

MALAWI



KEY FACTS

POPULATION (2018 estimate):

18,244,451

AREA (UN 2006):

118,484 sq km

CAPITAL:

Lilongwe

CURRENCY:

kwacha (MWK)

HEAD OF STATE AND GOVERNMENT:

President Peter Mutharika

FORM OF GOVERNMENT:

republic

PARLIAMENTARY SYSTEM:

unicameral

STATE STRUCTURE:

unitary

LANGUAGES:

English and Chichewa (official)

NATIONAL ELECTIONS:

Presidential:

last: 2014, turnout: 70.1%; next: 2019

Parliament:

last: 2014, turnout: 70.8%; next: 2019

WOMEN IN PARLIAMENT (2014)

16.7%

LOCAL ELECTIONS:

last: May 2014, turnout: 69.0%; next: 2019

WOMEN COUNCILLORS (2014):

12.1%

LOCAL GOVERNMENT EXPENDITURE as a percentage of total government expenditure 2013/14:

3.1%

SUMMARY

Malawi is a democratic republic with two spheres of government: national and local. Local government is enshrined in Chapter XIV of the constitution and responsibility for its administration rests with the Minister of Local Government and Rural Development. The local government system has 35 single-tier authorities: 28 district councils, four city councils, two municipal councils and one town council. Following the 2014 Local election 12.1% of councillors were women and in 2013/14 local government expenditure was 3.1% of total government expenditure. The councils are responsible for raising and collecting local taxes and user fees and charges; however, the majority of their revenue comes from national government grants, both conditional (sectoral funds) and unconditional (general resource funds). All councils have the same responsibilities including primary education, primary health, forestry, natural resources and community services.

1. NATIONAL GOVERNMENT

Malawi is a democratic republic with a unicameral parliament.^{22.1a} The head of state and government is the president, who is directly elected for a maximum of two five-year terms by universal adult suffrage from age 18. A person must be at least 35 years old to stand for president. A vice-president is elected concurrently with the president, both names appearing on the same ballot paper. The president may, in the national interest, appoint a second vice-president, who must be from a different party. In such cases the elected vice-president is designated as the first vice-president. Malawi's parliament, the national assembly, has 193 members elected by popular vote from single-member constituencies for a term of five years. Following the 2014 national election, 16.7% of MPs were women.^{22.1b} The president appoints a cabinet, whose members need not necessarily be MPs. Malawi has three administrative regions: the Northern region (seven councils), the National region (11 councils) and the Southern region (17 councils). 32/192

2. LEGAL BASIS FOR LOCAL GOVERNMENT

2.1 Constitutional provisions

Local government is enshrined in Chapter XIV of the Constitution.^{22.2a} Article 146(3) states that 'parliament shall, where possible, provide that issues of local policy and administration be decided on at the local level under the supervision of local government authorities'.

2.2 Main legislative texts

The principal relevant legislation is the Local Government Act 1998.^{22.2b} This provides a framework for decentralisation, establishing the councils and providing for their composition, powers, functions and financing. The objectives of local government are 'to further the constitutional order based on democratic principles, accountability, transparency and participation of the people in decision-making and development processes'.

The Local Government Act has undergone a number of changes, most recently in January 2010, including – but not limited to – reducing the number of local authorities to 35 and renaming local authorities as councils. Other important legislation includes the National Elections Act 1996 and the Environmental Management Act 1996.

2.3 Proposed legislative changes

No current legislative changes are proposed.

2.4 National urban policy

With support from Cities Alliance and UN Habitat, the government has been developing a national urban policy^{22.2c} since 2012. This policy has a number of aims, including to:

- define an urban classification system
- support the country's economic growth and poverty reduction agenda through being linked to the existing Malawi Growth and Development Strategy II and sector policies
- facilitate the development of plans and designs that promote compact, socially inclusive, better integrated and linked cities that foster sustainable urban development and are resilient to climate change
- encourage cities to become engines of economic growth by promoting local-level investment and financial self-sufficiency
- pave the way for cities' vertical and underground growth
- promote effective and efficient development and management of urbanising rural growth centres and district towns to enable them to grow into small and medium cities, leading to a more equitable spatial distribution of population and development
- facilitate the coordination of institutions involved in managing urbanisation
- provide clear guiding principles for the national urban policy implementation process.



