ganyu* labour has a similar history of moving from a positive form of short term, inter-household labour relationships whereby those in need during the production cycle could seek temporary relief. It is now regarded as shameful, and indicative of lowly and dependent status (Whiteside, 2000).

The self-help schemes of the Banda area were the first to 'projectise' these forms of collective action in the context of socio-economic development schemes, with generally disastrous results. Participation was enforced by the MCP Young Pioneers, and the matching supply of grants and resources promised by the state rarely reached the intended recipients. The displacement of food crops by cash crops has also played its part in the undermining of the altruistic and collective ethos of *thangata*. In the Namasalima field survey area, for example, *obwera* rice farmers are obliged to reward the headman with a 50kg bag of rice annually from a plot which may be no more than 25m x 50m in extent, representing a large share of production (LADDER survey team). The traditional system of rewarding the headman with gifts has been supplanted by a highly inequitable form of share-cropping. (This has gone further: in the Dedza area, the field team reported that some MK100,000 (\$1400) raised by collective action for fertiliser had been embezzled by confidence tricksters).

There are however clear indications that while there is a high level of suspicion and distrust, there remains a valid basis for action, despite the pressures of commercialisation and individuation. The operation of self-help schemes in the water sector is one such example, in particular the 60 smallscale, gravity-fed, piped water schemes installed for irrigation and village stand-pipes described as a model of their kind (Briscoe & de Ferranti, 1988). It is interesting to note that the one self-help project identified in the Namasalima project was for water, with the *Thutho* (Ditching Committee) being supported by the local political party (UDF). The key to success in these projects was that the focus was on a need determined by the community itself for which there was a strong collective demand, and that local institutions were created which had an ongoing role in management of the asset. Similar examples are provided by the operation of both small and large civic organisations: Self Help International in its tree-planting and seed supply projects at Linthipe and Chiradzulu, World Vision with its backyard woodlots, and church organisations in agricultural diversification (Scottish Malawi Network: 1995).

There are several examples of how this might work at a larger scale provided by certain development programmes and agencies. The Malawi Social Action Fund (MASAF) may be singled out for mention. MASAF was established in 1995 (with a World Bank loan of \$56m), with a further similar tranche of funding in 1998, and a third phase agreed in June 2001. The design principles are those which have been tried and tested in a number of developing countries, and indeed are the basis for some of the most successful community based development projects elsewhere in Southern Africa¹². These are that communities should retain ‘ownership’ of the process, by being involved from the beginning in the identification of development activities, and making financial or equivalent contributions (20% generally, 5% for the more capital intensive projects such as water). The establishment of a Project Management Committee (PMC) democratically elected by the community, with a deliberate attempt at gender balance, supported by facilitation for the management of bank accounts, administration, dispute resolution and similar functions was central to making this work. The Community Sub-Programme of MASAF was generally regarded as overwhelmingly successful. In the second phase, a further component the Sponsored Sub-Project was added, to address the needs of the particularly vulnerable (orphans, street children, HIV/AIDS affected, the aged, the disabled) (MASAF, 1999).

MASAF has been criticised. It has variously been attacked for being insufficiently politically accountable, too focussed on infrastructural projects, and tending towards top-down management practices. Referring specifically to the Safety Nets programme, an independent evaluation team found that there was limited sense of community ownership, and gender bias against women because of the predominance of labour-intensive road-building projects, although the community-based project committees “won the respect of the communities in all project areas because of their leadership skills, moral support...and above everything else their unflinching efforts in presenting their grievances and other concerns to the District Teams (DTs)”. The “attitudinal problems” of the DTs - the DC, district clerk, and sectoral ministry technical advisors - were singled out for sharp criticism (poor standards of reporting, delays in making payments, grumbles over lack of perquisites) (Zvogu, 1998). These criticisms are revealing. Some interesting insights also emerged from a further evaluation study (Chilowa *et al.*, 2001):

The general feeling among the study respondents was that there is a lot of political pressure on the MASAF development initiative. The majority of community members observed that they would rather work with chiefs than politicians in implementing the grassroots development interventions. Their rationale was that politicians either from the government or opposition side are often partisan in administering development interventions.....The study has further established that MASAF...interventions have somewhat been a success because of the pivotal role of PMCs. They, in the absence of a regularised system of extension, serve as a direct link between MASAF and the target communities.

