



Political Economy Analysis of Urban Governance and Management in Malawi: An Updated Version¹

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Table of Contents

Executive Summary	3
List of Acronyms and Abbreviations	7
1.0 Introduction.....	8
2.0 Objectives of the Assignment.....	8
3.0 Methodology	9
4.0 The Concept of Urban Governance and Management.....	10
5.0 The History Urban Governance and Management in Malawi	11
6.0 Urban Planning, Development Control, and Service Delivery Challenges of Urban Areas in Malawi	13
7.0 Key Urban Governance and Management Problem revealed in this PEA	15
7.1 Incoherent Legal and Policy Framework.....	16
7.2 Multiplicity of Actors, Competing Jurisdictions of Authority, and Coordination Failures	18
7.3 Incomplete processes of creating Urban Jurisdictions	22
7.4 Excessive Political Interference and Enforcement Challenges	23
7.5 Challenging Interface and Capacities of Urban Council Political and Administrative Officers	24
7.6 Weak Community Participatory Structures & Mechanisms of Dialogue & Feedback.....	26
7.7 Weak Presence and limited focus of CSOs in Urban Governance activities	30
7.8 Past Initiatives on Urban Governance	31
8.0 Summary of Findings, Conclusions, and recommendations	34
8.1 Recommendations for the Tilitonse Thematic Call on Urban Governance.....	35

Executive Summary

Introduction

This report presents findings of an assessment of Urban Governance in 2019 as an effort to update the PEA on Urban Governance that was conducted in 2015. The main objective of this exercise was therefore to get an updated status of the 2015 Urban Governance and Management PEA in order to guide new programming and key areas of focus. The aim was to generate insights for activities/interventions that could be carried out through a project to achieve the desired changes in line with Tilitonse Foundation's expected results. In tandem with the previous PEA, this assignment used a political economy analysis (PEA) and it drew insights from the main cities of Lilongwe, Blantyre, Mzuzu and Zomba and two smaller and newly created urban places i.e. Mangochi and Kasungu Municipal Councils. Two main methods of data collection were used: review of literature and semi structured interviews. Semi-structured key informant interviews were carried out with several stakeholders who, included ward counsellors, chairpersons of ward and neighbourhood development committee, block leaders, village chiefs operating within the jurisdiction of the city, representatives of civil society organisations that have been working on urban governance issues, city council officials and officials from the Ministry of Local Government and Rural Development. In total 45 key informants were consulted, 10 of whom were female.

Key Findings

The PEA has shown that cities and municipalities in Malawi are facing huge development control and service delivery challenges. Among the underlying factors include: incoherent legal and policy framework, multiplicity of actors, competing jurisdictions of authority, and coordination failures, incomplete processes of creating urban jurisdictions, excessive political interference and enforcement challenges, challenging Interface and capacities of urban council political and administrative officers weak community participatory structures & mechanisms of dialogue & feedback, weak presence and limited focus of CSOs in urban governance activities. The problems of legal pluralism, multiplicity of actors, and incomplete processes of creating urban jurisdictions are related. They have been there for a while and have existed under different regimes since democratisation. They reflect the various governments' lack of political will to deal with the challenges and promote effective urban development and service delivery. More telling however, has been the excessive political interference, and indecisiveness on matters of chiefs that has characterised all multiparty political regimes since 1994. In this regard, the traction for policy change through CSO projects would very minimal because there are powerful interests that prefer the status quo (unless if this was driven by a strong network coalition).

The PEA has noted an extremely poor state of linkage between urban councils and their citizens reflecting a problem on both sides as aptly summarised by one key informant as follows: *'The problem of Urban Governance in Malawi is that duty bearers have not transformed and are still managing councils as if dynamics of participatory decision making, democracy and decentralisation does not exist. They have abdicated their duties and care less about service delivery but personal interest. On the other hand citizens have not reached a stage where they demand from their own city so that they are part of the decision making process. They are in the city but have no relationship with their city'.*

In terms of citizen participation and engagement, a Development Guideline for Urban Councils exists. It provides a lot of pertinent information including guidelines for the creation of structures for the purpose of grassroots participation at the Town/municipality/city, Ward and Neighbourhood level; setup for the development of Urban development plans; inclusion of all actors including the private sector; the key steps in the Urban development planning process; the process, timeline and steps of doing participatory budgeting; channels of citizen participation and feedback. However, it is not widely known and used by Council officers and CSOs assisting the urban Councils than is the case in rural Councils. The PEA found that by 2016 almost all the Councils had created structures either at Ward or neighbourhood level, but no relevant training was mostly provided by the urban councils an indication of lack of political will and interest among Council officers to get these structures to work. The underlying problem was that the Councils did not have adequate direction and support from The Ministry of Local Government and Rural Development to ensure a harmonised approach was followed on the creation and purposes of the Ward and Neighbourhood (Community) Committees. Therefore, the varied manner, in which the structures were created and are operating, is not quite in tandem with the original design of such structures. The structures served more as implementing agents of MASAF and political projects and avenues of political actors to gain influence in the locality not as citizen participatory spaces. Further, the structures were mostly found in less affluent, informal and peri urban settlements which precludes the involvement of the affluent, middle class citizens and the private sector in getting involved in urban governance issues in their localities

The findings also point to minimal involvement of civil society organisations in urban governance. Almost all them deal with citizens in the less affluent informal settlements or Traditional Housing and their interventions do connect the less affluent actors with private sector actors, low density, middle class or other affluent citizens. The nature of interventions so far implemented so far by CSOs has been very limited, tinkering on the margins- mainly focusing on capacity building of existing local structures, creating awareness among the citizenry about their rights and entitlements, enhancing dialogue with duty bearers and empowering citizens to demand improved services. None of the CSOs paid attention to bottlenecks relating to transforming institutions, institutionalising participatory processes and structures, or galvanising the civic capacity of different classes of urbanites including elites, the middle class, and the private sector. This reflects the weak capacity of CSOs in Malawi whose predisposition is working with rural communities. This is an issue that was also raised in the final evaluation of the Tilitonse Fund. The evaluation found that CSO landscape in Malawi appears to be more skewed toward capacity building and awareness raising type of activities than monitoring and engagement activities.

Proposed Interventions for Tilitonse Foundation Thematic Call

In line of the foregoing, the PEA is making a recommendation that the following factors should be borne in mind when thinking about possible areas for the thematic call:

1. Tilitonse Foundation desired changes
2. The traction for change given the history of the issue and the nature of interests around it
3. Scalability that is the choice of intervention should have potential of being replicated across wider geographical coverage and multi disciplines.

4. Existence and capacity of CSOs and other actors' expertise to drive change around the identified area
5. Availability of window of opportunity for change.
6. Lessons from previous Urban Governance projects

Taking these factors into consideration, this study recommends that the Urban Thematic Call should focus on three interrelated Tilitonse desired change areas namely: institutional change, active citizenship, and local governance:

- a) **Institutional change:** Projects in this area should focus promoting dialogue and consensus among actors involved in urban development planning and control on reviewing and strengthening the urban development planning system and the associated guidelines (currently known as the Development Planning Guideline for Urban Councils (2003)). This should aim at ensuring that urban councils and actors have a uniform institutionalised system and harmonised set of rules for strengthening inclusive community level governance, citizen centered development planning, and promoting citizen participation. This is geared towards dealing with challenges regarding community level governance particularly the formation and functioning of local level structures, clarifying the terms of reference of the Ward and neighbourhood development committees, clarifying the role of various actors in such structures including processes and mechanisms of citizen participation in urban governance.
- b) **Local Governance:** Projects in this area should focus on strengthening the supply side, i.e. the capacity of council officers, elected members and services committees on citizen centered urban development planning and governance. This is geared toward addressing challenges associated with limited attention to community level governance and weak implementation of citizen centered elements of urban planning. The idea is to ensure that the urban council officers and elected officers are conversant with citizen participation requirements of the urban development planning system (in the revised handbook). It is also to ensure that there are effective advocacy activities to ensure that Council decision makers allocate appropriate resource towards creating, strengthening, and capacity building of ward and neighbourhood structures and that they are effectively institutionalising the necessary participatory planning processes such as participatory budgeting processes and town hall meetings on a consistent basis.
- c) **Building and strengthening of active citizenship:** Projects in this area focus on the demand side (citizens). However they should go beyond provision of information and sensitisation to peri-urban citizens. While information is essential the projects should focus on promoting the active citizenship component of the revised urban planning handbook thus strengthening the link between the Councils and its citizens. Among others the projects should promote the effective functioning of community level governance structures and other mechanisms such as town hall meetings for galvanising the civic capacity of different classes of urbanites including elites, the urban poor, the middle class, and the private sector. Projects should also aim at ensuring that

different classes of citizens take part in the urban governance processes, influence budgets and services in a visible way, and are able get feedback from the council.

The PEA further notes that while improving the legal and policy environment is an important element in improving urban governance and management, it is not a viable area for the foundation's thematic call. The main reason is that the traction for change in this area is not very high given the nature of interests that would like to maintain the status quo and the limited capacity of CSOs in driving policy reform projects. Due to these and other factors, previous Tilitonse interventions on Policy reform yielded limited tangible results despite huge resource investment.

In terms of implementation, in order to broaden the pool of potential CSOs, this call should not be restricted to CSOs that have previously done urban governance work. Secondly, given the already known capacity and orientation challenges of CSOs in Malawi, there may be a possible risk of relying on CSOs only to drive the urban thematic calls and achieve the Tilitonse desired changes. It is important therefore to improve their leverage by encouraging the CSOs to work collaboratively with other institutions such as MALGA and other training institutions that have expertise in these areas (not necessarily in a form of subcontracting or consultancy) but as project partners. Finally, the CSO organisations that will be selected under the thematic call will need to work with the Ministry of Local Government and Rural Development as the policy holder and institution responsible for the Urban Development Planning Handbook. There is previous experience on this with the Tilitonse programme that the Foundation can draw from.

List of Acronyms and Abbreviations

ACP	Africa, Caribbean and Pacific
CCODE	Centre for Community Organization and Development
CDC	Community Development Committee
EC	European Commission
HFH	Habitat for Humanity
MDC	Malawi Development Corporation
MDGs	Millennium Development Goals
MHC	Malawi Housing Corporation
MHPF	Malawi Homeless People's Federation
MPICO	Malawi Property Investment Company
MPs	Members of Parliament
NGOs	Non-Governmental Organizations
OZP	Outline Zoning Planning
PEA	Political Economy Analysis
PSUP	Participatory Slum Upgrading
SAPs	Structural Adjustment Programmes

1.0 Introduction

This report presents findings of an assessment of Urban Governance in 2019 as an effort to update the PEA on Urban Governance that was conducted in 2015. The 2019 PEA was specifically inspired by the need to build on the legacy of Tilitonse Programme, a Multi Donor supported governance programme which was implemented from 2011 to 2017. A PEA on Urban Governance done for one of the thematic calls of the Tilitonse Programme in 2015 found that Urban Governance in Malawi was affected by a number of issues: 1) the existing legislation does not provide a coherent framework for managing urban development, 2) excessive political interference in development control, planning and infrastructure, and 3) existence of multiple jurisdictions of authority over land. The 2015 PEA on Urban Governance also found that the absence of formally articulated and sanctioned development planning framework in urban areas was creating challenges that have been worsened by the attempts to annul the existence of traditional leaders in urban areas following the reconstitution of elected urban local governments after the May 2014 elections. Some of the key challenges noted in the 2015 study include the absence of guidance on the boundaries of blocks; terms of reference of block leaders; boundaries of Community Development Committees as well as their terms of reference; and the roles of councillors in this particular set-up. The Tilitonse Foundation has considered that these issues still remain valid, relevant, and pertinent to-date. It acknowledges that urban areas are important levers for accelerated socio-economic transformation and development if the associated processes and challenges are properly managed.