Table 22.1a Distribution of councils and population

Region	District councils	Local authorities			Townships	Population (2008 Census)	Population (2018 estimate)	% rural (2008)
		City councils	Municipal councils	Town councils				
North	6	1	0	0	1	1,708,930	na	na
Centre	9	1	1	0	3	5,510,105	na	na
South	13	2	1	1	3	5,858,035	na	na
Total	28	4	2	1	7	13,077,160	18,244,451	91.5

Source: MLGRD communication with CLGF

3. STRUCTURE OF LOCAL GOVERNMENT

3.1 Local government within the state

Malawi has a single tier of local government comprising four city councils, 28 district councils, two municipal councils and one town council. They are all on the same level with no subsidiary or supervisory structure. The initial 34 councils consisting of four cities, 28 districts and two municipal councils were introduced after the 2010 Local Government Act amendment, while the lone town council was the result of a presidential decree in 2012, as provided for by the constitution.

3.2 Ministerial oversight

Responsibility for local government rests with the Ministry of Local Government and Rural Development (MLGRD).^{223c}

3.3 Council types

There are 35 single-tier local authorities called councils. The 28 district councils, which are predominantly rural, are co-terminous with the former administrative districts. Until 2010, there were 40 single-tier local authorities; however the 2010 amendment to the Local Government Act merged six of the former town assemblies with six district assemblies to create six new district councils, and elevated two towns to municipal status; the amendment created in total 34 new councils after which a presidential decree elevated an urban centre to a town. The townships previously under the administration of town assemblies are still towns in their own right, but are under the administration of their respective district councils as designated urban centres. These centres are managed by town management committees. Also under the 2010 amendment, MPs were given voting rights in the council chamber. The legislation does not distinguish between urban and rural councils and their responsibilities. In practice, their functions are influenced by their urban or rural characteristics and councils may request exemption from functions specified in the legislation. Each council has autonomy within its designated local government area. This includes discretion to discharge functions jointly and to set up joint committees.

3.3.1 District councils: These are required to appoint committees for finance, development, education, works, health and environment, and human resources. There is full discretion to establish other committees and sub-committees, and powers to co-opt non-voting members. The councils elect from the councillors a full-time chairperson as head of the council for a term of one year, with possible re-election for only one additional term. Decision-making is conducted through committees. The legislation does not specify any executive committees or cabinets nor does it specify sub-district governmental structures. In practice, the structure is typically a district executive committee (DEC) led by a district commissioner which discharges executive responsibilities, supported by district consultative committees (DCCs), area development committees (ADCs) and village committees (VCs) Councils may establish new structures or use existing ones, although the latter do not entirely reflect the ward representation of council members. As planning authorities, councils are required to prepare district development plans. These plans must explicitly take into account the national development framework as outlined in the national government's Vision 2020 planning framework, the Malawi Growth and Development Strategy (MGDS), and decentralisation policy. Councils must also produce disaster preparedness plans and, under the Environmental Management Act 1996, five-year environmental action plans.

3.3.2 City councils: the chairperson is given the title of mayor. Mayors are non-executive and are indirectly elected by and from among the elected councillors during the council's first meeting. Mayors serve a term of two-and-a-half years with the possibility of re-election once.

3.3.3 Municipal councils: Six of the eight town assemblies were merged with district assemblies to form district councils, while the other two assemblies were elevated to municipal councils. Chairpersons of municipal councils are also called mayors; their election to office and term of office

is also for two-and-a-half years with the possibility of re-election once. The leadership in the town councils follows the pattern of municipal and city councils.

3.4 Traditional leadership

Within the traditional leadership structure each village has a group village headman, selected by the village headmen and responsible for five or more villages. The traditional authority (TA) positions are hereditary and the chieftaincy clan nominates the traditional leader. At the most senior level a sub-chief has responsibility for a number of TAs, with the senior chief having authority over all sub-chiefs in the district. TAs and sub-TAs within each local government area serve, ex officio, as non-voting members of the councils.

4. ELECTIONS

4.1 Recent local elections

The first multi-party local government elections were held in November 2000 with a 14.2% turnout. After this the councils were suspended from 2004 until the latest election, which took place on 20 May 2014 as part of tripartite elections and secured a turnout of 69.0%.²²⁴

4.2 Voting system

Councillors are elected under the first-past-the-post system, one councillor representing each of the wards in the country for a term of five years. The democratic system is uniform across the councils. During the last elections, 860 councillors were elected. Since the 2010 amendment to the Local Government Act, there are 461 wards to be represented by elected members.

