



**Technical Cooperation to Strengthen
Capacity in Implementing Land Policies
and Laws Efficiently and Effectively - Malawi
“Malawi land governance project”**

Driving land governance in the right direction



Funded by
the European Union





Land governance in Malawi

Malawi's population is primarily rural, with most of the agricultural sector comprising farmers cultivating small, rain-fed plots to grow food for consumption. With a rapidly increasing population, the pressure on Malawi's land and natural resources is high, in particular for smallholder farmers.

Despite its importance, rights to, and the sustainable management of land is hampered by unequal land distribution, weak registration and administration systems and poor recognition of women's rights to land.

Since the mid-90s Malawi has been taking measures to try and address land issues- with the Government's 2011-16 Growth and Development Strategy II highlighting the need to promote land ownership and title registration, decentralise land administration functions; raise public awareness regarding land laws; develop a geospatial database and provide planning standards.

In 2002, Malawi published its National Land Policy which was considered a key part of the land reform process going forward. It was also the basis for ten new or amended land related laws enacted in 2016.



Malawi Land Governance Project

To assist the government of Malawi in its drive for better land governance, the EU provided funding for a Land Reform Programme- comprising of two contracts, the Land Governance Project Implemented by DAI and a programme piloting the implementation of the Customary land act.

The primary purpose of the EC funded project in Malawi was to assist the government to build on the progress made with these new laws, moving from policy to implementation and ensuring the legislative and institutional environment is such that Malawi can progress with land reform.



The overall objective of the project was to: “improve livelihoods of the population, particularly in rural areas of the country through sustainable agricultural development in Malawi”.

The project purpose was to: “contribute to an improved land governance framework and its implementation in Malawi in line with the voluntary guidelines on the governance of tenure (VGGT), with a particular emphasis on gender sensitive compliance regarding land tenure rights”.

There are two main project results:

Result 1



Institutional framework and capacity strengthened at all levels for an efficient and effective land reform programme.

Result 2



Smallholder farmers' land rights improved, in particular women, due to responsible land governance at local level guided by principles enshrined in the VGGT.



WHAT WE DID



DAI managed a technical assistance project which provided:

1. Technical support and guidance for the implementation of new land laws and the overall land governance framework. This support was provided to the Ministry of Land, Housing and Urban Development (MoLHUD).



2. Technical support and guidance for the implementation of Customary Land Act pilots. This support was provided to a Malawian CSO consortium (Oxfam, CEPA and LandNet). Their work involved:



- Public awareness raising
- Education of the authorities and general public about the new laws
- Adjudicating and demarcation of TLMA and land parcel boundaries using low cost surveying methods
- Public display of provisional results
- Issuing of Customary Estate certificates to land holders
- Registration of the land rights in new District Land Registries



OUR ACTIVITIES

DAI completed a number of activities under the land governance project. These included:

A comprehensive legal review: Our Legal expert reviewed the new land laws in 2017, to identify inconsistencies and make recommendations to MoLHUD.

Legal Drafting: provided support to MoLHUD's legal drafting team to develop regulations (subsidiary legislation) for the following new laws:

- Land Act
- Customary Land Act
- Land Survey Act
- Lands Acquisition and Compensation Act
- Registered Land (amendment) Act
- Physical Planning Act

These regulations were drafted and presented to the Ministry of Justice, who are in the process of gazetting them.

Additionally, the DAI legal expert helped the team draft new legislation, including a Sectional Titling Bill.

Developed a Land Reform Implementation Plan: Supported the MoLHUD to develop a Land Reform Implementation Plan, focusing on the pilot phase of land reforms.



Maoni Customary Land Committee, Phalombe District



Field work, Maoni village, Phalombe District



Training in Phalombe field office

OUR RESULTS

Developed policy and strategy documents: Advised the MoLHUD in developing its gender strategy, monitoring and information strategy, institutional strengthening plan, devolution plan and district land registry plan.

Trained field teams and consortium partners in systematic land registration using satellite images. DAI provided formal and on-the-job training for nine contract staff and seven customary land committee (CLC) members in each of the three pilots. The training and fieldwork for the Phalombe pilot began in February 2019; for the Kasungu pilot in March 2019 and for the Rumphi pilot in September 2019. The total number of households and parcels adjudicated and demarcated by the field teams was:

Phalombe - 993 households - 2159 parcels

Kasungu - 685 households - 1115 parcels

Rumphi - 405 households - 902 parcels

Following the adjudication and demarcation, a public display of the provisional results was held in the group village, where people could view and confirm or object to the results.



OUR RESULTS

Supported the Land Governance Programme in Africa: in the frame of this EU global initiative which supports 18 countries across the globe to apply the VGGT and the Framework and Guidelines on Land Policy in Africa (F&G), support was provided to the FAO transversal project ‘Support to and Capitalisation on the EU Land Governance Programme’, a platform for exchange of lessons learnt, experiences and knowledge, and monitoring and evaluation

Legal Review 2. Following the election of a new Government in June 2020, the President of Malawi ordered a review of the new land laws, to be led by a specially constituted “Land Law Review Committee”. DAI’s Legal expert worked with the committee to compile comments on the laws from stakeholders, including at a workshop, and then worked with the committee to produce a report, with recommendations for changes to the laws.



Public Display of Adjudication and Demarcation Data in Phalombe District



WHAT NEXT FOR MALAWI'S LAND REFORM PROCESS?

Six more pilots have been conducted in Malawi as part of the Agricultural Commercialisation project, with funding from a World Bank loan. A further pilot is planned of the Shire Valley Transformation Programme, an irrigation project (also World Bank funded).

The government of Belgium is funding a roll-out of the Customary Land Act in Kasungu District. The Government of Malawi is seeking further funding, so that roll out can be extended country wide.

The Land Governance Project has supported important progress in improving land governance in Malawi. With further programmes and initiatives planned and ongoing, there are a number of considerations when preparing for a national roll-out of the customary land act:

- 1. Devolution:** Malawi must implement the devolution plan and district registry plan to devolve land administration services to the district level.
- 2. Clear management of the work:** The Land Reform Implementation Unit must continue to be sufficiently resourced, in order to effectively manage and coordinate existing and future initiatives in the sector.
- 3. Quality training of stakeholders at all levels:** for a national roll out, stakeholders will need training in their new roles and responsibilities- from customary land committees and traditional authorities, to district governments.
- 4. Coordination between public sector, private companies and NGOs:** to avoid duplication of efforts and to ensure a consistent approach, the public sector will need to coordinate closely with contractors delivering land reform activities.





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