2.0 Objectives of the Assignment

In light of this background, the main objective of this exercise was therefore to get an updated status of the 2015 Urban Governance and Management PEA in order to guide new programming and key areas of focus. The aim was to generate insights for activities/interventions that could be carried out through a project to achieve the desired changes in line with Tilitonse Foundation's expected results. Specifically, the assignment had the following tasks:

1. To refine the issues to determine specific governance problems encapsulated by the thematic areas;
2. To review the problem analysis of the issues using the political economy approach and highlight any previous efforts to address the problem;
3. To determine the specific institutional changes (i.e. changes in the formal and informal rules and practices) required to address the problems identified;
4. To assess the feasibility of implementing project interventions on the issues by carrying out a detailed stakeholder analysis to clearly identify which stakeholders would be for reforms, and which ones may be opposed to the proposed reforms; indicate the degree of their support for or opposition to reforms as well as insights on how they could be engaged through projects to achieve a positive balance for change;
5. To suggest ideas of human interest (or recommend activities/interventions) that could be carried out through projects to achieve the desired change and in line with the Foundation's expected results and impact areas;
6. To identify any emerging urban governance issues that would be of interest;

7. To produce a summarised report that can be used as part of the application guidelines. This should clearly show the areas of intervention and expected governance changes/reforms for the call.

3.0 Methodology

3.1 Approach

In tandem with the previous PEA, this assignment used a political economy analysis (PEA) approach by exploring the links between structural context of an issue, the stakeholders affected and the influence of institutions in stakeholders' opportunities for and barriers of action (Adam & Dercon, 2009; Chinsinga, 2015). The PEA was carried out using the World Bank's Problem Driven Governance and Political Economy Analysis framework.

This helps to identify and understand the political, economic and social processes that either promote or block pro-poor change as well as the role of institutions, power, and the underlying context for policy processes.

It emphasizes on the following elements: 1) defining what the key development challenges are; 2) examining the existing governance and institutional arrangements; and 3) examining the underlying political economy drivers. This kind of diagnosis helps to shape strategies or operations in ways that range from adjusting them to the existing space for change to developing proactive strategies for expanding the space for change. In undertaking the PEA four key areas were looked at as outlined in Table 1 below.

Table 1: PEA Framework for Urban Governance in Malawi

Issue or Problem	Diagnosis of the Issue or Problem
What are the key challenges in development control, planning and infrastructure development as well as community governance structures including the propensity for collective action?	What is the evidence that shows that there are poor outcomes to which PEA issues appear to contribute?
What are the existing institutional arrangements in these issue areas, namely: development control, planning and infrastructural development as well as structures for community governance within the framework of collective action?	What are the key existing institutional or governance arrangements? Are the existing institutional or governance arrangements capable, effective and efficient?
What are the key political economy drivers that explain or underpin the status quo?	Why are things the way they are in contemporary urban governance? Why are policies or institutional arrangements not being improved?
What is it that can be done in order to improve the situation?	What actions can be proposed in order to change the current situation? Are the proposed changes or interventions going to work within the existing reform space or should there be attempts to expand it?

3.2 Data Collection Methods

Two main methods of data collection were used. Semi-structured key informant interviews were carried out with several stakeholders who, included the following: ward counsellors, chairpersons of ward and neighbourhood development committees, block leaders, village chiefs operating within the jurisdiction of the urban councils, representatives of civil society organisations that have been working on urban governance issues such as Story Workshop and Centre for Community Organisation and Development (CCODE), city council officials and officials from the Ministry of Local Government and Rural Development. In total, as summarised in annex 1, 45 key informants were consulted, 10 of whom were female. The semi-structured interviews were guided by a discussion guide that highlighted issues of particular interest to the PEA exercise. The discussion guide was administered in a conversational manner which allowed for important issues that were not initially anticipated to become an integral part of the analysis. The key informant interviews were further complemented by an extensive literature review that focused on a wide range of published and non-published materials. The 2015 Urban Governance PEA report was utilised as a key report plus evaluation reports of CSOs that worked on urban governance in previous years. These reports offered very useful insights and acted as a basis of comparison in the framing of the urban governance issues in Malawi as well as the interpretation of fieldwork findings. Therefore, as an update, this report builds on the previous report. Inadvertently there are some sections in the current report that have drawn heavily from the previous report particularly section 4 and 5 on the conceptualisation and history of urban governance in Malawi.

The data collection methods and study sites were further inspired by the fact that the underlying purpose of any PEA exercise is to situate development issues or challenges within an understanding of prevailing political and economic processes in society, specifically the incentives, relationships, distribution and contestation of power between different groups and individuals within a particular context. In this regard, the study noted that much of CSOs work on urban governance has focused on the cities of Blantyre and Lilongwe and to a limited extent Mzuzu. For example, The 2015 PEA drew insights from the main cities of Lilongwe, Blantyre, Mzuzu and Zomba. These four make up the major urban centres of Malawi. However, this study acknowledged that it is important to understand urban governance broadly and the Political Economy dynamics in each of the three categories of urban areas that exist in Malawi, namely city, municipal and town councils. Thus the present study's design also included two smaller and newly created urban places i.e. Mangochi and Kasungu Municipal Councils. This is also in tandem with one of the key Tilitonse's criteria for the selection criteria of thematic call initiatives - scalability that is, the choice of intervention should have potential of being replicated across wider geographical coverage and multi disciplines.

4.0 The Concept of Urban Governance and Management

The track record of urban governance and management suggests it is an evolving concept. According to Wekwete (1997: 528), urban governance and management refers to the "political and administrative

structures of cities and the major challenges they face to provide both social and physical infrastructure services". The aim of urban governance and management is to promote economic development and well-being through the provision of essential services (Sharma 1989). Originally, urban governance and management was mainly the ambit of government and largely involved production of master plans by technocrats to guide development (Buehler, 2003). The current understanding of urban management is broadened to include governance characterized by smaller role of central government, involvement of more actors and a rejection of master plans (Wekwete 1997). According to Rakodi (1997), urban development is currently concerned with political arrangements that ensure that the civil society has a say in resource allocation, decision-making is transparent, political agencies are accountable, and many different actors, formal or informal, are included in decision making. It is no longer restricted to the objective of economic growth but regulation of the market processes and coordination of urban actors to achieve economic development and poverty reduction. Thus urban planning and management is currently strongly linked to the concept of democratic governance which is broadly construed as the formation and stewardship of the formal and informal rules that regulate the public realm, the arena in which state as well as economic and societal actors interact to make decisions.

The main implication of this perspective of urban governance and management is that the configuration of the public machinery, in this case urban local governments, has a critical bearing on the responsiveness of service delivery, decision-making processes and subsequently economic growth and development. Democratic governance comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences (Sharman, 2007; Waheduzzaman, 2010). In democratic governance, citizen participation is quite central and is understood as the ability of citizens to exercise their right to express their opinion in the process of decision making concerning public interest (Sharma, 2007; Waheduzzaman, 2010; Griddle, 2004). The second conception of democratic urban governance and management emphasizes on strong society and democracy as the fulcrum of sustainable transformation (Lange, 2009).

Ultimately, the principle of urban governance and management is holistic aiming at strengthening the capacity of government and NGOs to identify policy and programme alternatives and to implement them with optimal results. In line with this shift, there are three tests of success for urban governance and management. These are: 1) ability of council officials to implement a declared spatial strategy; 2) ability to deliver basic urban services and trunk infrastructure to rapidly growing urban populations; and 3) ability to undertake operations and maintenance. These successes greatly depend on the ability of urban councils to ensure that their institutional complexity matches the urban complexity which is inevitable.

5.0 The History Urban Governance and Management in Malawi

Malawi's history of urban governance and management is a mirror image of the twist and turns of developments that have taken place at the global level. This implies that urban governance and management in Malawi has been shaped and re-shaped by the country's development policy and interaction with key international urban players over the country's three periods of political development

namely: 1) colonial era (1948-1964); 2) post-colonial era (1964-1993), and 3) post one party era (1993 to present).

During the colonial era, formal urban governance and management started with the proclamation of the Town and Country Planning Ordinance (Ordinance 30 of 1948), later replaced by the Town and Country Planning Act, 1988 (Act. 26 of 1988). The introduction of physical planning during this era was modelled on the western experience with urban growth. In the western countries, urban growth was largely a product of increase in economic activity and structural changes in the economy and urbanization was controlled by policies that restricted rural-urban migration (Kedogo, et al., 2010). During this period, urban governance and management failed to establish a clear structure of citizen participation besides being technocratic and inflexible. According to Ozden and Enwere (2012), the institutionalization of the colonial economy in the context urbanization brought with it negative effects on pre-existing social formations and patterns of urbanization. This was inevitable because urban governance and management was designed to advance the objectives and values as dictated by colonial master's economic, social and political systems (Kruse and Manda, 2005).

The post-colonial approach to urban management continued with the western view of physical planning characterized by production of master plans and strict enforcement of the plans. For instance, the 1948 Town and Country Planning Act was wholesomely adopted from the British colonial masters. Like in many other developing countries, the Government of Malawi took the role of a planner with less contribution from the common person (Kedogo, et al., 2010). Urban planning and management was top down and largely aimed at modernizing the urban landscape and activities resulting in biasness of service provision toward planned areas. The overarching argument is that urban governance and management during pre and post-independence period was largely a technocratic exercise that neglected the participation of citizens and the community (Buehler, 2003). It is within this context that Blantyre and Lilongwe Urban Structure Master Plans were formulated. However, high urban growth as a result of high rural-urban migration and natural increase and high poverty levels, resulted in rapid growth of informal settlements such as Mbayani, Ndirande in Blantyre; Chinsapo in Lilongwe and Salisbury in Mzuzu.