Additionally, councils have other members, as follows:

- members of the national assembly whose constituencies fall within the local government area are now voting members
- all full traditional authorities, as opposed to sub-traditional authorities, within the local government area are non-voting members. The 2010 amendment excludes sub-traditional authorities, who previously were members
- five members appointed by the elected councillors to represent special interest groups determined by the council. Nkhata Bay District Council had, for example, 22 elected councillors with voting powers. It also had 23 non-voting members, including ten chiefs, six members of the national assembly, and five appointed members representing the interests of groups which would otherwise be voiceless in the development process, eg people with disabilities, the business community etc.

4.3 Elected representatives

The chairpersons of the councils are indirectly elected by the councillors during the first meeting, which is chaired by the chief executive officer.

4.4 Women's representation

Following the local government elections of 2014, 56 (12.1%) women were elected out of a total of 462 councillors, which was up from 8.3% following the 2000 election. No data is available on the number of female mayors, chairpersons or their deputies following the 2014 election.

5. SYSTEMS FOR COMMUNITY INVOLVEMENT

5.1 Legal requirement and 5.2 Implementation

District councils are responsible for the overall development of their areas and are required to engage local communities and other interest groups such as the private sector and NGOs in the preparation of their three-year rolling district development plans. To support this process the councils may establish area-wide, ward or village committees. The special interests represented on the council also serve to broaden democratic participation. All council meetings, together with committee, sub-committee and joint committee meetings, are open to the public, subject to advance application to attend. The councils have a duty to publish information relating to local government and the services available within their areas.

5.3 ICT use in citizen engagement

There is no e-government strategy for local government in place.

6. ORGANISED LOCAL GOVERNMENT

The Malawi Local Government Association²²⁶ (MALGA) is recognised by the government as the voice of local authorities and is the body for coordinating local government training.

Membership of the governing council is drawn from the leadership of the member councils. MALGA also represents the interests of all local authorities in issues involving other member authorities, civil society and government. MALGA's research and training unit deals with issues of decentralised cooperation and dissemination of current research findings on local government to its members.

7. INTERGOVERNMENTAL RELATIONS

Despite a focus by the Malawi government on devolution to achieve decentralisation, there are as yet no regional or provincial offices of local government. Communication is channelled directly from the centre to the local government level. Councils communicate directly with sector ministries on policy issues and reports. There is a cabinet committee on local government and rural transformation, which is composed of cabinet members whose mandate is to provide policy directives on local governance and local development. This committee advises the cabinet committee on matters of policy. Mechanisms to facilitate intergovernmental relations are included within the national government's decentralisation programme:

- a cabinet committee on decentralisation meets on an ad-hoc basis to review decentralisation recommendations
- the Ministry of Finance is responsible for fiscal decentralisation and for integrating financial systems at national level with those at council level
- the decentralisation unit within MLGRD provides technical guidance on the decentralisation process, and links donor organisations with the elements of the process they are supporting
- the decentralisation policy defines the roles and responsibilities of line ministries and the MLGRD in relation

to councils. Line ministries maintain direct links with district councils over policy issues. They are also responsible for training and monitoring compliance with policy guidelines

- The Inter-Ministerial Technical Committee on Decentralisation, whose members include various government ministries and representatives of donor interests, has a reviewing and monitoring role, and provides guidance to sectoral ministries on the decentralisation process. It also makes policy recommendations to the cabinet committee.

8. MONITORING SYSTEMS

Under the Local Government Act 1998, the accounts of a district council must be submitted to the national Local Government Finance Committee (LGFC), which then forwards them for audit by the auditor general, who may also carry out surprise audits and other investigations. After considering the findings of any report the LGFC has powers to disallow any expenditure contravening the provisions of local government legislation and to surcharge those responsible. The audit report is also sent to the council and the Minister of Local Government and Rural Development. Local councils are also required to submit their annual estimates of revenue and expenditure to the LGFC for approval, with supplementary estimates following the same procedure. No expenditure may be incurred which has not been included in the approved estimates. The LGFC may, however, approve reallocations. This system is intended to secure the formulation of realistic budgets by the councils, so that they do not generate losses, but create investment opportunities. All council budgets are consolidated by the LGFC and presented to the national assembly as a local government budget for its noting.

9. FINANCE, STAFFING AND RESOURCES

9.1 Local government expenditure

In 2012/13 local government expenditure was 3.1% of total government expenditure - see table 22.2b.

