"'Town Chiefs' and Public Service Provision Where the State is Weak: Ndirande, Malawi, 2009-11"

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Malawi's political and cultural context

Malawi's national politics establishes a context for poor public-service provision in peri-urban areas. Let me explain briefly: under Dr Kamuzu Banda (1965-94) agents of the Malawi Congress Party (MCP) and the highly centralised state worked together to maintain public order, to ensure compliance with state and party rules, and to deliver public goods. They were harsh at times (giving rise to complaints about human rights abuse), but relatively disciplined and it is generally agreed that services were better then than now. The MCP structure disintegrated at the democratic transition (1994) and has not been replaced. Decentralisation, promoted by donors in the 1990s, is still only partially implemented, such that political devolution has been blocked since 2005 and administrative reforms at local level are stalled. The reasons are complex, but at its most basic democratic decentralisation works 'against the grain' of the *de facto*, contested political settlement in Malawi. Resource constraints add to the problem, and the result is weak local government and poor service delivery.

Institutional precedents ('paths') established in the Banda years influence the delivery of local services today: These include:

- *The ruling party takes precedence* – civil servants at all levels prefer to work with members of the ruling party rather than opposition politicians and party members. They find it 'easier' for a number of reasons, including the fact that there is less threat to their own careers if they placate politicians in power.
- *Political organisations play a key role in development* – political parties organise communities to claim funds, employment and other resources from government and aid agencies. Other organisations have less capacity to initiate and organise, and individuals are often reluctant to do so. Also, the party in power when infrastructure was built 'owns' it and the 'rents' (benefits arising) from it.
- *The state needs to control chiefs* – at local level there are three key actors: chiefs, politicians (MPs) and DCs/CEOs (appointed by the Minister of LG). Banda subjugated chiefs, but since the transition they have become more powerful and active in development and governance. In peri-urban areas 'town chiefs' fill some of the gaps left by weak local government.
- *Local government is subordinate to central government* – in spite of decentralisation policy, legal and administrative reforms in recent years have ensured the Executive retains power over local politics, governance and development. Funding, staffing, policymaking, and implementation of local programmes are affected.

There are also historical, cultural determinants of behaviour that are important to the delivery of local public goods:

- *People behave differently in town than in their 'homes' (rural villages of origin)* – in rural areas residents are still influenced by norms laid down historically, by chiefs and neighbours. They will try to stop behaviours deemed unsuitable (e.g., neglect of a

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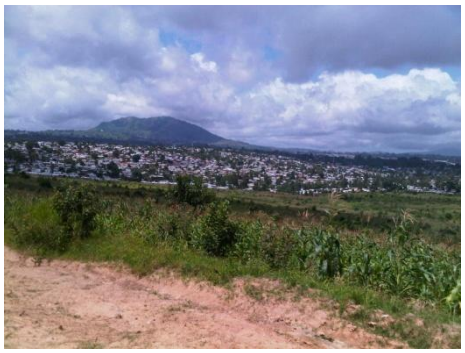
child, poor sanitation, etc.) and will care for vulnerable people (e.g., elderly). But in town migrants and 'translocals' demonstrate a reluctance to get involved in ensuring neighbours maintain standards. Long-term residency seems to legitimize such behaviour. Town offers new rules (e.g., private property) that undermine the basis of traditional authority and community and establish different incentives.

- *Witchcraft is pervasive and may be secretly used by anyone in cases of hostility or jealousy, but also for unknown and perhaps unfathomable reasons* – For this reason people feel it may not be safe to complain about neighbours' behaviours or to participate in communal activities with 'strangers'. Trust does not reach far and this influences group formation and community action. Trials at *bwalo* courts and deportation of suspected witches are community events that empower chiefs.
- *Funerals are key social events that chiefs organise and people attend to gain spiritual comfort and demonstrate community membership* – funerals and other cultural events give chiefs in rural and urban areas the opportunity to reassert and demonstrate their powers, and for people to feel integrated into a group.

These and other systems of organisation and belief form the social, political and economic framework within which local governance takes place. Though time does not allow us to discuss them all, they often undermine formal institutions and reforms.