The post-colonial one party era was also characterized with policy reversals in urban management. From 1964 to 1980s, the state was actively involved in development planning, investment, control and organization in line with its interventionist policy. For instance, from 1960s to 1980s, the Government of Malawi largely owned, invested, controlled and occupied the real estate space. In particular, the government through the Malawi Development Corporation (MDC) established Malawi Property Investment Company (MPICO), which dominated the office sector (Stambuli, 2002). Thus, development planning and control during this period was aimed at serving the interests of the state and few rich elites. However, state intervention into the economy was at a public cost as efficiency goals were sacrificed to satisfy self-interests of a few politicians (Booth et al, 2006). The global economic crisis in the 1980s forced government to adopt neoliberal economic policies characterized by private sector investment, free market operations, privatization, trade liberalization and deregulation. In particular, adoption of World Bank Structural Adjustment Programmes (SAPs) required reduction in public sector expenditure and increased involvement

of the local government, private sector and civil society in economic activities. During 1980s and 2000s, the state privatized a number of its state owned enterprises (Chirwa, 2000). However, the private sector did not readily emerge to take up the vacuum created by the retreating state resulting in total neglect and eventual collapse of the public facilities such as public toilets, bus stations, solid waste management and other urban infrastructure. Equally important, privatization of the property sector and laxity in the application of urban planning rules resulted in decline in the quality of real estate property products being produced. Thus, the experience from this period questions the ability of the market to provide public services efficiently, effectively and equitably.

The post one-party approach to urban governance and management has been somewhat mixed. The privatization agenda of the 1980s has shown that economic growth alone is inadequate in addressing urban challenges, especially for the poor and marginalized. While recognizing the role of participatory planning to effective urban development planning and organization, the post one-party era lacks a clear policy direction in urban governance and management. Consequently, the period has witnessed rapid encroachment into public, private and protected lands, poor provision of public services growing insecurity, unemployment and poor waste management. This situation has been aggravated by dwindling resources for urban management, misunderstanding of democratic rights, lack of observation of rule of law and high corruption levels within the public service.

6.0 Urban Planning, Development Control, and Service Delivery Challenges of Urban Areas in Malawi

The 1987 National Physical Development Plan (NPDP) defines urban centres according to levels of service provision such as administration, commerce and business, health, education and infrastructure (Manda, 2013). However, in Malawi an urban area is declared as such through administrative, political decisions by government (NSO, 2009, p. 8). Currently Malawi has four cities of Blantyre, Lilongwe, Mzuzu and Zomba and three municipalities of Mangochi², Kasungu and Luchenza. Specifically, the Local Government Act in section 2 and 3 provides that the Minister may, from time to time; by order published in the *Gazette* declare any local government area to be a township or a municipality and the President may, by order published in the *Gazette*, -confer the title and dignity of City on any Municipality. The share of national population that resides in urban areas has progressively increased over the years from a low of 3.5% in 1950 to 15.3% in 2008 and 16% in 2018. However, the share among the major urban areas varies and has been changing over the years.

Table 2 : Share of Urban Population in the selected study areas: 1966-2018

City/Municipal	Share of urban population					
	2018	2008	1998	1987	1977	1966
Mzuzu	19.0	6.7	5.0	5.2	3.4	4.2

² Was a town council but we were informed at the time of the study that the council received the letter of upgrading to Municipality on 28 January, 2019

Lilongwe	38.0	33.7	26.0	26.0	21.0	9.6
Zomba	12.0	4.4	5.0	5.0	5.0	9.7
Blantyre	64.0	33.0	39	38.9	46.5	54.2
Kasungu	6.0	7.0	5.7			
Mangochi	8.0	8.0				

Table 2 shows that Lilongwe and Blantyre command a large share of national urban population but trends indicate progressive growth for all other urban centres except for Kasungu and Mangochi. The main concern is that on average 60-70% of the urban population in Malawi live in low income or informal settlements or *under slum conditions* and falls under the category of the urban poor (UN Habitat, 2011; Manda, 2015). For example, in Blantyre the population living in unplanned settlements increased from 44% in 1971 to 65% in 2000 (BCA, 2000). In Lilongwe, approximately 76 percent of the city's population lives in informal settlements (Lilongwe City Council, 2009) while in Mzuzu over 60 percent of the population lives in unplanned settlements.

The state of planning in the Urban Councils has been varied. Some of them have operated with or without urban structural plans and socio-economic development plans or out-dated structural and socio-economic development plans. Table 3 summarises the existence (or lack of) of two key planning tools that are supposed to guide development control in the urban localities. The table shows that except for the three major cities, the rest of the newer urban areas are operating without up-to-date structural/spatial plans with which to control development. At the time of the study all of them did not have up-to-date socio-economic plan tools and indicated that they were in the process of developing new ones.

Table 3: Existence of Structural and Socioeconomic Plans

	Urban Structural/Physical/Spatial Plan	Socio-economic Development Plan
City/Municipal		
Mzuzu	Master Plan valid up to 2030	Expired June, 2018
Lilongwe	Master Plan valid up to 2030	Expired in 2015
Zomba	Expired 1999	Expired 2018
Blantyre	Master Plan valid up to 2023	Expired in 2015
Kasungu	Expired 10 years ago	Expired in 2016 but finalising a Socio Economic Profile and Urban Development Plan
Mangochi	None	Expired in 2015 but working on updating the Urban Development Plan

The 2014 review of decentralisation found that urban councils that possessed physical/structural/spatial plans demonstrated a greater capacity and commitment to use the plans to “control” the development of property and other infrastructure or facilities and land use patterns. The “control” aspect was however controversial due to its legal and political ramifications as enforcement of building regulations and standards led to legal and political battles that councils often lost. All key informants interviewed in the selected study centres acknowledged that development planning and control is a major problem facing

urban local government councils. For example, one key informant in Lilongwe pointed out that, *‘about 70% of the building development activities taking place in central business areas and in the informal settlements are not authorised by the Council’ (an excerpt from a discussion with Lilongwe City Council Officials, 28th March, 2019)*. In the same manner, key informants in Zomba also pointed that, *we are not in control as much as we are supposed to be in control. Everybody is constructing buildings the way they want (an excerpt from a discussion with Zomba City Council Officials, 25th March, 2019)*. Consequently, Malawian urban centres are grappling with an explosion of unplanned development and settlements and undesirable physical structures and flea markets that have mushroomed in most of the urban areas.

The study also found that where the spatial plans existed, they were not clearly linked to the socioeconomic plans making it difficult for the cities to realize their full potential for socio-economic prosperity. As a result, Malawian cities are predominantly characterized by structures that are only accessible by footpaths; structures without viable drainage systems; widespread use of pit latrines; water access through communal standpipes or even boreholes which is contrary to the statutory stipulations; most of the open spaces and road reserves are encroached for low income housing and small-scale industries; vendors encroaching road reserves, open spaces, shop fronts and parking spaces; and alternation of buildings without planning permission (Chinsinga, 2015). Nationwide, urban roads are largely earthen tracks. Where roads are available, they tend to be narrow, and lack drains, cycle and walk ways (Manda, 2015). Up until the run up to the 2019 elections, most urban city roads were affected by irregular maintenance schedules. Most of the streets in urban areas lack street lighting thereby increasing security risk which can increase violence against women. At national level, the urban population with piped water inside house or on the plot increased by only 0.3% from 36% in 1987 to 36.3% in 2008. The majority rely on communal stand pipes: 42.5% in 1987, 36.5% in 1998 and 43.1% in 2008 (Manda, 2015). The rest of the urban population relies on unsafe sources such as streams and wells (NSO, 2010, Vol. 6:18). Most urban households rely on pit latrines ((NSO, 2010). The low coverage of electricity, poor road network and meagre usage of water borne sanitation and poor safe water access is an indicator of the failure of urbanisation to live up to expectation of Malawians. Why is this happening? The next section discusses the underlying governance challenges driving the weak development control and poor service delivery in urban councils.

7.0 Key Urban Governance and Management Problem revealed in this PEA

There is some consensus among that practitioners and observers that urban governance in Malawi is in a state of disarray (Kawonga, 1999; Mkula, 2014b; Chinsinga, 2015). Most of the key governance drivers observed by these previous writers including the 2015 PEA have persisted. This PEA identified the following as the key ones: incoherent Legal and Policy Framework, Multiplicity of Actors, Competing Jurisdictions of Authority, and Coordination Failures, incomplete processes of creating Urban Jurisdictions, excessive political interference and enforcement challenges, challenging Interface and capacities of urban council political and administrative Officers weak community participatory structures & mechanisms of dialogue & feedback, weak presence and limited focus of CSOs in urban governance activities.

7.1 Incoherent Legal and Policy Framework

There are several legal and policy instruments that are utilised by an assortment of institutions involved in urban planning, management and land governance. An analysis of some of the legislation and policies reveal several conflicts, contradictions and implementation challenges. Included in this analysis is the Town and Country Planning Act, Local Government Act, Land Act, Chiefs Act, Public Health Act, MHC Act and Decentralisation Policy. For example, the Town and Country Planning Act and the Local Government Act are not yet harmonized to provide unity of purpose and direction. As a result, the administration of land in urban areas in the country is subjected to legal pluralism that presents considerable challenges for city councils to carry out development planning and control effectively. Institutionally, failure to harmonize the provisions of the 1988 Town and Country Planning Act and the 1998 Local Government Act makes it difficult for local authorities to properly carry out urban governance and management functions (Chinsinga, 2015). The discussion below elaborates these observations in greater detail.

a) *Town and Country Planning Act (Cap 23:01)*

This is the principal law governing urban planning and urbanisation in Malawi. The law mandates the Minister and through him the Commissioner and Planning Committees, to prepare and approve plans. The Minister has power to approve, reject, and revoke plans. The law provides for definition of planning authorities, planning levels and types and development control process. However, no mechanism is outlined in the law how plans so prepared can be implemented. It is only assumed that land lords will be responsible for plan implementation. A major observation relates to section 33(1)-(6) where contrary to planners' and council assertions, customary land and allocation of such land by chiefs in statutory planning areas is recognised. In such areas planning authorities are required to prepare '*simple layout plans*' and give to chiefs for use to allocate land for housing, commercial and manufacturing uses. Only when a chief fails to use such *simple layout plans* can planning authorities request the Minister Responsible for Land matters to declare such land public. Declaration of customary as public land in statutory planning areas is therefore a punishment meted out to chiefs. The law has been under review as part of the land reform programme. The main changes likely to be effected if passed by the national assembly include:

- i. Physical planners registration board
- ii. Change of Town and Country Board to National Planning Council
- iii. Recognition of the role of local governments in planning approval.

b) *Local Government Act (Cap 21:01).*

The Act, No. 42 of 1998, was developed to promote devolution. To this extent, it empowers local governments to prepare development plans including urban plans in their jurisdictions. Section 21 of the Local Government Act indicates that an Assembly (now known as Council) shall have a duty to draw up plans for the social, economic and environmental development of the area. This provision contradicts the Town Country and Planning Act which empowers the Physical Planning Department to do the same and has indeed been a source of conflict between the department and councils. Thus without harmonisation of approaches in policy, effectiveness of development control process cannot easily be realised.

