

2ND MALAWI LAND SYMPOSIUM

THEME: INITIAL STEPS IN IMPLEMENTATION OF THE MALAWI LAND LAWS:
IMPLICATIONS FOR COMMERCIAL AGRICULTURE

DATE: 10TH MAY, 2017 | VENUE: GOLDEN PEACOCK - LILONGWE



The Second National Land Symposium to be held on 10 May 2017 at the Golden Peacock Hotel in Lilongwe, Malawi.

Initial Steps in Implementation of the Malawi Land Laws: Implications for Commercial Agriculture

Background

In 2016, two significant policy reforms were achieved: The Ministry of Agriculture, Irrigation and Water Development (MoAIWD) adopted and launched a new National Agriculture Policy (NAP) that proposes commercialization of agriculture as the way forward for Malawi; and the Ministry of Lands, Housing and Urban Development (MoLHUD) passed 10 land bills in parliament, all of which have been signed into law by His Excellency the President of the Republic of Malawi, Professor Peter Arthur Mutharika. The ten include the Land Bill; the Customary Land Bill; the Land Survey Bill; the Physical Planning Bill; the Registered Land (Amendment) Bill, the Land Acquisition (Amendment) Bill; the Local Government (Amendment) Bill; the Malawi Housing (Amendment) Bill; the Public Roads (Amendment) Bill; and the Forestry (Amendment) Bill, all of 2016.

Several stakeholders are already actively involved in supporting government's efforts to reform the land and agriculture sectors. These include:

A) The Government of Malawi

Under the New Alliance for Food Security and Nutrition that the government of Malawi, development partners, and the private sector agreed to in December 2013, MoLHUD is responsible for identifying about 100,000 hectares of land by 2022 (or 10,000 ha per year) that is suitable for commercial agriculture. This target was reduced from an earlier target of 200,000 hectares in response to expressions of concern from other stakeholders on the amount of land involved. In relation to the newly passed Land Acts, the MoLHUD is developing a roadmap to roll out their implementation.

Within MoAIWD, the Department of Land Resources and Conservation (DLRC) has conducted a soil loss assessment that has revealed that the country is losing about 29 tons of soil per hectare

per year. As a result of this high rate of soil erosion, much of Malawi's arable land is being progressively made more and more unproductive. Maintaining sufficient agricultural production levels to meet the livelihood requirements of producers and the food needs of the country is increasingly dependent on increasing use of chemical fertilizers, the use of which may not be economically and environmentally sustainable under all conditions. DLRC has developed catchment management guidelines intended to reduce and reverse land degradation. The guidelines are to be mainstreamed in all agricultural development programmes. Their effective implementation, with involvement of critical masses of land users, particularly farmers, would enable Malawi to recover or to maintain the quality of its land resources. Implementation of these guidelines is based on a "hot spot" approach with participation of the communities through Village Level Actions Plans (VLAPs).

Detailed crop suitability maps for several dozen crop types that were produced under the Malawi Land Resources Evaluation Project between 1988 and 1992 have also been disseminated. This information will guide the Ministry of Lands, Housing, and Urban Development and related Ministries in developing physical land use plans at local level.

B) Civil Society Organisations (CSO)

Civil society has been involved in efforts to reform the land and agriculture sectors through LandNet (previously known as the Civil Society Task Force on Land and Natural Resources), which advocates for pro-poor land rights; and through the International Land Coalition (ILC), which supports government and stakeholders in reviewing land policies and legislation. A consortium of Oxfam, LandNet, and the Center for Environmental Policy and Advocacy (CEPA) with EU funding, will be implementing a three year project titled "Promoting Responsible Land Governance for Sustainable Agriculture in Malawi" in Mzimba, Kasungu and Phalombe districts. The specific objective of the project is to pilot, test, and recommend for scale-up improved gender-sensitive land governance systems for customary land under the new land law. In addition, CSOs have, through FAO, contributed to the development of the national implementation framework that has been drafted and will be released by the Ministry of Lands soon. This was informed by the draft communication strategy that the Ministry of Lands produced. CSOs are also contributing to development of IEC materials and taking a unified messaging approach to avoid conflicting messages.

