

# **THE NATIONAL DECENTRALISATION POLICY**

## **1. BACKGROUND**

After about thirty years of a highly centralized one party rule, a radical political transformation has occurred in Malawi with the introduction of Multi-party democracy, and the adoption of a new constitution based on the principles of participatory democracy. Since then, a number of steps designed to consolidate and institutionalise this newly gained political freedom and improve governance have been taken and slowly democracy is taking root in Malawi.

As part of the process of consolidating democracy and as a strategy for realising the country's development goal of poverty reduction, the Malawi Government expressed its desire to decentralise political and administrative authority to district level.

In July 1994, Cabinet directed that a comprehensive review of all decentralisation initiatives including that of District Focus for Rural Development be undertaken. In accordance with the Cabinet decision, the Department of District and Local Government Administration has over the years commissioned a number of studies on Decentralisation. The studies culminated in the formulation of a Draft National Decentralisation Policy, which has been widely discussed.

The Cabinet approved the policy in principle, at its meeting held on 26<sup>th</sup> January, 1996. Cabinet further directed that a Cabinet Committee on Decentralisation be set up to look into the details of the policy, including its financing and report its recommendations to Cabinet. The policy is therefore a result of the Cabinet Committee on Decentralisation's work, however, it has come through a very consultative process. The National Decentralisation Policy was finally approved by the Cabinet in October 1998. Parliament has since passed a new Local Government Act (1998), which enshrines the Policy of Decentralisation.

## **2. THE POLICY**

The policy:

- (a) devolves administration and political authority to the district level;
- (b) integrates governmental agencies at the district and local levels into one administrative unit, through the process of institutional integration, manpower absorption, composite budgeting and provision of funds for the decentralised services;
- (c) diverts the centre of implementation responsibilities and transfers these to the districts;
- (d) assigns, functions and responsibilities to the various levels of government; and
- (e) promotes popular participation in the governance and development of districts.

## **3. POLICY OBJECTIVES**

The Decentralisation Policy seeks to achieve the following objectives:

- (a) to create a democratic environment and institutions in Malawi for governance and development, at the local level which will facilitate the participation of the grassroots in decision-making;
- (b) to eliminate dual administrations (field administration and local government) at the district level with the aim of making public service more efficient, more economical and cost effective;

- (c) to promote accountability and good governance at the local level in order to help Government reduce poverty; and
- (d) to mobilize the masses for socio-economic development at the local level.

#### **4. STRUCTURE OF THE NEW LOCAL GOVERNMENT SYSTEM**

The new local government system will be made up of District Assemblies. Cities, Municipalities and Towns will be "*districts in their own right*". The District Assemblies will have powers to create committees at Area, Ward or Village level for purpose of facilitating participation of the people in the Assembly's decision making.

#### **5. COMPOSITION OF THE LOCAL GOVERNMENTS/ ASSEMBLIES**

The District Assembly will be composed of the following people:

- (i) Chairperson/Mayor to be elected from among elected members;
- (ii) One Councillor per Ward;

##### **The following will be ex-officio non-voting members**

- (i) Traditional Authorities and Sub-Traditional Authorities from the local government area;
- (ii) 5 persons to be appointed by the elected members to cater for special interest groups as determined by the Assembly; and

- (iii) Members of Parliament from constituencies that fall within the local government area.

The Assembly Chairperson/Mayor and Vice Chairperson will be elected from amongst the elected members and will serve a five-year term.

The President has been given powers to dissolve any District Assembly should the High Court determine that the Assembly acted unlawfully or contrary to national policies.

## **6. FUNCTIONS OF THE DISTRICT ASSEMBLY**

The functions of the District Assembly will be, subject to the National Development Plans and Policies, as follows:

- (a) To make policy and decisions on local governance and development for the District;
- (b) To consolidate and promote local democratic institutions and democratic participation;
- (c) To promote infrastructural and economic development through district development plans;
- (d) To mobilize resources within and outside the district;
- (e) To maintain peace and security in the district in conjunction with the National Police Force;
- (f) To make by-laws which facilitate its functions;

- (g) To appoint, develop, promote and discipline its staff;
- (h) To cooperate with other District Assemblies to learn from their experiences and exchange ideas; and
- (i) To perform other functions including the registration of births and deaths and participate in the delivery of essential and local services as may be prescribed by an Act of Parliament.