c) *Land Act (Cap. 57:01):*

This is the main law for land administration. Under section 26, chiefs have power to allocate customary land for any use. Some of the customary land is within declared urban statutory planning areas. In Zomba City for example, customary land constitutes nearly 90.5% of all the land (UN Habitat, 2011).

d) Chiefs Act:

The law is generally meant to guide the operation of traditional leadership in the country. However, under section 5, it is provided that chiefs have no mandate within City, Municipal and Town councils. On the other hand, the Local Government Act (1998) allows chiefs from the local government area at the level of Traditional Authorities and Sub-Traditional Authorities to serve as non-voting members and it does not make any distinction between rural and urban areas. On the basis of this, chiefs whose boundaries extend to urban jurisdictions have been attending urban council meetings until May, 2015 when the Ministry of Local Government in a bid to resolve the anomaly issued a directive banning chiefs from exercising their powers in all urban areas - cities, municipalities, and towns. The directive was not taken lightly by urban chiefs and it triggered a wave of protests by the urban chiefs. For example, in his reaction on behalf of other urban chiefs, Chief Makata of Ndirande, Malawi's biggest and politically volatile informal settlement in the city of Blantyre challenged both government and proponents of the directive by arguing that, "*our chieftaincy spans years before any government was created and actually it is us who created this country.*" Some of them took the matter to court and they were granted an injunction pending judicial review of the ministerial proclamation. In a twist of events, President Peter Mutharika suspended the ministry's directive and set up a task force to weigh the arguments for and against the directive. To date nothing has been done to resolve this dilemma, but all the chiefs including those operating in urban areas are recognized as having formal power, as reflected by central government's commitment to pay them their monthly honoraria through the District Commissioner's office.

e) Public Health Act cap 34:01

The law is meant to ensure adherence to environmental health. The Minister for Health has power to order demolition of buildings that fail to provide for adequate sanitary measures. The problem can emerge when such order contradicts approval by planning committees. Of interest is the placing of *guidelines for the preparation and implementation of Traditional Housing Area detailed layout plans* under this law. It is speculated that low income housing is seen from the view point of public health rather than as a development sector or right.

f) MHC Act Cap 32:02.

The law was developed in 1964 to support the development, construction, and maintenance of housing estates and plots on land given by government on freehold basis. Since early 1990s MHC devolved administration of Traditional Housing Areas to the urban local governments. However, some of the land allocated to MHC has been encroached and informal houses developed. Enforcement of eviction is affected by politics and emerging international anti-eviction campaigns in the housing sector. As such, without policy guidance, informality may be there to stay.

g) Decentralisation Policy

The policy was approved in 1998 to institutionalise democracy by allowing local communities to take leading roles in the development process. A significant provision was devolution of fiscal, political and administrative functions including urban planning. However, the policy has not been successful for several reasons: several sectors including Physical Planning, who cite low capacity in the councils, have delayed or shown reluctance to devolve even town ranging positions that are more relevant to councils. Chiefs have taken advantage to the extent that government institutions are almost helpless hence plan led urban development has more or less been abandoned in favour of adhoc locating of projects.

7.2 Multiplicity of Actors, Competing Jurisdictions of Authority, and Coordination Failures

The PEA noted that because of the plurality of laws and policies, urban governance and management reflects a particular kind of institutional weakness arising from the structure of the state. There is an overlay of competing jurisdictions and leaderships from various ministries, city authorities, parastatals, chiefs, and political constituencies. Ultimately a multiplicity of competing, uncoordinated and non-collaborative institutions have emerged from initiatives under different regimes without central government ever deliberately consolidating them into a coherent whole. The existence of these parallel sources of authority makes it very difficult for planning committees to oversee the observance of building codes and standards within the city boundaries leading to the uncontrollable explosion of unplanned settlements. Because no single strategy or institutional framework guides these, significant coordination is needed to overcome the confusion in development control and service delivery (Cammack, 2012: 50).

a) Local Government Councils

Urban councils are mandated under Local Government Act to undertake urban planning, surveying, and rating. However other laws give such responsibilities to other government bodies leading to policy and practical conflicts. For example, local government councils have limited leverage and control over land because most of the prime land in the urban centres belongs to either Lands Department of Malawi Housing Corporation. The only land transferred to them as grants is that under low income housing and informal settlements. According to Mumba (2005) such transfers are more of central government running away from informal settlements challenges than is apparent by the gesture. Urban councils are called on to undertake development regulation and control on behalf of the town planning committees which are organs of Physical Planning Department without requisite resources and mandate. Attempts to enforce the urban plans face political rebukes and judicial injunctions and orders.

b) Physical Planning Department

The department is mandated to prepare national, regional, sub regional and local plans by the Town and Country Planning Act (1988). It delegates some of its functions to competent city councils. Currently Blantyre, Lilongwe and Mzuzu cities have such delegated powers. Under section 33 of the Act, the department is required to prepare layout plans and after a discussion, hand them over to the chiefs for their use in allocating land to developers for various uses in urban areas. The department has not succeeded on this because it waits for requests from Lands Department before layout plans can be prepared. Consequently, most of the urban areas are unplanned. With increasing urbanisation, such land is developed informally.

c) Lands Department

The department is regarded as a land lord in Malawi. It allocates plots to developers based on layout plans prepared by Physical Planning Department. If there are no layout plans, especially as is the case on urban customary land, site plans prepared by technicians within Lands Departments or Physical Planning Department are used as a basis for land allocation despite the requirement that qualified urban planners prepare such site plans. Developers must pay development charges and wait for infrastructure before construction, but such infrastructure is never provided. Lease covenants stipulate that construction must be finalised within two years. Corruption is widely reported in the process of land acquisition and registration leading to lengthy delays for the unconnected (Manda, 2015). Politicians also have a strong hand in land allocation despite existence of plot allocation committees.

d) Surveys Department

The department is responsible for preparation of deed plans based on layout plans from Physical Planning Department or site plans that facilitate land registration. It is also central in surveying urban growth boundaries before gazetting. Funding shortages and legal requirement that only the Surveyor General can approve deed plans is a major cause of delay to process deed plans and therefore delays in land registration process. This affects urban investments. Conflicts with Physical Planning Department regarding responsibility for site plans and subdivision plans leads to further delays as those prepared by one institution will be rejected by another at approval stage.

e) Housing Department

The department is expected to formulate housing policies and deliver housing to the nation. However, it concentrates on renting offices and houses for public servants. The housing policy finalised in 2007 remains unapproved by government. Recently an urban development division has been approved though its mandate appears to conflict that of Physical Planning Department and Local Government.

f) Ministry of Local Government and Rural Development

The Ministry of Local Government and Rural Development (MLGRD) plays an oversight role on effectiveness of urban management by councils. Under the Local Government Act, the ministry also has power to confer status of township, municipality or city over any urban centre. However, reflective of rural focus of national development strategies, the MLGRD has no urban development directorate but does have directorates for rural development, local government services, and chiefs' administration. In absence of urban professionals, sometimes the conferment and the dissolution of such status, has tended to be ill advised. The bottom line as stated by one key informant is that *'although an Urban Development Planning Handbook exists, urban governance and management has not been a focus of support by the Ministry of Local Government and Rural Development and its supporting partners. As a result it has not provided much guidance and direction to urban councils because of the perception that urban areas are better than the rural areas in terms of poverty'* (An interview with an official, Ministry of Local Government and Rural Development, 1st April, 2019). There is an acknowledgement that although most of their donors have provided support for rural areas, urban development issues need to be given attention and debated.

g) *Malawi Housing Corporation (MHC)*

Formerly constituted in 1954 as Soche Authority to develop African high density residential areas, MHC attained its name as a statutory organisation by Ordinance No. 21 of August 1963 CAP 200 (Alma, 2005). The objective of MHC was to undertake the development, construction, and management of housing estates. Despite owning large land area across the country, MHC serviced few plots and built only few houses hence has a large waiting list of over 85,000. MHC has managed a housing stock that serves less than 20% of the people living in the country's four major cities. The projection is that the country will need about 254, 500 new dwellings by 2020 to meet the current demand for housing. This translates to an average of 21, 000 new houses to be built each year (UN Habitat, 2010). Most of its urban land remains idle and often targeted by squatters and traditional authorities.

h) *Traditional Authorities*

Although the Chief's Act proscribes traditional leaders from exercising any authority in urban centres, the influence of chiefs in such centres still persists. When the Ministry of Local Government and Rural Development made an announcement banning the role of chiefs in urban areas; Council officers implemented the directive by not inviting them to Council meetings and making announcements in the localities. However, since the suspension in 2015, government has not provided further direction and chiefs continue to exercise their traditional functions including authority over land. In all areas where the jurisdiction of the traditional extends to the urban jurisdictions, chiefs are still recognised in settlement of disputes, mobilisation over public works, and other development programmes and indeed at political rallies. Urban chiefs also preside over urban cultural affairs such as funerals and weddings and provide leadership in governance and development for the welfare of their communities. The shifts and back tracking on policy have created misunderstandings and varied perceptions on the role and relevance of chiefs in urban centres. . The bone of contention with the Urban Council officers is on the role of chiefs in land allocation matters because they have very significant control over resulting developments especially in THAs.

The Chiefs' view is that land management is their prerogative. They feel that it is the urban councils that want to control land and do not want the chiefs to be operating in the city, but the central Government gives them power to operate because it gives them monthly honorarium through the District Commissioner's office. According to Kanyongolo (2015), the country's courts have strengthened traditional leaders' grip on authority over urban land in some of the judgments that have been made which clearly goes against the spirit of section 3(5) of the Chief's Act which prohibits Chiefs from exercising jurisdiction within cities, municipalities or towns without the written approval of the appropriate council. These rulings effectively endorse the purported power of traditional authorities to administer land in urban areas despite the fact that statute law vests such powers in a number of formal authorities, including the Central and local government authorities. The Council officers on the other hand argue that:

When a place is declared that it is an urban area, chiefs are not supposed to exercise any authority. However, they are clinging to the land function because they benefit from land sales. Yet the chiefs do not fully understand the need for residents to pay property rates,

particularly in areas where they have authority. Although the Act says otherwise, the Ministry of Local Government and Rural Development is legitimising their role because they give them an honoraria through the DCs office (Interview with Mangochi Municipal Council officials, 26th March, 2019)

The so called chiefs allocate pieces of land to residents but when developing they don't come to us. So these are some of the issues that we face when we try to apply the law. They claim that they were not compensated that's why they still remain in the city (Interview with Mzuzu City Council officials, 1st April, 2019)

According to Majawa (2004), most land that chiefs allocate is initially bought for residential uses. However, overtime, other commercial activities such as shops, garages, workshops, salons etc. spring up in a haphazard manner and not in accordance with the development plans. In this context, development control is almost impossible since the developers do not recognize the bonafide authority of the city councils and chiefs allocate land on customary land without regard to existing plans (GoM, 2002, p.31),

However, some Ward Development Committees especially in Zomba and Kasungu consider chiefs to be critical actors in community mobilisation as these voices show:

We have chiefs operating in our ward and on the other hand we have city council telling us that chiefs are not supposed to be there. As a committee we chose not to listen to city officials since they are not the ones staying here with the people. *"Iwo aja a city amangotikankhizira ife koma zikabvuta iwo sabwelapo kuti awongole zinthu, ndiye ife timangosankha kusawamvela nkumagwira ntchito ndimafumu"*. We consider chiefs as block leaders which is why we involve them. *Penapake kukhalanso ndi anthu ngati mafumu zimapangitsa chitukuko kuyenda mwa nsanga"*. Most residents listen to what the chiefs say and it is easy for us to use such opportunity in implementing development activities (An interview with the chairperson of Chinamwali Ward Development Committee, 2 April, 2019).