MoLHUD has also been working with CSOs and other stakeholders through the Land Governance Assessment Framework (LGAF) Task Force.

C) Development Partners

Several of Malawi's development partners are providing financial and technical support to efforts to reform the land and agriculture sectors.

- The World Bank is supporting several activities, including the Community-Based Rural Land Development Project that started in 2005 with a \$27 million grant, which later was extended to include assistance to the government on enactment of the land bills; on-going idle estate identification efforts; the assistance to MoAIWD with short-term consultancies

on a Land Management Information System; the LGAF, among others. This support is being provided under the Malawi government's Agriculture Sector Wide Approach (ASWAp) Multi-Donor Trust Fund, which is managed by the World Bank.

- The European Union (EU) has engaged OXFAM to undertake a pilot customary estates registration exercise, which is a major reform contained in the Customary Land law. This aims at capacitating CSOs to advocate best practice land governance to rural communities - test the approaches, methods and procedures to form customary estates. The EU is also providing technical assistance support to MoLHUD to restructure and formalise the Task Force that was formed as an outcome of Malawi's LGAF - dealing primarily with legal and policy issues and strengthening sustainable capacity within the Ministry's land administration system. This intervention complements the World Bank's capacity strengthening activities for land administration and contributes to strengthening policy dialogue on the Land Act and its implementation.

In 2012, the EU also supported a study on land allocation procedures and current and past land disputes in sugarcane outgrowing and other EU-supported irrigation schemes in Malawi. The study analysed the situation regarding land issues related to the development of irrigation schemes in collaboration with key ministries and developed an action plan to resolve these issues and mitigate against further problems, while maximising the returns to local communities from the investments in irrigation.

The EU has recently engaged OXFAM at regional level to implement a project to ensure women's access to and control over their land resources in eight African countries - Supporting and Enabling Rural Women's Voices. Malawi is among the beneficiaries of this project.

- The Food and Agriculture Organization of the United Nations (FAO) is collaborating with MoLHUD and CSOs on the use of Voluntary Guidelines on Tenure of Fisheries, Forestry, and Land. FAO is also assisting the Ministry with a communication strategy of the new land laws.
- The African Union Commission, in conjunction with the Economic Commission for Africa and the African Development Bank, developed and adopted the Framework and Guidelines on Land Policy in Africa, and the Guiding Principles on Large Scale Land-based Investments in Africa. These principles and guidelines are being applied in policy dialogues on land governance in Malawi.
- The International Fund for Agriculture, in conjunction with several partners, is implementing a Land Policy Initiative (LPI) project to implement the AU Declarations on Land that were launched in Malawi in 2010.
- The Japan International Cooperation Agency (JICA) started a three-year training program on land policy and administration for responsible agricultural investment and inclusive development with the view to build capacity in the public sector of several developing countries. In Malawi, one public official has been trained. In addition, currently JICA is

conducting research on land policy and administration in order to inform their future development programs in the land sector in Malawi.

Objective of the Symposium

The objective of the symposium is to provide a venue for dialogue on the newly adopted Land Laws and what they entail for agriculture development in Malawi. The symposium will also provide information on the status of several New Alliance commitments that are related to land:

- Identify in phases land suitable for large scale commercial agriculture – 10,000 ha/year from 2013;
- Enactment of the new Land Bill into law. The Bill has been enacted, but what now remains is dissemination of the Law and its implementation.
- Introduction of agricultural zoning based on local suitability for production of priority crops.

The symposium is being organized in consultation with stakeholders in the land and agriculture sectors to ensure that the forum provides a platform for coordinated interventions in the land sector to promote the development of an expanded and commercially-viable agriculture sector. The structure for the symposium being proposed is as follows:

Session 1: Practical Presentations

- MoLHUD presentation on the new Land Laws and their implications on customary landholding, access to land for large commercial agriculture, access by women and youth to land, among other issues.
- MoLHUD presentation to update stakeholders on the Estate Land Identification process and whether benefits from this exercise are now being realized.
- DLRC (MoAIWD) presentation on crop suitability, land profiling, zoning, and, possibly, soil analysis work, with a summary of how land issues have been incorporated into the National Agriculture Investment Plan.
- MITC presentation on trends in acquisition of land by foreign and domestic commercial investors in agriculture.
- Green Belt presentation on access to land for irrigation purposes by large, medium, and small-scale farmers and the steps involved in accessing land for such purposes.
- LandNet presentation on regional/international guidelines to guide countries, including Malawi, on responsible land acquisition for agricultural investments by corporations and the extent to which these guidelines are being implemented domestically.