Ndirande

With a population of over 200,000, Ndirande is the oldest and largest township in Malawi and sits in the centre of the commercial capital, Blantyre. It is comprised of two housing areas with plots surveyed by government years ago and a half-dozen old villages scattered in the valleys and on the hillsides. Land in these is still largely controlled ('owned') by village chiefs, who record and witness the transfer of land use and improvements for a fee. Today all these areas run together, though the services, houses and roads in the 'unplanned settlements' are inferior to those in residential neighbourhoods. In Newlines (left) there are paved roads and water comes into houses (with sinks and flush toilets) while in the so-called 'squatter' areas (e.g., Safarawo, above right) people use communal water kiosks, and residents in compounds share pit latrines and bath shelters. In the worst areas (such as Zambia) there are compounds without latrines, where residents use plastic bags as toilets and deposit these in nearby vacant plots, ditches or rivers (Nasolo river, right).

Government, with international and local NGOs, has recently initiated a number of programmes to improve water supplies and sanitation, though with

mixed success in Ndirande. Problems there have to do with the small size of plots and overbuilding (e.g., without room to construct roads for lorries to empty latrines) as well as the sorts of social and political issues mentioned above, which undermine technically proficient development programming.

Town chiefs

In the absence of local government *afumu* (chiefs) – some appointed or elected, others 'royal' and hereditary – have stepped into the gap and are providing some local services.

'Mfumu' Makasa, Mbayani, Blantyre

These include *bwalo* courts that deal with domestic disputes, land cases, and witchcraft accusations among other issues, and send cases they can't handle to senior chiefs, magistrates courts or the police. Chiefs also oversee neighbourhood watch groups (guards) and interact with the police to protect property and residents. They work with government and NGOs to identify beneficiaries and hand out funds, work and relief.

They witness documents identifying residents for banks, the passport office and other agencies. They work with city and national officials, MPs, parastatals, NGOs and others to identify development projects. During campaign periods they give permission to candidates to hold rallies in their areas. Weddings, births, deaths and illnesses are reported to town chiefs, who must permit 'mourning to begin', 'open the graveyard', and oversee burials and wakes.

Chief Kazembe and his* nduna*, Zomba

The variations in authority that town chiefs have is evident in the area of sanitation: while rural chiefs and those in low-density peri-urban settings such as Kauma or Chinsapo in Lilongwe can put a halt to practices on plots and in public areas (e.g., dumping: photo left) that are harmful to the community, those in high-density Ndirande are less able to do so. There a combination of over-crowding which narrows options for improvement, expectations about Blantyre city's responsibilities, non-traditional attitudes about the independent authority of plot holders, and the overwhelming nature of the problem undermine chiefs' capacity to insist on keeping areas clean. The city's and ministry of health's abandonment of responsibility for ensuring residents in non-planning areas consistently maintain standards set out in health and safety

regulations results in a near absence of oversight and enforcement. The end result is unsanitary conditions that rely upon plot owners' own values and ability to keep their compounds and nearby areas clean (above photo: no-dumping sign) and on a few initiatives by chiefs or civic groups (such as churches) to rouse people to partake in clean-up campaigns in public areas.

Water Politics

More serious limitations on town chiefs' capacity to institute reform are evident in the area of community water provision. Providing clean and plentiful water requires major funding, significant infrastructure and technical capacity, and a coordinated effort by a number of companies and agencies at international, national and local levels. Years ago villagers in Ndirande drew from streams water that was clean enough to drink. During the Banda years the Blantyre Water Board (BWB) supplemented streams with a few public taps connected to mains water, while some boreholes and wells were dug in the area. Where Banda's policies inhibited urbanisation, President Muluzi (1994-2004) encouraged it. From the early '90s onward, Malawian towns have grown as fast as any in Africa, and Ndirande was no exception. To keep up with the demand for water donors (e.g., World Bank and the UN) funded more water points – called kiosks (photo below) – connected to mains water.

Initially these were managed by community water committees, but after some months these came to be dominated by ruling party (United Democratic Front – UDF) members. New water points were often placed on plots owned by party leaders and water sellers were UDF members. Not surprisingly, funds raised from selling water were put into party coffers and members' pockets rather than sent to the water board. Eventually the BWB began shutting off taps. By the time President Bingu wa Mutharika was elected (2004) huge arrears were owed to the BWB by water committees, and the bulk of water taps had ceased supplying water,

Something had to be done, and Water Users Associations (WUA) were instituted nationwide to provide cheaper and more reliable clean water. This effort is led by the Ministry of Irrigation and Water, and implemented by city/town governments, international and local NGOs and water boards. In Ndirande – notorious for decades as 'the bedroom of politics' – there are supposed to be two WUA, but the effort has been slowed by politicians.