In other contexts, chiefs are perceived to be immediate allies of elected councillors when the councillors want to bypass the role of Ward and neighbourhood committees in identification of beneficiaries for relief projects and local level decision making regarding project sites and implementation. For example in Mangochi, Ward Development Committee members indicated that their councillor connects more and makes local project decisions with the chief to such an extent that the committee *"imakhala ngati chikwangwani chabe"*.

The PEA also noted with the creation of these urban planning structures, and the directives on Chiefs, the influence of block leaders and traditional chiefs in these structures has in a majority of cases being contained. Block leaders are in most cases making up the membership of Neighbourhood committees. In other cases, Councils were taking actions to incorporate traditional leaders as block leaders. For example, in Mzuzu city they indicated that:

As city we don't recognise traditional leaders but rather we do let people choose their block leaders. Mzuzu sits on two districts and as a city have expanded to city boundaries and some people who are in the boundaries still cling to their tradition. In some places when choosing block leaders, the people deliberately chose the traditional leader to be their block leaders

and that eliminates the chances of conflicts because people are already used to them as their leaders (Interview with Mzuzu City Council officials, 1st April, 2019)

In some cases, given the lack of adequate orientation and guidance, chiefs were still influencing decisions in the local level structures but mostly through collusion with councillors. Conflicts with councillors emanated where block leaders had political ambitions. The Development Planning System Handbook for Urban Assemblies acknowledges the challenges of traditional authorities in urban areas and makes suggestions about how chiefs could be incorporated in urban governance in order to enhance collective action. It suggests that in order to solve this problem, urban councils should try to involve the chiefs in the planning process as well as later in the controlling processes. The handbook states that If chiefs are part of the decision-making process concerning future land use, they could be appointed to watch over correct land use in the areas where they are still recognised by the population as leaders. This usually happens in the periphery of the urban area, within the boundaries of the urban assembly, where the village structures can be found almost intact. In this way, chiefs could maintain their position before their people and help the urban council in enforcing the new regulations and supporting the development process

7.3 Incomplete processes of creating Urban Jurisdictions

The PEA noted that one of the contributory factors to weak development control capacity of urban Councils is the manner in which the areas are declared. The informants argued that the declarations have really been more towards political interests than really an objective assessment of growth in service provision such as administration, commerce and business, health, education and infrastructure. Since democratisation, announcements regarding the declaration of new urban areas have generally been made during political rallies or following requests from political party actors such as sitting Members of Parliament. For example, the declaration of Luchenza and Kasungu as municipalities during the Bingu era had strong linkages to political leadership (Manda, 2015). The argument is that Luchenza was the smallest gazetted urban area with very minimal growth in service delivery while the status of Kasungu as a sub-regional centre, service delivery and population size was almost similar to three other centres such as Liwonde, Mangochi and Karonga that were not considered. Later, Mangochi was reinstated to township status during a political rally under the Joyce Banda era. Once an area is designated as a planning area it becomes a formal area where traditional structures, authorities and settlements are not supposed to be recognized. Under the scheme of the law, unplanned settlements and structures, and traditional authorities would therefore be considered illegal if they continued to exist in a legally designated planning area.

The key problem is that most of the areas declared as urban are originally villages with characteristics & ways of life of rural areas led by traditional authorities. The way of life and practices of a majority of citizens in such areas is mostly rural without any obligations that go along with urban jurisdiction status. When the announcement is made on a political podium, the government through its relevant ministries does not take the relevant steps to ensure that all relevant actors including citizens are informed and fully oriented on the implications of the changes and their appropriate roles in the new status. The government also does not take a proactive role to ensure land and boundary issues are dealt with and proper coordination mechanisms are set. In most cases the newly declared institution is left to grapple with the huge change

management challenges. The absence of these transitional arrangements creates a challenge for service delivery and the widening of the civic space in the urban areas as these cannot be extended to areas that were initially informal within the framework of the law.

7.4 Excessive Political Interference and Enforcement Challenges

The PEA noted that excessive political interference is seriously crippling the capacity and efforts of the urban Councils to govern, control development and improve service delivery. Stakeholders in all the study sites indicate that this has been an enduring problem and has increased since the dawn of multiparty government. Previous studies have noted that the logics which drive politics at the national level permeate local governance and strongly influence the delivery of public goods (Cammack, 2012). The logic relates to centralisation of power in the hands of the president, informal networks that have more influence than formal structures like parliament, mixing of state and private finances, patronage networks (formed of dyads) that reach from the highest level into the local community, and the politics of survival. These logics influence the way governance at local level operates and the nature and extent of local leaders' authority and accountability, and therefore, public goods delivery. Networks and dyadic relationships following party lines are formed to attract party workers and win elections at local level. In return, a network's members are allowed to earn rents from services (e.g., water kiosks) and to control power (e.g., markets and health committees) at local levels (Cammack, 2012).

With respect to development control, network members are allowed to build and put up structures anyhow without following city/municipal regulations and they also control demolishing of unwanted buildings. In the same manner although markets and flea markets exist, vendors are left to sell their wares on the verandas of shop. The examples below illustrate the depth of this problem and show how Council decisions are stopped by politicians:

In 2016, the Council passed a resolution to demolish all illegal constructions in a particular locality. The locality is not suitable for building because of the serious environmental challenges and risk it poses to human lives. Alternative land had been identified for them in another location. The city issued a notice through the newspapers. Two days later we received a phone call from the Minister of Local Government to stop. A week later in a media interview apparently referring to the same issue, an officer of the City was forced to backtrack on the Council's decisions in order to be in line with the politicians' interests (An interview with a key informant, Blantyre City Council, 4th April, 2019).

We had an incident here in Mzuzu. We had a demolition exercise and the vendors reacted and our office was destroyed but till to this day no one has been arrested so if you tell people [Council staff] to go for another operation do you think they would go, no! They would first think and assess whether it is worth it, or risk lose life (An interview with key informants, Mzuzu City Council, 4th April, 2019)

Decentralisation in Malawi is not real and not a local initiative but is being pushed by donors. Most of the decisions come from Capital Hill not from the Councillors [who are supposedly the decision makers at the local level within a particular Council]. As a city we came up with a resolution, engaged the Police we failed to continue demolishing illegal constructions within the vicinity of the road and bridge near Blantyre market. When we started the exercise, we

got a phone call from Capital Hill. The narrative was, *'mukupanga chani, taasiyeni amenewo ndi anyamata athu'.....*The point was *musasokoneze mavoti athu*.

Party members are given control of allocation of benches in the markets as a result of their minister wanting to retain their support and enhance their ability to mobilise people at election time. One informant pointed out that, *'market control systems do not work because party members control and give themselves several benches. They use that to generate income by sub-let to other market users'*. In the run up to the 2019 elections, these cases have increased and have seriously crippled the Urban Council's capacity to enforce any laws and regulations. Council officers, elected councillors, and others defer to ruling party for fear of their own careers and consequences but they also exploit the system to their own advantage. Previous authors have noted that the unethical behaviour resulting from political interference has led to a situation in which Malawians have a decreased sense of obligation to formally apply for and get planning permits, and to apply for proper land titles and building permits (Kawonga, 1999; Mkula, 2014b).

The entrenched unethical behaviour in the country's planning processes of urban areas has invariably led to the explosion of unplanned settlements whereby people have invaded road reserves, stream reserves, streets for vending, and open spaces claiming they needed land for housing (Chinsinga, 2015). According to Mkula (2014a), this suggests that the planning system has not been very helpful to the poor and weak and that the planning system and plot acquisition process was expensive and that the poor were not benefiting from the delay and corruption in the system even when land was available. The multiparty environment and the legacy of pro-ruling party bias is more often than not the enemy of technocratic solutions. It causes local conflicts, wastes resources, and disempowers a part of the population – undermining capacities for collective action and reducing accountability, with harmful effects on developmental outcomes (Cammack, 2012).

7.5 Challenging Interface and Capacities of Urban Council Political and Administrative Officers

The elections that were held in 2014 ushered in a crop of elected councillors after nine years of council administrative staff operating without a local oversight body. The 9-year period without a local oversight body created huge accountability gaps and created a scenario where administrative staff got used to operating with a free hand without any working local oversight structure. The PEA noted that during the early years of having councillors the relationship between councillors and appointed officers was characterised by conflict but it improved over the years. The conflict arose because the two parties were not well versed with their job descriptions and boundaries and each party has plausible explanations about the other. The *secretariat* felt that the councillors were going too far and the councillors felt that their policies and council resolutions were not being implemented by the Secretariat. Some Council officers argued that the initial orientation of councillors did not help them to appreciate their roles and boundaries at the council and in the community. In Lilongwe for example, the Mayor took on certain functions that were supposed to be performed by the city CEO, for example the signing of letters to the general public from the Town Planning Committee. The dominant view that councillors had a pre-conceived notion that secretariat was abusing resources: As this voices highlight:

The councillors understood their role as '*mabwana a Council*' with a role to police the secretariat. Yet they did not understand their role in the community and as link persons between citizens and the Council. Many councillors did not understand issues and did not in most cases provide information and feedback to their citizens. There are also other councillors who did not understand the need for citizens to pay property rates especially in areas that were in the transition process. For example here in Mangochi about 50% did not understand and they felt that this was making them to lose popularity with the voters (Interview with Mangochi Municipal Council officials, 26th March, 2019)

Of course there were some variations in the functionality of the Councils depending on the kind of support that the local government authority was getting from a variety of donor/NGO supported programmes. The elected members' accountability role was also compromised by the limited power over human resources who engage in financial malpractices. The Council in practice can reprimand errant senior officers but it has no power to transfer, fire, or discipline senior Council officers who answer to distant service commissions and ministries that have very little direct oversight.

The PEA also noted that political bickering among elected members derailed council business particularly when it came to approval of projects and allocation of resources. The main interest for councillors is development projects as a basis of fulfilling campaign promises and eventual re-election. This motivation made many councillors to focus on narrow partisan interests at the expense of city wide development issues.