## **Functions and Responsibilities**

Functions and Services to be assigned to District Assemblies include:

### **1. Education Services**

- (a) Nursery and kindergarten;
- (b) Primary Schools; and
- (c) Distance Education Centres.

### **2. Medical and Health Services including**

- (a) Health centres, dispensaries, maternity clinics and health posts;
- (b) Control of communicable diseases;
- (c) Health education; and
- (d) Environmental sanitation.

### **3. Environmental Services**

- (a) Burial Services;
- (b) Refuse disposal;
- (c) Sewerage removal and disposal;
- (d) Environmental reclamation; and
- (e) Environmental education.

### **4. Roads and Street Services**

- (a) The construction, rehabilitation and maintenance of roads not under Central Government including:
  - (i) District roads,
  - (ii) Township roads,
  - (iii) City roads,
  - (iv) Estate roads (if done to acceptable standards).
- (b) Street naming;
- (c) Issuing of road permits; and
- (d) Issuing of drivers' licences.

### **5. Emergency Service**

- (a) Ambulance Services;
- (b) Fire Services;
- (c) Disasters (until they are declared national disasters).

## **6. Public Amenities**

- (a) Sports stadiums;
- (b) Community halls;
- (c) Recreational parks and playgrounds; and
- (d) Public conveniences.

## **7. Buildings**

- (a) Office space for own use and commercial purposes;
- (b) Housing estates including those for leasing purposes; and
- (c) Control of building standards

## **8. Planning Authority**

The District Assembly will be designated as a planning authority.

## **9. Land Resource utilisation**

- (a) Valuation of properties;
- (b) Valuation of public and customary land;
- (c) Surveys of land within the area of jurisdiction of the
- (d) District Assembly except District and International boundaries;  
and
- (e) Enforcement of lease agreement as agents of central  
government.

## **10. Business**

District Assemblies will promote and regulate business and local tourism (i.e. creation of a conducive environment for business), while at the same time upholding of standards. This will include:

- (a) Licensing of small and medium business, groceries, retail and wholesale shops, garages, motels, private schools and clinics; and
- (b) Inspection of the above.

## **11. Natural Resources**

- (a) Botanical Gardens;
- (b) Nature sanctuaries; and
- (c) Zoos and parks other than Game Reserves and National Parks.

## **12. Fisheries**

- (a) Licensing and inspection of fishing gear i.e. nets and boats;
- (b) Fisheries extension; and
- (c) Community participation in fish management.

## **13. Forestry**

- (a) Establishment of woodlots and forests;
- (b) Forestry surveys;
- (c) Inventory of forests;
- (d) Forestry extension; and
- (e) Forest management.

#### **14. Agriculture, Livestock and Irrigation**

- (a) Livestock extension;
- (b) Control of livestock diseases;
- (c) Land husbandry;
- (d) Crop husbandry;
- (e) Food and nutrition; and
- (f) Construction; rehabilitation and maintenance of small of dams.

#### **15. Water**

The provision and maintenance of water supplies including:

- (a) Boreholes;
- (b) Piped water projects;
- (c) Protected wells;
- (d) Distribution of water; and
- (e) Gravity fed piped water schemes.

#### **16. Community Development**

- (a) Women in Development;
- (b) Community Development;
- (c) Street Children and orphans;
- (d) Youth Affairs;
- (e) Cultural Affairs;
- (f) District Information Services; and
- (g) Probation and welfare.

## **17. Community Police**

- (a) Establishment and management of community policing services;
- (b) Regulation and control of municipal traffic.

## **7. COMMITTEES OF THE DISTRICT ASSEMBLY**

In the performance of their functions, District Assemblies have been mandated to form Service Committees. The committees' membership will comprise both elected members of Assembly and co-opted members. The Assembly shall establish various Service Committees, but not restricted to the following:

- the Finance Committee;
- the Development Committee;
- the Education Committee;
- the Works Committee;
- the Health and Environment Committee;
- the Human Resources Committee; and

## **8. ADMINISTRATION OF THE DISTRICT ASSEMBLY**

The District Assembly has been given the mandate to employ their own staff. The head of the secretariat, to be known as District Commissioner or Chief Executive Officer, will also be the secretary to the Assembly.