9.2 Locally raised revenue

The national decentralisation policy and Local Government Act stipulate the circumstances in which councils can charge or collect fees, and levy rates. However, in order to manage the process smoothly, the MLGRD, in consultation with relevant sectors of government depending on the type of services, provides guidance on how these can be determined.

Table 22.1b Women councillors and mayors following the last two local elections

Election	2000		2014	
	#	%	#	%
Councillors				
Female councillors	na	8.3	56	12.1
Male councillors	na	91.7	406	87.9
Total councillors	na	100.0	462	100.0
Chairpersons	#	%	#	%
Female mayors	na	na	na	na
Male mayors	na	na	na	na
Total mayors	na	100.0	na	100.0

Source: MLGRD correspondence with CLGF



Table 22.2a Aggregate income and expenditure for local government 2013/14

Income	MWKbn	Expenditure	MWKbn
Centre-local transfers	15.3	Administration	2.3
Locally raised revenue	4.3	Services	17.3
TOTAL INCOME	19.6	TOTAL EXPENDITURE	19.6

Source: MLGRD correspondence with CLGF

9.3 Transfers

Under the constitution the government is required to ensure that adequate resources are provided for the effective local delivery of devolved functions.

The total aggregate revenue and expenditure for local government in 2013/14 was MWK19.6bn. There are two types of grant transfers from national to local government. These transfers are made in accordance with approved formulae which are reviewed from time to time. Use of the formulae is the preferred mechanism as it fosters fairness, transparency, accountability and equality across the regions. The first transfer is an unconditional grant, based on the constitutional provision that 5% of national net revenue (NNR) should be transferred to local authorities, to ensure that adequate resources are provided for the effective local delivery of devolved functions and to address under-collections of local revenue. The second transfer arises from a parliamentary decision that 9% and 15% of NNR respectively should be allocated for health and education funds to enable these functions to be developed. Thus in principle a total of 29% of NNR will be devolved to local government.

9.4 Loans

No information is available.

9.5 Local authority staff

Councils are required to recruit a chief executive as head of the paid service. No other senior appointments are specified in the legislation, or any departmental structure other than the requirement to establish an internal audit department. The Local Government Act 1998 envisaged that councils would be responsible for the recruitment, promotion, discipline and dismissal of all employees, together with the determination of

their conditions of service, salaries and allowances. However, an amendment to the legislation in January 2001 switched responsibility for the recruitment of senior management staff from councils to the Local Government Service Commission (LGSC). The LGSC's remit extends to the recruitment of: the chief executive/district commissioner; the directors of finance, administration, public works, management information systems and internal audit; and two finance officers responsible for recurrent revenue and development matters. The LGSC is an independent commission that was originally set up in 1984 to support local government. It was later disbanded, but has now been reactivated on an interim basis until councils have the capacity to assume full recruitment responsibilities. Councils retain responsibility for all other staffing matters. The appointments and disciplinary committee is formed by the council secretariat. They also have discretion to organise secondments or exchange officers with another council in Malawi or elsewhere. Councils may request the secondment of other public officials, including national government staff, to assist them. Chairpersons' allowances are determined by the Minister of Local Government and Rural Development on the recommendation of the LGFC. In addition, the ministry determines allowances for all ward councillors, as councils (especially districts) tend to over-rely on transfers from the centre. Cities set their own rates for allowances and other benefits for councillors, and these are usually different from those for districts and municipalities.

Table 22.2b Local government expenditure as a percentage of total government expenditure 2015

	2013/14 actual MWKbn
Total government expenditure	630.5
Total local government expenditure	19.6
Local government expenditure as a percentage of total government expenditure	3.1%

Source: MLGRD correspondence with CLGF and the national budget statement^{22.9}

10. DISTRIBUTION OF SERVICE DELIVERY RESPONSIBILITY

10.1 Overview of local government service delivery responsibility

The legislation and the national government decentralisation policy give councils responsibility for:

- education, science and technology
- health, population and water development
- transport and public works
- land surveying and physical planning
- agriculture and irrigation
- gender, youth and community affairs
- natural resources and environment
- commerce and industry
- home affairs and internal security.

Under the legislation most decentralised functions are mandatory. Decentralisation implementation is phased.

10.2 ICT use in service delivery

No information is available.