The councillors on the other hand argued that council staff members were in most cases withholding relevant information. There was lack of proper reports to councillors. Their main query was that the secretariat did not always implement the Council resolutions as required by the Council standing orders. Previous studies have shown that elected councils as oversight bodies over administration were not yet functional to the expected standard due to low education capacity, inability to read and interpret key Council policy documents, coupled by lack of systematic all rounded government intensive training programmes (USAID, 2018). The government training programmes were deemed to have focused more on classroom exercises with very minimal hands on training. Key informants also indicated that there were limited efforts towards team building, joint training exercises and even training programmes for the secretariat. It was assumed that the secretariat and other appointed officials knew their roles and boundaries, which was not always the case in practice. The studies also noted that Council officers were used to operating with a free hand and resisted any attempts by councillors to exercise their accountability role. The bottom line is that there were capacity challenges on both sides and interventions need to target both elected members and secretariat staff.

Although there was some improvement in the capacity of the councillors' overtime, the learning curve was long and similar capacity issues are likely to arise again if the turnover rate in the forthcoming elections is going to be high. Judging from the primary elections experience so far, and the information collected from the councils, table 4 shows that there is an indication that except for Mangochi, a majority of the councillors are standing again. Of course the precise picture will become clear after the elections. High turnover in Mangochi may signal huge need for capacity building given the newness of the councillors.

Table 4: Status of old councillors against the numbers standing in 2019 elections

	Number of councillors	Those standing again
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City/Municipal		
Mzuzu	15	4 are standing as MPs and the remaining are standing as councillors.
Lilongwe	27	About three quarters are standing again
Zomba	10	9 are standing
Blantyre	23	21 with 7 standing as independents and 14 on a party ticket
Kasungu	9	7 are standing again
Mangochi	10	5, 3 on a party ticket and 2 as independents

7.6 Weak Community Participatory Structures & Mechanisms of Dialogue & Feedback

A Development Planning System Handbook for Urban Assemblies which was developed in 2003 alongside the District Development Planning Handbook for Rural Assemblies exists. These documents are quite elaborate in terms of how development efforts are facilitated in rural and urban areas, how collective action initiatives would be carried out, and the kinds of structures that should exist. They provide a sense of unity purpose and direction among the myriad stakeholders engaged in urban development processes. The Development Planning System Handbook for Urban Assemblies provides a lot of pertinent information including guidelines for the creation of structures for the purpose of grassroots participation at the Town/municipality/city, Ward and Neighbourhood level; setup for the development of Urban development plans; inclusion of all actors including the private sector; the key steps in the Urban development planning process; the process, timeline and steps of doing participatory budgeting; channels of citizen participation and feedback.

The PEA found that while the District Development Planning handbook for rural areas is widely known by and used by Council officers and CSOs assisting the rural Councils in the creation of structures and formulation of district development plans, the same is not the case with the urban areas. The 2015 Urban Governance PEA noted that the absence of formally articulated and sanctioned development planning framework in urban areas was creating a leadership paralysis at the local level that was worsened by the attempts to annul the existence of traditional leaders in urban areas. The present PEA found that by 2016 almost all the Councils had created structures either at Ward or neighbourhood level. The key problem was that the urban Councils did not have adequate supervision from the Ministry of Local Government and Rural Development to ensure that a harmonised approach was followed on the creation and purposes of the Ward and Community Committees in the urban areas. Thus in a majority of cases interviewed, the urban actors interviewed were not fully utilising the Development Planning System Handbook for Urban Assemblies as a guide towards the creation of planning structures and processes, facilitating citizen engagement, and grassroots participation, dialogue and feedback. The study noted that those who possessed the handbook and claimed to be using it were councils whose planning staff had the experience of working in rural district councils where a similar handbook is extensively used in guiding district planning work. Table 5 summarises the experiences of creating the participatory structures in the various Councils studied.

Table 5: Creating Participatory Structures in Urban Areas

	Guideline used	Structures Created	Operation
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City/Municipal			
Mzuzu	The Development Planning System Handbook for Urban Assemblies (2003)	Ward and Community Development Committee with block leaders at neighbourhood level	Formation of the committees was facilitated by Council staff. Independent persons serve as chairpersons and they are selected by the members of the committees, but councillors have great influence.
Lilongwe	The Council developed its own terms of reference for the establishment and operations of ward development committees and block leaders in Lilongwe city (2018).	Ward and Block Committees	Formation of the committees mostly facilitated by councillors with the aid of Council staff. Ward committees are chaired by councillors as stipulated in the Council guidelines.
Zomba	Used a training manual developed by Bwalo Lathu Initiative (with Tilitonse Funding) in collaboration with City officials (2016)	Ward and Community Development Committee with block leaders at neighbourhood level	Formation of committees facilitated by Council staff in collaboration with Bwalo Lathu Initiative. Independent persons serve as chairpersons and they are selected by the members of the committees.
Blantyre	No guideline used, except for knowledge of staff from rural Councils. Key officers had never seen the guideline	Formed structures only at ward level - Ward development Committees. They left political structures to operate at community/neighbourhood level	Formation facilitated by Council staff in collaboration with the councillors. Since their establishment they were not trained by the Council. Capacity building was mainly provided by Story Workshop (with Tilitonse funding) in their project areas. Independent persons selected by the members chair the committees but Councillors have great influence.
Kasungu	The Development Planning System Handbook for Urban Assemblies.	Ward and Neighbourhood Development Committee and block leaders at neighbourhood level	Formation of committees facilitated by Council staff. Independent chairpersons selected by the members chair the committees.

Mangochi	The Development Planning System Handbook for Urban Assemblies	Ward and Neighbourhood Development Committees	Formation facilitated by the Council. Independent chairpersons selected by the members chair the committees but in other cases Ward Councillors were overriding the decisions of the Ward committees.
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The PEA found that because of the varied manner in which the structures were created, the manner in which they have been operating has been varied and not quite in tandem with the original design of such structures as is in the handbook. In a majority of cases the structures were created in less affluent informal and peri urban settlements like Zolozolo, Masasa, Chilomoni, Ndirande, and Ntandire with barely none in the planned settlements of the city where middle class citizens are located like Nkolokosa, Nyambadwe, Namiwawa, Areas 10, 11, 12 etc. This precluded the involvement of the affluent, middle class citizens and the private sector in getting involved in urban governance issues in their localities. A midterm review of the Bwalo Initiative Urban Governance in Zomba made similar observations. It noted that:

The ward development committees comprised mostly just ordinary citizens or citizens coming from medium to high density areas side-lining people from the low density areas. Whether it is by design or by default the exclusion of other citizens in decision making processes within the city has created under development. Zomba has a lot of academia, professionals in various fields, successful business persons and Malawians of Asian origin just to mention a few, who if incorporated to take part in developmental processes and embracing on their professionalism could probably make huge strides towards developing Zomba city (Bwalo Initiative, 2017:8).

In addition, no relevant training was mostly provided by the urban councils. For example, in Blantyre, key informants indicated that there is no political will among Council officers to get these structures to work. They argued that *‘despite submission of the same the budget to facilitate training and the functionality of such committees has since 2015 not been approved by the Council. It looks like as a Council we don’t take the local level seriously’*. A CCODE annual report of the Tilitonse funded project also noted this lack of interest among urban council officials to facilitate participatory decision making. In its report CCODE stated that:

Some council officials still find it hard to work with the new local governance structures such as Ward committees because they were used to working without local structures. The project has come across and resolved scores of cases where local council officials paraded themselves as local development project implementers without engaging the local governance structures. The absence of clear terms of reference and education on the part of the ward development committees precipitated this confusion (CCODE, 2017)

Even in areas where CSOs facilitated the revamping and capacity building, the orientation was not quite in line with the urban planning guidelines but was more of getting them to understand general local governance within the context of the CSO’s project. The examples below from two CSOs working on urban governance, namely Story Workshop and Bwalo Lathu illustrate this observation:

As Story Workshop we never used the Development Planning System Handbook for Urban Assemblies. We used the NDI USAID Manual on Public Expenditure Tracking and hired consultants to provide capacity building to the Ward Committees. We focused on sensitising the structures on public expenditure tracking and demand for service delivery, Town Planning Act, Environmental Management and Local Government Act (Key informant discussion, Story Workshop, 19th March, 2019).

For us as Bwalo Lathu we did not have any guidance on urban governance. So we (in collaboration with the city officials) conducted a two-day workshop and developed a training manual on urban governance. The topics included decentralisation, roles of councillors and MPs in urban governance, roles of the secretariat, gender roles, and the roles of Ward and Community Development Committees (because there was confusion with neighbourhood security committees) We also oriented them on the Town planning Act and the Local Government Act in order to deal with the issues of chiefs. The main objective was to orient the ward development committees on leadership, entrench their understanding of the local government system, and for the committees to understand what their roles and responsibilities are. (Extract from Bwalo Lathu endline report and clarification through key informant interview, Bwalo Lathu, 15th April, 2019).

Consequently, in a majority of cases (except a few places) the committees are generally seen as structures for the councillors meant to facilitate the implementation of MASAF public works projects and not as participatory forums with an aim of facilitating inclusionary planning and decision making. A key observation from the way these structures were formed and operated is that they are extremely weak in relation to aggregation and articulation of civic voices. As one informant noted:

These structures are effective when there is a project such as Public Works Mthandizi projects, Malata subsidy or when there is an NGO working in the area. They were not trained at all. It looks like they were formed to facilitate the implementation of these political projects. They don't have capacity to demand responsive service delivery or make Council officers accountable (Interview with a key informant, Blantyre City Council, 4th April, 2019)

The PEA also found that Town hall meetings and other civic fora were held in a few of the urban councils as part of participatory budgeting processes but this was done in an adhoc manner but not systematically as part of the urban planning and implementation process. The nature of the community structures and adhoc civic fora does not enhance citizen participation in urban affairs. Rather it contributes to, or reflects, the "powerlessness" of the urban citizenry. Such a development undermines accountability and transparency in the ways urban authorities and government officials handle urban matters. The 2015 PEA noted that equally absent, in most cases, are the formal rules governing the relationship and interaction between the corporate world (private sector) and the urban citizenry in Malawi (Chinsinga, 2015). It was noted for example, that there are very few cases of formal social corporate responsibility memoranda of understanding or charters between private sector companies and the urban citizenry. These issues, critical to urban governance may reflect the limited understanding of the importance of these issues on the part of both the urban citizens and the services providers or the private sector. The poor state of linkage between urban councils and their citizens was aptly summarised by one key informant as follows:

The problem of Urban Governance in Malawi is that duty bearers have not transformed and are still managing councils as if dynamics of participatory decision making, democracy and decentralisation does not exist. They have abdicated their duties and care less about service delivery but personal interest. On the other hand, citizens have not reached a stage where they demand from their own city so that they are part of the decision making process. They are in the city but have no relationship with their city (Key informant, Lilongwe City Council Officials, 28th March, 2019)

7.7 Weak Presence and limited focus of CSOs in Urban Governance activities

There are a few civil society organisations involved in urban governance. The situation in the studied districts confirms these observations. Table 6 presents a summary mapping of the CSOs that either attend urban councils meetings or have worked on some urban issues in the selected councils.

