# Decentralization as a Breeding Ground for Conflicts: An Analysis of Institutional Conflicts in Malawi's Decentralized System

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## Abstract

This article examines the impacts of poorly designed decentralisation programs on institutional conflicts at the Malawian Local Government level. The objective is to interrogate into the extent to which improperly construed decentralisation in Malawi has increased local level institutional conflicts. Decentralization has been trumpeted as an effective tool for increased peace and conflict resolution. However this paper has found that if poorly executed as in the case of Malawi, decentralization can be an instrument for the generation, exacerbation and influence of conflicts at the organizational level. In this regard, institutions that came with decentralization degenerated into instruments of increased conflicts. More specifically, the findings for this paper show that in Malawi poorly designed decentralization has led to conflicting relationships between the central government and local governments; councillors and members of parliament; traditional authorities and councillors; assembly secretariat and councillors; and among councillors.

**Keywords:** Decentralization, Local Government, Institutional Conflict, Malawi

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**Introduction**

The relationship between decentralization and institutional conflicts has not received much scholastic attention. What is common in literature is the relationship between decentralization and tribal conflicts. However the conflicting relationships that arise among local government institutional players and actors with the advent of poorly executed decentralization programs has not received any attention. This study therefore fills this theoretical and empirical lacuna to the study of the relationship between decentralization and conflicts in African context. It provides information and insights for policy makers to consider in terms of effective decentralisation institutional frameworks so as to manage potential conflicts.

Democratic local governance in Malawi is a new phenomenon. The local government elections were held only in 2000. The councillors' mandate ended in March 2005 and a new set of local government elections were supposed to be held in the same year. However, up to now (2009) the Government has not yet conducted the local government elections. It is on this account that this analysis concentrates on the first five years (2000-2005) of democratic local governance in Malawi. The overarching aim of the local government system in Malawi as articulated by the Local Government Act 1998 is to "further the constitutional order based on democratic principles, accountability, transparency and participation of the people in decision-making and development processes". However, the first five years of democratic local governance in Malawi have demonstrated that poorly designed decentralisation is a breeding ground for increased conflicts rather an instrument for peaceful participation and development. As the paper demonstrates, the decentralised institutional arrangements and relationships in Malawi have rather been conflictual. Taking a qualitative approach, the analysis combines the use of primary and secondary data. In this regard, this paper is based on key informant interviews (with officials in the Ministry of Local Government, former councillors, members of parliament and traditional authorities), a comparative literature survey and a review of government publications, newspapers and relevant publications.

**Conceptualising Conflict and Decentralization**

Conflict is a very confusing, contested and slippery term as it has some cultural underpinnings. In this regard an issue that can be regarded as conflictual in one society may not be regarded as such in another community. On the other hand the meaning of conflict is in most of the times assumed and only taken for granted. This is the case as "conflict is an inescapable part of our daily lives, an inevitable result of our highly complex and often litigious society" (Weeks, 1994: ix). Despite these confusions and complications, literature on conflict studies is not short of definitions. Putnam and Wondolleck (2003: 37) have referred to conflict as the "fundamental and underlying incompatibilities that divide parties". Mayer (2003:3) however thinks conflict is a "feeling, a disagreement, a real or perceived incompatibility of interests, inconsistent worldviews or a set of behaviours". Ury, Brett and

Goldberg (cited in Peck, 1996:24) add that "conflicts arise from conflicting goals or interest between individuals and groups and become manifest when one side makes a claim or demand which the other side rejects". As seen from these definitions, the underlying issue in conflict is inconsistency and incompatibility of actions, interests, behaviours norms and values among people. The central issue in conflicts in this regard is the "perception that the other is frustrating one's attempts to achieve something" (Lulofs and Cahn, 2000: 3).

The term decentralization has been overused thereby making it become more and more fluid. It is in this regard that Kiggundu (2000: 89) regards decentralization as a "shorthand for various forms of structural arrangements". However, the generally agreed upon meaning is that it is the transfer of various powers from the centre to the periphery. For example Chiweza (1998: 84) regards decentralization as the "redistribution of power or sharing of part of governmental power by the central authority with other levels of authority such as regional, district or local authorities". These powers could be administrative, political, and financial and decision making. An all encompassing definition is provided by Cheema and Rondinelli (1983:18). They define decentralization as the "transfer of planning, decision making or administrative authority from the central government to its field organizations, local administrative units, semi-autonomous and parastatal organizations, local government, or non-governmental".