¹² The Community Employment Programme of the Independent Development Trust (1993-1998) pioneered this approach during the political transition in South Africa to great effect. The Mvula Water and Sanitation Trust has continued this approach. Both approaches worked closely with government policy objectives but were independently funded and autonomous in management. Direct community ownership of assets and resources, with contributions in the 5-10% range, were *sine qua non* of project design.

Other points made were that the lack of coordination with sectoral ministries essentially reflected the breakdown within the ministries with the district level, and the generally competitive relationship between donors which inhibited more coordination at this level.

The work of Concern Universal in Dedza district¹³ reinforces the observation that interaction at the household level between a dedicated, professional agency with a degree of autonomy from the machinery of state and targeted groups of villagers can make a direct impact on poverty. Working on a component of the DFID Food Security & Sustainable Livelihoods Programme, the CU project management team demonstrated a high level of insight into the constraints and opportunities faced by rural producers. These included awareness of gender issues surrounding the adoption of new technology, risk-averse behaviour deriving from matrilineal practices, cash crops versus food crops, and the reasons for differential uptake of various cultivars of beans, groundnuts, maize and soya. High levels of uptake for agro-forestry were also reported, with the main demand being for homestead plantings rather than communal woodlots, owing to the high security risks. These were also a determining factor in the strong demand for a wide range of smallstock, with the emphasis being placed on those production systems where theft could be minimised. CU had not at the time of this interview been involved in any meetings of or representation in the District Assembly.

Two pilot projects currently being mounted by CARE International may also be noted. These are the Central Region Livelihood Security Framework (CRLSP) and Central Region Infrastructure Maintenance Programme (CRIMP). They are an interesting variant on traditional labour-intensive public works programmes in that they aim to build associations at the level of the most indigent, who are encouraged onto a path leading initially towards sufficiency in food production, and then towards savings and loan clubs whereby they can expand their economic activities. The activities of the smallscale community contractors are specifically centred around the sustainable use of the natural resource base through projects such as drainage construction and maintenance, control of invasive vegetation, and erosion control. The stated aim is ultimately to link these community-based organisations with the structures of the District Assembly (CRIMP Project Report).

The conclusion from the review of development operations and decentralization prospects in the Dedza and Namasalima districts was that there are large needs and a high level of responsiveness by communities, but there is little prospect for mechanisms being put in place to articulate these via the decentralization process as currently being implemented. There are also some major questions over the degree to which chiefs and headmen are valid representatives of community interests. On the other hand, organisations with a degree of independence and delinkage from the state, and a professional ethos and experience of grassroots development, are in great demand. Civic education, even for the most indigent and disorganised, does work when implemented by experienced facilitators. (It may be noted here that the Community Service Commission, which is responsible for supplying Community Development Assistants (CDAs) to the various sectoral ministries, only has 320 such cadres in the field, for some 1.5m rural households). One key difference between MASAF and development NGOs on the one hand, and the DA on the other, is of course that of access to resources. Currently the local revenue base for district development in Dedza is a slender one, consisting mainly of market and clinic fees, liquor licences and forest

¹³ Interview with Director and Project Manager, 26 June 2001.

sales. Namasalima is better placed, as the local economy of rice and fish is both significantly more productive than that of Dedza (where the major cash crop is Irish potato), and the many stages in processing of these provide a number of opportunities for local taxation. (It is interesting to note that community contributions to MASAF programmes have averaged between twice and sevenfold the revenue generated by districts on their own account) (Malawi Government, 1998c; the Schroeder Report). The acid test for the workability of decentralization may not simply be that of the degree to which fiscal decentralization is implemented, but it certainly will be a central measure.