To wrest the kiosks out of the hands of the UDF took the new ruling party (DPP) working with the police to confiscate the keys and taps from the water sellers, and when scuffles ensued, to detain them. The UDF committee argued that since the kiosks had been built when the UDF ruled, they should remain in UDF hands. (The fact that Mutharika was elected on a UDF ticket supported their argument. But he left the UDF and started the DPP in 2005). It took some time for the DPP to build grassroots membership, but when it did leaders in Ndirande formed committees, confiscated the kiosks, took over the sale of water, and soon funds were being diverted to DPP members and party coffers.

In nearby Kachere a WUA was started when the DPP MP supported it. In the last year it has paid off BWB arrears, bought office equipment on its own, and has started contributing to other local development initiatives. In Ndirande an independent MP, who had worked for the BWB, also advocated the introduction of a WUA in her constituency and it was established in

Chief Matope's area in 2010. Headed by a DPP politician, this WUA board still has management problems, but its water is cheaper than elsewhere in Ndirande and it manages to pay its monthly bills, though not its arrears.

In the other section of Ndirande – in DPP MP/Minister Aaron Sangala's constituency – local DPP leaders have stalled the introduction of WUA. In a typically Malawian style they have argued that the WUA idea was wrongly introduced to the community by representatives of the water board and city: rather than saying it was a City/BWB/NGO initiative, they wanted it to be advertised as a DPP-instigated project. This, they argued, would help them gain votes during the next election. In the meantime the DPP water committee has kept water prices higher than in Matope's area (K5 per 20 litres instead of K3), and have not paid arrears. Only in the past few weeks has government (at ministerial level) pressed the MP to get his party members to agree to start a WUA. Apparently a settlement was reached, though no progress is yet seen on the ground. In the meantime UDF members await the day they can get elected to this WUA board and can hire their own as water sellers.

The bottom line with regards to the communal water supply in Ndirande is that no matter what form water management takes there will be many hours of the day and days of the week when the water pressure is so low that no water reaches the taps. Solving this problem requires new infrastructure and major repairs to old pipes and these take planning and resources and political action well above the local level. The same may be said about private and public sanitation (photo above: waste dump at river's edge) and other community problems (Ndirande market: photo below).

It is not without reason that specialists warn the Malawi government to get ahead of unregulated urbanisation and its consequences or find the country covered in slums.

Conclusion

The APPP research programme is aimed at identifying what works in sub-Saharan Africa in the hope that development projects can be built on long-rooted, successful institutions rather than importing foreign ways of doing things which often don't work in the new context. What we learn from the peri-urban cases is first, that town chiefs are 'hybrid political orders' whose legitimacy is based in both constitutional and customary law and practice and whose authority depends on their capacity to deliver goods to their 'subjects'. Second, their scope is generally confined to localities and their reach is limited by law and custom, so they cannot easily serve as institutional bases upon which to 'bridge' (link up disparate) communities. Further, their proximity to formal institutions – private property, state courts, city officials, etc. – threatens their historical roles and powers, and so these vary from place to place and over time. Finally, many government officials claim 'there are no chiefs in town' and this attitude (which in fact, they contradict every time they interact with chiefs to deliver services) reflects the power of parliament to eliminate the whole chieftaincy structure (though such a move

would unlikely have the desired effect) and of individual politicians and District Commissioners to depose a chief. Therefore, how aid agencies might utilize any particular chief needs careful consideration as their positions in the political order are contested and unpredictable and any new role may change their nature – especially their authority and lines of accountability – and therefore, undermine their capacity to act.

APPP has learned a further lesson about Malawi and other neopatrimonial states: the nature of neopatrimonialism changes, as do the logics, incentives and outcomes of these variations. This is in part because history ('path dependencies') creates institutions that outlive their origins …even their logic. The role of political parties in Malawi is one such instance where 30 years of MCP rule has left an indelible mark on how development is currently done. Therefore, no single rule can be discerned that applies to all neopatrimonial states at all times. Some regimes will be more developmental or better at governance than others. Thus it is important that agencies do close analysis of a locality's political economy, history and logics before delivering aid.

Finally, the national political settlement sets the stage for development at all levels. In the Malawi case the recentralisation of power in the national executive undermines and weakens local government institutions and a gap in service delivery has resulted. In peri-urban areas. Town chiefs, NGOs and various others have tried to fill the gap but with only partial success. Understanding the local political economy and the national political settlement would help donors deliver aid more effectively.