Decentralization has been championed for several reasons. However, most of these reasons point to conflict resolution whether explicitly or implicitly. In the first place commentators have highlighted that decentralization is instrumental for the attainment of democracy and good governance outcomes, arguing that with decentralization these ideals are well entrenched (Tambulasi and Kayuni, 2007:165). However democracy and good governance ideals are generally thought to have internal mechanisms central for conflict resolution. These include participation, accountability, transparency and the rule of law. For instance, Mukandala (2000:120) argues that decentralization can "facilitate genuine democratic participation, empower grassroots, and channel their input constructively into the national developmental efforts". This is the case because it "brings the government closer to the grassroots both in special and institutional sense thereby making it more representative, accountable and responsive" (Chinsinga, 2005: 529). Decentralization is also thought to reduce conflicts as it works to improve efficiency and effectiveness in the working of the public sector. In this regard decentralization is regarded as "a solution to an overloaded, over-centralized, hierarchic, and monopolistic organization" (Mukandala, 2000: 120) which is susceptible to conflict. This is the case as decentralization is a "means of liberating managerial and local political potential shackled by bureaucratic restrictions" (Metcalfe and Richards, 1987: 77).

**Institutional Framework of Local Government in Malawi**

The year 1994 heralded a new era on the Malawian political terrain. Malawi attained democratic governance under the United Democratic Front party leadership that saw the end of thirty years of dictatorial single party rule of Hastings Kamuzu Banda with his Malawi Congress Party (MCP). In order to consolidate the new democracy, the Malawi Government decentralised the government machinery by creating local governments. Each local government authority constitutes an assembly. According to the Local Government Act 1998

there are four different types of assemblies in Malawi which include, District Assemblies, City Assemblies, Town Assemblies and a Municipal Assembly.  The local government Assembly is composed of the following:

- one member elected (councillor) from each ward within the local Assembly government area

- Traditional Authorities and Sub-Traditional Authorities from the local government area as non-voting members ex-*officio;*

- Members of Parliament from the constituencies that fall within the local government area as non-voting members *ex officio;* and

- Five persons as non-voting members to be appointed by the elected members to cater for the interests of such special interest groups as the Assembly may determine.

The other categorization that exists at the local assembly level is the one between the administrative and the political wing as stipulated in the Constitution of the Republic of Malawi. Section 147 (1 – 2) of the Constitution of the Republic of Malawi states that Local government authorities shall consist of:

1. Local government officers (political wing) who shall be elected by free, secret and equal suffrage by the registered voters in the area over which that local government authority is to have jurisdiction.

2.  Administrative personnel (administrative wing or secretariat ), subordinate to local government officers (the political wing) to execute and administer the lawful resolutions and policies of those officers.

The Assembly secretariat is headed by the District Commissioner in the case of the District Assembly and Chief Executive if it is a Town, City or Municipal Assembly.  The political wing comprises of councillors. The councillors elect among themselves the head of the wing. In the case of City and Municipal assemblies, the head is known as the Mayor, while at District Assembly or Town Assembly the head is called the Chairperson.   The first set of democratically elected councillors came into office in 2000 after the local government elections. Their mandate however ended in 2005 and new local government elections were supposed to be held the same year.  However up to now such elections have not yet been conducted and the local government assemblies do not have the councillors.

**Decentralization and Conflicts in the Malawi Local Government System**

This section analyses institutional conflicts in the Malawi's Decentralized system arising from ill construed decentralized structures. The analysis is on the first five years of decentralized governance in Malawi (2000-2005) though in some instances for comparative purposes reference will also be made on what is happening now. We concentrate on the period 2000-

2005 because as it has already been highlighted the local councillors have not yet been replaced after their five year term ended in March 2005.