The Prospects for Fiscal Decentralization

Finance has proved generally to be the most critical issue for decentralization, and in the African experience inter-governmental transfers the most critical stumbling block (Adamolekun, 1999b). Malawi has proved no exception. The recent history of the agrarian economy in Malawi has been marked by a shrinking availability of land to householders, declining soil fertility, and the rapid degradation of the environment. Population growth (combined in certain areas such as Dedza with the influx of refugees) and high levels of endemic disease have added to general immiseration and the proportionate size of the rural population in a highly vulnerable state. It is not surprising therefore that the local revenue base available to district councils has provided less than 5% of their expenditures. Moreover, as the Schroeder report concluded:

The many years of disregard of local councils, particularly district councils, have left them essentially moribund and has created a number of issues. The capacities of councils have been allowed to deteriorate, there is considerable uncertainty concerning what the councils and councillors are expected to do, and, as importantly, central government ministries have a general negative attitude towards local government.

There has been a flurry of studies proposing the design of new systems for the management of revenue generating systems and inter-governmental transfers¹⁴. Taken together, these propose a wholesale re-engineering of local government. This will entail a rebuilding of capacity from the bottom up, to enable all enterprises and assets (including land) within the purview of councils to be measured and rated, entered on a database, and subjected to effective collection procedures. It has likewise been recommended to central government that the whole system of rating and taxation¹⁵ be thoroughly overhauled, and the transfer of funds to districts subjected to a rational formula taking account of population and development status. These have included proposals on

¹⁴ In addition to the Shroeder report, there have been the Kampanje Report (Malawi Government, 1999a), the Kelly Report (Kelly, 2001), and the Boex Report (Malawi Government, 2001a).

¹⁵ The Kelly Report states bluntly that “the primary obstacle to to enhanced revenues is weak administration and political will for enforcement....Tax registers do not exist or are incomplete and out of date” (p. 2). In June 2001, the Malawi Revenue Authority (MRA), having failed for 18 months to receive a response from the Malawi Broadcasting Authority (MBA) as to why PAYE collected from its large payroll by its directors had not been handed over, sealed the premises and assets of the MBA. The MBA then called in the police riot squad to break the seals. At the time of writing it was not clear whether the MRA had received the PAYE funds in question.

the re-allocation of funds currently going to sectoral ministry headquarters (e.g. Health and Education Funds) to be placed under the control of the district. It has also been proposed that donor funding, which comprises some 80% of the development budget, also be made available to district level authorities and development agencies. Without at least the majority of these recommendations being put into effect, decentralization will remain an empty shell. Yet the consequences of such a restructuring for the Malawi polity would be traumatic. It would require the toppling of the powerful baronies of interests situated in the sectoral ministries and parastatals, and require the reorientation of political parties from their concerns with ensuring access at the centre, to the difficult and uncertain waters of being held accountable at the local level. Effective fiscal decentralization requires the revolutionary transformation of government of an order significantly greater than that experienced during the transition from one-party to multi-party rule.

There are a number of perspectives from which this may be viewed. First there is that of political will. In terms of the depiction of a political leadership which still operates essentially according to the norms of neo-patrimonialism, such a transformation will require a fundamental contravention of the real rules of the game. Leadership of great vision and charisma is a starting point; but it will also require the institution of sanctions and rewards backed by the greatest might which the state can muster to seek a new order. Given that much of the funding received by the state is provided externally, it might well be possible for an accord to be reached whereby donors utilise mechanisms for funding which require sectoral ministries to operate at district level (leaving open, perhaps, the question of sub-district structures). The risks for a leader who adopts such a course, even with the aid of massive personal charisma, are considerable. Second, there is the question of capacity. The existing weakness of administrative cadres and systems, even at central level, is a *leitmotif* running through the many reports on reform which have accumulated over the past decade. The situation at district level as this paper has suggested is many times worse, to the point of irredeemability. Thirdly, should nevertheless despite these strictures a certain degree of decentralization of fiscal authority take place, the prospects of the DA falling into the same role as the old DDC - or perhaps some new and possibly worse variant - are strong. The habits of patrimonialism are deeply ingrained at district level: new powers and opportunities can be created far more swiftly than can methods of control. The nature of political parties are also unlikely to be transformed sufficiently swiftly to prevent decentralization "bringing oppression closer to the people".