Session 2: Technical Presentations

- Does Land Size Matter? Revisiting the Inverse Farm Size-Productivity Hypothesis in sub-Saharan Africa.
- Do Farm Land Rental Markets Really Promote Efficiency and Equity in Smallholder Agriculture? Evidence from a Matched Tenant-Landlord Sample in Malawi.

Session 3: Launch of the Land Policy Initiative “Monitoring and Evaluation of Land in Africa (MELA) project - pilot study in Malawi.

Session 4: Panel discussion.

Session 5: Digital voting on some of the policy implications coming out of the symposium.

A tentative program is presented in Annex 1.

Expected Outputs of the Symposium

- The PowerPoint presentations and any papers associated with them.
- Awareness and coordination of activities that intersect in the Land and Agriculture sectors.
- Awareness of the new Land Laws and how they may impact agricultural development.
- Stakeholders’ perceptions on policy options that MoLHUD and MoAIWD could explore and adopt to solve any land-related issues that are affecting agricultural development.

History of the Land Symposium

The first Land Symposium on “Complexities of Land Issues in Malawi and Their Implications for Agricultural Commercialization” was organized by MoAIWD and MoLHUD with the support of the New Alliance Policy Acceleration Support Project (NAPAS: Malawi). It was held at the Bingu International Conference Center on April 20, 2016. A report of the symposium can be found at: http://fsg.afre.msu.edu/fsp/malawi/MALAWI_LAND_SYMPOSIUM_EVENT_REPORT.pdf

The outputs of the 2016 Symposium include the report cited, as well as the presentations by:

- Thomas Jayne, Professor, Agricultural, Food, and Resource Economics, Michigan State University (MSU) – “Africa’s changing farmland ownership: The rise of the emergent investor farmer.” Accessible at http://fsg.afre.msu.edu/fsp/malawi/Africa's_Changing_Farmland_Malawi%20Jayne.pdf
- Jacob Ricker-Gilbert, Assistant Professor, Agricultural Economics, Purdue University – “Participation in rural land rental markets in Sub-Saharan Africa: who benefits and by

how much? Evidence from Malawi”, a paper he co-authored with Jordan Chamberlin of Michigan State University. Accessible at

http://fsg.afre.msu.edu/fsp/malawi/Rural_Land_Rental_Markets_Jacob_Ricker_Gilbert.pdf

- Devie Chilonga, Principal Estate Management Officer, MoLHUD – “Improving estate land governance in Malawi: Towards a National Land Information Management System”. Accessible at:
http://fsg.afre.msu.edu/fsp/malawi/Improving_Estate_Land_Governance_Davie_Chilonga.pdf
- Julia Behrman, Ph.D. candidate, Sociology, New York University – “Closing the gender gap in land access, control, and ownership in Eastern Africa”. Accessible at:
http://fsg.afre.msu.edu/fsp/malawi/Closing_the_Gender_Gap_Julia_Behrman.pdf
- Todd Benson, Senior Research Fellow, International Food Policy Research Institute (IFPRI) – “A spatial examination of agricultural land use potential in Malawi”. Accessible at:
http://fsg.afre.msu.edu/fsp/malawi/An_Agricultural_Zonation_Scheme_Benson_Mabiso_Nankhuni.pdf

From these presentations, a team of four panelists were asked to discuss the presentations in relation to their work in the agriculture, land, and related sectors. The panel was composed of representatives of civil society; the private sector; Traditional Authorities; and the Farmers Union of Malawi and was facilitated by Rex Chapota. Participants at the symposium provided their feedback on policy implications of the symposium through digital voting. The results of which were analyzed and reported in the symposium report.