*Central Government and Local Government Relations***:** The first structural problem with decentralization in Malawi is that it did not transfer real powers to the local level. In this regard, decentralization "vests powers in line ministries in central government and, in many cases, does not recognize devolution of authority to districts" (Ferguson and Mulwafu, 2004). Accordingly, Hussein (2004: 121) emphasizes that the "undermining of local authorities is confirmed by a number of provisions in the Local Government Act of 1998 that ensures central government's unlimited authority over district assemblies". In this case although the aim of the new local governance system in Malawi is to ensure a bottom up approach and to decentralize control and decision making powers over development activities, in practice the ultimate control remains with the centre (Hussein, 2004: 120). In most of the cases the centre has virtually been "unwilling to share power" (Chiweza, 1998).

As a result, the local government officials feel powerless and conflicts result in an attempt to reclaim their power and control from the central government. In this case, Musukwa (2001: 1) reports that elected councillors complain about the central government's continued grip on the district assemblies and attempts to force its will on matters supposed to be decided at the local level. For instance in Lilongwe City Assembly there was a conflict between the City Assembly and the Central Government on the renewal of the City's Chief Executive, Donton Mkandawire. In this particular case, even the then State President Bakili Muluzi issued a directive to renew Mkandawire's contract. However the Lilongwe City Assembly councillors defied the directive to renew Chief Executive Donton Mkandawire's contract which led to a conflict between the Central Government and the City Assembly. In this regard "during a special caucus, the councillors refused President Muluzi's directive to renew Mkandawire's contract against their wishes and without input of the elected members as provided in the Local Government Act 1998. The caucus agreed that according to the Local Government Act the Elected members have the role in the appointment of the Chief Executive" (Daily Times, 2003:1). This was backed by the City's Mayor Charles Chimzeka who added that the "councillors were just implementing contractual obligations between government and Mkandawire (The Nation, 2003a:3). However, the central government through the Principal Secretary for Local Government Willy Samute still maintained that "this is the duty of the Local Government Service Commission (The Nation, 2003a:3) and not the local assemblies. In another instance a conflict between the Central Government and local government surfaced as the Central Government ordered "Kasungu District Assembly to reinstate its Chairperson Killion Lotti Saka suspended in January this year on allegations that he diverted 1200 packets of starter pack and disturbed the assembly's general welfare" (The Nation, 2003b:2). This directive did not go well with the District Assembly as they thought they had power do discipline their chairman for theft only to be told to reinstate him by the Central Government.

*Councillor and Members of Parliament relations***:** The other structural problem is on the roles and powers of councillors and Members of Parliament resulting in power struggles and conflicts. It appears that there is no clear and real division of labour between councillors and members of parliament. In addition no meaningful civic education was conducted for both councillors and members of parliament so as to adequately distinguish their roles. This is exacerbated by the fact that the position of councillor is not any rewarding as it does not go

with any salary but just allowances unlike that of members of parliament. As a result, councillors work towards becoming Members of Parliament so as to gain some increased monetary rewards. It is in this regard that Chinsinga and Dzimadzi (2001: 99) describe the relationship relations between elected members of Assembly and MPs as "generally conflictual". According to Chinsinga and Dzimadzi (2001: 100), the main reason for the apparent constrained working relationships between MPs and councillors is that the former sees the latter as a potential threat to their candidacy during the next general elections. In his study, Kayuni (2005: 51) echoes that the District Commissioner in Zomba mentioned that most councillors took up their positions as 'stepping stone' in order to eventually become members of parliament. Becoming a Member of Parliament is regarded as more prestigious and rewarding than being a councillor. In fact in one of the focus group discussions Kayuni (2005) conducted in Zomba a participant referred to a councillor as '*katundu boy*' (porter) of the member of parliament. The members of parliament therefore regard the councillors as their political rivals. They are therefore reluctant to offer support to elected members of Assembly fearing that their success may make them popular to an extent that they might be considered for the MP candidacy for the next election (Chinsinga and Dzimadzi, 2001: 100). As Kayuni (2005: 51) notes consequently, projects that were supposed to be handled by the councillor are hijacked by an MP and this leads to continuous conflicts between them at the expense of community development. In this regard in one of the interviews for this study, the District Commissioner at Neno District Assembly highlighted that "when councillors propose a development initiative, MPs shot it down. Serious conflicts come in as to who is the 'owner' of development programs. Councillors are responsible for development at local level and MPs are responsible for national level policy but MP wanted to do development at local level as well" (Interview with DC Neno District). A typical example is presented by Chinsinga and Dzimadzi, (2001: 101) where in Mulanje it was reported that people in Chole ward mobilized the requisite materials for a school block project under the guidance of a Councillor who later on collected project request forms from MASAF. When the MP for the area learnt of the councillor's initiative, she was very bitter and advised the people never to send the councillor to collect project application forms from any donor agent including MASAF. She advised them that in her absence the people should handle such matters themselves without in any way involving the councillor.