Likely Outcomes

There are then converging arguments and indicators which suggest that the most likely outcome of the decentralization process will not be fundamental change. Rather this will simply twist the kaleidoscope of neo-patrimonialism to produce a variant pattern, where local elites have larger opportunities to capture assets and extract wealth. The poor will remain passive and suspicious, lacking effective channels to make political demands. Immiseration will express itself through growing levels of insecurity and short-term survivalist strategies which will continue to intensify the pressure on the natural resource base.

Yet experience elsewhere in Africa and the developing world suggests that the valuable benefits of decentralization can possibly be gained even in the face of seemingly overwhelming odds, if certain pre-conditions can be established. These, in essence, represent the best hopes of dissolving the patrimonial system from below. The central tenet in the literature is that subjects should be empowered as citizens through the acquisition of effective political rights, commencing with the establishment of accountability running through all levels of the political and administrative systems. Manor (1996) in his study of 60 country case studies, concluded that three factors are essential if decentralization is to lead to the promotion of sustainable livelihoods for the poor: elected local bodies with sufficient funding, adequate powers, and reliable mechanisms to ensure two kinds of accountability - the accountability of elected representatives to citizens, and of bureaucrats to representatives. This is the central theme of Ribot's review (2001) of

the vast literature on decentralization in Africa...From the review...it appears that decentralizations are not taking the form necessary to realize the benefits that theory predicts due to a lack of the combined factors of *representation* (downwardly accountable decentralized actors) and *power* (entrusted to these actors)" (italics in original).

Elsewhere (Agrawal & Ribot, 1999) a range of mechanisms have been proposed whereby this accountability can be achieved as a countervailing power. These include procedures for recall, referenda, legal recourse, monitoring by the media, NGOs and control commissions; auditing and M&E; political pressure by opposition parties, civic education, participation, and social movements. These arguments are in accordance with the great legacy of studies of decentralization of the last two decades (amongst the seminal are Mawhood, 1983; Conyers, 1983; Chabal, 1986; Tendler, 1997; Crook & Manor, 1998; Blair, 2000).

The question remains, however, how to pull oneself up by the bootstraps? Driving decentralization through the patrimonial state runs the constant danger of simply reproducing it at lower levels, where its exactions may be at least as intensive. Are there applicable lessons for Malawi from other country experiences? Greeley & Jenkins (1999) cite the case of the Shinyanga region in northern Tanzania as an area where the agendas of decentralization and poverty reduction have been brought together. They note that the effect of the early decentralization initiatives had the effect of reducing village and community-based institutions to a state of passivity and dependence. Following an appraisal in 1999, new policies are being pursued which include restructuring at sub-district level, civic education and public discussions, and the explicit inclusion of NGOs and civic associations. McGee & Norton (2000) review the success of activist groups in Rajasthan which utilised legislation on the right to information to expose corruption and misdeeds by local officialdom at quarterly public hearings, leading to some voluntary restitution. The Plan for Modernisation of Agriculture (PMA) in Uganda avoids being controlled by the agricultural sector by being located within the Ministry of Finance, and it is claimed

will deepen and help realize the decentralization process under way in Uganda by giving poor people greater control over the use of public resources, and will provide new mechanisms by which policy and action 'at the centre' is informed by 'the poor' (Chilver, 2000, cited in Norton & Foster, 2000).

Certainly the relatively well developed civil society organisation in rural Uganda has provided fertile ground for this (Nsibambo, 1998). In a penetrating analysis of the politics of the neo-patrimonial state, Oelbaum (2000) addresses the question of how far the populist reform coalition political parties of Ghana have been able to alter the profoundly neo-patrimonial nature of the Ghanaian polity. Of particular significance is the detailed demonstration of how the insertion of Malaysian interests has reinforced central control by the neo-patrimonial elite in the face of the reforming pressures at the periphery. The conclusions are not encouraging regarding the capacity of opposition political parties to change the fundamentals of the patrimonial discourse. The analysis by Eriksen *et al.* (1999) of Ghana, Botswana, Tanzania and Zimbabwe concurs.

What emerges from these studies is that while there are certain common prescriptions for the context within which decentralizing reforms are likely to have some effect, achievements have yet to prove themselves sustainable, and are generally contingent on such variables as charismatic central leadership, a strong orientation towards 'pro-poor' policies, the existence of powerful groups of local activists, farmers' clubs, women's movements, and how far globalization operates to reinforce and sustain the centre.

