

CONSULTATIVE COORDINATING COMMITTEE

PARTNERSHIPS AND COLLABORATIONS AT ALL LEVELS

CHANGES IN POLICY
NEW NATIONAL POLICY DOCUMENT INCLUDES COMMUNITY FOREST RIGHTS

UNITING FOR LAND RIGHTS IN

MALAWI

INFLUENCE DECISION MAKING
INFLUENCE

MOBILISE CAPACITY BUILDING TRAINING PARTICIPATORY APPROACHES

STRONGER VOICE AND INFLUENCE

CHANGES IN PRACTICE IN IMPLEMENTATION

COUNTRY CONTEXT

More than 80 per cent of Malawi's population of 18.7 million people live in rural areas. Around a quarter of the population lives in extreme poverty and faces chronic food insecurity. Climate change and rapid population growth are exacerbating land degradation, landlessness and fragmentation of customary lands. Malawi passed ten progressive new land laws in 2016 after many years of debate and an escalation in sales of customary land.

The International Land Coalition is playing a key role in Malawi's land reform process through its support of a locally-led partnership of civil society, local and national government actors known as the National Engagement Strategy on Land Governance (NES).

ILC continues to support and guide the NES as Malawi implements the new laws, working with officials, traditional leaders, women, young people and communities.



RURAL WOMEN FEED THE WORLD, BUT CAN THEY GET A SEAT AT THE TABLE?

Meet Felia Sikubweza, a farmer from the Dowa District in the Central Region of Malawi.

Today, Felia is an active member of **NES Malawi** and is often called into traditional courts and district dispute resolution meetings to consult on land cases because of the vast knowledge she has acquired.



A HISTORY OF LAND REFORM IN MALAWI

Following the 2008 *global financial crisis*, Malawi, like many developing country governments, began promoting commercial agriculture, leading to large-scale land acquisitions by the private sector. Many of these sales involved traditional chiefs selling off customary lands, depriving their communities of both land and livelihoods. At the time, all land in Malawi was effectively controlled by the President and administered through traditional chiefs, with no protection for smallholder farmers, women or other vulnerable groups. The need for land reform was urgent.

In 2016, after several decades of debate and unsuccessful land reform efforts, the parliament of Malawi passed a series of *land bills*, transforming an archaic legal framework into ten progressive laws recognising Malawi's diverse system of land tenure and strengthening accountability and transparency.

Among the most significant of the new laws is the 2016 *Customary Land Act*, which recognises the role of Traditional Authorities in land governance and dispute resolution, while guaranteeing smallholder farmers legal title and protection of their land. The laws bring together customary and state authorities in a dual land governance system. Other important changes include the registration and titling of customary land and the creation of land tribunals to deal with land disputes. Following further review of the laws in 2018 (see below), they also strengthen the recognition and protection of women's land rights.

THE CHANGE WE HAVE MADE

A key factor in the successful drafting and passage of the new land laws was the participation of a wide range of stakeholders through the *Malawi National Engagement Strategy on Land Governance (NES)*. The International Land Coalition, through its local member Landnet Malawi, supported the formation of this important partnership in 2013, and continues to provide support and guidance around principles of people-centred land governance, and promotion of the Voluntary Guidelines for Land Tenure (VGGTs) and the Framework and Guidelines on Land Policy in Africa.

Since the passing of the new laws, NES partners have continued working to overcome challenges in land reform including lack of awareness, a backlash against the changes among some traditional leaders, and the ongoing exclusion of women and young people from decision-making.

WORKING WITH TRADITIONAL LEADERS

Traditional chiefs have always played an important role in land governance in Malawi. The new laws formalise their role within a devolved land governance structure. Some leaders have been uncomfortable about the changes, seeing them as depriving them of authority as sole custodians of customary land.

NES has worked with hundreds of traditional leaders, providing training and education on the new land laws, and has gained important allies, with five influential traditional chiefs joining the NES platform.

ENSURING GENDER JUSTICE

After the new laws were passed in 2016, the NES worked with the Parliamentary Women's Caucus to review of the legislation using gender evaluation criteria. *The review resulted in a new Land Bill in 2018, which is non-discriminatory and requires 50% of*

representatives on new customary land committees to be female. NES partners also work with government officials, youth, media, community and traditional leaders to promote gender dimensions of land governance.

"Being part of the NES has provided rural women with information that has helped them value their land more than before, building their confidence to carry on their work due to the support that they have from a large network.
Kate Chibwana, NES Malawi's Facilitator

MEDIA OUTREACH AND LEGAL ACTION

Between 2010 and 2013, the fertile lands along the Shire River and Lake Malawi became the focus of a national land rights campaign. At that time, local traditional chiefs were selling land to sugar cane growers as part of the national push to commercialise agriculture. Local communities were angered by the deals, which threatened their source of food and livelihoods. Confrontations between communities, chiefs and outside investors were becoming violent.

Landnet Malawi, a member of the International Land Coalition, worked with a number of national and local media outlets to inform the public about the sugarcane land grabs. As public anger grew, so did demands for law reform, especially around customary land rights.

Landnet helped communities in Chikhwawa and Nkhotakota to access pro bono legal support and both communities eventually secured their land rights through the courts. Media coverage of the sugarcane cases also fuelled a national debate on land reform and led to a Presidential inquiry and the passing of the new land laws in 2016.

LOOKING FORWARD

There remains a strong need for a nationwide awareness campaign to communicate the provisions of the new land laws, especially their gender dimension, to the public and traditional leaders. This action will require additional financial, technical and institutional support.

Young people also need to be brought into land governance structures.

Around half of Malawi's population is under the age of 18, and youth are key to management of population growth and climate change, which are closely linked to land management. Yet young people are not explicitly referenced in the new land legislation and have no formal voice in land governance structures.

The passing of the new land laws was a vital step for Malawi. Much more work is needed to put the spirit of the law into practice and deliver a just and inclusive land management system that respects, protects and strengthens the land rights of women and men, especially those living in poverty.

STRATEGIC PARTNERS & CORE DONORS



Federal Ministry
for Economic Cooperation
and Development



Investing in rural people



Irish Aid
Rialtas na hÉireann
Government of Ireland



Government of the Netherlands



Sverige



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC

**INTERNATIONAL
LAND COALITION
SECRETARIAT**

c/o IFAD

Via Paolo di Dono, 44,
00142-Rome, Italy

tel +39 06 5459 2445
fax +39 06 5459 3445

info@landcoalition.org
www.landcoalition.org