*Traditional Leaders and Councillors relations*: Decentralization in Malawi has also resulted into conflicts between the traditional leaders and councillors. Before decentralized structures were set up, all the powers in terms of local activities were vested in traditional leaders. The traditional leaders were a symbol of local representation and participation. When councillors were democratically elected in 2000, they became local representatives of their wards and they took their rightful place as beacons of local participation. Moreover according to the Local Government Act, traditional leaders who were formally at the centre of local government before democratic decentralization reforms are now only *ex-officio* non voting members. This transfer of power and responsibilities from traditional leaders to councillors has made the former consider themselves as losers in the decentralization process. As a result there is mutual mistrust between councillors of local government assembly on the one hand and traditional leaders on the other. According to Chinsinga and Dzimadzi (2001: 58) this is because traditional leaders considered councillors as "outsiders since traditional leaders were the ones who were running local administration before the local government

elections". A good example in this regard was unearthed by Chinsinga and Dzimadzi (2001: 100) in their study as illustrated below:

> In Tchodola Mulanje, the people of Mlemba ward mobilized themselves under the leadership of elected member of Assembly to construct borehole. They formed a committee, identified a site and made necessary preparations. However, when the contractor came the chief advised him to drill the borehole in front of his house. The chief formed his committee replacing the one whose formation was facilitated by the elected member of Assembly. His argument was that he sees no need for elected members of Assembly since he has been able to govern his subjects without them

On the other hand, councillors also look down upon chiefs. The problem is that although in terms of democratic decentralization institutional formalities councillors are supposed to be on the representatives of the people and a medium for local participation, institutionally their role is not appreciated and rewarded accordingly as compared to the traditional leaders. The local government institution still recognizes and rewards traditional leaders more than the councillors, albeit the former being only non-voting *ex-officio* members of the local government assembly. As the Neno District Commissioner put it, "it is councillors that are voting members only and chiefs do not.  However when there is an assembly meeting, traditional leaders are given transport and councillors are not, although it is the councillor who matters at the meeting as he is the voting member. In addition traditional leaders receive allowances and monthly salary and councillors get nothing but only allowances when there are meetings" (Interview with DC Neno District).  Table 1 below depicts the remuneration structure for the councillors and chiefs. Unfortunately this institutional double dealing brings forth conflicts as councillors think that the system recognizes the traditional leaders in terms of rewards and they are not at all rewarded though they are the people that do the actual job in the assembly.

**TABLE 1**
**Remuneration Structure of Councillors and Traditional Authorities**

| ITEM | COUNCILLORS | | | TRADITIONAL AUTHORITIES | | |
|---|---|---|---|---|---|---|
| | Years | | | Years | | |
| | 2000/1 | 2004 | 2007 | 2000/1 | 2004 | 2007 |
| Basic pay/month | None | None | Councillors not available | K1, 863 | K3, 000 | K18,000 |
| Assembly sitting allowance/sitting (in a day) | K    1, 000 | K1, 000 | Councillors not available | K1, 000 | K1, 000 | K 1,000 |

*Assembly Secretariat and Councillors Relations*: The other conflictual relationship in the decentralized governance in Malawi is that between the assembly secretariat and councillors. The conflicts mostly arise due to the struggle for power between the assembly secretariat and the councillors. The problem is that the majority of the councillors and even the assembly secretariat do not understand the decentralization process.  As Chinsinga and