10.3 The role of local government in achieving the UN Sustainable Development Goals (SDGs)

In August 2017, the MLGRD organised orientation workshops^{22.10a} for local councils in the regions to review local development plans with the objective of aligning the priorities of rural and urban councils with the SDGs. The UN has also asked the Government of Malawi to translate the SDGs into local languages.^{22.10b}

REFERENCES AND USEFUL WEBSITES

- 22.1a Government of Malawi www.malawi.gov.mw
- 22.1b Women in national parliaments. Inter-Parliamentary Union www.ipu.org/wmn-e/classif.htm
- 22.2a Malawi Constitution www.malawi.gov.mw/index.php?option=com_content&view=article&id=64&Itemid=9
- 22.2b Local Government Act 1998 [www.sdn.org.mw/malawi/loc-gov-act/\(4\)](http://www.sdn.org.mw/malawi/loc-gov-act/(4))
- 22.2c Malawi urban policy development process www.citiesalliance.org/node/3290
- 22.3a National Statistics Office, 2008 Population and Housing Census www.nsomalawi.mw/2008-population-and-housing-census/107-2008-population-and-housing-census-results.html
- 22.3b Malawi Table 3.0 population projections by age and sex www.nsomalawi.mw/index.php?option=com_content&view=article&id=136%3A%20malawi-table-30-population-by-age-and-sex



- 22.3c Ministry of Local Government and Rural Development www.mlgrd.gov.mw
- 22.4 Malawi Electoral Commission www.mec.org.mw
- 22.5 No reference for this section
- 22.6 Malawi Local Government Association www.malgamw.org
- 22.7 No reference for this section
- 22.8 No reference for this section
- 22.9 Based on the figure in Table 2 above and the figure of MWK630.5bn national government expenditure for 2013/14 www.finance.gov.mw/index.php?option=com_docman&task=doc_download&id=185&Itemid=55
- 22.10a 'Local authorities drilled in the SDGs' www.faceofmalawi.com/2017/08/local-authorities-drilled-in-sdgs
- 22.10b 'SDGs should be translated into local languages' UN <https://malawi24.com/2017/08/22/sdgs-translated-local-languages-un>
- 22.11a UN statistics surface area <http://unstats.un.org/unsd/demographic/products/dyb/dyb2006/Table03.pdf>
- 22.11b Commonwealth Local Government knowledge hub www.clgf.org.uk/resource-centre/knowledge-hub
- 22.11c Jagero N, Kwandayi HH & Longwe A (2014). 'Challenges of Decentralization in Malawi', International Journal of Management Sciences Vol. 2, No. 7
- 22.11d UNDP HDR Malawi country profile <http://hdr.undp.org/en/countries/profiles/MWI>



Annex 22a Summary of service provision in different spheres of government in Malawi

Services	Delivering authority		Remarks
	National government	Councils	
GENERAL ADMINISTRATION			
Police	■		
Fire protection		■	
Civil protection		■	
Criminal justice	■		
Civil status register		■	
Statistical office	■		
Electoral register	■		
EDUCATION			
Pre-school (kindergarten and nursery)		■	
Primary		■	Private provision also
Secondary	■		Private provision also
Vocational and technical	■		
Higher education	■		Private provision also
Adult education	■		
SOCIAL WELFARE			
Family welfare services	■	■	
Welfare homes			Not provided
Social security	■		
PUBLIC HEALTH			
Primary care		■	
Hospitals	■	■	Private provision also
Health protection			
HOUSING AND TOWN PLANNING			
Housing	■	■	
Town planning	■	■	
Regional planning	■		
TRANSPORT			
Roads	■	■	
Transport			Private provision
Urban roads	■	■	
Urban rail	n/a		
Ports	■		
Airports	■		
ENVIRONMENT AND PUBLIC SANITATION			
Water and sanitation	■		
Refuse collection and disposal		■	
Cemeteries and crematoria		■	
Slaughterhouses		■	
Environmental protection	■	■	
Consumer protection		■	Civil society organisations also
CULTURE, LEISURE AND SPORTS			
Theatre and concerts			Private provision
Museums and libraries	■		
Parks and open spaces		■	
Sports and leisure	■	■	
Religious facilities			Faith-based organisations
UTILITIES			
Gas services			Private provision
District heating	n/a		
Water supply	■		
Electricity	■		
ECONOMIC			
Agriculture, forests and fisheries	■	■	
Local economic development/promotion	■	■	
Trade and industry	■	■	
Tourism	■	■	

■ sole responsibility service ■ joint responsibility service ■ discretionary service