Table 6: Mapping of CSOs in the studied urban areas

	Name of CSO	Focus Area
City/Municipal		
Mzuzu	Youth and Society	Governance, community and vendor sensitisation
	Church and Society Livingstonia Synod	Mobilising resources for development projects
	Mbaweme Women's Cooperative	Gender, community sensitisation, promoting citizen demand and demand for responsive service delivery, capacity building of local level structures
Lilongwe	CCODE	Low income housing, community sensitisation, promoting citizen participation and demand for responsive service delivery
	Habitat for Humanity	Low income housing
	FEDOMA	Service towards the disabled
	Action Aid	Governance & Gender
	Water Aid	Water governance and service provision
	NICE	Governance, civic education
Zomba	Bwalo Lathu Initiative	Urban Governance, community sensitisation, capacity building of Ward and Neighbourhood committees.
Blantyre	Story Workshop	Media, social and behaviour change, community sensitisation, promoting citizen demand and demand for responsive service delivery, capacity building of local level structures
	CCODE	Low income housing, community sensitisation promoting citizen participation and demand for responsive service delivery.

	Water for People	Water governance and provision, sanitation
	Center for Youth	Governance and Youth
	Concerned Youth Organisation	Water and sanitation, Urban service charters
Kasungu	Good Health Organisation	Youth Empowerment, Advocating for Youth Inclusion in Local Governance Structures like Ward Development Committees, Neighbourhood Development Committees and Youth Representation in the Full Council
Mangochi	None except for chair of the CSO network in the district	He only attends Council meetings.

The CSO actors and Council officers interviewed acknowledged that while some CSOs are in service provision very few deal with urban governance work as is the case in the rural councils in Malawi. For example in Lilongwe, the key informants acknowledged that majority of the ones listed in table 6 (except for CCODE and Water Aid) do attend Council meetings but do not necessarily have governance related projects in the city. Almost all the CSOs working on urban governance issues listed above deal with citizens in the informal settlements or Traditional Housing areas of the cities. They have been implementing a variety of initiatives but of a limited nature - mainly focusing on capacity building of existing local structures, creating awareness among the citizenry about their rights and entitlements, enhancing dialogue with duty bearers and empowering citizens to demand improved services. This is reminiscent of the work that most CSOs have been doing in rural areas and may be a reflection of the nature of capacities that most CSOs in Malawi possess. None of the CSOs pay attention to the big issues (bottlenecks) relating to transforming institutions or galvanising the civic capacity of different classes of urban elites, the middle class, and the private sector.

Previous studies have also noted that with the exception of Malawi Institute of Physical Planners (MIPP) which is professionally oriented, there is no civil society network or organisation to champion urban problems as do exist in other sectors and the rural districts (Manda, 2015). The Malawi Urban Forum (MUF) established for this purpose has largely been managed by government rather than the civil society or a coalition of councils under the banner of Malawi Local Government Association (MALGA) as initially conceived. As a result, urban governance concerns are rarely in the media and so do not attract the attention of political leaders and policy makers in government (Manda, 2015). This is mainly because of absence of civil society in urban development planning that can lobby government and development partners to implement programmes and projects or even to correct the legislative and huge coordination problems that underlie urban governance and management. This may be a possible limitation and risk of relying on CSOs only to drive the urban thematic calls and achieve the Tilitonse desired changes.

7.8 Past Initiatives on Urban Governance

The review of the state of urban governance and management done in 2015 revealed that there was no initiative that was specifically designed to deal with community level governance structures for collective action in urban areas. The review noted that a number of interventions were in progress targeting

development control such as the World Bank Urban Project, the UN Habitat Participatory Slum Upgrading Exercise and Community Based Savings and Credit Schemes. However, a majority of the interventions did not directly with the governance challenges described herein. Towards the end of 2015, three urban governance projects were implemented by CSOs under the Tilitonse Programme thematic and CBO call. The CSOs were Story Workshop, CCODE and Bwalo Initiative and the projects are described below:

a) Story Workshop Education Trust (SWET): Deepening Democracy III-Empowered Urban Citizenry and Strengthened Governance Structures for Responsive Service Delivery

This project was implemented in Ndirande - Makata and Chilomoni wards in Blantyre city as well as Zolozolo East and Masasa wards in Mzuzu city from April 2016 to June 2017. The project was designed to achieve the following key result areas: (i) increased knowledge and awareness on policies, rights, and responsibilities amongst urban citizenry to enhance citizen participation at local levels; (ii) strengthened community led governance (community and ward development committees) structures for active participation, monitoring and evaluation of developmental programmes (through Public Expenditure Tracking) at grassroots level, and (iii) improved capacity of councils to provide responsive social services to the urban citizenry. The overall goal of the project was to realise an urban citizenry that actively influence urban governance structures for inclusive, accountable, transparent, and responsive service delivery in the city councils in which it was implemented. In terms of achievements, the project managed to resuscitate Ward and Community Development Committees and introduced Tilitonse Accountability clubs which were involved in monitoring and evaluation of development programmes in the project impact areas. However, the present PEA observed that the project's contribution towards improving the capacity of city councils to provide responsive social services was limited. This was due to, *inter alia*, the project did not implement all the activities planned under this result area and that the project design did not focus on some of the critical underlying causes of city councils' lack of responsiveness in service delivery. One of the challenges the project faced is that it was not possible to get information from the City Council and they were pushing us up and down. They were not very open to the communities- the design of the project was that the communities should push the councils not the NGO. Sometimes the Council officers kept pushing people up and down or keep them waiting. The council officers were not accommodating the community members but they were doing it tactfully. The project also noted that very few Wards had access to training on governance issues. Ward committees were formed by the City but the officers were quite reluctant to empower the communities.

b) CCODE- Strengthening Responsive Urban Governance and Management in Malawi

This project was implemented in 4 wards in Lilongwe and 3 in Blantyre Cities. These were Phwetekere, Sese, Mtandire, and Chilinde in Lilongwe; and, Namiyango, Mapanga, and Misesa in Blantyre City. The project had two objectives as follows: a) increased spaces for active citizenship and proactive institutions for inclusive urban development, b) improved access to information for responsive planning and sustainable urban development. The project focused on disseminating information of citizens' rights and entitlements and city byelaws and how citizens can demand services and projects from duty bearers. The project drew the following lessons and recommendations:

- Future interventions should not assume that local council technocrats are in the know when it comes to participative local governance; there have to be intensive efforts to educate actors from both sides to ensure a balance of powers
- Local governance effectiveness is not only a function of citizen participation; it also has an inclination on who sets rules of the games and how the players of this game are selected. The practice of using political structures to make appointments of local authority leaders traps local authorities' ability to remain non-partisan and drive a people-centred agenda.
- City Councils are not very welcoming to CSOs. We don't feel welcomed. Most officers' look at what is it that they can benefit in terms of allowances, not how CSO projects can benefit communities.
- Ward Development Committees and Neighbourhood Development Committees are operating like political structures and they do not work well when new elected members come. The politicians usually influence their party actors to be members and control the local level structures. They rubber stamp projects of the politicians, and not those selected by the people. There is need to institutionalise other parallel structures of citizens in informal settlements

c) Bwalo Initiative- Transparency and Accountability of City Governance Structures (April 2016- July, 2017)

This is a project implemented by Bwalo Initiative in collaboration with the city of Zomba to enhance transparency and accountability of the city's governance structures so that the city has an inclusive council governance system that is responsive to the felt needs of its residents. Its immediate objective was to have increased citizen participation in decision making and monitoring of service delivery in Zomba City. The project had three outputs as follows: a) enhanced capacity of urban governance structures (WDCs, Councillors and other leaders) in democratic governance, b) Increased citizen access to information on governance and their entitlements, and c) strengthened engagement between duty bearers and rights holders.

This project was implemented in ten wards of the Zomba city namely: Chinamwali, Masongola, Likangala, Chambo, Mpira, Mbedza, Sadzi, City Central, Chirunga and Mtiya. Among the some achievements, the committees were able to articulate issues that affect their communities. On several occasions in the wards the committees were able to summon city authorities to come and clarify issues the communities are not comfortable with. This happened in six of the ten wards where city officials were called to clarify on the guidelines and procedures for public works programme and how the beneficiaries are to be identified. Another achievement was that the city council also took on board the Ward Development Committees in their budget consultations for 2017/2018 financial year. Some of the key lessons and recommendations from the project include the following:

- Establish and consolidate a citizens' forum in Zomba city with members drawn from representatives of the wards to provide a platform for interface between the duty bearers, right holders and other stakeholders.
- The Ministry of Local and Rural Development should provide solutions to the chaotic environment that has been created for denouncing urban chieftaincy without providing alternatives. Harmonize, clarify and consolidate the authority of block leaders so that they play their rightful roles in the communities in order to strengthen development
- Institutionalize needs assessment process and participatory impact monitoring at grassroots communities so that the developments carried out in communities responds to their felt needs.

- The city council should budget for the on-going capacity building process of the ward development committees and should appreciate the relevance of the ward development committees and utilize them in all their activities.
- The city council to develop guidelines on electing ward development committees and disseminate their roles and responsibilities before conducting the next elections

8.0 Summary of Findings, Conclusions, and recommendations

The PEA has shown that cities and municipalities in Malawi are facing huge development control and service delivery challenges. Among the underlying factors include: incoherent legal and policy framework, multiplicity of actors, competing jurisdictions of authority, and coordination failures, incomplete processes of creating urban jurisdictions, excessive political interference and enforcement challenges, challenging Interface and capacities of urban council political and administrative officers weak community participatory structures & mechanisms of dialogue & feedback, weak presence and limited focus of CSOs in urban governance activities

The problems of legal pluralism, multiplicity of actors, and incomplete processes of creating urban jurisdictions are related. They have been there for a while and have existed under different regimes since democratisation. They reflect the various governments' lack of political will to deal with the challenges and promote effective urban development and service delivery. More telling however, has been the excessive political interference, and indecisiveness on matters of chiefs, that has characterised all multiparty political regimes since 1994. In this regard, the traction for policy change through CSO projects would very minimal because there are powerful interests that prefer the status quo (unless if this was driven by a strong network coalition).

The PEA has noted an extremely poor state of linkage between urban councils and their citizens reflecting a problem on both sides as aptly summarised by a key informant: *'The problem of Urban Governance in Malawi is that duty bearers have not transformed and are still managing councils as if dynamics of participatory decision making, democracy and decentralisation does not exist. They have abdicated their duties and care less about service delivery but personal interest. On the other hand citizens have not reached a stage where they demand from their own city so that they are part of the decision making process. They are in the city but have no relationship with their city'.*

In terms of citizen participation and engagement, a Development Guideline for Urban Councils exists. It is very elaborate and provides a lot of pertinent information including guidelines for the creation of structures for the purpose of grassroots participation at the Town/municipality/city, Ward and Neighbourhood level; setup for the development of Urban development plans; inclusion of all actors including the private sector; the key steps in the Urban development planning process; the process, timeline and steps of doing participatory budgeting; channels of citizen participation and feedback. However, it is not widely known and used by Council officers and CSOs assisting the urban Councils than is the case in rural Councils.