Dzimadzi (2001:77) put it, "councillors do not really know where to start and stop in overseeing what is happening at the district level as a result there is conflict of ideas between the assembly secretariat and the elected members of Assembly when they try to do their work". The councillors thought that in the decentralized governance they would take the position of prominence to the extent that the assembly secretariat would only be relegated to the position of mere servants. As the Neno District Commissioner put it, "the conflicts came as a contestation of superiority between the District Commissioner and the Assembly mayor or chairperson as to who is on top. Councillors thought that the District Commissioner is just their servant". As a result councillors wanted to intervene in the duties that they were not supposed to do and conflicts resulted as the assembly secretariat would not bow down to the councillors' demands. An example in this regard was a case where councillors proposed that they recruit staff at the assembly instead of the Appointments and Disciplinary Committee. Moreover, at one site, the Chief Executive Officer was demanded to hand over to the councillors his duties and let the Mayor use his office. Another example is the case of Zomba where the Assembly Chairman (councillor) demanded to be using the District Commissioner's official vehicle. Again in Lutchenza Town Assembly the Chief Executive was overpowered by chairperson so that the Assembly Chairperson could even carry out work that was supposed to be done by Chief Executive, for example when people wanted to hire a vehicle the Assembly chair could authorize.

The other conflict comes in because of monetary and reward issues that the councillors thought would be due to them. The problem is that "when councillors were campaigning for their seats they had high hopes of making rich pickings for themselves like members of parliament or ministers" (Malawi News,2003:3). In this regard, conflicts erupt as councillors try to influence the secretariat to issue out monetary payments or give them some rewards which they are not entitled. For instance in Lilongwe City Assembly, the Chief Executive Donton Mkandawire said that the City Mayor Charles Chimzeka "wanted a loan of up to K1 million although he was not entitled to such a loan". Another source of conflict between the secretariat and councillors is that "whenever there are vacancies at the assembly councillors want to impose their relatives" (Malawi News, 2003:3). In other cases "some councillors have been forcing employees at the Assembly to flout procedures and award them contracts "to alleviate their poverty" (The Nation, 2003c:1). In this regard, "when the assembly wants to contract some people for particular job, councillors want to be favoured and be given contracts for their personal benefits" (Malawi News, 2003:3). The District Commissioner for Neno District added that in some instances councillors press for more meetings just to have sitting allowances. He explained that the Assemblies "were supposed to have four meetings a year but councillors used to push for over 12 meetings a year because they wanted seating allowances".

The assembly secretariat is not innocent in causing conflicts at the assembly. The problem is that the assembly secretariat looks down upon the councillors because members of the secretariat are more educated than the councillors. As a result the secretariat dictates on how things should be carried out at the assembly and the councillors feel sidelined. For example in their research, Chinsinga and Dzimadzi, (2001: 60) noted that in more than one Assembly they expressed concern that the assembly secretariat is the one that calls for assembly meetings and even draws the agenda without consulting the councillors. As a result, elected members of the assembly are just on the receiving end. In Chiladzulu, for

instance, councillors reported that the District Commissioner chairs District Assembly meetings although the District Assembly has its own chair (a councillor) and the District Commissioner is supposed to be the secretary to the meeting. In an attempt to make sure that the councillors have their grip on the assembly in terms of input, conflicts result In this regard, the Lilongwe City Assembly councillors asked government not to renew the contract of the Chief Executive "accusing him of being a dictator in the way he runs the assembly" (The Nation, 2003a:3).

The conflicts between the assembly secretariat and councillors were so intense that in some instances they emanated into violence. This was more pronounced in Lilongwe City Assembly. In this regard "the Lilongwe City Assembly councillors locked their Chief Executive Donton Mkandawire out of the office before deflating and removing tyres from his official vehicle. Mkandawire's contract with the assembly expired on January 31, 2003. He was seen at the Assembly offices on Monday and some councillor chased him after removing the tyres of his official vehicle" (The Nation, 2003a:3).