## **9. DISTRICT DEVELOPMENT PLANNING**

### **9.1 Planning Authority**

The District Assembly has been charged with the overall development of the district. In the course of their development work, the Assemblies are required to provide for local people's (communities) participation in the formulation and implementation of the District Development Plan. It is in this respect that the Assemblies have been requested to form action committees at Area, Ward or Village level.

The medium term development plans for the Assemblies will be submitted to the ministry responsible for local government for harmonization and coordination with national policies and programmes.

### **9.2 Joint Development Planning areas and Special Development areas**

Two or more District Assemblies may discharge any of their functions, including development activities, jointly. In such situations the Assemblies may form a joint committee. However, the President may in appropriate circumstances declare two or more local government areas or part thereof as joint development areas and may establish joint development planning boards for them.

## **10. FINANCING THE NEW LOCAL GOVERNMENT SYSTEM**

**10.1** For District Assemblies to translate the power and competence given to them by this policy into development phenomena, a sound local government financing mechanism is required. They will have two main revenue sources.

- a) locally generated revenues (traditional); and
- b) central government transfers.

### **10.2 Locally Generated Revenues**

These include:

- (a) Property rates;
- (b) Ground rent;
- (c) Fees and licences;
- (d) Commercial undertakings; and
- (e) Service charges

### **10.3 Ceded Revenue (Non Tax Revenue)**

Government will cede to District Assemblies some of its non-tax revenue. However, Government will continue to collect the ceded revenue, which will later be redistributed to District Assemblies using a formula to be approved by the Cabinet. Non-Tax Revenue to be ceded will include the following:-

- (a) Toll fees;
- (b) Gambling and casino fees;
- (c) Fuel levy/fee (Road maintenance levy);
- (d) Motor vehicle registration fees;
- (e) Industrial registration fees.

#### **10.4 Central Government Transfers**

Government will make available to District Assemblies at least 5% of national revenues, excluding grants, to be used for the development of districts. The distribution of these grants will be done by the National Local Government Finance Committee (NLGFC) in accordance with a formula approved by Parliament.

The factors to be considered in coming up with the formula will among other things include:

- a) Population size;
- b) Level of development (using agreed poverty indicators);
- c) Responsiveness: to encourage District Assemblies to raise more own revenue, for example, *reward assemblies for % of per capita increase in revenue generation;*
- d) Equalization.

#### **10.5 NGO assistance**

For purposes of balancing development, the Ministry responsible for Local Government should be informed of any assistance, intended for development activities of District Assemblies.

## **11. RELATIONSHIP BETWEEN CENTRAL GOVERNMENT AND DISTRICT ASSEMBLIES**

11.1 The central government will support the District Assembly with policy guidance, financial and technical assistance. The relationship will be as follows:

### **11.2 Line Ministries**

Line ministries will retain responsibility over the following areas:

- (a) policy formulation,
- (b) policy enforcement,
- (c) inspectorate,
- (d) establishment of standards,
- (e) training,
- (f) curriculum development, and
- (g) international representation, etc.

In undertaking this responsibility, line ministries will have direct links with local authorities as instruments of services delivery over professional and operational issues. However, policy and other issues affecting all local authorities as instruments of local government and development will be channeled through the Ministry of Local Government and Rural Development.

### **11.3 Ministry of Local Government and Rural Development**

This Ministry will provide primary guidance and support to District Assemblies. In this respect the Ministry will facilitate the development of an effective system for governance and development in the form of District Assemblies and act as a link between Central Government and District Assemblies.

## **12 IMPLEMENTATION ARRANGEMENTS**

Now that the Decentralisation Policy has been formally approved by Government and a new Local Government Act (1998) assented to, Government is now planning for implementation of the Policy. Some of the planned activities include the following:

- a) Local Government Elections:  
These are planned to take place within the year.
  
- b) Re-organisation of district offices:  
This will involve merging offices at district level to establish one administration. For example, we plan to merge District Commissioner's and District Council offices as a starting point. A comprehensive functional review will follow.
  
- c) As soon as possible, Assemblies will begin taking over some of the functions assigned to them by law. However, this will be done in phases to avoid disruption of services and to allow for capacity building in Assemblies.

### **For further details contact:**

The Director of Local Government Services  
Ministry of Local Government and Rural Development  
Capital Hill  
Post Office Box 30312  
LILONGWE 3  
MALAWI  
Tel: (265) 01 789 388  
Fax: (265) 01 788 083  
E-mail: [localgovt@globemalawi.net](mailto:localgovt@globemalawi.net)