The PEA found that by 2016 almost all the Councils had created structures either at Ward or neighbourhood level, but no relevant training was mostly provided by the urban councils an indication of lack of political will and interest among Council officers to get these structures to work. The underlying problem was that

the Councils did not have adequate direction and support from The Ministry of Local Government and Rural Development to ensure a harmonised approach was followed on the creation and purposes of the Ward and Neighbourhood (Community) Committees.

Therefore the varied manner, in which the structures were created and are operating, is not quite in tandem with the original design of such structures. The structures served more as implementing agents of MASAF and political projects and avenues of political actors to gain influence in the locality not as citizen participatory spaces. Further, the structures were mostly found in less affluent, informal and peri urban settlements which precludes the involvement of the affluent, middle class citizens and the private sector in getting involved in urban governance issues in their localities

The findings also point to minimal involvement of civil society organisations in urban governance. Almost all them deal with citizens in the less affluent informal settlements or Traditional Housing and their interventions do connect the less affluent actors with private sector actors, low density, middle class or other affluent citizens. The nature of interventions so far implemented so far by CSOs has been very limited, tinkering on the margins- mainly focusing on capacity building of existing local structures, creating awareness among the citizenry about their rights and entitlements, enhancing dialogue with duty bearers and empowering citizens to demand improved services. None of the CSOs paid attention to bottlenecks relating to transforming institutions, institutionalising participatory processes and structures, or galvanising the civic capacity of different classes of urbanites including elites, the middle class, and the private sector. This reflects the weak capacity of CSOs in Malawi whose predisposition is working with rural communities. This is an issue that was also raised in the final evaluation of the Tilitonse Fund. The evaluation found that CSO landscape in Malawi appears to be more skewed toward capacity building and awareness raising type of activities than monitoring and engagement activities. Grant making need to fully appreciate the potential and limits of CSOs.

8.1 Recommendations for the Tilitonse Thematic Call on Urban Governance

In line of the foregoing what are the plausible interventions that the Tilitonse Foundation Thematic Call on Urban Governance should focus on? This PEA is making a recommendation that the following factors should be borne in mind in thinking about possible areas for the thematic call:

1. Tilitonse Foundation desired changes
2. The traction for change given the history of the issue and the nature of interests around it
3. Scalability that is the choice of intervention should have potential of being replicated across wider geographical coverage and multi disciplines.
4. Existence and capacity of CSOs and other actors' expertise to drive change around the identified area
5. Availability of window of opportunity for change.
6. Lessons from previous Urban Governance projects

Taking these factors into consideration, this study recommends that the Urban Thematic Call should focus on three interrelated Tilitonse Foundation desired areas of change namely: institutional change, active citizenship, and local governance:

- a) **Institutional change:** Projects in this area should focus on promoting dialogue and consensus among actors involved in urban development planning and control on reviewing and strengthening the urban development planning system and the associated guidelines (currently known as the Development Planning Guideline for Urban Councils (2003)). This should aim at ensuring that urban councils and actors have a uniform institutionalised system and harmonised set of rules for strengthening inclusive community level governance, citizen centered development planning, and promoting citizen participation. This is geared towards dealing with challenges regarding community level governance particularly the formation and functioning of local level structures, clarifying the terms of reference of the Ward and neighbourhood development committees, clarifying the role of various actors in such structures including processes and mechanisms of citizen participation in urban governance. The key stakeholders here would be: the Ministry of Local Government and Rural Development, MALGA, Urban Council officers, training institutions, Malawi Urban Forum, CSOs, and Department of Physical Planning.
- b) **Local Governance:** Projects in this area should focus on strengthening the supply side, i.e. the capacity of council officers, elected members and services committees on citizen centered urban development planning and governance. This is geared toward addressing challenges associated with limited attention to community level governance and weak implementation of citizen centered elements of urban planning. The idea is to ensure that the urban council officers and elected officers are conversant with citizen participation requirements of the urban development planning system (in the revised handbook). It is also to ensure that there are effective advocacy activities to ensure that Council decision makers allocate appropriate resource towards creating, strengthening, and capacity building of ward and neighbourhood structures and that they are effectively institutionalising the necessary participatory planning processes such as participatory budgeting processes and town hall meetings on a consistent basis. The key stakeholders here would be Council appointed and elected officers, councillors, Ministry of Local Government and Rural Development, Ward and neighbourhood committee members, block leaders, chiefs operating in urban areas, training institutions, and CSOs
- c) **Building and strengthening of active citizenship:** Projects in this area focus on the demand side (citizens). However they should go beyond provision of information and sensitisation to peri-urban citizens. While information is essential the projects should focus on promoting the active citizenship component of the revised urban planning handbook thus strengthening the link between the Councils and its citizens. Among others the projects should promote the effective functioning of community level governance structures and other mechanisms such as town hall meetings for galvanising the civic capacity of different classes of urbanites including elites, the urban poor, the middle class, and the private sector. Projects should also aim at ensuring that different classes of citizens take part in the urban governance processes, influence budgets and services in a visible way, and are able get feedback from the council. The key stakeholders here would be different classes of urban citizens (middle class, entrepreneurs and

business people, professionals and poor peri-urban residents) CSOs, local government councillors, block leaders and chiefs operating in these areas

The PEA further notes that while improving the legal and policy environment is an important element in improving urban governance and management, it is not a viable area for the foundation's thematic call. The main reason is that the traction for change in this area is not very high given the nature of interests that would like to maintain the status quo and the limited capacity of CSOs in driving policy reform projects. Due to these and other factors, previous Tilitonse interventions on Policy reform yielded limited tangible results despite huge resource investment.

In terms of implementation, in order to broaden the pool of potential CSOs, this call should not be restricted to CSOs that have previously done urban governance work. Secondly, given the already known orientation challenges of CSOs in Malawi it is important to improve their leverage by encouraging the CSOs to work collaboratively with other institutions such as MALGA and training institutions that have expertise in these areas (not necessarily in a form of subcontracting or consultancy) but as project partners.

Finally, the CSO organisations that will be selected under the thematic call will need to work with the Ministry of Local Government and Rural Development as the policy holder and institution responsible for the Urban Development Planning Handbook. There is previous experience on this with the Tilitonse programme that the Foundation can draw from.

Annex 1: List of People and Organisations Consulted

	Name	Organisation	Position	Gender
1	Innocent Katsache	Story Workshop	Programme Officer	M
2	Blessings Nkhata	Story Workshop	Programmes Manager	F
3	Kettie Phiri	Story Workshop	M&E Officer	F
4	Chifundo Zulu	Story Workshop	Resource Mobilisation Officer	M
5	Kent Mphepo	Story Workshop	Executive Director	M
6	Mr. Noel Chalamanda	Blantyre City Council	Former Mayor	M
7	Mr Tembo	Blantyre City Council	Acting Director of Planning	M
8	Mr Pearson Banda	Blantyre City Council	Monitoring and Evaluation Officer	M
8	Mussa Mwale	Zomba City Council	Acting Chief Executive Officer	M
9	Fred Nankuyu	Zomba City Council	Director of Planning	M
10	Mr Kamponje	Zomba City Council	City Education Manager	M
11	Chikhulupiro Jimu	Zomba City Council	Councillor, Former Chair of Planning Service Committee	M
12	Jameson Mulekele	Zomba City Council	Councillor, Former chair of Finance Service Committee	M
13	Mrs Inosi Meleke	Zomba City Council	Chairperson, Sadzi Ward Development Committee	F
14	Emmanuel Twaliki	Zomba City Council	Chairperson, Neighbourhood Development Committee, Sadzi Ward	M
15	Mr. Rodgers Kaunda	Bwalo Lathu Initiative	Executive Director	M
16	Mr. Chimbiya	Zomba City Council	Block leader, Sadzi ward	M
17	Mr. Harold Maleta	Zomba City Council	Chairperson, Chinamwali Ward Development Committee	M
18	Mr. Ayami Abasi	Zomba City Council	Chairperson for Neighbourhood Development Committee, Chinamwali Ward	M
19	Raston Makumba	Zomba City Council	Group Village Head operating in Chinamwali Ward	M
20	Fannie Msimuko	Mangochi Municipal Council	Chief Executive Officer	F
21	Elipha Mbale	Mangochi Municipal Council	Acting Director of Planning	F
22	Hedwick Bizimaki	Mangochi Municipal Council	Acting Director of Finance	M
23	Assani Said	Mangochi Municipal Council	Councillor, former chair of Finance Service committee	M
24	Sammy Tauro	Mangochi Municipal Council	Councillor, former chair of Planning Service Committee	M
25	Misozi Jana	Mangochi Municipal Council	Chairperson, Mkanamwano Ward Development Committee	F
26	Mapanje Asidi	Mangochi Municipal Council	Chairperson, Msukamweo Ward Development Committee	M

27	Leonard Mwanyali	Mangochi Municipal Council	Chairperson, Msikisi Ward Development Committee	M
28	John Chome	Lilongwe City Council	Chief Executive Officer	M
29	Willard Chirwa	Lilongwe City Council	Director of Planning	M
30	Ahmed Sadi	Lilongwe City Council	Director of Finance	M
31	Gift Kasamira	Lilongwe City Council	City Development Strategy Manager	M
32	Walusungu Kayira	Ministry of Local Government and Rural Development	Director of Planning	M
33	Martin Kazanga	Kasungu Municipal Council	Director of Planning and Services	M
34	Molly Tirigu	Kasungu Municipal Council	Block leader, Chimbuna Ward	F
35	Austin Milosi	Kasungu Municipal Council	Chairperson of Neighbourhood Committee, Chimbuna Ward	F
36	John Mulewa	Kasungu Municipal Council	Chair of Neighbourhood Committee & Chair of Ward Committee, Kasalika Ward.	M
37	Mr. Elaphate Joshua	Kasungu Municipal Council	Former Councillor, Chimbuna Ward	M
38	Everson Phiri	Kasungu Municipal Council	Block Leader, Kasalika Ward	M
39	Mrs. Anne Kafoteka	Kasungu Municipal Council	Former Councillor, Kapalankhwanzi Ward	F
40	Dr. Macleod Kadammanja	Mzuzu City Council	Chief Executive Officer	M
41	Marianna Banda	Mzuzu City Council	Assistant Director of Planning and Services	F
42	Kamuzimu Lusubilo Mwangonde	Mzuzu City Council	Councillor, Former Chairperson of planning Committee	M
43	Mr. Phiri	Mzuzu City Council	Block leader, Jombo Ward	M
44	Kamuzimu Samuel Gondwe	Mzuzu City Council	Councillor, former chairperson of finance committee	M
45	Sam Sambo	Mzuzu City Council	Chairperson, Jombo Ward Development Committee	M
46	M'bwana Nkhata	CCODE	Basic Services and Infrastructure Officer	M

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