Conclusion

The signal lack of enthusiasm shown by the Malawian electorate in the local government elections does not bode well for the prospect that political accountability may be enhanced through the decentralization process. Yet the empowerment of communities - what Ribot (1999) has referred to as their enfranchisement - is a priority. Paradoxically, it may be the case that in Malawi decentralization is being attempted too swiftly rather than too slowly, in that the organic base of an actively engaged citizenry does not exist: cautious and suspicious subjects are unable to fulfil the necessary functions of demand and recall. There is an absence of effective structures at sub-district level within the currently conceived plans for decentralization for any real political engagement, and the prospects for the neo-patrimonial bureaucratisation of what may emerge are strong.

Yet the makings of such a transition are there. It is difficult to argue for a delinkage between the reform of the state apparatus and socio-economic development interventions at the same time as one proposes enhanced grassroots politicisation through this very same process. But it is in this complex space that some room for manoeuvre would appear to exist. A parallel form of development intervention is required. This means that the central target (for the poverty agenda of external agencies, as well as for a genuinely concerned internal leadership) should be the enhancement of the model of the community-based project management committee. Ideally this should be delinked from the formal administrative and political process, running perhaps in parallel with the ongoing attempts to breathe life into local government. Once such community structures are well established, a possible area of linkage with formal decentralization may be to equip them with the management capacity, authority and resources to buy in extension services and sectoral support from the ministries, through the DA. Such an approach would require a clear understanding and commitment by the donor community to their own internal coordination: difficult as this would be to achieve, it may be the lesser task compared with driving top-down decentralization through the reluctant centre.

A sensitive area in this is the issue of local patrimonial norms and systems. It is more important perhaps to support the process of local empowerment around bread-and-butter issues of enhancing productivity, controlling environmental degradation, acquiring better access to health and education and infrastructural services, than to seek to tackle deep-seated cultural institutions and traditions in any direct manner. It should be for local political processes to find the route between accommodation and reform. That being said, there are larger issues of the legal environment which are proper areas for reform. Land tenure is one such. The traditional protection for community members of having assured access to usufructuary rights which customary law has provided is no longer of much merit. When fertile land and environmental resources were relatively freely available this was a workable system; this is no longer the case. The high level of demand and competition are leading to 'spontaneous' land invasion which is not being controlled through the political system, and may indeed even be fostered by patrimonial linkages between chiefs and politicians. Legislation allowing more secure title to land, and freeing up the market to optimise utilisation by efficient producers, may have a number of beneficial effects. Without directly confronting the cultural values of the matrilineal system or the legitimacy of chieftaincy, new forms of tenure may transform the willingness of husbands to invest in land and rural resources situated in the matrilocal homestead, rather than diverting savings and labour to the rural economy of their matrilin, as an insurance against the break up of the family. The example of the recent land reform in Mozambique is suggestive here. The new land law gives total security to title-holders, without, however, full privatisation; it provides for community land, while allowing space for smallholder households to trade in land, and balances the interests of the state to allocate land for larger scale commercial activities with the rights of access of communities and households (Greeley & Jenkins, 1999).

In summary, if decentralization in Malawi is viewed simply as a techno-rational process, then the plans, training courses and handbooks seen as essential to driving forward the capacity to implement it are likely to do little more than inflate a carapace over the patrimonial body corporate. The state certainly has to establish an enabling environment, through the reform of laws and institutions which currently constrain the economic freedoms of rural households and place power which is increasingly being abused in the hands of local elites. But a parallel process of community enablement is required, which can assist in the achievement of an effective political voice for the poor, and assist them to pursue their interests as critically engaged citizens rather than as passive and dependent subjects at the bottom end of the patrimonial foodchain.

Actions which create more space for community-based structures, and economic choices by individuals, are uncertain in outcome. They may be less welcome than the formal agenda of the promotion of good governance, in that they pose a long-term threat to the dominance of elite interests. It is the contention of this paper however that the creation of an enfranchised citizenry capable of articulating political demands is the only basis on which effective local government can be built.

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