

## **DECENTRALISATION PROCESS IN MALAWI**

### **Introduction**

Malawi has a history of decentralisation that has been varied. The concept of decentralisation has been at the centre of different public administration that have existed in the country. Depending on the nature of government existing at the time, either devolution or deconcentration has been adopted.

In 1993 after thirty (30) years of centralised and autocratic rule Malawians voted for a multiparty system of government. The first democratically elected government took office in May 1994 and a new Constitution based on principles of participatory democracy and rule of law was approved in 1995.

Thus, Malawi's decentralization process has undergone three (3) phases i.e. devolution during the colonial era, deconcentration during the single party era and currently devolution during the multiparty era.

### **Decentralisation**

Decentralisation is an increasingly fashionable term in development literature. It has continued to be a worldwide trend in the form of governance. 'Good governance' denotes democratic government that seeks to serve public interest through vigorous participation of all actors in civil society, and secure better outreach of public service.

The objectives of decentralisation relate to among others, pursuance of democracy and efficiency in public service. Decentralisation refers to the distribution of power and functions to various levels of government below the national government level.

### **Decentralisation in Malawi**

In Malawi decentralisation has gone through three (3) distinct phases shaped by the objectives of the government in place as outlined in the introduction.

During the single party era, power and functions were centralised. This power structure enabled the decision authority to be concentrated with the President at the central level, and appointed District Commissioners at district level. Administratively, ministries and departments have representatives located at regional and district levels working with vertical decision-making structures. Ministries have since deconcentrated some of their operations below the district level giving lower level units of operational authority as 'cost centres.'

Due to the process of accumulating power at the centre, local governments existed only on paper. Most decisions of local governments were subjected to ministerial approval. Even candidates to local government elections were subjected to party vetting. Traditional revenue sources for

councils were also transferred to central government.

### **District Focus**

In 1994 when the multiparty system of government took office, it directed that the country explore decentralization process suitable for the nation. This led to District Focus policy that was piloted in six districts.

The deconcentrated policy of District Focus sought to assign more responsibility to District Development Committees (DDCs) for district specific development. The responsibilities included preparation of development plans and allocation of government grants to projects. It was hoped that because of the composition of the District Development Committee and its base in the District Commissioner's Office, it would easily coordinate district development. The District Development Committee was comprised of political and traditional leaders, and heads of sector ministries.

However, the policy of District Focus was based on District Development Committee structure that had no legal mandate and usurped power from the councils. Most importantly, District Focus was developed in a one party era and therefore could not be expected to address democratic goal of genuine popular participation.

### **The New Decentralisation Policy**

The Government of Malawi has undertaken a number of studies in decentralisation leading to development of a new National Decentralisation Policy and its approval in principle in January 1996 by the Cabinet.

The Policy that was finally approved in 1998 seeks to devolve powers and functions of governance and development to elected Local Government Units as reflected in the Constitution.

The Local Government Units are called Assemblies composed of the following:

- Elected members - councilors (voting members);
- Traditional Authorities (ex-officio, non-voting members);
- Members of Parliament (ex-officio, non-voting members); and
- Five (5) representatives of special interest group.

Assemblies will take over functions currently being performed by deconcentrated units of central government at the district level.

Financially, Assemblies have been given a wider mandate in terms of raising their own revenue. They have power to levy local taxes. Government is also expected to contribute a percentage of its national revenue to local governments. Related to this is creation of National Local Government Finance Committee that oversees the financing of local government, which is provided for in the Constitution.

Thus the Malawi Decentralisation Policy:

- Devolves central administration authority to District Assemblies;
- Integrates local agencies at the district and local levels into one administrative unit;
- Diverts the centre of implementation responsibilities and transfers these to District Assemblies;
- Assigns functions and responsibilities to various levels of government; and
- Promotes popular participation.

The objectives of the decentralization Policy are:

- To create a democratic environment and institutions
- To eliminate dual administration
- To promote accountability and good governance
- To mobilize the masses for socio-economic development

#### **Institutional Framework**

- Cabinet Committee on Decentralisation responsible for formulating and monitoring all policy on decentralization.
- Inter-ministerial Technical committee responsible for making policy recommendations, and monitoring implementation of decentralization process.
- Taskforce on Sector Devolution responsible for providing technical guidance to ministries on preparation of sector devolution plans and implementation.
- Sector Task force responsible for preparation of devolution plans, consultations, preparation of guidelines on functions to be devolved, and implementation of the plan
- Department of Local Government is required to provide guidance and support to District Assemblies. It is responsible for establishing, supporting and monitoring local assemblies. It will also play a leading role in coordinating the decentralisation process.
- Decentralisation Secretariat is responsible for providing managerial and technical support for the implementation of the Decentralisation Policy. It works on delegated responsibility from the Department of Local Government.

#### **Implementation Status of the Decentralisation Policy**

The Government of Malawi began the implementation process of Decentralisation Policy soon after approval with the merging of the administrative structure of District Commissioners' and Councils' Offices, and appointment of interim administrative personnel.

#### **Achievements of the Decentralisation Process**

The country has implemented a number of activities on decentralisation. The following are activities successfully implemented as part of decentralisation process:

- Establishment of Inter-Governmental Fiscal Transfers for Assemblies and recommendations adopted. Transfers to assemblies are now being made.

- Review of systems to realign them with the Decentralisation Policy and the Local Government Act. This also includes institutionalisation of relevant systems in the Assemblies involving:
  1. District Development Planning System- basically a bottom up, people centered approach.
  2. Monitoring and Evaluation System;
  3. District Development Fund;
  4. Financial Management and Accounting System; and
  5. District Data Bank System.
- Production of the Decentralisation Implementation Plan for the period 2000 to 2004 currently being implemented. It outlines areas of focus for implementation and resource requirements.
- Holding of Donor Round Table to solicit support (financial and technical) for implementation of Decentralisation Implementation Plan;
- As a result of conference, some financial and technical support secured for implementation of the plan.
- Review of laws (legal framework) that were in conflict with Local Government Act, 1998. Amendments of relevant acts will be made with devolution of functions.
- Establishment of the National Local Government Finance Committee mandated to approve estimates and examine final accounts of the Assemblies;
- Establishment of Malawi Association of Local Government Authorities;
- Establishment of Sector Task Forces on devolution and engaging them in preparation of devolution plans. The plans are expected to be ready by 31<sup>st</sup> May 2002 and devolution in this phase to be completed by 2004.
- Development of guidelines on preparation of sector devolution plans establishing some benchmarks; and
- Preparation of mid-term (three years) District Development Plans for all District Assemblies as required by the Policy and the Local Government Act, 1998

## **Challenges**

Inspite of the above achievements, there a number of challenges to successful implementation of decentralization:

1. Sustaining the current political and technical commitment during the implementation period of ten years.
2. Capacity Building of assembly members, the assembly secretariat staff, and the

Department of Local Government.

3. Sustainable Financial base of assemblies
4. Institutionalizing accountability and transparency in the assemblies to gain stakeholders confidence
5. Transfer of Functions from the center within the agreed time frame.
6. Building democratic local government that is accountable to the electorate
7. Local empowerment and participation
8. Development partners' continued support to decentralisation process.

### **Next Steps**

The task ahead for the government is to make decentralization work by ensuring that the following areas highlighted in the Implementation Plan are adequately tackled:

- Sector Devolution
- Legal Framework
- Consolidation of Democratic Culture
- Institutional Development
- Fiscal Reforms
- Accounting and Financial Management
- Local Development Planning