Councillors Relations:  In some assemblies the relationship between and among councillors themselves was not cordial. This was especially the case when a councillors or mayors resigned from a political party that sponsored them into power. The other councillors looked at party ditching as an act of betrayal and this could not go well with the rest of the members. Hence conflicts arose.  The problem is that councillors build 'camps' that are very adversarial so that switching camps is seen with much suspicion.  A good example in this regard is in Mzuzu City Assembly when it had to take the then Vice President Justin Malewezi to rescue the City Mayor Egbert Chibambo from thugs who wanted to attack and remove him from his office at civic centre. The mayor was that time waiting to officially welcome the then President Bakili Muluzi and Tanzanian President Benjamin Mkapa. The gang stormed into the Civic Centre Offices before the two presidents arrived. They ordered the mayor to leave the office because he was no longer mayor since he resigned from AFORD and joined a new political party called the Genuine AFORD.  They said he was not eligible to welcome the two Presidents since he has insulted the then AFORD President and Second Vice President Chakufwa Chihana by joining rebels to form a pressure group. Some officials from the Foreign Affairs Ministry and the Minister of Local Government Salim Bagus failed to convince the vigilantes to leave the mayor alone. When the Vice President Justin Malewezi was briefed about the issue he ordered the vigilantes to leave the mayor since it was his duty to welcome the two presidents in his office and host them as they signed the visitor's book (The Nation, 2003d:1).  The conflicts reached at a maximum to the extent that the Mayor was given a vote of no confidence by his fellow councillors and a new City Mayor, Ascent Nkhata was elected. However, when the new City mayor was elected peace did not prevail either.  Conflicts degenerated into violence. The Nation (2003e:3) reported that fighting broke out at Mzuzu City Assembly when councillors disagreed on whether to accept newly appointed acting mayor Ascent Nkhata to chair a full assembly meeting scheduled for the day. Tempers flew high when councillors who supported the shelved mayor Egbert Chiwambo strongly opposed the interim appointment of Nkhata accusing him of plotting Chiwambo's downfall. The Assembly Chief Executive had fought hard to control the quarrelling councillors and had to summon the police. When the police arrived the chief Executive called the meeting off.  This shows that democratic decentralization became only a breeding ground for conflicts.

**Concluding Reflections**

This paper has highlighted that the poorly structured decentralization reforms in Malawi have led to increasing levels of conflicts at the local institutional level.  The problem with these conflicts is that they exist at levels which are crucial for community development and local participation. As a result they derail development.  As Nhema (2002: 12) put it, "some conflicts are relatively persistent, can last for days, months to several years; but the impact is generally the same: the destabilization of the structures of development". These findings have therefore important implications in the structure and policy framework of local government in Malawi.  Going through the analysis one notes that most conflicts come as a result of lack of a proper division of labour between and among assembly actors. Roles are not well defined and as a result there is much interference which results into conflicts. As a measure to resolve institutional conflicts at the local government level in Malawi, guiding instruments should be revised so that clear role definitions and job descriptions are put in place.  In addition proper training for all assembly institutional actors should be put in place along with clear guidelines about what each player is supposed to do. This will prevent interferences and a feeling that other sectors are loosing power and control in the decentralization process. Secondly, lines of communication have to be opened to allow enough information flow. This will go along way in resolving conflicts as some conflicts result out of information black out. In this regard, due to lack of information some stakeholders have expectations of benefits and rewards they are not entitled. Adequate information flow will, therefore, go along way in clearing this mist.  For this to succeed there is also need for increased coordination among all assembly stakeholders. Thirdly, the other issue in resolving conflicts at the local assembly level in Malawi pertains to monetary rewards especially on the part of councillors. As has been highlighted councillors are involved in conflicts in order in their attempt to get money to satisfy their needs. This is particularly the case as councillors do not have salaries but seating allowances when they have meetings. As Mayer (2000: 8) highlighted, "people engage in conflict either because they have needs that are met by the conflict process itself or because they have needs that are inconsistent with those of others".  Fourthly, there is need for increased commitment on the part of the central government to fully decentralize. This also entails transfer of resources.  This is the case as piecemeal decentralization is looked at with suspicion by the local actor and hence a cause for conflicts.

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